

**UNIVERSITY OF KWAZULU-NATAL**

**THE ROLE OF ORGANISED LABOUR IN  
DISPUTE RESOLUTION IN THE eTHEKWINI  
MUNICIPALITY**

**2010**

**VADIVAL PAKKIRI**

**UNIVERSITY OF KWAZULU-NATAL**

**THE ROLE OF ORGANISED LABOUR  
IN DISPUTE RESOLUTION IN THE  
eTHEKWINI MUNICIPALITY**

**BY**

**VADIVAL PAKKIRI**

**2001 000 98**

Submitted in part fulfillment of the requirements for the degree of Master of Public Administration in the School of Public Administration and Development Management in the Faculty of Management Studies.

Supervisor: Dr. M Subban

NOVEMBER 2010

## **DECLARATION**

I, Vadival Pakkiri, declare that:- The research reported in this dissertation, except where otherwise indicated, is my original research.

This dissertation has not been submitted for any degree or examination at any other university.

This dissertation does not contain any other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.

This dissertation does not contain any other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other sources have been quoted, then:

Their quotes have been re-written but the general information attributed to them has been referenced.

Where their exact quotes have been utilised, these have been placed within quotation marks and referenced.

This dissertation does not contain text graphics or tables copied from the Internet, unless specifically acknowledged in the references section.

Name:       Vadival Pakkiri

Signature: .....

## ACKNOWLEDGEMENTS

To **GOD ALMIGHTY, LORD SHIVA** in all his magnificent **GLORY**, for the immense solace and comfort I have received.

I dedicate this work to my **WIFE BERT** and two daughters **Sukendrie** and **Lenisha** and our pet **Rafa**, for allowing me time away from home for brief periods and during examinations. This research commenced two years ago, and it was due to the perseverance and patience of my family that I completed this arduous task.

Special thanks to my Supervisor, Dr Mogie Subban, for her unfailing academic support, invaluable advice and guidance towards completing this research. She has been an inspiration to me throughout my study.

To all the lecturers for stimulating my understanding of Public Administration and Management: thank you.

An appreciation goes to Sakhile Zondi, the Postgraduate officer for assisting with the Turnitin Reports.

A special thank you goes to my Statistician, Ms Indrani Naidoo and Professor Sanjana Brijbal-Parmesar for processing the raw data.

Thank you to Baboo and Leena Brijlal and Vikesh Naidoo for editing and printing of the Research and Case Study and Vinesh Manilall for the use of his office equipment.

Lastly, I am grateful to all the participants of the research questionnaire and those whom I have encountered, in making this DREAM come true.

***Desideratum: "God, give us grace to accept with serenity the things that cannot be changed, courage to change the things which should be changed and the wisdom to distinguish the one from the other." Reinhold Niebuhr.***

## CONTENTS

	Title Page	i
	Declaration	ii
	Acknowledgements	iii
	Table of Contents	iv
	Abstract	xii
	List of Acronyms	xiii
	<b>CHAPTERS</b>	<b>PAGE</b>
	<b>CHAPTER ONE</b> <b>OVERVIEW OF THE STUDY</b>	
1.1	Introduction	1
1.2	Background	1
1.3	Rationale of the study	2
1.4	Hypotheses of the Study	2
1.5	Research Approach and Methods	3
1.6	Limitations of the Study	4
1.7	Structure of the Study	4
1.8	Conclusion	4
	<b>CHAPTER TWO</b> <b>CONCEPTUAL FRAMEWORK OF DISPUTE RESOLUTION WITHIN THE CONTEXT OF PUBLIC ADMINISTRATION</b>	
2.1	Introduction	6
2.2	Constitution and Public Administration	6
2.2.1	Role of the Municipality	7
2.2.2	Values and Principles of Public Administration	11
2.3	Field of Study of Public Administration	12
2.3.1	Public Bureaucracy	13
2.3.2	Municipal Administration	14

2.3.3	Human Resource Management	15
2.3.4	Administrative Control	17
2.3.5	Administrative Practice	19
2.4	Labour Relations Act within the context of Public Administration	21
2.4.1	Role of the Bargaining Council in the Municipality	22
2.5	Integrating Public Administration and Labour Relations	26
2.6	Public Administration and Management Contextualised Mandate for Service Delivery	27
2.6.1	Mandate for Service Delivery	31
2.6.2	Political Challenges	32
2.6.3	Changing Role of Officials	32
2.7	Ethics in Management	33
2.7.1	Code of Ethics	34
2.7.2	Norms or Standards	35
2.7.3	Importance of Code of Ethics	35
2.7.4	Factors that influence Ethical Behavior	36
2.7.5	Need for an Ethical Public Service	36
2.7.6	Professionalism in the Public Service	37
2.7.7	Cultural Factors and Ethical Behavior	38
2.7.8	Ethical Decision Criteria	39
2.7.9	Causes for Unethical behavior	39
2.8	Ombudsperson's Office	41
2.9	A Human Resources Management Perspective	43
2.10	Principles Of Batho Pele within eThekweni Municipality	46
2.11	Public Management Model	48

2.12	Dispute Management System	50
2.12.1	Environmental Impact on Employees	52
2.12.2	Impact of Dispute Resolution	53
2.12.3	Organisational Dispute	54
2.12.4	Types of Disputes	55
2.13	Importance of Attitude	55
2.14	Conclusion	58
<b>CHAPTER THREE</b>		
<b>IMPACT OF LABOUR RELATIONS WITHIN THE LOCAL GOVERNMENT ENVIRONMENT</b>		
3.1	Introduction	59
3.2	Significance of the Constitution and Labour Relations	60
3.3	Structure of Organised Labour	61
3.4	Brief History of the Trade Union Movement	62
3.5	Objectives of the Trade Union	63
3.5.1	Economic Objectives	63
3.5.2	Social Security	64
3.5.3	Job Security	64
3.5.4	Individual Development	65
3.6	Role of Organised Labour	65
3.6.1	Shop Stewards	66
3.6.2	Grievance Procedure	67
3.6.3	Industrial Action	72
3.7	Statutory Measures Impacting Dispute Resolution	75
3.7.1	Labour Relations Act 66 of 1995	75
3.7.2	Main Elements of the Labour Relations Act	76
3.7.3	Basic Conditions of Employment Act 75 of 1997	78
3.7.4	Skills Development Act 9 of 1999	80
3.7.5	Employment Equity Act 55 of 1999	80
3.7.6	Occupational Health and Safety Act 85 of 1993	81

3.7.7	Monitoring and Implementation	82
3.8	Behavioral Aspects of People	82
3.9	Human Resources Management as an Intervention Process	84
3.9.1	Implications of an Employment Contract	84
3.9.2	Labour Relations Policy	85
3.9.3	Employment Relations Management	87
3.9.4	Industrial Relations	87
3.9.5	Application of Human Resources Policy	89
3.10	Collective Bargaining Structures	89
3.10.1	Collective Bargaining Infrastructure	90
3.11	Management and Shop Stewards Interaction	90
3.11.1	Rights and Functions of a Shop Steward	92
3.11.2	Position of the Shop Steward	92
3.11.3	Role of the Shop Steward	93
3.11.4	Qualities of a Good Shop Steward	93
3.11.5	Functions and Duties of Shop Stewards	94
3.11.6	Rights of the Shop Steward	95
3.11.7	Shop Steward Committee	97
3.11.8	Shop Steward Power	97
3.11.9	Participative Management	98
3.11.10	Shop Steward's Negotiations	98
3.12	Bargaining and Power	99
3.12.1	Negotiating Collective Agreements	100
3.12.2	Style of Negotiation	101
3.13	Dispute in the Workplace	102
3.13.1	Types of Disputes	104
3.13.2	Wages and Conditions	104
3.14	Workplace Revolution	105
3.15	Process of Arbitration	106
3.16	Conciliation/Arbitration: Grievances	107



3.17	Conflict Management	109
3.18	Employees disregard for Labour Rules	111
3.18.1	Issuing of a Warning Without a hearing	111
3.18.2	Coaching in the Workplace Context	113
3.18.3	Discontented Workers	113
3.18.4	Constructive Conflict Management	114
3.18.5	Approaches to Worker Participation	118
3.19	Conclusion	120
<b>CHAPTER FOUR</b>		
<b>RESEARCH METHODOLOGY</b>		
4.1	Introduction	121
4.2	Outline of Methodology	123
4.3	Sampling Procedure	125
4.4	Limitations of the Study	125
4.5	Conclusion	125
<b>CHAPTER FIVE</b>		
<b>PRESENTATION AND ANALYSIS OF RESULTS</b>		
5.1	Introduction	126
5.2	Descriptive Statistics	126
5.2.1	Communication of Dispute Resolution Procedures and Skills in using Interest-Based and Rights-Based Options	126
5.2.2	Familiarity with Policies	128
5.2.3	Perceived Causes of Disputes and Application of Guidelines to Dispute Resolution	129
5.2.4	Perceived Role of Trade Unions in Dispute Resolution	131
5.2.5	Perceived Interpersonal Relations	132
5.2.6	Awareness of Stakeholders in Dispute Resolution	134
5.2.7	Knowledge and Skills in Dispute Resolution	135
5.2.8	Conflict Management	136
5.2.9	Support Structures in Dispute Resolution	138

5.2.10	Evaluation Programme to Support Dispute Resolution	140
5.2.11	Procedures and Options	141
5.3	Inferential Statistics	143
5.3.1	Biographical Correlates – Interpersonal Relations	143
5.3.2	Biographical Correlates - Awareness of Stakeholders in Dispute Resolution Process	145
5.3.3	Biographical Correlates - Knowledge and Skills in Dispute Resolution	147
5.3.4	Biographical Correlates - Conflict Management	149
5.3.5	Biographical Correlates - Support Structures in Dispute Resolution	151
5.3.6	Biographical Correlates - Evaluation Programme to Support Dispute Resolution	154
5.3.7	Biographical Correlates - Procedures and Options	156
5.4	Reliability of the Measuring Instrument	158
5.5	Conclusion	159
<b>CHAPTER SIX</b>		
<b>CONCLUSION AND RECOMMENDATIONS</b>		
6.1	Conclusion	160
6.2	Recommendations	161
6.2.1	Precise Policies and Procedures	161
6.2.2	Management’s Lack of Understanding of Policies	161
6.2.3	Reliance on the Trade Union	162
6.2.4	Interpersonal Relations	162
6.2.5	Awareness of Stakeholders in Dispute Resolution	162
6.2.6	Knowledge of Skills in Dispute Resolution	162
6.2.7	Conflict Management Oversight Team	163
6.2.8	Support Structures in Dispute Resolution	163
6.2.9	Evaluation Programme to Support Dispute Resolution	164

	<b>BIBLIOGRAPHY</b>	<b>PAGE</b>
7.1	Published Books	165
7.2	Reports	168
7.3	Newspapers	168
7.4	Government Publications	168
7.5	Unpublished Sources	169
7.5.1	Interviews	169
7.6.	Websites	169
8	Annexures	170
<b>FIG</b>	<b>LIST OF FIGURES</b>	<b>PAGE</b>
<b>CHAPTER TWO</b>		
2.1	Overview of the Scope of Public Administration	9
2.2	Grievance Procedure Flowchart	70
<b>CHAPTER FOUR</b>		
4.1	Composition of Sample	124
<b>CHAPTER FIVE</b>		
5.1	Dispute Resolution Procedures	127
5.2	Familiarity with Policies	129
5.3	Perceived causes of Disputes	131
5.4	Perceived Role of Unions	132
5.5	Interpersonal Relations	133
5.6	Awareness of Stakeholders in Dispute Resolution	134
5.7	Perception of Knowledge and Skills in Dispute Resolution	136
5.8	Dimension of Conflict Management	137
5.9	Perceptions of the Support Structure in Dispute Resolution	139
5.10	Evaluation Programme to Support Dispute Resolution	141
5.11	Dimension of Procedures and Options	142
5.12	Pearson Chi-square: Biographical variables and Interpersonal Relations	143

5.13	Pearson Chi-square: Biographical variables and Awareness of Stakeholders in Dispute Resolution	145
5.14	Pearson Chi-square: Biographical variables and Perception of Knowledge and Skills in Dispute Resolution	147
5.15	Pearson Chi-square: Biographical variables and Dimension of Conflict Management	149
5.16	Pearson Chi-square: Biographical variables and Perceptions of the Support Structure in Dispute Resolution	152
5.17	Pearson Chi-square: Biographical variables and Evaluation Programme to Support Dispute Resolution	154
5.18	Pearson Chi-square: Biographical variables and Dimension of Procedures and Options	156
5.19	Reliability Questionnaire: Cronbach's Coefficient Alpha	159
<b>LIST OF TABLES</b>		
5.1	Communication of Dispute Resolution Procedures and Skills	127
5.2	Familiarity with Policies	128
5.3	Perceived Causes of Disputes and Application of Guidelines to Dispute Resolution	130
5.4	Perceived Role of Trade Unions in Dispute Resolution	132
5.5	Perceived Interpersonal Relations	133
5.6	Awareness of Stakeholders in Dispute Resolution	134
5.7	Knowledge and Skills in Dispute Resolution	135
5.8	Conflict Management	138
5.9	Support Structures in Dispute Resolution	139
5.10	Evaluation Programme to Support Dispute Resolution	140
5.11	Procedures and Options	142

## **ABSTRACT**

This research expounds on the impact of Organised Labour in Dispute Resolution at eThekweni Municipality. The research will identify the positive and negative aspects of the stakeholders within the environment of labour relations. The necessity of this research is that very little research has been conducted in the dispute resolution environment at eThekweni Municipality. In any labour contract, there will always be disputes between the stakeholders concerned. In some instances, the conclusion of the dispute is a win-win situation or winner takes all. In the open market, the engaging of the Commission for Conciliation Mediation and Arbitration is the forum available to resolve disputes. In the local government sector, however, organised labour caters for the needs of its members by taking their grievances to the bargaining council under the auspices of the South African Local Government Bargaining Council. Local government is the sphere that is closest to the public at which delivery of services takes place. The manner in which this is conducted depends largely on the Municipality's institutional capacity. The institutional capacity also influences its regulatory role. The co-operative governance approach encourages multiple stakeholder arrangements to deal with labour relations issues. These arrangements will provide an illustration of the role of various stakeholders in achieving peace and harmony in the workplace. Organised Labour will always have a profound effect on the economy, politics and social services. Its contribution and development to society is highly influential and ensures its recognition. The challenge is to develop systems and procedures that will serve the labour relations environment. This research will set out to explore the dispute resolution mechanism that exists currently, and the effect it has in the Municipality. In this way there will be a definitive significance on the approach to formalise the roles employed by management and organised labour.

## LIST OF ACRONYMS

<b>ACA</b>	-	<b>Anti-Corruption Arm</b>
<b>BA</b>	-	<b>British Airways</b>
<b>BCEA</b>	-	<b>Basic Conditions of Employment Act</b>
<b>CCMA</b>	-	<b>Commission for Conciliation Mediation &amp; Arbitration</b>
<b>COS</b>	-	<b>Conditions of Service</b>
<b>COSATU</b>	-	<b>Congress of South African Trade Unions</b>
<b>EAP</b>	-	<b>Employee Assistance Programme</b>
<b>FEDUSA</b>	-	<b>Federation of Democratic Unions of South Africa</b>
<b>HOD</b>	-	<b>Head of Department</b>
<b>HR</b>	-	<b>Human Resources</b>
<b>HRM</b>	-	<b>Human Resources Management</b>
<b>ICA</b>	-	<b>Industrial Conciliation Act</b>
<b>IDP</b>	-	<b>Integrated Development Program</b>
<b>ILO</b>	-	<b>International Labour Organisation</b>
<b>IMATU</b>	-	<b>Independent Municipal and Allied Trade Union</b>

- LRA** - **Labour Relations Act 66 of 1995**
- NEDLAC** - **National Economic Development Labour Council**
- ORA** - **Organisational Rights Agreement**
- RDP** - **Reconstruction and Development Programme**
- SALGA** - **South African Local Government Association**
- SALGBC** - **South African Local Government Bargaining Council**
- SAMWU** - **South African Municipal Workers Union**

# **CHAPTER ONE**

## **OVERVIEW OF THE STUDY**

### **1.1 INTRODUCTION**

This research project focuses on the relationship between Organised Labour and Management in eThekweni Municipality. Policy and planning have become increasingly mainstream in all spheres of government. The study aims to indicate the role stakeholders have in achieving the desired service delivery objectives for the citizens of the city. In this chapter, legislation provides the background to the mutual relationship that organised labour and management engage in to ensure their co-existence. The research highlights the objectives and influence of the trade union to ensure that equilibrium between the employees and management is maintained. The hypotheses drawn from the study are based on the empirical deductions. Limitations were drawn from research approaches and methods during the study.

### **1.2 BACKGROUND**

The Labour Relations Act 66 of 1995 (LRA) governs the interaction between organised labour and management. Collective agreements, dispute resolution, skills development, training and development are some of the core initiatives that would inspire operational objectives. Organised labour is an integral component of the eThekweni Municipality. The Organisational Rights Agreement (ORA), of which Organised Labour and the Employer components are signatories, gives guidance on the operational requirements to ensure that employees are engaged in fair employment practices. This research provides insight into guidelines for the parties on dispute resolution. In the local government environment, disputes are inevitable and there has to be some guiding principles to assist all stakeholders.



### **1.3 RATIONALE FOR THE STUDY**

Grievances arise out of a dispute and are lodged by employees against management's unfair labour practices, which at times, are due to the problem of interpretation of policies and procedures. Disputes should be resolved through the intervention methods that are available. The rationale for this study is to identify shortcomings in the current dispute mechanism system at the municipality, and to provide meaningful effective alternatives. Organised labour is the catalyst for effective dispute resolution but much has to be done to engage this important role-player in achieving sound labour relations on the "shop floor".

This significance of the research is to identify the role of the trade union in its daily deliberations with its members to undertake the resolution of disputes. The recommendations highlight the need to overcome any shortcomings that are identified. The research presents a theoretical overview and practical application of dispute resolution. The primary objective of the research would also be to indicate the link between organised labour and the management of eThekweni Municipality and their roles in achieving dispute resolution.

Key questions related to the study are as follows:

- Were dispute resolution procedures communicated to all employees of the municipality?
- Are employees adequately trained to familiarise themselves with policies?
- Is management applying the guidelines of dispute resolution fairly?
- Is the trade union playing an effective role in dispute resolution?
- Are employees aware of personnel who deal with dispute resolution?

### **1.4 HYPOTHESES OF THE STUDY**

#### **Hypothesis 1**

There is a significant relationship between the biographical variables (race, employment category, gender, qualification and age) and perceptions of

interpersonal relations in the workplace respectively; awareness of stakeholders in the dispute resolution process and knowledge and skills of people in dispute resolution.

**Hypothesis 2**

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification and age) and perceptions of conflict management dimensions of support structures in dispute resolution.

**Hypothesis 3**

There is a significant relationship between the biographical variables (race, employment category, gender, qualification and age) and evaluation programme to support dispute resolution.

**Hypothesis 4**

There is a significant relationship between the biographical variables (race, employment category, gender, qualification and age) and procedures and options.

**1.5 RESEARCH APPROACH AND METHODS**

Evaluation of the dispute resolution environment that prevailed within eThekweni Municipality is the focal point of the research. Legislative and administrative aspects were analysed, and a model was developed to ensure the sustainability and viability of organised labour. The research undertaken was both qualitative and quantitative in nature.

These methods included questionnaires administered to various categories of staff, interviews and document studies, to provide a theoretical and practical perspective. Surveys were conducted to gather information and these were analysed. Recommendations relating to the study were derived thereafter.

## **1.6 LIMITATIONS OF THE STUDY**

Transformation in whatever field or environment is always a difficult process to manage especially in employer/employee relationships. The task for the stakeholders would be to understand the impact that it would transcend. There was some resistance to changes by the parties. Stakeholders were of the view that if something is working, then any interference would affect the operation. Employees who were happy to be employed were not interested in whatever policy or procedure existed.

## **1.7 STRUCTURE OF THE STUDY**

This research consists of six chapters. Chapter One provides the introduction and overview of the study. Chapter Two discusses the conceptual framework of dispute resolution within the context of Public Administration. The focus is on eThekweni Municipality and organised labour. It also introduces an enabling framework for the core processes. Chapter Three investigates the impact of labour relations within the local government environment. In this chapter, the history and role of organised labour together within the legislative framework governing labour relations in Local Government, is explored. Chapter Four discusses the research methodology where different approaches (qualitative and quantitative) are used. Chapter Five presents the analysis of results on the key dimensions of the study through tabular and graphical representation of the data. Chapter Six provides a conclusion and offers recommendations drawn from the empirical study.

## **1.8 CONCLUSION**

In Chapter One, the introduction to the research is set out. The research highlights the objectives of the study. A justification for the study is explained, as well as the research methodology, and an overview of the structure of the study.

The conceptual framework of dispute resolution within the eThekweni Municipality is discussed in the following chapter within the context of Public Administration. Legislation and policies are also analysed and their impact on the practice of human resource management is discussed.

## **CHAPTER TWO**

### **DISPUTE RESOLUTION WITHIN THE CONTEXT OF PUBLIC ADMINISTRATION**

#### **2.1 INTRODUCTION**

The research highlights the conceptual framework within which labour relations is practised. Administration has been described as the totality of generic functions present in any goal-oriented group activity in an organisation. The generic nature of administration is due to the mutual inclusiveness of policy, organising, financing, personnel, procedures and methods, and control. Public Administration is renowned as a typical field of work and public officials have to respect specific rules and policy guidelines. However, Public Administration is a science that is influenced by various theories; it focuses on meeting community demands to achieve the provision of quality goods and services.

#### **2.2 CONSTITUTION AND PUBLIC ADMINISTRATION**

The importance of Labour Relations in the Constitution of the Republic of South Africa, Act 108 of 1996 (Constitution) is highlighted in Section 23 of Chapter two of the Bill of Rights. Section 23(5) indicates the role of the employer and organised labour to engage in collective bargaining. Most civilised and established states have constitutions that expound the general principles for having control or ruling the people of the country. The objective of the Constitution of the ruling government is to determine authority and functions. Most constitutions determine the form, functions and authority of the various institutions of government. These government institutions may be completely or partially independent or autonomous. Depending on whether it is a unitary or federal state, complete control at national level would lead to these institutions serving as decentralised agents (Gildenhuys & Knipe, 2000: 5-6).

Gildenhuys & Knipe (2000: 90-94) assert that a Constitution is a body of fundamental rules that establishes and regulates the basic framework of government and its institutions. Those institutions must follow procedures and processes to ensure that the citizens enjoy delivery of effective and efficient services. This is the vertical juridical relationship between the public and the legislature on the one hand and executive and bureaucracy on the other. These are the Constitutional rules that a country ought to have. Constitutionalism follows the doctrine that in a real democracy, the Rule of Law must be guaranteed at all times. It means that the absolute supremacy of regular law has to be maintained, as opposed to the influence of arbitrary power.

The Courts may use the Rule of Law as a formula for expressing the fact that the law of the Constitution is the significance of the rights of individuals as defined and enforced. The Constitution is the supreme law of the country and as such, all other laws and actions of government are subject to the provisions of the Constitution. All laws and actions that do not comply will be ruled as *ultra vires* (Gildenhuys & Knipe, 2000: 90-94).

### **2.2.1 ROLE OF THE MUNICIPALITY**

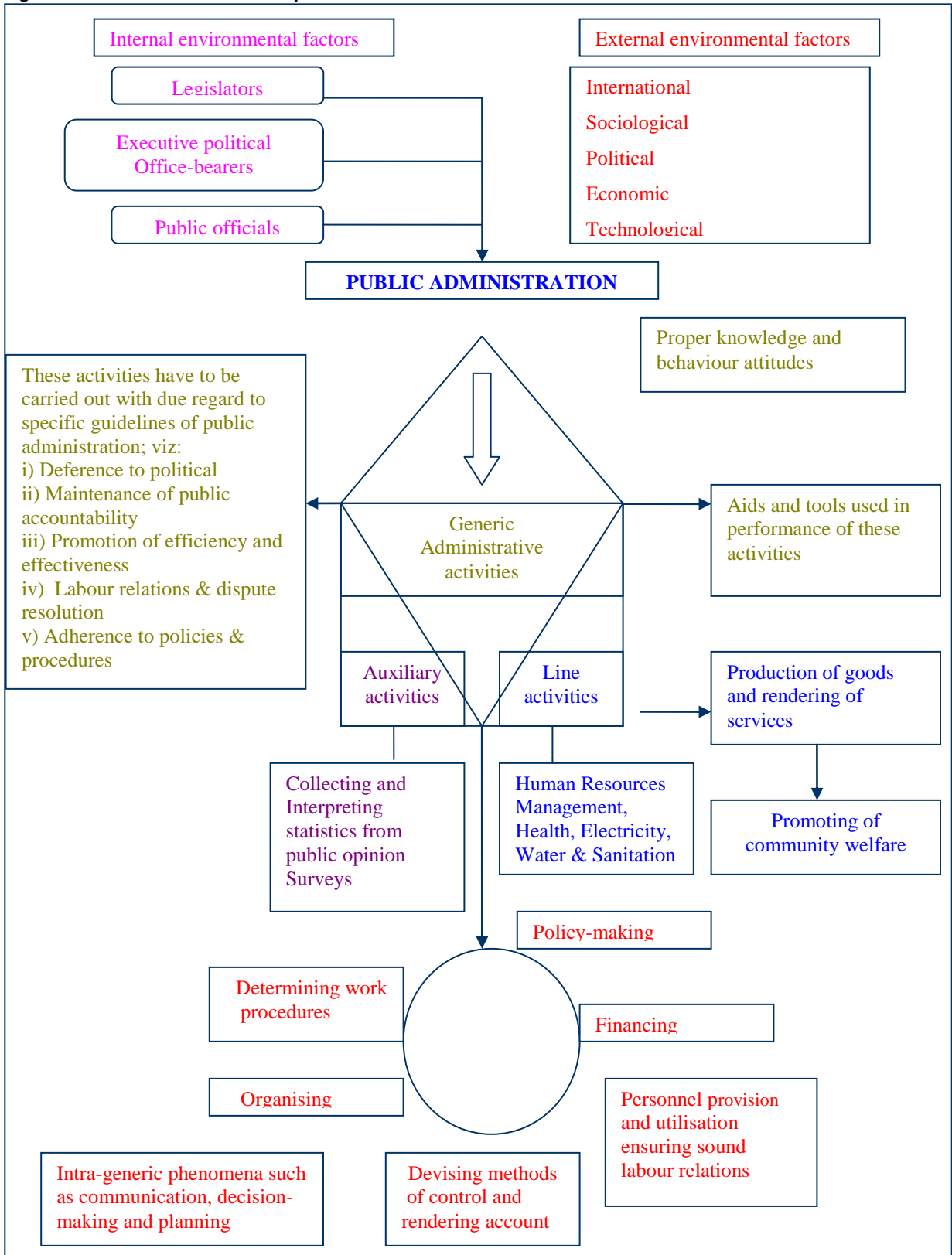
Basic service delivery to the citizens is the responsibility of the municipality. In carrying out this obligation, municipalities face an enormous task with the limited resources at their disposal. This limitation is further aggravated by labour disputes that can be detrimental to the progress of achieving the desired projection within the set time frames. There is an enormous backlog presently in South Africa with regard to access to basic services as defined in the Reconstruction and Development Programme (RDP), the Constitution and other applicable legislation. It can be agreed that the notion of a Constitutional mandate regarding basic needs and services is defined in terms of the RDP and the Constitution. In order to carry out their responsibilities, municipalities have to

transform public sector delivery through a process of restructuring to ensure that organised labour is consulted to make sure that the quality of life of its citizens is improved. All the stakeholders have to be consulted in the process of restructuring. These stakeholders include users of services, the providers of services, workers and the elected local government representatives.

The process must be open, transparent and accountable, in line with Section 195 of the Constitution and the principles of service delivery. Given the current problems, municipalities must transform to meet their challenges. To enable this, there must be a co-ordinated effort from all spheres of government to maintain capacity-building of local government.

The broad objectives of municipal restructuring are to ensure those municipalities deliver services in a way that is sustainable, equitable, efficient, effective and economical, and consistent with the principles of service delivery. The provision of services is driven by the labour component, which is inhibited with management driven policies and procedures. When a dispute arises, this impacts on services relating to the (IDP) and (RDP). Minimal disruption by reducing disputes on the shop floor will assist in the achievement of the RDP and IDP. Labour disputes can disrupt a whole range of basic municipal services if they are not dealt with adequately by a coordinated effort. The diagram which follows in Figure 1 presents an overview of the Scope of Public Administration (Constitution of the Republic of South Africa, Act 108 of 1996).

**Figure: 2.1 – Overview of the Scope of Public Administration**



(Gildenhuis 1997: 146)



**In Figure 2.1**, as reflected on page 8, the research provides an overview of the factors that impact in the sphere of public administration. The environmental factors on the generic administrative activities of public administration are depicted by means of a flow chart. These activities and processes have to be carried out within the specific guidelines of public administration. The municipality is responsible for a range of municipal services, in terms of Schedules 4 & 5 of the Constitution, and other services which, national or provincial government can assign. The process of improving and extending service delivery in a sustainable manner includes, *inter alia*, defining the roles of all stakeholders, organised labour, private providers, communities, other public bodies and the three spheres of government. All service providers must ensure they implement the following principles:

- All South Africans must have access to basic services;
- Service delivery must be viable, efficient and effective;
- Service standards must be established and monitored so that an effective and efficient service is built;
- Responsible democratic practices must be established;
- Resources must be used in an effective and efficient manner;
- Planning must be done in a sustainable manner, and
- The Batho Pele principles must be observed.

The reality of achieving the above principles rests solely on the manner in which disputes between the employees and management are resolved (Constitution of the Republic of South Africa, Act 108 of 1996). Furthermore, activities depicted in the flow diagram have to be performed in accordance with the guidelines of public administration. Observation of ethical codes and respect of community values are discussed in the ensuing chapter.

## **2.2.2 VALUES AND PRINCIPLES OF PUBLIC ADMINISTRATION**

The values and doctrines of the Constitution are a key aspect. Chapter 10 of the Constitution deals with Public Administration and lays down the principle of its adherence. Chapter 10, Section 195 (1) of Public Administration must be governed by the democratic values and doctrines enshrined in the Constitution. Efficient, effective and economic use of resources can be promoted once a high standard of professional ethics is maintained. Public Administration is about being development-orientated, whilst in the process people's needs are responded to by engaging participation in policy-making, implementation and evaluation. Making Public Administration accountable eventually leads to transparency in providing the public with timely, accurate and accessible information.

Within Public Administration, human resources, which is broadly representative of the South African people, provides for services that will be provided impartially, fairly, even-handedly and without bias (Constitution of the Republic of South Africa, Act 108 of 1996).

A good human-resource management and career advancement practice to address imbalances within the scope of employment equity is a means to achieve broad representation and the levels of required service provision. The provision of services can be affected adversely once there are ongoing or unsettled disputes between employees and management. Disputes in the municipality have been an issue because of the lack of understanding the resolution process. In eThekweni municipality the dispute procedure is regularly a cause for concern when there are undue delays in settlement within the set time frames as prescribed in the in full (ORA). The nature and functions of institutions of public administration are pertinent factors to be taken into account in legislation regulating public administration. Therefore, it is imperative that sound labour relations are maintained in the workplace to ensure that the public

services are delivered effectively, efficiently and economically. Section 196 of the Public Service Commission in the Constitution is that the ethos of professionalism must prevail through the practice of a high standard of ethics and morals (Constitution of the Republic of South Africa, Act 108 of 1996).

### **2.3 FIELD OF STUDY OF PUBLIC ADMINISTRATION**

Public Administration can be defined as part of an innovative approach which emphasises the importance of the environment within which it operates. The definition in Maharaj (1992: 1-8) is as follows:

...that system of structures and processes functioning within a particular society with the objective of enabling the formulation of appropriate governmental policy and the efficient execution of the formulated policy.

The policy that has to be executed by a labour force which is provided with effective procedures, ensure that the objectives of local government are maintained. Local government management and development is a specialised branch/sub-field of public administration that is responsible for the provision of essential goods and services to meet the needs of the local community. All administrative processes comprise fundamentally of the following groups: financing, policy-making and procedures, personnel provision, organising and control. These generic administrative and management processes of public administration are utilised to ensure that the functional objectives are achieved (Maharaj, 1992: 1-8).

The democratic changes in government since 1994 meant that the public service domain must change to adhere to sound labour policies contained in the LRA. This would cater for the past injustices of the apartheid regime that existed prior to 1994. More importantly, the range and complexity of issues to be addressed

by the government agencies had to be extended far beyond what might have been envisioned a few years ago.

It must be understood that the actions of public officials within the shop floor and the serious impact they have on the lives of citizens, have far reaching implications a bit redundant. Similarly, the same could be said of the trade union in terms of service delivery and effective functioning of their offices. The renewed focus on public organisations is emphasised in the management of the public service in the 21<sup>st</sup> Century. The generic administrative duties shape the effective structural composition of the union to ensure efficient dispute administration. The perspective of this research is that the core function of unions in eThekweni Municipality is predominantly dispute resolution. The main issues of dispute are the conditions of service, which are applied inconsistently by management officials. Employees who feel aggrieved lodge grievances with the intention of settling their issues in dispute. The bureaucracy that exists within the local government environment is characterised by complex structures. In this chapter, the impact of public bureaucracy in dispute issues is deliberated.

### **2.3.1 PUBLIC BUREAUCRACY**

Public institutions are bureaucratic with a lengthy and complex chain of events and behaviours developed in the everyday lives of people. The perception of public institutions by ordinary citizens is that it is characterised by an endless maze of confusion and excessive red tape. The bureaucracy may seem to be designed to present satisfactory results; consequently, it leads to laborious structures that eventually impact on the citizens. The people who form the basis of the bureaucracy are for the most part, supposed to be competent to deal with the complex dispute issues that they face. From time to time, these disputes keep surfacing because of the bureaucracy that leads to considerable delays in settlements. Working within the local government environment is the real world, because that is the sphere that is closest to the people.

The employees experience pain, pride, joy or disappointment while engaging the delivery of services. Dispute arises from the unfair labour practices that are constantly meted out to them by management (Denhardt, 1993: 1-2).

Municipal administration has to ensure that the process of administering employees will have to be done in agreement with the relevant labour laws. The organisations purpose is to maintain effective, effective and economical service delivery with minimum labour disruptions.

### **2.3.2 MUNICIPAL ADMINISTRATION**

A municipality is:

“any subordinate public authority that is created and vested with authority and power and is a term which covers cities, villages, towns, and boroughs and will also include countries and special districts” Colliers Encyclopaedia (1973: 703).

It may be construed that the term ‚municipality’ would determine a town or city that has been vested with a governing authority since it is the closest form of government to the people.

Municipal administration is level of government which is a specialised form of public administration. Environmental factors within the sphere of local government impact on the field of municipal administration. Services must be made available *Efficiently*, *Effectively* and *Economically*. The municipality has to operate under the norms of the three *E’s*. Local government is by definition, committed to pursue publicly defined societal values in keeping with democratic norms. As it is understood, in the process of administering, employees actively make choices.

These choices or decisions or guidelines are imposed from higher levels of authority to carry out the organisation's purpose. The objectives in turn, have to be consistent with labour laws. Internal and external factors affect municipal administration in two specific areas. **External** environmental factors are constitutional, statutory, economic, social, historical and cultural factors. **Internal** environmental factors encompass municipal councillors and officials and organised labour, who are supposed to operate within the confines of specific rules and procedures. The supply of goods and services has labour-related implications for municipal management. It would therefore be difficult for a municipality to render the necessary goods and services without its human resources being maintained within a sound labour environment.

### **2.3.3 HUMAN RESOURCE MANAGEMENT**

Human resource management is regarded as the vital link for the delivery of services in the public domain. The proper maintenance of this efficient and effective factor of production would contribute to the healthy existence of the municipality (Craythorne, 1990: 272).

Human resources administration is a specialised field of activity, which consists of generic administrative, and management activities, functional, auxiliary and instrumental activities. These inter-dependent, inter-related and mutually inclusive activities provide a conceptual framework for implementing functional projects. The generic administrative functions are the enabling processes because they determine the nature and scope of directive functions (Cloete, 1991: 50).

The need to inject the workforce with the necessary training and development for the effective, efficient and economical delivery of services demands a high degree of sensitivity towards the acute needs of the public. The devotion and

competence of the employees in their tasks provides the public with much needed high quality services (Mukhopadhyay, 1985: 1).

The importance of managerial functions must be considered in achieving the goals of the municipal human resources administration. The generic activities of public administration provide direction to the functional activities of its human resources administration. Councillors and management functionaries have to take cognisance of the normative guidelines that govern their conduct when they deal with grievances and disciplinary procedures in the municipality. The forces in this environment, subject to managerial manipulation, shape employees' responses.

Employees obey because they seek rewards and fear punishment, because they have been conditioned to obey. Studies of worker behaviour and informal organisation and participatory styles of management not only result in more satisfied workers but also more productive ones (Denhardt, 1993: 106-107).

Golembiewski, a theorist in Denhardt (1993: 106) looked at the humanistic-based movement within public administration known as the new Public Administration. This new concept has still to be understood and implemented to ensure that structural adjustments are introduced in the public service (Denhardt, 1993: 106).

The executive branch of government is the extension of government that implements the policies contained in legislation, which reflects the needs and desires of the public. In South Africa, the three-tier system of government, which is the concept of the separation of powers, has been introduced and has formed a basis for Constitutional arrangements. The structure of local government is the framework within which local public policy is made and implemented. The latest move in South Africa is to categorise local government areas into Category A, Category B or Category C municipalities (Gildenhuys & Knipe, 2000: 155-156). Grading municipalities does not achieve the hope of Golembiewski's theory

regarding the humanistic movement in the new Public Administration. The human relations approach assists the new age manager in achieving high morale by engaging the interactive method of supervision. This method does not eradicate disputes but has far-reaching implications in reducing disputes (Denhardt, 1993: 106-107).

#### **2.3.4 ADMINISTRATIVE CONTROL**

eThekwini Municipality is known as a Category A area or Metropolitan Council and the executive authority is vested with the municipal manager. The municipal manager is vested with independent legal powers and responsibilities for supervising and directing the municipality's operating departments; he serves at the pleasure of the council and may be dismissed at any time. He in turn appoints and removes the heads of the operating departments, and is obliged to see to it that the council's ordinances and by-laws are enforced (Gildenhuys & Knipe, 2000: 245-266).

The goals of democracy should be based on the principle of equality of influence in decision-making and economic and material resources. This effect is immediate in a dynamic work place. Strategies at worker level cannot be overlooked or dismissed since they deal with real issues. Organisations are social structures, which are established to implement certain political goals. The wide-ranging powers of the municipal manager are equipped with vested powers to enable the enforcement of legal prescripts, which underpin collaboration with organised labour. Any public institution is structured in hierarchical symmetry to undertake the delivery of social services. This is a bureaucracy.

According to Abrahasson (1997: 15-16);

“the everyday pejorative meaning of “bureaucracy” is roughly illegitimate power. The term connotes an administration standing



above and beyond the reach of the people, an administration which sometimes collaborates with power-groups beyond democratic control”.

Many decisions have now been moved to administrative levels that are out of reach. This leads to domination and isolation from the shop floor, and in effect means that organised labour should not adopt the prescription of bureaucratic structures to centralise power, as is the case currently. The significance of democratic principles should be characteristic of organised labour in the management of effective labour relations, which is the primary role of organised labour. In order to create efficiency and effectiveness and to promote control, greater democratisation in the form of broader employee participation is necessary (Abrahamson, 1997: 15 -16).

In rendering public services, institutions must meet the need for optimising administrative efficiency and effectiveness. For the functional authority to be capable to survive and be financially self-sufficient, it is imperative that all resources are utilised along sound participatory business practices (Gildenhuis & Knipe, 2000: 234-235).

The significance of administration is to be discovered in the explanations and understanding it provides of phenomena. Therefore, it is to be expected that any discipline would attempt to construct explanations relevant to its area of interest. A valuable contribution related to administrative matters must surely be attributed to Taylor in Hanekom & Thornhill (1983: 73).

Simon (in Hanekom and Thornhill 1983: 73) views the task of administration as the reasons why correct decisions are made. He provides a framework for investigation and explanation and thus adds to the efforts to development on decision-making. Dror (in Hanekom and Thornhill 1983:73) provides a balanced approach to the questions of the allocation of resources through policy-making.

His continuous interest in public problem-solving should be characteristic as one of the developmental stages in establishing administrative theory. Max Weber was mainly concerned with the establishment of an ideal organisational model through his interpretation of bureaucracy. Fayol tried to provide specific functional boundaries, which became the focal point of management. Taylor's attempts were to improve efficiency through clearly defined laws. These classical administrative theorists were characterised by the strong emphasis on the conceptualisation of the formal organisation. The formal organisation brought about a clearer understanding of the administrative phenomena of control and hierarchy. Elton Mayo and fellow researchers pioneered a new era in social sciences in the well-documented behavioral research at the Hawthorne Plant of the Western Electric Company. The research on organisational behavior was intended to modify classical organisation and management theory. It gave an account for the complex nature of humans and their organisational relationships. The relationship that exists between labour and the employer became evident in the analysis of information from the observations made. The social and psychological factors influencing performance were thus explained (Hanekom & Thornhill, 1983: 73-74).

The following discussion provides the link with psycho-social factors that are associated with administrative practice.

### **2.3.5 ADMINISTRATIVE PRACTICE**

The researcher holds the view from personal work experience that the employer/employee relationship lends credence to the development of policies and their implementation in the workplace. This is related to practice in at least three possible ways. Firstly, it provides a frame of reference for the employee component; secondly, it provides a mode of analysis of practical events, and thirdly, it provides the knowledge upon which practical, rational decisions are made. This in turn is reflected to the transfer to the practical world. This level of intellectualisation of the administrative environment depends on:

- The general level of formal education and training of personnel. This has been problematic within the municipality. Although general levels of literacy and education have improved, formal administrative training is still lagging behind.
- The extent to which the employer is involved as teacher and coach. This condition is still far from being realised in respect of succession planning. African countries in particular are literally confined to teaching in universities.
- Graduates from universities are not absorbed into the existing practices and offer no hope for improving the situation. But this condition need not be the case because graduates should be given the freedom to express their intellectual capabilities and bring about a paradigm shift in the way things should be done. The eThekweni municipality as an example had engaged in an exchange programme with the University of KwaZulu-Natal to allow graduates to infuse fresh academic influences, but this has sadly not occurred. These trainees are lost within the system by adopting the way things are done and because of management's lack of injecting change. Also, many graduates who have come from the ranks of the municipality's assisted education scheme are not able to express their ideas to improve the situation because there are no mainstream programmes.

Following the advent of democracy in South Africa, there has been a movement towards improvement in the Education sector. Numerous White Papers have been published to introduce sweeping changes in the sector.

Even if conditions were to be mitigated, there would still remain obstacles to the realisation between theory and practice. Practitioners are constrained by pressures of position, responsibility and authority.

Sound labour relations are an important factor that provides the impetus within the public domain to ensure that disputes are reduced. In light thereof, the following chapter provides a contextualised overview of labour relations within the local government sphere.

## **2.4 LABOUR RELATIONS ACT WITHIN THE CONTEXT OF PUBLIC ADMINISTRATION**

The public sector employees belong to the Bargaining Council that caters for the needs of the particular sector. In the Local Government sphere, the formation of the South African Local Government Bargaining Council (SALGBC) controls activities that impact on employees and the employer. Municipal employees are represented by the two registered Trade Unions, viz., Independent Municipal and Allied Trade Union (IMATU) and South African Municipal Workers Union (SAMWU). The councillors represent South African Local Government Association (SALGA), the employer component. The Labour Relations Act (as amended) provides guidelines for the operation of the SALGBC. The settlement of disputes is a fundamental element in any system of industrial relations. South African legislation envisages that the country's bargaining councils will play a key role in this regard.

Organised labour has to understand that:

Firstly, the current bargaining council would have to trace the Industrial Conciliation Act (ICA), which created a basis for industrial relations. This is useful as it indicated a paradigm shift from industrial councils to bargaining councils. At the same time, there were some initial warning signals (Ichharam, 2003).

Secondly, the responsibilities of a bargaining council in dispute resolution are different from the industrial council it replaced. This is important for parties subscribing to a bargaining council with regard to dispute resolution. (Ichharam, 2003).

Thirdly, on the functioning of the bargaining council, it is understood that essential issues must be dealt with as there are consequences for the labour relations environment at a bargaining council (Ichharam, 2003). Initially, a holistic view was used to regulate the duties of the bargaining council. To reveal the

bureaucracy and the functions and organisation of the SALGBC, an investigation of the Constitution of the bargaining council was necessary. Thereafter the process of dispute settlement was regulated. The bargaining council regulates the activities with the implementation of policies and procedures under the auspices of the LRA.

A review of the functions and organisation of the SALGBC, together with an investigation of the Constitution of the bargaining council, were necessary. Thereafter the process of dispute settlement was regulated. To further locate the discussion, the following chapter provides a historical background to the current status of the bargaining council.

#### **2.4.1 ROLE OF THE BARGAINING COUNCIL IN THE MUNICIPALITY**

In order to locate the bargaining council in the current industrial relations system, it is necessary to briefly look at the historical setting through which councils have unfolded. The ICA of 1924 created a basis for a racially divided system of industrial relations. „**Pass-bearing natives**’ were excluded from the operation of this act. Black workers were excluded from the definition of an “**employee**” (Alexander, 2000: 11).

The 1924 Act made provision for centralised collective bargaining. It was predicted that the functions of these industrial councils should be to “**endeavour by the negotiation for the prevention or settlement of disputes**” (DuToit, 1981: 214).

Parties to the industrial councils were encouraged to settle their disputes through conciliation. In the absence of an industrial council alternative processes were set up to cater for negotiation and dispute resolution (DuToit, 1998: 4). The ICA of 1956 implemented the dual process whereby a worker apart from white workers was isolated. This racial division was an indication of the system of the time.

Within industrial councils, conciliation served as the conflict settling process. Conciliation is an official method to resolve disagreement. This practice was encouraged as a means of information sharing, consensus-seeking system. Through investigation of the facts and recommendations made by the conciliator, disputes were either resolved amicably or not (Ichharam, 2003).

Furthermore, when the industrial councils or process of pacification could not meet the desired solution, it was then referred to arbitration. In arbitration, the presiding officer's decision was final to the disputing parties. Industrial Councils had taken away the process of shop floor discussion from the workers. In essence, mandates had to be presented by representatives. Racist oppressive organs led to the motivation for confrontation by the African working class in contradiction of the apartheid state (DuToit, 1998: 8-9).

This was particularly noticeable during the Durban strike wave of 1973. Unofficial worker organs mushroomed in reply against the apartheid government. The Wiehahn Commission of 1979 made provision for African workers to form worker unions for direct representation at industrial councils and conciliation boards. Proposals from the Commission crowned the gazetting of the LRA of 1981 (DuToit, 1998:10).

The new black unions decided to undertake negotiation at shop floor level. The inception of the new ruling government of 1994, which culminated in new labour unrest, had to meet the challenges of globalization. The Labour Relations Act of 1995 (LRA) declared constraint state control on labour relations. This suggestion, however, is unclear and will need to be clarified in terms of how it will manifest itself. Whether the structures that have been created under the new act mirror this trend of a less interventionist state will perhaps become evident in the years to come. This application of this legislation meets global standards and the Constitution (1998: 23).

Amendments to the LRA had created uncertainty in dealing with dispute resolution. The conflict resolution instruments in the workplace were pedantic and confrontational. Previous legislation was outdated, ineffective and favoured organized labour (Ichharam, 2003).

The Labour Relations Act of 1995 (LRA), encourages the establishment of collective bargaining at sectoral level. Part C of the LRA, Bargaining Councils, stipulates the powers and functions of bargaining councils as follows: To provide adjudication on matters regarding collective agreements, resolve labour disputes in terms of the LRA. The eThekweni municipality should administer and cater for skills development of employees amongst its other functions. The major contestation is whether the LRA would bring about a difference in labour relations.

The Act has been a paradigm shift in labour relations and hailed as a solution for labour problems in South Africa. The current status of cooperative brokering opened up some tests for labour and these were to scrutinise possible complications that would surface at bargaining councils. Trade unions would discover that there would always be glitches due to the transition. Engagement with the employer would require a more sophisticated bargaining agenda (Ichharam, 2003).

The SALGBC in the local government sector is not a mere replacement of an old industrial council. Instead, it has a specific feature, which differentiates it from an industrial council. In terms of some of its functions, there is a substantial paradigm shift in relation to its role in dispute resolution. The bargaining council has a wider scope in terms of its dispute work and this essentially is the significance of the new arbitration capacity with which the council is equipped. The position in the collective bargaining framework, as well as their involvement in settling a wider range of labour disputes, makes these bodies essential in South African industrial relations.

The LRA promulgates the character of councils within the domain of arbitration. Under old legislation, arbitration was handled within the dominion of the industrial court. Arbitration could be viewed as a new phenomenon.

In comparing the two types of councils, Dunsmore: Regional Manager (IMATU 2005), noted that

“There have been a lot of changes in the dispute resolution environment. Under the old industrial council’s regimes... The playing field was a much smaller one and restrictive to the locality. There is a positive paradigm shift from the old situation, because... organised labour sees the LRA as their own document and the bargaining council...as their own structure. So there is a lot of the feeling of ownership.”

The accredited bargaining councils are responsible to carry out the dispute resolution function instead of the CCMA. Bargaining Councils perform conciliation and arbitration according to the established norms and standards of the CCMA (Labour Relations Act of 1995: Section 127 (4)). The SALGBC happened to be one of those accredited councils to conduct conciliation and arbitration.

The SALGBC is responsible for this function in the local government sphere. In terms of a council’s dispute work, if a dispute arises, the bargaining council should attempt dispute resolution through conciliation and later arbitration. The essential understanding of the settlement of disputes within a bargaining council is that stakeholders to the council must attempt to resolve any dispute as outlined within the Constitution.



The SALGBC carries out its dispute work and the speedier resolution of cases. Therefore arbitrations are handled within the confines of the SALGBC, which has a speedier procedure and is cost-effective particularly when disagreements are increased.

The SALGBC is renowned for efficiency and effectiveness. According to Singh, Regional Secretary (SALGBC, 2005),

“...rules and procedures instil a greater consistency in the manner in which disputes are handled and secondly, it encourages cases to be settled swiftly . The uniform procedures allows for an effective interface within the Municipality because standard rules would be applied throughout. In the meanwhile, stakeholders to the SALGBC have managed to build important relationships amongst themselves. In the SALGBC, the eThekweni municipality and especially the trade unions, regard these relationships as fundamental in order for efficiency, and for cases to be resolved effectively.”

The importance of relationships within a bargaining council is apparent in an observation from IMATU where Dunsmore: Regional Manager (IMATU 2005) noted that:

“The importance of a sound relationship between the employer and unions is to facilitate quick settlements of disputes.. the employer sees the union as troublemakers and they don’t look at the union as a friend, but as an enemy.”

## **2.5 INTEGRATING PUBLIC ADMINISTRATION & LABOUR RELATIONS**

Labour relations imply all aspects and matters connected with the relationship between the employer and the employee. These include matters relating to remuneration, conditions of service, the prevention and settlement of disputes between both parties. Empathy is required by the demand for change and efficiency in order to attain the organisational goals and objectives.

The employee's efforts to maintain a sense of freedom and responsibility should be encouraged for moral and ethical reasons. The human relations approach is to enhance efficiency. The individual must be seen to accept the idea of freedom of choice and will. Cooperative systems are dependent on the participation of the individual. His wants and desires should be met in order for cooperation to result. If the employee's desires or motives are satisfied, he would continue to cooperate otherwise the approach would be adversarial. Hierarchical authority guides the behaviour of the employee. The Head of Department (HOD) must recognise the difference between reason and intuition and, freedom and control. The HOD should facilitate action of contradictory forces to reconcile interests, conditions, positions and ideals.

The HOD has to bear the moral responsibility to expand the field of cooperation and choice and to enhance the development of the employee. It is obvious that the one cannot exist without the other in the employment environment (Denhardt, 1993: 106-109).

## **2.6 CONTEXTUALISATION OF PUBLIC ADMINISTRATION AND MANAGEMENT**

Management is a process of arranging people and resources in an orderly manner to ensure that the work is performed to obtain the desired outcome. The organisational structure is determined within the framework of the objectives and policy plan of the institution.

Horizontally, under the top manager, there is a distinction between the various department managers (e.g. financial manager; social services manager; nursing services manager; administration manager etc). Vertically, in principle recognition is discerned as top, middle and lower management. In a large institution, both middle and lower levels may each comprise several levels to affect the objectives of the organisation (Denhardt, 1993: 106).

Sound principles of good corporate governance must be based on public management principles that ensure standards of efficiency, effectiveness and economy. Efforts should be made to guarantee that government institutions are improved to meet the standards that will promote a good quality of life for every citizen. Organisational development must be aimed at improving the performance of the bureaucracy (Gildenhuis & Knipe, 2000: 123-126).

Improvement through planned actions must ensure that sustainable efficient and effective services are maintained. There should be a systematic process to diagnose and treat organisational problems to minimise disruptions to service delivery. The responsiveness of public institutions to problems, needs and values should be increased and secured. Administrative decentralisation is necessary to foster secure effective control of the public administration. Responsiveness can be enhanced by regular interaction between the public on the one hand and public officials and the political representatives on the other (Gildenhuis & Knipe, 2000: 123-126).

The engagement of organised labour as a stakeholder enhances the responsiveness to minimise disruptions to service delivery. Public officials contribute substantially to the formulation of policy; therefore they need to be alert to respond to the needs, problems, wishes and values of the citizen. Every citizen has the democratic obligation to participate in decision-making in government's activities. Therefore it should be noted that industrial action embarked upon by the labour, were well supported by the communities that were well informed of reasons for that action. Effectiveness requires administrative decentralisation, delegation of decision-making authority and performance standards (Gildenhuis & Knipe, 2000: 123-26).

Timely measurement and evaluation of service delivery results, together with organised labours' input, are absolutely necessary. This would determine

compliance with predetermined performance standards to ensure that values and needs of the target group have been successfully catered for (Gildenhuys & Knipe, 2000: 123-126).

All levels of government constitute public administration and management. Public departments form the nucleus of public entities at all levels. The principal function of local government is to provide essential basic services to their citizens in an efficient and effective manner. To ensure that these requirements are achieved, a local authority has to utilise its resources effectively, efficiently and economically. The administration of resources is crucial in realising the objective of the local government, which is primarily to uplift the welfare of its citizens. Effective utilisation of human resources is of utmost prominence to ensure that the purposes and objectives of the municipality are achieved. Policies and procedures guide the employment relationship to ensure that the promotion of a healthy working relationship is maintained (Smith, 1997: 153-154).

In the local government sphere, there was the formation of the SALGBC. It comprised of the Employer (elected representative councillors from municipalities) and Organised Labour - IMATU and SAMWU. A collective agreement was signed between organised labour and the employer to guide the employment relationship. Trade unions constitute the environment of public administration and management. This is necessary because good labour relations and management is important for local government departments to provide an efficient, effective and economical delivery of goods and services to its citizens. In order for the administrative process to become reality, administrative law influences decisions taken by public authorities. Legislation plays an essential role in initiating, facilitating and regulating the administrative process. Administrative theory is utilised in the research process within the domain of public administration and management (Smith, 1997: 154-156).

The relationship between knowledge and action in management has been characterised between “fields of knowledge” and “fields of action”. The fields of action are the organisational settings in which managerial tasks are pursued on a daily basis. It is there that management encounters the challenges, problems and difficulties and it is there that practical labour controversies emerge and are resolved (Thomas, 1993: 19).

The obvious question about managers is “what do they do?” At the very least, managers have to know what to do and how to do it and they have to get it done. Management is aimed at the effective performance of functional activities in an institution. It is an important dimension of administration and involves the utilisation of resources, which enables the realisation of a goal. The predetermined goals or objectives of an institution are achieved through the optimal utilisation of labour, finances, materials and information (Thornhill & Hanekom, 1995: 14-15).

Management and sub-ordinates, however, have an obligation to ensure that effective and co-coordinated efforts take place in a responsible manner. Just about every important topic dealt with by the management disciplines are regarded as controversial. This is an important statement as many aspects of management are controversial and the future is likely to see more controversy than less. Master Managers are able to achieve at least a personal resolution of the conflict, which characterises organisational life. They do this not by ignoring controversy but by transcending them at a higher level of resolution. It is clear that a critical approach to controversy is essential (Thomas, 1993: 19).

It is within this context that questions are raised whether eThekweni Municipality has managers with personal resolution characteristics capable to resolve or diffuse conflict situations. Management is a definite and distinct activity in its own right for the effective operation of the municipality. For Fayol in Thomas (1993: 47-49), there could be no doubt about the importance of management whether

practiced well or badly, it makes a difference. Urwick in Thomas (1993: 47-49), states that many of Fayol's ideas and views on management emphasise the ideas of rationality, science and professionalism. He also stresses the importance of the social role of administration with common interests that stand above personal, professional and class interests as a condition for successful administration (Thomas, 1993: 47-49).

According to Thomas (1993: 167), there are certain principles, however, which would make the operation of public management simpler. Clear and distinct reporting lines of authority in the organisation have to be known. Everyone in the organisation should know to whom he/she reports. The public sector manager should know that responsibility and authority are always coupled. The performance of every employee should be confined to avoid duplication and line functions should be separated from staff functions. A better understanding of management has to be on an observational basis.

The characteristics of managers at work are viewed as the performance of a great quantity of work marked by variety and separation. Preference of the effective manager should rather be verbal than written communication to ensure the hands-on approach (Thomas, 1993: 47-49).

### **2.6.1 MANDATE FOR SERVICE DELIVERY**

The municipality is expected to satisfy community needs within the context of the Batho Pele principles. Public institutions have to ensure that there are adequate resources available to meet the needs of the citizens. Therefore, changing views on the nature and extent of the services to be undertaken will determine the challenges that the public manager has to meet from organised labour. Every change undertaken has to be in consultation with labours' input otherwise there will be a conflict of interest.

## 2.6.2 POLITICAL CHALLENGES

Public officials have to undertake actions in accordance with political office-bearer's instructions. These are derived from the demands of the electorate. Administrative arrangements are that efficient services can be rendered, while honoring community demands. Service rendering should be characterized by transparency and accountability. It is also important for the manager to guard against the danger of honoring his/her own values only (Hanekom *et al.* 1995: 249-254).

The tenets of public administration are displayed in the following guidelines in which public officials must encompass fair labour relations:

- Fairness and reasonableness ensure that officials display integrity in their activities to avoid any bias;
- Efficiency, effectiveness and economic prudence in the performance of services and activities are the cornerstones to satisfy the needs of the community (Chemanaï *et al.*, 1998: 73).

## 2.6.3 CHANGING ROLE OF OFFICIALS

Changes in views and needs of the people would require a rethink of the objectives pursued by public managers. Public officials are expected to carry out their official duties in a manner that is conducive to the public good. Their actions or inactions should pertain to the good and desirable values that elicit the approval of the community. It also means that public officials should take cognisance of the diversity of societal needs and ethical values in the execution of their public duties (Hanekom *et al.*, 1995: 17).

## 2.7 ETHICS IN MANAGEMENT

Management directs the behaviour and conduct of employees in public institutions by providing necessary guidelines in decision-making. These demands place great emphasis on ethical conduct of the public official. Managers have to take cognisance of the fact that the workplace is governed by labour politics. The manager has to understand the behaviour of the individual in his department in order for the individual to be involved in-group activities. In order to understand this facet of the work environment, the manager has to understand group behaviour. One has to understand values and attitudes and how they differ (Van der Waldt & duToit, 1997: 40-41).

The following distinctions can be made:

- Legal rules – every action of a public official must be within the limits of
- Enabling provisions of Acts and regulations. Every public official must regard
- The legal rules of policies and procedures as binding.
- Fundamental rights – the Bill of Rights are binding on all legislative and executive organs of the state at all spheres of government. Fundamental rights provide for equality, the right to life and respect for and protection of dignity. This also undertakes to make provision for labour rights (Van der Waldt & duToit, 1997: 43).
- Code of ethics and conduct - every sector within the public service has a set of guidelines governing the conduct of the public official. These codes are simply guidelines that have been formulated over time (Van der Waldt & DuToit, 1997: 43).

These are distinctions which give credence to the essence of sound labour relations which will eliminate disputes.



### 2.7.1 CODE OF ETHICS

Public officials should be bound to conduct themselves to the prescribed enforceable code of ethics wherever possible. Every unit in the public sector has a set of rules directing conduct. These codes reflect the honest desire of public officials to offer public services with dignity and integrity.

An ethical code has at least four main objectives highlighted as follows:

- Encourage and maintain responsible behaviour;
- Promote public confidence and integrity;
- Provide guidelines regarding relationships with members of the public and elected public representatives;
- Provide guidelines regarding the exercise of discretionary powers (Chemanais *et al*, 1998: 73).

An authorised employee in the service of a local government must:

- Be fair and well-mannered in his dealings with members of the public, as well as with all councillors.
- Ensure that any rights and relevant information are provided to those persons who request thereto in the execution of his official duties.
- Act in accordance with statutes, rules and regulations applicable to his local government.
- Be loyal to the local government that employs him and serve it to the best of his ability, and endeavour to set a worthy and proper example to others in his sphere of service (Van der Waldt & DuToit, 1997: 44-45).

Adherence to the above codes will eliminate complaints that would otherwise lead to disciplinary action and reduce disputes.

## **2.7.2 NORMS OR STANDARDS**

The practices, activities and processes related to the management of human resources are maintained through policies and procedures in the municipality to contribute to effective and efficient achievement of goals. These norms and standards are contained within the disciplinary and grievance procedures of the collective agreement of eThekwini municipality.

Particular departments strive to improve the general welfare of society by providing effective and efficient products and services. The functional components of public administration as an activity comprises of policy-making, organising, financing, staffing, and determination of work procedures and control that are generic. Public administration provides the normative guidelines that should be observed. The public official should be mindful of the fact that he is an agent of public service and not a master of authority. The norm is based upon moral, ethical or value judgments that prescribe an acceptable standard of conduct for public officials. Moral or ethical norms refer to the standards that guide behaviour. The reputation and image of a public institution depends largely on the conduct of public officials (Chemanais *et al*, 1998: 66).

The essence of sound labour relations in the workplace should be maintained to ensure that dispute resolution is emphasised.

## **2.7.3 IMPORTANCE OF A CODE OF ETHICS**

Good corporate governance within an organisation has to be in accordance with the policies and procedures that exist. These are guidelines to assist in the prevention of corruption and maladministration. The municipality and its employees should perform in accordance with the code of conduct that is there to guide as a monitoring mechanism. These are critical for good governance and will lead to trust, loyalty and ultimately subscribing to the principles of Batho Pele as enshrined in the doctrines of service delivery. On corporate governance, the eThekwini municipality's ethics refers to the standards that will promote the good

conduct of its employees in their activities. These should be in accordance with the established (ORA). The code of conduct is a compliance policy that outlines the rules and regulations in the Conditions of Service that govern behavior in eThekweni municipality. It focuses on best practice and generally accepted behavior within the organisation. The culture of ethics is of importance to the municipality to ensure that common understanding and acceptance will lead to efficient, effective and economical service delivery.

#### **2.7.4 FACTORS THAT INFLUENCE ETHICAL BEHAVIOR**

Evidence indicates that ethical or unethical actions are largely a function of both the individual's characteristics and the environment in which he works. The higher one's ethical development, the less reliant one is on outside influences. People with an external locus of control are less likely to take responsibility for the effects of their actions. They are more likely to rely on outside influences. Those with an internal focus, on the other hand, rely on their internal standards of right or wrong to guide their behaviour (Robbins, 1998: 118-119). An organisational environment fosters high ethical decision-making by providing written codes of ethics and high moral behaviour by senior management. Rewarding ethical behaviour and visible reprimand for those who act unethically is necessary. People are much less likely to make unethical decisions if they are constrained by an organisation that does not allow that type of behaviour. Conversely, an organisational environment that permits or encourages unethical practices can corrupt righteous individuals (Robbins, 1998: 118-119).

#### **2.7.5 NEED FOR AN ETHICAL PUBLIC SERVICE**

The conduct of officials must always be in the interests of the public. The public sector is always under public scrutiny. Accountable behavior and reliability is necessary in the rendering of services. The public bestows trust on officials who utilise public funds efficiently and effectively. However, the public reacts with

shock and anger when officials act unethically. The discovery of unethical behavior eventually leads to the invoking of the discipline procedure and organised labour's involvement to represent the errant employee. Public administration is governed by the democratic values and principles preserved in the Constitution. The objectives of dispute resolution are enhanced once the ethos of ethical values is maintained.

This includes the following principles:

- Maintenance of professional ethos;
- Efficient, effective and economic utilisation of resources;
- Growth positioned public administration;
- Services delivered neutrally, justly, even-handedly and non-prejudicial;
- Response to public requirements and encouragement of public participation in policy-making, and
- Accountability and transparency in public administration (Chemanais *et al*, 1998: 74)

The eThekweni municipality has established the Ombudsman's office that investigates matters relating to unethical behaviour. The investigating officials make recommendations from this unit's offices to the municipal manager's office to undertake corrective action. Depending on the severity and nature of the misdemeanour and the subsequent recommendations, the municipal manager will decide whether to institute criminal or disciplinary action.

Arising from this discussion professionalism is a key focus on the public service which follows.

## **2.7.6 PROFESSIONALISM IN THE PUBLIC SERVICE**

Professionalism is closely interwoven with ethical conduct and its realisation must be considered in the public sector. Areas of specialisation are identified in the

public sector to cater for specific services. Professionalism is necessary to ensure mobility of personnel between the different levels of government, to improve the knowledge and skills and to realise the aims and standards of the profession to the advantage of the community. Although a difference of opinion may exist on the kind of conduct that can be described as unprofessional, there are nevertheless elements of a model on which there is a measure of agreement (Van der Waldt & duToit, 1997: 44-45).

Some examples of professional conduct significant for this research and impacting on this research include:

- Demonstrating a positive attitude;
- Genuine interest in needs;
- Sympathetic attitude to the public;
- Recognition of differences in all spheres;
- Sensitivity to community values, traditions, culture and norm;
- Due respect of political sovereignty and the recognition of tenets of democracy;
- Equal rights for all citizens of the country - this includes officials;
- Un-impeachability and honesty;
- Fairness and reasonableness;
- Responsibility and sense of duty, and
- The insight and creativity to evaluate and adapt the activities of authorities (Van der Waldt & duToit, 1997: 52-55).

### **2.7.7 CULTURAL FACTORS AND ETHICAL BEHAVIOR**

An organisation's culture provides the background that socialises people in an organisation. It subtly conveys to members that certain actions are acceptable or unacceptable to the organisation. The potency of an organisation's culture has an influence on the ethical behaviour of the managers and his subordinates. Organising does not only apply to the employer component but also includes organised labour and to its bureaucratic structures. A strong ethical culture will

exert more influence on managers than a weak one. If the culture is strong and supports high moral standards, it should have a very powerful positive influence on a manager's ethical behaviour. It is generally acknowledged that the content of a culture affects ethical behaviour of the members of the organisation (Robbins, 1998: 618).

The eThekweni municipality celebrates cultural diversity against the backdrop of the rich flavour of the rainbow nation of the country. Cultural and societal values shape the behaviour of municipal officials.

### **2.7.8 ETHICAL DECISION CRITERIA**

An official can use different criteria in making moral decisions. One is utilitarian, in which decisions are made solely on the basis of their outcomes or choices. The goal is to provide the greatest good for the greatest number. This view tends to dominate business decision-making to be consistent with goals like efficiency, economy and effectiveness. Another criterion is to focus on rights. This call is for individuals to make decisions consistent with the Bill of Rights of the Constitution. Prominence on rights in decision-making means respecting and protecting the basic rights of individuals, such as the right to privacy, to free speech, and to due process. The criterion to focus on justice requires individuals to impose and enforce rules fairly and impartially so there is an equal distribution of benefits and costs. Union members favour this view that would enable ethical decision making (Robbins, 1998: 117-118).

### **2.7.9 CAUSES OF UNETHICAL BEHAVIOR**

According to Chemanais *et al* (1998: 77-78), there are different causes and reasons for unethical behaviour. There are a number of generic factors that can be regarded as causes of unethical behaviour.

- **Deficient control and accountability**

Where there is ineffective control, dishonest officials will exploit this for their own personal gain. Errant officials have become the norm in government departments. Measures must be structured for officials' accountability. Complex legislation sometimes creates loopholes for unethical and ineffective behaviour. The technical points of legislation are complex and difficult to comprehend, which leads to unsuccessful prosecution. Managers have to be aware of this and implement the necessary control measures.

- **Deficient Management**

Where management is ineffective and the provision of goods and services are not evaluated, this situation would definitely be exploited employees. Psychological factors in humans often suffer from failings such as craving for money and power. Temptation exists and people succumb by placing personal interests above that of the public. Managers ought to be vigilant of these situations so that they can be eliminated or reduced. Lack of training, education, personal development and structural control may also lead to unethical behaviour. Sometimes it could be manipulation of a situation or just plain greed from a position of power that leads to corrupt behaviour (Chemanais *et al*, 1998: 77-78).

In the erstwhile Durban Transport department of the eThekweni municipality, there existed many allegations of nepotism and corruption conducted by management officials before the department was to be closed down. These matters were brought to the attention of organised labour and an investigation ensued to send a message to officials that the vigilance of employees will be evident.

- **Measures to eradicate Corruption**

There are numerous measures accessible to the municipal administrator to curtail the problem of corruption. The Constitution of 1996 provides the ethical basis for our national norms.

- **Legislation**

Legislation highlighted in Section 20 on misconduct of the Public Service Act and Section 203 on codes of good conduct of the LRA provides regulations on the behavior and actions of public officials. Independent courts of the judicial system hands down judgments that is binding on all persons and organs of the state.

## **Public Service Commission**

- The Public Service Commission has the authority to investigate, monitor and evaluate the administrative practices of the institution. It also investigates grievances and recommends appropriate remedies.
- Guidance to ensure compliance set out in Section 195 of the Constitution.
- The manager has to ensure that behavioural patterns, attitudes and motives of officials are monitored regularly with a view to attaining the relevant goals of the institution. Training and guidance programmes should include the following.
- Legislation, regulations and procedures that govern the activities of public officials.
- Prohibiting the misuse of public funds for personal gain.
- Prevention of confidential information being made available to persons it is not intended for to further their own interests (Constitution of South Africa, 1996: 108-11).

In the local government context, control measures are in the disciplinary code of practice contained within the conditions of service. Policies and procedures therein regulate human resource practices.

## **2.8 OMBUDSPERSON'S OFFICE**

The ombudsperson has the power to investigate any matter, which may be deemed controversial within the eThekweni Municipality. This Unit has been created to speedily eradicate maladministration that is reported and to ensure



that corrective measures are implemented. Code of conduct aims to install an ethos as a guide for municipal employees to use in their activity in promoting goods and services. Compliance of the code can be effective from a process of consultation and the involvement of organised labour with employees. Dishonesty contained in the public sector is a subject of significant worry. A systematic programme of action can endeavour to prevent corruption and punish offenders. The establishment of the Anti-Corruption Arm (ACA) in South African public service is supposed to detect and expose corruption. The ACA is meant to work with the Public Service Commission, the Public Protector and the Police within the laws and regulations that govern the public service (Chemanais *et al*, 1998: 98).

The State should regulate and facilitate interventions to ensure that public employees act in an ethical manner. Interventions should be managed in a manner to ensure that society receives effective and efficient and economical services. The commitment between organised labour and the employer can fashion an empowering atmosphere inside the civic amenity in terms of competence and steadiness in the municipality. The basis of promoting and maintaining ethical behaviour among public representatives and public servants is enshrined in the Constitution. The public have the opportunity to report any allegation of the misuse of public resources to the Ombudsperson. Public managers have to ensure that compliance will improve professionalism and help to ensure confidence in the Public Service.

Therefore when a member of the public wants to offer a public official a gift or reward for a certain function to be fulfilled, it would entail bribery and therefore render that public official to disciplinary action by the appropriate forum that exists within the eThekweni municipality. However, the disclosure and registration of gifts received will obviate any disciplinary action (Caiden, 1977: 303).

In South Africa, an understanding of all the various cultures is essential, not only in the public service but also among members of the public, to ensure that there is no confusion regarding what would be termed corruptible behavior. There are people from different cultures not only in the public service but also in the government of South Africa. The reality is that the difficulties in developing a work ethic that would be acceptable to all parties concerned is a sensitive issue to implement and to satisfy all concerned. It is therefore vital for a public official to place the needs of the nation and the community before his personal and family interests, value and norms. If this is not the case, then corrupt behavior occurs at the expense of the public. Corruption is not only harmful to the state and the government, but also damaging to the most important organ of the state, and its people (Joubert, 1979: 12).

In the eThekweni Municipality organised labour is constantly engaging in cases of dispute to defend employees who are charged with transgressing the rules and standing orders regarding corrupt behavior. The employees themselves can mainly attribute this to deficient management and/or exploitation of the weaknesses in the system. Employees take the opportunity of poor control measures to enrich themselves. The existence of values and morals as a background for sound administration can serve as a guideline to public officials in the performance of their duties. Public managers require a collective effort from organised labour to ensure that effective governance is realized. Attention ought to be given to those values that are of importance to the community. Ethical behavior based on acceptable values, norms and morals would ensure that the public official's first obligation would be towards the community of which he is a member and would help in combating unethical behavior.

## **2.9 A HUMAN RESOURCES MANAGEMENT PERSPECTIVE**

Municipal administration is a specialised form of public administration that is at the local level of government. An environmental factor within the sphere of local

government has a great deal of influence in the field of municipal administration. Human resource management is the skilful management of people in an organisation to achieve the common objectives of the organisation optimally. The officials of this sector of the organisation should make the existence of their presence known and visibility felt. Ethical norms and standards must be observed. An important note is that organised labour must always be consulted to improve human resource management in the organisation. It involves all management choices and practices that directly affect or influence the people who work for the organisation.

Human resource management is the process through which an optimal fit is realised among the employee, job, organisation and the environment so that employees reach their desired level of satisfaction and performance and the organisation in turn meets its goals. Furthermore, the local political process should refrain from influences on municipal administration. Human resources management and financial management are the two specialised activities that are utilised to attain the promotion of the welfare of the municipal community. The attainment of municipal goals has an implication on the human resources of the municipality. Human resource management has to be undertaken efficiently and effectively to ensure the existence of a healthy municipality (Craythorne, 1990: 272).

The researcher emphasises that organised labour should not experience the autocratic style of leadership being practised by human resources managers in eThekweni Municipality. Unilateral decisions without consultation that are taken affect members. Many managers view the trade unions with suspicion and do not understand the important role that trade unions play in the workplace. Managers are not subscribing with the principle of the collective agreement at national or other levels of the local government sphere and have in some instances contravened and/or disregarded such agreements. Basically, all government departments are dependent on people, finance and an organisational structure to

carry out their objectives to accomplish their missions. Human resource management is central to the functioning and service delivery of that institution. Personnel utilisation is necessary to render public services that are by their very nature of being labour intensive. On numerous occasions the query by organised labour is, “what is the relevance and role of human resource management?” It is therefore reasonable to note that human resource management is central in the functioning of that institution to ensure that service delivery is maintained. The rendering of services by a public institution is labour intensive and the very nature of that requires amongst other things, a dedicated, motivated, competent and diligent staff complement.

In eThekweni Municipality, the researcher has found that human resource policies and procedures are absolutely necessary for the proper utilisation of staff to ensure effective, efficient and economical delivery of much needed public services. Of all human resource practices, recruitment and selection is one the most important of all of human resource practices. The trend that has emerged is that the departments do not have detailed policies and procedures. People management requires as much skill and knowledge as other areas of an institution’s business. Yet some managers are reluctant to obtain advice from their Human Resources Office. Managers ought to remember that they are not the owners of the institutional authority but they are agents of public service.

The researcher is of the view that the challenges of the future that the human resources management face are the retention of the best people in the local and global war of talent. The nation is constantly in the grips of damaging strikes. This in effect means that there is a need for workplace harmony and healthy industrial relations. The focus and attention of managers in the field of human resources practitioners is that they have to pay heed to these concerns. These key areas are of fundamental concern for the future success of service delivery. It is common knowledge that it would be costly if the municipality has to replace these scarce skills. Turnover in a market driven economy would place the eThekweni

municipality under economic pressure to devise retention programmes. No employer would like to see an employee with valuable skills, leave the municipality because of the unhealthy relationship that exists.

The researcher informs that the challenge for management is to create innovative programmes to retain skills within the municipality. The phenomenon of globalisation is another factor that the municipality has to contend with. First world countries that are sourcing people to enter their organisation and share their skills are being conducted on a global scale. Large pools of highly skilled people with comparatively lower salaries are prime targets for this concept of global sourcing. Employees are attracted to an environment that is conducive with low or no conflict and an attractive salary package. This type of behaviour in most instances is the practice that is being expressed at the eThekweni Municipality. Although it may be said that it takes all stakeholders to engage each other, in all probability it would be that the human resources manager must change from an arrogant and autocratic approach to engage in retention programmes.

eThekweni municipality should take a bold step in providing market-related salaries and conditions in certain circumstances to become attractive to the employee. This to be extended to the rank and file employees and not only those who are “head hunted”.

## **2.10 PRINCIPLES OF BATHO PELE WITHIN eTHEKWINI MUNICIPALITY**

At a workshop on Batho Pele in the eThekweni Municipality, an irate staff member demanded to know “when will Batho Pele benefit her as an employee?” This flare-up demonstrated the frustration of some of the staff members at the apparent neglect of their needs as “*internal customers*” while being expected to deliver quality services to their “*external customers*”, i.e., the public. Employees

will normally express this type of behaviour or view, due to the long and tedious experience of neglect that they have endured over the years. Most employees are fully supportive of the noble values, which are enshrined in the Batho Pele Charter. One of the biggest threats to the sustainability of the implementation of the principles contained within the Batho Pele Charter is the critical lack of skilled professional staff. Service delivery depends largely on maintaining staffing ratios. Once the competence of any service point is exceeded, quality becomes the first casualty. The challenge is then to provide an enabling environment to employees that would be conducive to facilitate service delivery through the Batho Pele principles. This resulted in a comprehensive Employee Assistance Programme (EAP) that arose as a result of organised labour's insistence to be implemented in eThekweni Municipality.

Public authorities face an enormous task for ensuring the delivery of basic services to all citizens. In order to carry out the responsibility effectively and efficiently, local government has to ensure that employees are fully conversant with their role. Given the problems and challenges that local government faces, a process of transformation from all levels to build capacity has to be maintained. The broad objectives are to ensure that services are delivered in a way that is sustainable, equitable, efficient, effective and affordable (Gildenhuys & Knipe, 2000: 75).

In the Health Unit of eThekweni Municipality, the frustration experienced by staff members is due to the of the lack adequate personnel to cater to the needs of the public in the clinics. There is a drastic shortage at all levels of nursing staff on the shop floor. This eventually leads to burnout and the long list of sick leave becomes the "order of the day". The management levels are well catered for, but their skills at some of the clinics are questionable to say the least. From the organised labour perspective, employees receive maximum protection against abuse and violation of their collective bargaining rights. Although it may be found that in eThekweni Municipality, the unions are sensitive to the plight of the

community regarding the delivery of quality services, that service cannot be compromised at the risk of their members' health. Organised labour has engaged the employer on numerous occasions and expressed its concern on the lack of adequate personnel. The plausible reason from management is that there are budgetary constraints. How occupational health issues are related to budgets could be questioned. The duty of organised labour is to force the employer into submission to ensure that more staff members are skilled to enable upward mobility in the hierarchy. This attitude would ensure that the staffing needs are catered for and the frustration that was evident would be somewhat alleviated.

Municipal services are the services that the local government is accountable for and other services which national or provincial government may delegate to local governments. Within the municipal sector, there are a few principles that have to be promoted:

- Developing of a public service ethos among employees;
- Good working conditions and job security for all employees;
- Sound health and safety practices;
- Capacity building of employee, and
- Protection against unfair labour practices (Gildenhuys & Knipe, 2000:75-76).

The task of a public authority is to ensure that efficient and effective service delivery is based on good governance. Public management ought to be driven by the Batho Pele principles. Public management is based on service delivery stressing fiscal discipline to ensure that the three **E's** is maintained. Management's understanding of procedures is of significance to reduce controversy

## **2.11 PUBLIC MANAGEMENT MODEL**

Public management is based on sound principles of good governance. It would be of no value to public management if the bureaucracy does not execute its duties in the manner based on the acceptable standards of efficiency and

effectiveness. Therefore the bureaucracy should reflect the needs and desires of the local government mandate (Gildenhuys & Knipe, 2000: 123).

The basic principle of the private sector is profit driven. If the business does not make a profit, it would be declared bankrupt. Profit is essential in any business enterprise. The basic objective in a true democracy like the one in South Africa is optimum service delivery at optimum cost to ensure a good quality of life for every citizen. The principle of service delivery should be on the principles of business management. Although it must be stressed that fiscal discipline in the public sector is necessary in delivering effective services. The public sector ought to be driven on the fiscal principles of the private sector, which means that there must be value for money. It is apparent that at a management or leadership position, it is unthinkable that the employee would lack the solid understanding of his job. In the apartheid era the operation was well understood and subordinates were committed and respectful of managerial authority (Thomas, 1993: 3-4).

The environment within which managers operate is better described by words such as *ambiguity*, *uncertainty* and *conflict* rather than *stability*. Corruption is rife at the higher echelons of management, which is filtered through from ministerial levels of government. Understandably, the prospect of being a manager of problems is not one that is easily accepted by aspiring managers and particularly not by those whose education and inclinations have led them to adopt an engineering view of the nature of management (Thomas, 1993: 3-4).

Management is perceived as controversial for various reasons. The connections between means and ends are poorly understood and these eventually give rise to significant disagreement over what to do and how to do it giving rise to a dispute in the workplace. The commonsense approach sees managerial knowledge as consisting of beliefs, assumptions and opinions derived partly from habit and custom and practical experience. Much of this is chiefly by means of natural learning in the course of the day-to-day working life. The experiential approach is



associated with the idea of action learning. Learning opportunities enables managers to capitalise the daily working life (Thomas, 1993: 6-7).

In the eThekweni Municipality, it has been noted that controversies can be considered collectively as issues and as processes. As processes however, it can be derived that arguments or disputes are engaged by at least two parties. Dispute occurs when one person's ideas or opinions are contrary with another's when they discuss problems and make decisions. Therefore processes must be utilised effectively to deal with the issues in dispute.

## **2.12 DISPUTE MANAGEMENT SYSTEM**

Municipal goals are achieved on *inter-alia*, the provision of support, and training and development and sound utilisation of employees. The primary function of optimal utilisation of employees is determined by the relationship that would exist between management and employees. A sound labour relationship in the workplace is of paramount importance for various reasons. One of the main reasons would be based on the factor of production that can be efficient, effective and economical. Employee/employer relationships have become the focal point in recent times in South Africa through the Labour Relations Act of 1999, which engendered new developments. Within the total Local Government context, this may be considered as a sub-goal with other sub-goals that will collectively contribute to the effective, efficient and economical achievement of the delivery of quality services to the community. Labour relations in the local government sector have been characterised by numerous changes in respect of the collective bargaining structures that regulates policies and procedures. As late as 1995, bargaining was localised specifically to the jurisdiction of the geographical boundary of the municipality. The amalgamation of the ex Durban City Council, South Local Authority, North Local Authority and the Inner/Outer West Councils, underwent changes to meet the demands of the equitable service delivery.

This later changed to the Metro or Unicity Council and finally the eThekweni Municipality. Whilst all these changes were unfolding, the bargaining structures that existed in the erstwhile entities disappeared to make way for a single bargaining committee. The adoption of the amalgamation of all municipal employer components led to the creation of the SALGA. Two employee representative bodies, viz. IMATU and SAMWU were the recognised trade unions in the bargaining chamber.

Organised labour and the Employer negotiated a grievance process that ensured that any dispute must be lodged on the prescribed form (GP1). This meant that the disputes had to be dealt with in terms of the procedural time frames. These forms are completed by the grievant or the respective Union to initiate the dispute resolution process. There are three steps that have to be chaired by a management representative in an unbiased manner. The steps are chaired in ascending order of the hierarchy, starting from the local supervisor, the manager and eventually the Head of the department or unit. When the dispute remains unresolved, an application is made to the Bargaining Council to have the matter conciliated upon; an arbitrator chairs the process. If the matter still remains unresolved then the conciliator issues a certificate detailing that the matter is still in dispute and it can proceed to arbitration. A pre-arbitration meeting would then be conducted to narrow the issues in dispute and the terms of reference drawn that would be presented to the arbitrator. At the arbitration proper, the arbitrator would chair the proceeding and hear submissions by both the applicant (grievant) and the respondent (employer). The arbitrator would deliver a finding/award, which would be final, and binding on both parties and implementation of that award by the respondent (employer) would follow (SALGBC: Conditions of Service/ Grievances).

Controversial working conditions lead to disputes if not addressed timeously and appropriately. The environmental impact on employees is discussed in the following chapter.

### **2.12.1 ENVIRONMENTAL IMPACT ON EMPLOYEES**

In 1927, a group of researchers from Harvard University conducted a series of studies of working conditions at the Hawthorne Works of the Western Electric Company in Chicago and the reaction on the human factor of production (Denhardt, 1993: 109-111). These experiments were concerned with the relationship between working conditions on the one hand, and aspects of worker productivity on the other. The relationship was between factors such as lighting, temperature and humidity and worker productivity such as fatigue and monotony. In the research, certain groups of workers were isolated from others in the plant and asked to work under varying conditions. Both the conditions and productivity of the workers were measured precisely. The expected relationship between working conditions and productivity failed to materialise. Despite all the variations in the conditions, productivity continued to increase. For this reason, the researchers turned to the informal or social factors that would have been affecting the workers motivation. The special attention accorded the test group, particularly the changes in supervisory practice required in the experiments, was apparently influencing productivity more than changes in physical conditions (Denhardt, 1993: 109-11).

A significant increase in the morale and solidarity in the test group was noted, as was the change in the relationship between the workers and their supervisors. These observations led the study teams to important conclusions concerning both the nature of supervision and the influence of the informal organisation (Denhardt, 1993: 109-11).

The eThekweni municipality management should implement the theoretical aspect of this research and utilise it for future reference. Supervisors need to understand the complexity of the relationship between employees and themselves to ensure that job satisfaction is controlled. It can be deduced that satisfaction is not only

for monetary incentives and proper physical conditions but also social and psychological rewards. The dual role of the HOD is to accomplish the organisation's purposes and to balance satisfaction and cooperation. The behaviour of employees in the local government sector is the key to the organisational work and that securing the cooperation of these employees is the central problem of organisation.

### **2.12.2 IMPACT OF DISPUTE RESOLUTION**

The researcher states from work experience that "opponents" viz. the employer representatives, are the co-creators of disputes because they have something to offer which employees require. When the employee makes requests for this missing link to ensure satisfaction and that request does not become available then the eventual result ends in a dispute. Fear of differences is tantamount to dread changes in working environments. It is possible to consider conflict as a normal process, which registers them for the enrichment of all concerned. Enormous improvements in global communication bring organised labour and employers in daily contact with a disparate world. Whether disputes arise from cultural or personality differences or demands for attention, employees will always have a choice on how to respond when it does arise. Labour engages the employer to represent their members based on a need to learn from them and a desire to pool resources to satisfy everyone's underlying interests. Every dispute in local government increases the alertness of what is actually happening and teaches the employer and labour how to become more skilful and successful in their communications and relationships. It allows the disputing stakeholders to negotiate, and learn from their differences and to identify that disputes offer a unique opportunity to turn people's lives around.

Taking an approach to resolve disputes allows both sides to discover newer and deeper levels of tolerance and improve their skills and relationships and find better solutions than either side thought possible. It may be concluded that

disputes are a valuable personal and organisational resource and a powerful source of learning, development and growth.

### **2.12.3 ORGANISATIONAL DISPUTES**

The researcher states that disputes are an occurrence in any organisation. Most of these conflicts arise from simple miscommunications and misunderstandings or personal differences. Nearly all of these disputes can be avoided and successfully resolved if addressed timeously at the correct forum by following due process. In addition to these interpersonal disputes every organisation generates systemic disputes that are far more difficult to resolve, because the issues they raise are intricate and the solutions required are profound and far-reaching. These therefore are referred to the bargaining council as a collective matter to be concluded by private arbitration. Disputes allow employees and organisations to establish new levels of balance.

The researcher states from work experience that systemic disputes expose limitations and instability. They signal a need for change and expose the need for committed leadership. As these disputes and competitive approaches develop, they are interdependent with multiple common goals. For example, the Health Unit has Nursing, Environmental Health and Social Services and Administration Support all working in unison to provide Comprehensive Primary Health Care. Responsibility for dispute feedback and assessment by labour can be used to help employees resolve their shop floor disputes. To be successful, both labour and management should accept responsibility for whatever they did or failed to do that resulted in the dispute. Without their acceptance of taking responsibility for the dispute, each will accuse the other for what is actually within their control. Stakeholders often overlook the consequence that it takes only one party to stop the dispute. Stakeholders must accept responsibility for their disputes. By adopting responsibility, it is possible for those in dispute to move nearer to an

amicable resolution. This would lead to improved communication, negotiation, learning mistakes and resolution.

#### **2.12.4 TYPES OF DISPUTES**

It is sometimes difficult to understand how disputes, which have so many negative side effects, can result in increased alertness and obligation. eThekwini Health invited organised labour to advise them on resolving disputes that threatened to thwart the entire re-engineering process. Organised labour met with the team that was leading the change process and asked them to indicate what the changes were and what obstacles they saw to successful implementation. They were given proof of their own lack of support for the change effort, and the problems they had as a leadership team to which they were only superficially committed. Management representatives did not understand the reason for the terms of reference before the commencement of any restructuring process.

The source of resistance was with management. Labour informed management that they needed to lead a successful change effort towards resolving them and to work together about the weaknesses in the plan. The management team invited organised labour to a dialogue to redesign the Health Unit. More can also be gained within a relationship of negotiation and communication between management and organised labour.

#### **2.13 IMPORTANCE OF ATTITUDE**

The deciding factor in nearly every dispute resolution process is the approach and determination of at least one of the parties to resolve the dispute. Once there is a positive approach and commitment by both the union and management in eThekwini Municipality, it becomes possible to shift responses to more current solutions, better communication and improved relationships. Regarding disputes

as opportunities for learning and change are good. Conflicting employees discover that more can be gained through collaboration with management than through unresolved dispute. Once stakeholders choose to resolve their conflicts, the dispute suddenly becomes a minor difficulty to overcome. Managers need to view conflict as positive and an prospect for growth and change, rather than perceive it as a threat. The major difficulty is that although the manager may possess good technical knowledge, that expertise should be converted to people issues. People skills are required in the relationship that co-exists between management and organised labour. Nowadays employees want to engage in the decision-making process. The acceptance of the attitude that conflict is healthy is a step towards the setting of participatory democracy in the workplace. There will always be some form of dispute in the workplace that will require the assistance of organised labour to bring order and stability. Differences or conflict situations that are suppressed or avoided thereby remain unresolved. There are occasions where the manager or supervisor would request the grievant to allow for the process of consultation without following the prescribed grievance route as is the circumstances in some units of the eThekweni Municipality. The manner to deal with situations of avoidance can be dealt with by taking the initiative with a positive approach (Hunt, 1981: 50-53).

Normally people receive signals from each other and interpret them. Inferences are drawn from each signal and perceptions are linked to them. Emotions, attitudes and beliefs may be transmitted through facial expressions. Gestures are much more diverse because of the number of different possibilities. Next to the face, the hands and arms give the most important verbal clues, and their functions are different from facial clues. Hands and arms are used for illustration, for replacing speech, for indicating emotional states. Facial expressions may do all these, and in addition may indicate understanding, concentration and attention. The words that are used, tone, volume and speech tend to be stereotypical of management's attitude towards shop stewards. Indeed, one of the most damaging behaviours affecting interpersonal relationships can occur if

the person misjudges the nature of the participants and uses inappropriate words or sentences. Whilst this is true of attitudes of certain stakeholders, inferences drawn from signals should not become decisive (Hunt, 1981: 50-53).

Communication breakdowns are seen to be the most prevalent symptom of organisational problems but frequently they are symptomatic of something else. Most employees do not leave for work each day with the intention of causing a communication bottleneck. Yet, while other factors cause most of the breakdowns, it is undeniable that in any large organisation, perceptions of what is being said are often the cause of a whole chain of communication problems that eventually leads to a dispute (Hunt, 1981: 50-53).

The following are some important indicators that would require careful attention whilst engaging in effective communication:

- Listen and engage in discussion rather than dictate or argue;
- Respond to others perceptions rather than deny them or become defensive;
- Assume equality rather than superiority and inferiority or them and us syndrome;
- Search for common gain rather than victory and defeat;
- Work through snags rather than mandate solutions;
- Enable others rather than search for control or take advantage of powerlessness;
- Confirm diverse perspectives rather than label disagreements as hearsay;
- Continue striving for consensus;
- Search for long-range results rather than temporary ones, and
- Confirm cooperation as primary over competition.

Stakeholders should pursue the route of closure and reconciliation rather than continued hostility. The true risk of dispute resolution lies not in risking resolution, but overcoming the fear of telling the truth, changing attitudes, and searching common ground with opponents. In the final analysis, conflict can be seen to consist of jointly opposing attitudes toward issues that are shared and important



to both sides. In this sense, conflict is simply a set of teachings waiting to be learned, not only for individuals, but organisations as well. When employees wake up and change their stances, managers will inevitably follow suit. Waking up finally requires management to shift from hierarchical, bureaucratic and autocratic systems and structures and accept democratic alternatives. These automatically invoke participation and collaboration and fostering a feeling of awareness, similarity and commitment at work (IMATU Handbook on Shop Stewards Duties - Undated).

## **2.14 CONCLUSION**

From the afore-going discussion, there are various environmental factors that impact on the public domain. In this chapter, the researcher provided a conceptual framework of the impact of the various environmental factors. The fields of study of public administration encompass labour legislation and the management perspective. Service delivery in the public domain has to be in line with the Batho Pele Principles. It also has to take cognizance of the role of organised labour. No employment relationship survives without any form of labour dispute. Therefore it is important to recognise dispute processes and adhere to them to ensure that stakeholders follow them.

## **CHAPTER THREE**

### **IMPACT OF LABOUR RELATIONS WITHIN THE LOCAL GOVERNMENT ENVIRONMENT**

#### **3.1 INTRODUCTION**

There is the legislative framework that governs labour relations in the Local Government sphere in the form of various Acts of Parliament. A dispute in employer/employee relationships in the eThekweni Municipality is an inevitable feature and the reality of the labour relations environment. This is so because of the fact that individuals will always differ in situations that will suit them. Dispute stimulates interaction for change that may affect the future of the relationship between the supervisor and the sub-ordinate. The employee may have aspirations and the employer enforces values that will differ considerably. One of the dispute resolution mechanisms in eThekweni is the formal grievance procedure. The grievant has the liberty of lodging a formal grievance on the official documentation to initiate the formal process. If the matter remains unresolved, the applicant to the grievance has the right to make a formal application to have the dispute resolved through the bargaining council at arbitration. The disputing parties to the unresolved grievance have to accept the finding, which shall be final and binding on the parties concerned. With this in mind, it must be noted that the employer/employee relationship has to be seen as a contractual responsibility (Yoder, Heneman, Turnbull, & Stone, 1985: 11-15).

There has been a paradigm shift on the part of the disputing parties regarding the acceptance of an arbitration award that was supposed to be final and binding. Either of the parties has been seen to challenge the validity of the arbitrator's award. The challenging of the arbitrator's award in a dispute needs to be mediated upon to commit the parties to some form of commitment. Therefore the outstanding element of dispute resolution becomes a thorny issue

once again because a complete cycle is encountered without a resolution. In eThekweni Municipality, the grievance and discipline procedures, which are incorporated as part of the conditions of service, were in existence since 1990. What has been noticed is new experience in the labour relations environment. There has been an increasing tendency in the employer/employee relationship in the eThekweni Municipality to afford the employee the opportunity to engage the Trade Union in representing him in a dispute of any nature. Legislation provides guiding principles within which the employment relationship exists. The Constitution and LRA provides for the protection of employees against abuse by the employer.

### **3.2 SIGNIFICANCE OF THE CONSTITUTION & LABOUR RELATIONS**

The National Action Plan for the Promotion & Protection of Human Rights as published in December 1998 reflects on the implication of the Constitution of South Africa. The Constitution of South Africa highlights obligations where everyone has the right to:

- Fair labour practices;
- Form or join a trade union;
- Participate in the activities and programmes of a trade union; and
- Engage in collective bargaining, and strike action.

#### ***What has been done?***

Government has defined its main goals as being responsible for the:

- Creation of an enabling environment for the attainment of economic development and growth and increased efficiency, productivity and employment;
- Promotion of stable and sound labour relations within the working environment;
- Enhancement of skills development within the workforce for better productivity;
- Elimination of inequalities and discrimination in the labour market; and
- Improvement and maintenance of sound working conditions (Republic of South Africa 1998: 57).

### **3.3 STRUCTURE OF ORGANISED LABOUR**

In an analysis of labour relations, it is evident that the power of an employer can best be matched by a combination of workers who by collective action obtain concessions, which would not otherwise have been granted. It is this collective organisation which forms the basis of trade unionism. There are numerous other ways in which employees can express perceptions and interests conflicting with those of the management or resist controls imposed by management. The resistance of employees becomes all the more effective once they have established or joined some type of formal organisation and have appointed an effective spokesperson (IMATU Handbook on Trade Union History – Undated).

The researcher explains that employees have realised that if they intend regulating their relationship with management on an ongoing basis, they need a permanent organisation to represent them at all times and on all issues. Therefore employees join or form trade unions. A trade union can be defined as an organisation whose membership consists of employees, which seeks to organise and signify their interests both in the workplace and society and in particular, seeks to regulate their employment relationship through the direct process of collective bargaining with management. The essence of a union is that it establishes a position of equality with the employer and engages in collective bargaining with the employer. Trade unionism requires structural organisation because it does not merely happen. It may be established by employees or interested persons, but thereafter it has to actively recruit members in order to strengthen its power base.

To this end the union usually employs full-time officials to recruit new members. The union also seeks to improve the position of its members in society at large, like the manner in which the Congress of South African Trade Unions (COSATU) and Federation of Democratic Unions of South Africa (FEDUSA) bears influence. Although the members are in a democratically organised union, the decisions

executed are those of the majority. The union as a structurally organised body also gains a life of its own which is larger than the sum of its constituency or individual members, and which becomes a force within the society it exists. Individual members may come and go but the body, as a union with its own character, policy and functions, will remain to undertake its rightful purpose (IMATU Handbook on Trade Union History - Undated).

### **3.4 BRIEF HISTORY OF THE TRADE UNION MOVEMENT**

Trade unionism can be identified as a social response to the advent of industrialisation and capitalism and poor working conditions that employees tended to endure under ruthless management styles. This necessitated some form of protection for workers and at the same time led to the birth of the working class. Even though employees were prohibited from forming trade unions and going on strike, the need for workers to protect their joint interests did bring groups of workers together, despite these obstacles. Unions engaged in collective bargaining with employers and emerged with agreements of specific issues. The formation of joint policies led to their involvement in social and political matters. Trade unions of various kinds have established themselves as a permanent feature in the labour relations' environment. Some concern has been expressed regarding the huge exodus of officials into government. Many of the leaders of the labour federations have been absorbed into government posts or are serving as members of parliament. There is also the trend to employ union leaders into management posts in eThekweni municipality to overcome the lack of management's knowledge of labour relations. This tendency has become quite common practice to level the playing field where disputes are commonplace. Negotiating with management became problematic due to the lack of knowledge and skills which has to be developed to remain competitive (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

Apart from organising and strengthening its support base, the trade union also has a social responsibility. These social objectives of the trade union have established a relationship between society and the state.

### **3.5 OBJECTIVES OF TRADE UNIONS**

The underlying objectives of a trade union in the local government sector are to represent the interests of its members but because these interests are widely ranged both within and outside the organisation, the objectives of trade unions become multi-faceted and complex. The stated objectives of the Trade Union are to improve the terms of employment, improve the physical environment, and achieve full employment, security of employment and income. They also achieve a voice in local government for the control and planning of the future of the municipality. As can be seen, these objectives range from the individual through to economic to the socio-political environment in the country (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

#### **3.5.1 ECONOMIC OBJECTIVES**

This is probably the primary objective of any trade union. Employees join a trade union mainly with the hope that they will increase their bargaining power *vis-à-vis* the employer. The most evident expression of such bargaining power is the union's ability to gain increase in wages or improved benefits for the membership from the employer. A union that does not produce efficient, effective and economic results would tend to lose its members, credibility in status and eventually be rendered useless (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

### **3.5.2 SOCIAL SECURITY**

The union function is to ensure that the welfare of its members is catered for. Its first concern is with illness, accident, and death and pension benefits. The union itself may provide these benefits or the union may ensure that the employer offers the necessary protection to workers. The unions welfare function further embraces such aspects as health and safety and may even extend into areas such as loan schemes, funeral schemes etc (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

### **3.5.3 JOB SECURITY**

It is of primary importance for a union to maintain job security for its membership. It is for this reason that a union will in individual bargaining situations secure benefits for some of its members so that all members may keep their jobs. This objective is displayed by its involvement with dismissals and retrenchment and their attempt to prevent these from occurring. In respect of employment, unions see themselves as having a further function for the promotion of full employment for its members (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

A union attempts to regulate the salary of its members at their place of employment. A joint agreement on matters such as working hours, overtime, work on public holidays, vacation leave, sick leave and notice periods, are regarded as basic to any union-employer agreement. In the local government sector the union together with the employer developed joint regulation of dispute resolution procedures, grievance handling, retrenchment, and health and safety issues. The statutory laws for example, the Basic Conditions of Employment Act of 1997 regulate some of the aspects that have been mentioned. Consequently, unions promote their objective by lobbying or placing political pressure by mandating the labour federations on the government to achieve some of their

objectives (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

#### **3.5.4 INDIVIDUAL DEVELOPMENT**

One of the functions of the union is to promote the moral, physical and intellectual well being of its members. This is achieved in a manner that their dignity is respected. Members should not feel that they are alone in their struggles or with their problems because they fulfil a role in the union and that they can count on the support for assistance from other members of the union. However, the union's function does not end there and most organisations will also offer other facilities for the individual, such a social gatherings, lessons on AIDS training and opportunities for education and training. Literacy and numeracy training is deemed to be the priority of the union. Because a union needs to constantly assess its objectives and ensure that it is adequately representing the interests of its members, feedback meetings are a way of gauging its effectiveness (South African Municipal Worker's Union, MANUAL 4 for Shop Stewards - Undated).

The trade union is formed by virtue of its membership. The structural hierarchy and its functions are mirrored in its activities.

#### **3.6 ROLE OF ORGANISED LABOUR**

Organised labour is formally constituted by the formation of the shop stewards council which regulates the activities of the shop stewards. The structural hierarchy is formalised to reflect the portfolio committees which caters for the effective, efficient and economical functioning of the union.



### 3.6.1 SHOP STEWARDS

The following information on shop stewards and their role-functions are significant. In order to accurately reflect the position and functions of the shop steward in the trade union context, it is necessary to examine the structure and functioning of a trade union. Trade union organisations vary from union to union and will depend of the size, policy, constitution and rules of the particular union. However, most unions have a hierarchical structure similar to that found in business undertakings, with the important difference in that power is not necessarily vested at the top. The broad base of this hierarchy consists of the general membership, who may elect shop stewards at the plant or business where they have significant membership. The role of shop stewards is to liaise with the management and the local union body. However, this principle of member management control is not always possible for the following reasons:

- The union may be dominated by certain factions or officials who pursue their personal interests and not those of the general membership;
- Most officials and organisers will influence and to some extent control union members, merely by virtue of their greater expertise;
- Provision may be made for ratification of certain decisions of the executive;
- Trade union members are sometimes apathetic, and
- Individuals appointed in important positions in the union hierarchy will hold substantial power (Nel, 1997: 42-57).

The most effective safeguard against undemocratic decisions is the involvement of members at all levels of the organisation. For this reason, the union should always involve shop stewards with mandated positions from their membership in negotiations. The principle of union democracy may prove a problem to employers who insist on rapid decision-making. Therefore management's call for union leaders to act responsibly may contradict the democratic principle on which unions are based. The period 1990 to 1996 saw remarkable announcements. In

1994 Labour Minister Tito Mboweni's five-year plan emerged as the driving force behind the shaping of the industrial relations environment. The redrafting of the Labour Relations Act (LRA) in 1995 was enacted through parliament. Also changes were brought to bear on the (BCEA). In 1995 the National Economic Development Labour Council (NEDLAC) was formed to allow for dialogue amongst labour, business and the government. The new LRA No. 66 of 1995 introduced a system of compulsory arbitration and a Labour Court on par with the Supreme Court that is presided over by judges. Workplace forums were statutorily imposed for companies to negotiate non-wage issues such as health and safety; retrenchment and restructuring. The collective bargaining agenda was extended beyond wages and conditions of employment to workplace democratisation. The implementation of the Labour Relations Act No. 66 of 1995 on 11 November 1995 will be regarded as the beginning of a new era of co-operation between the primary participants in the labour relationship in South Africa (Nel, 1997: 57-67).

### **3.6.2 GRIEVANCE PROCEDURE**

To implement a grievance and discipline procedure, a policy has to be formulated. Acceptance of these procedures to municipal employees must be communicated clearly (Cloete, 1991: 50). The importance of managerial functions undertaken by public functionaries viz, politicians and management officials, must take cognisance of the normative guidelines that govern conduct pertaining to disciplines and grievances (Cloete, 1991: 56).

The normative guidelines that govern the conduct of management who are involved in grievances and discipline procedures include:

- Requirements of administrative law;
- Deference to labour rights;
- Fairness and reasonableness;

- Respect for human rights, and
- Maintenance of public accountability

The environmental factors that influence human resources management are the regulators and competitors. The Department of Labour regulates the relationship of municipalities by providing enforceable rules. These authorities have to abide these rules (Fox, Schwella & Wissink, 1991: 4).

The Grievance procedure is placed within the support function of municipal personnel administration and disciplinary procedures are a component of the personnel utilisation function of municipal personnel administration (Cloete 1985: 8). A grievance procedure involves a systematic set of steps for handling an employee dispute. The idea to have these steps is to maintain an orderly method of problem solving. It is also a dispute settling mechanism of the agreement between organised labour and the employer. In the eThekweni Municipality the grievance procedure comprises of three steps. The grievance procedure is a mechanism that has been negotiated by organised labour and management to ensure that employees are given the opportunity to bring their grievances to the notice of the employer. The grievance procedure falls within the parameters of the employee/employer relationship. The employee has the right to express his dissatisfaction of a particular situation that affects him personally. A grievance can also be lodged as a collective or group effort. The aim of the employee lodging a grievance is to ensure that a solution is achieved, to ensure the speedy resolution of the dispute. The grievance procedure is essential not only to maintain the morale of employees but as a means of achieving constructive employee/employer relations. The grievance procedure (Figure 2.2) is presented on page 64.

It is human nature for employees to gain satisfaction from the formal process that would highlight their immediate discontentment. Employers who encourage their

employees to follow the formal grievance process are seen to instill a sense of transparency (Cloete, 1985: 194).

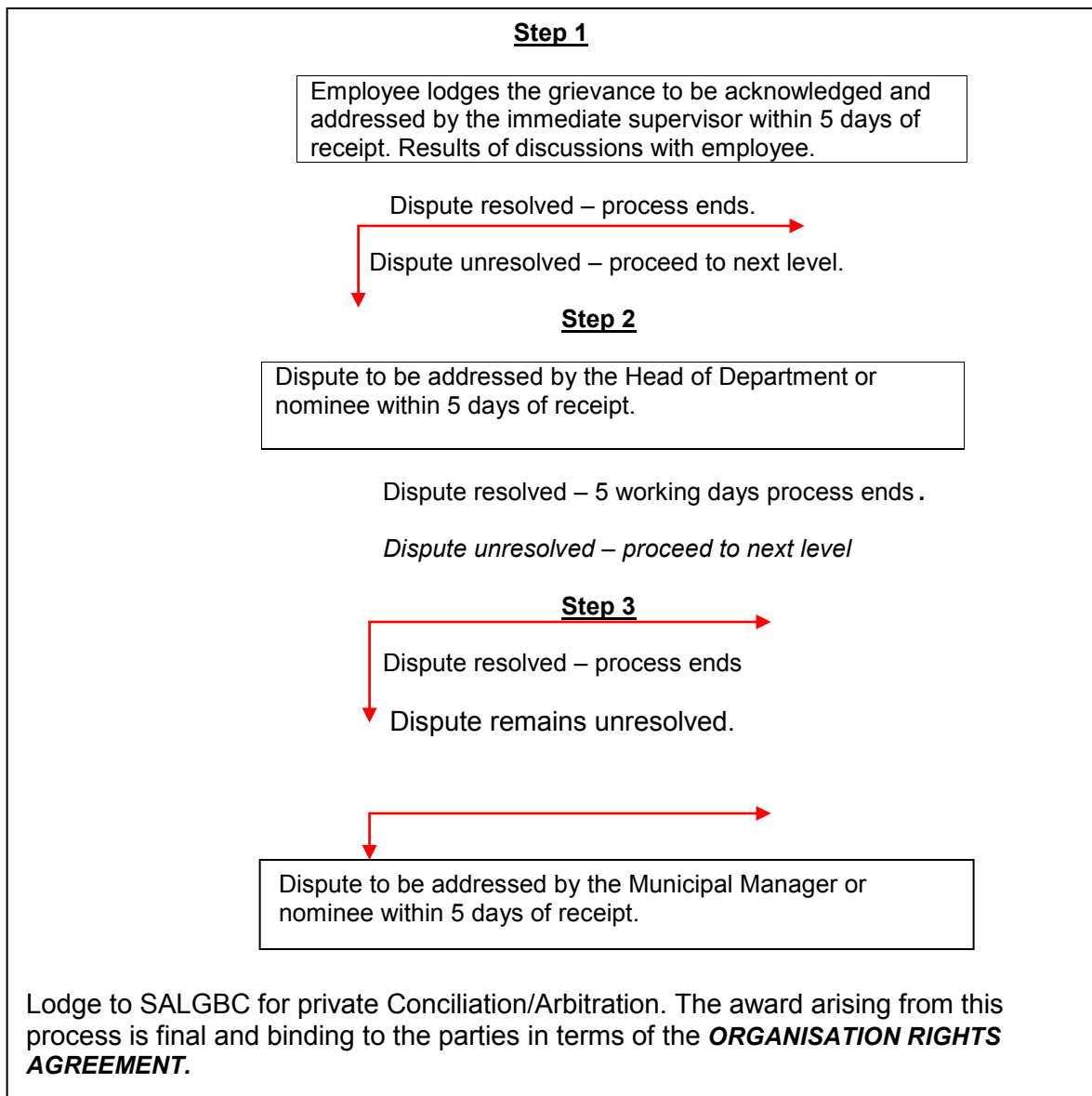
The researcher mentions that in eThekweni Municipality however, there is the sense of apathy from management personnel because they perceive the lodging of grievances as not being necessary. They presume that these can be resolved amicably without following the official process. The management personnel perceive the formal process as a creation of time wastage, whereas the employee could be constructively engaged in his/her work. This attitude of management is mainly ***to prevent grievances from advancing the procedural process*** and provide a positive credit rating towards the manager's effort in maintaining "good labour relations". The employer commits a breach of the contract of employment and expects to obscure a process by disregarding a dispute in the workplace. But the opposite occurs once the employee commits a breach of the employment contract where he/she is disciplined for any "contravention".

The researcher contends that it would be advisable for the employee to initiate the formal grievance procedure to regulate the desired outcome. The grievance procedure is there to ensure that the rights of the employee are not infringed upon. It assumes an increasingly important role in the local government context to ensure that just administrative action is maintained. It is primarily designed to promote harmonious relations between the employee and employer. Although various labour laws regulate the employee/employer relations, the Labour Relations Act of 1995 as amended, forms the principle legislation. The moment an employer engages the services of an employee whether through a contract that is written or unwritten, that employer has to abide by the legislated requirements of the Constitution of South Africa, The Labour Relations Act 66 of 1995 and the Basic Conditions of Employment Act (BCEA).

From Figure 2.2 that follows, organised labour is an integral component of the eThekweni Municipality. The ORA of which both Organised Labour and the Employer components are signatories gives guidance on the interests of labour conflicting with those of management or resist controls imposed by management. Their resistance becomes all the more effective once they have established or joined some type of formal organisation and have appointed an effective spokesperson.

**Figure: 2.2**

**A GRIEVANCE PROCEDURE FLOWCHART IN eThekweni MUNICIPALITY**



Adaptation from: eThekweni Municipality **ORGANISATION RIGHTS AGREEMENT 2003**

The author of the research contends that from his experience as a labour representative, he found that the contract of employment serves as the foundation of the relationship between the employer and the employee once the parties agree to certain rights and duties. The employer is not liable to be reprimanded for losses regarding time, payment, and loss in productivity. Although it may be construed that the employer has more power than the employee, but that cannot be taken as fact because labour laws have been designed to ensure that parties are equal before the labour courts. Conditions of employment that contain rights relating to protection against unfair labour practices are established to safeguard the employee against exploitation and abuse by management. Within the context of legislation, the employer has to be wary of his/her actions in the contractual relationship. It also comes from public administration that prevails in the country that the role of labour relations in the public sector is to regulate inevitable and necessary conflicts, and the democratisation of the workplace.

In eThekweni Municipality, the researcher notes that there is always the constant threat of rules, which affects the effective and efficient functioning of employees to be complied within the conclusion of a contract and, where the conditions of service are concerned. Conforming to the ORA, to which the Employer and Organised Labour are signatories, is vital. Moreover, the BCEA and the LRA enforce the conditions of service. There is provision, however, for disputes in the workplace to be resolved amicably before the course of arbitration is followed. There appears to be general acceptance that these types of contracts are enforceable up to a point.

An example of this is the notion of sick leave. An employee has to call the supervisor and inform him/her of the illness and the expected date of return. There is also some consensus that certain types of provisions in these types of contracts would not be enforceable.

Another example is when staff has to be geographically relocated from one work area to another. This cannot be enforced without the employee's consent. The only way to settle this type of dispute is through the dispute resolution mechanism. There are issues as to whether the entire or part of the agreement is enforceable. In an analysis of labour relations, it is revealed that the power of the employer can best be matched by a combination of workers who by collective action obtain concessions, which would not otherwise have been granted. It is this collective organisation that forms the basis of trade unionism.

There are numerous other ways in which employees can express perceptions and satisfy their call against unfair labour practices. In the local government sector, the Labour Relations Act 66 of 1995 governs the interaction between organised labour and management. Issues such as skills development, training and development and the eradication of unfair labour practices are some of the core initiatives that would inspire the culture of learning and to ensure a sound working environment.

### **3.6.3 INDUSTRIAL ACTION**

According to the author of the research, employees have realised that if they wish to regulate their relationship with the employer on an ongoing basis, the bargaining platform has to be formulated on the premise of equilibrium. This equilibrium is brought to bear from the involvement of organised labour, which bargains with the employer from the base of collective strength. The workforce bargains from the base of power in numbers, then that force provides protection as well as equality. Labour had bargained for years to get these benefits they intended to keep. The attack by management on the removal of some of these benefits is tantamount to an unfair labour practice. The status change would endanger the good it had brought to bear and the family lifestyle of the workers.

The salary dispute of 2005 drew a long and protracted strike action. There was damage to property, police brutality and a few deaths. Over the years, employees had learned to enjoy generous salary increases and benefits but the flexing of their muscles was inevitable due to the rise in inflation. The sight of IMATU engaging in industrial action was like a breath of fresh air to the sister union in confronting the employer in a unified labour action. SAMWU is affiliated to the ruling African National Congress (ANC) led municipality, but they overlooked their affiliation to satisfy their members' needs. This culminated in the strike action led by both unions. The employer's tactics made most of the employees angry and intensified their pressure not to accept key terms of the final settlement. The unions realised that an extended strike would make the employer realise that their demands must be met.

Ronnie from SAMWU said:

"We served Salga with notice to strike on July 12. We hope to bring out 200 000 workers across the country. "This shows a disregard of how public funds are spent' "On that day all municipal services will grind to a halt. Which means that refuse will not be collected, libraries will be closed, and the pay offices of municipalities will not be operative,"

Ronnie continued...

"...in the larger municipalities such as Cape Town and Johannesburg and Durban, senior managers were earning in excess of R1-million a year. In many smaller towns, senior managers were earning around R500 000 per annum". "This contributes to the widening of the wage gap and shows a disregard of how public funds are spent."

Danie Carstens, National President of Imatu, said.....

"Samwu which is affiliated to Cosatu and Imatu, affiliated to Fedusa, joined forces when they began wage negotiations with the South African Local Government Association (Salga) in March",



The unions scorned a three-year wage increase offer of six percent and the proposed minimum wage of R2 300. Salga had said wage increases in years two and three should be based on the inflation rate and the applicable inflation threshold. Parent bodies Cosatu and Fedusa came out in support of the unions. (Daily News Correspondent, Daily News, 2005: 3).

About 200 000 municipal workers downed tools during a one-day nationwide strike which affected all major cities with a series of marches, pickets, and other forms of demonstrations in almost every city and town across the country. Labour did not want to accept a ridiculously low offer from the employer's organisation, Salga. The strike came after a deadlock in wage negotiations in June when the unions scorned Salga's three-year wage increase offer of a six percent for 2005/2005, 0,5 percent plus CPIX for 2006/2007 and 0,4 percent plus CPIX for 2007/2008.

“This offer constitutes a negative increase, considering the high cost of fuel and transport, that house prices have increased on average of 32 percent in the past 18 months and that medical expenses have increased by 8.4 percent, ” Samwu general secretary Roger Ronnie said.

The unions demanded a nine percent across the board rise and a minimum wage of R3 000. The current minimum was R2 500 a month. They said the demand was “both reasonable and fair” and in line with the provision of the Freedom Charter of the ANC that states that workers should receive a living wage.

But instead of increasing workers' wages, Salga wants to decrease the minimum wage from R2 500 to R2300,” The unions said this would “condemn thousands of lives to abject poverty” said Samwu president, Petrus Mashishi.

Labour arranged marches, which took place in major cities such as Johannesburg, Cape Town, Durban and East London and in small towns like Delmas, Welkom, Kuruman and Pofadder.

Ronnie of SAMWU said, “members were currently being balloted and should there be no action from the government after the strike, further action would be considered.” - Sapa

In 2005, Pick „n Pay, South African Airways and the Municipal unions (IMATU & SAMWU) illustrated the damage that can be caused as an organised workforce strike action. The workers have lost pay due to the “no-work, no-pay” rule that was implemented by the employer. The shutting of business can be disastrous for everyone concerned and it is for this reason that employers and employees need to have mechanisms in place to deal with conflict and strikes. In the interests of averting the potential disaster that are likely to be the by-product of strikes, it is important to understand the legal status of industrial action. A legal strike is the withholding of labour by employees in support of a demand to the employer. Various labour laws have been established in South Africa to regulate the employment environment, the most important of which is the Labour Relations Act of 1995.

### **3.7 STATUTORY MEASURES IMPACTING ON DISPUTE RESOLUTION**

The Labour Relations Act (LRA) is based on the premise that collective bargaining between the contracting parties provides for the establishment of sound relations. Legislation therefore provides for the founding principles in the labour environment in the local government sphere.

#### **3.7.1 LABOUR RELATIONS ACT 66 OF 1995**

The main concepts of the Labour Relations Act includes the following:

- Guarantee the right to form trade unions;

- Promote and facilitate collective bargaining;
- Regulate the right to strike;
- Promote employee participation in decision-making, and
- Establish the Labour Court and Labour Appeal Court, with exclusive jurisdiction to decide on matters arising from the Act.

The Act makes provision for dispute resolution through the Bargaining Council, Conciliation/Mediation, Arbitration and eventually Strike Action with the proviso that certain conditions are in order (The Labour Relations Act of 1995).

### **3.7.2 MAIN ELEMENTS OF THE LABOUR RELATIONS ACT**

The final Constitution of South Africa makes specific provision for sound labour relations. The old Labour Relations Act did not provide for the right to strike, the right to lockout, or the right to organise. In order to give effect to the aforementioned Constitutional provisions, and to overcome some of the problems created by the old dispensation, new legislation was necessary.

This gave rise to the (LRA). The overall theme of the LRA is “promotion and regulation of the collective dimension” of employment relations.

The main elements of the Labour Relations Act is to advance economic development, social justice, labour peace and the democratisation of the workplace by fulfilling the primary objects of the Act, which are:...

- To give effect to and regulate the fundamental rights conferred by section 23 of the Constitution;
- To give effect to obligations incurred by the Republic as a member state of the International Labour Organisation;
- To provide a framework within which employees and their trade unions, employers and employer’s organisations can...collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest; and formulate labour policy; and to promote orderly collective bargaining;

- Collective bargaining at sectoral level;
- Employee participation in decision-making in the workplace, and
- The effective resolution of labour disputes. (Labour Relations Act 66 of 1995).

The new LRA applies to all labour relationships; in other words, all relationships between employers and employees. An employee means any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive remuneration; any other person who in any manner assists in carrying on or conducting the business of an employer. The LRA applies to all sectors with the exclusion of members of the SANDF (South African National Defence Force), agencies or services established in terms of the Intelligence Services Act, and South African Police Services. Every employee has the right to participate in forming a trade union or federation of trade unions, subject to its constitution (Section 4 of the LRA). This section also details aspects of freedom of association, any employee may partake in the lawful activities of the union, may take part in the union elections for office-bearer status, shop steward or official of the union (Labour Relations Act 66 of 1995).

No person may discriminate against an employee for exercising any right conferred by this act (Section 5 of the LRA). The LRA stipulates that all the rights accorded to unions for example, rights to access, to hold meetings etc...can be claimed only by registered unions. This was aimed at encouraging unions to be registered. Unregistered unions, although they may enter into agreements with the employer, have no statutory rights (Swanepoel, 2000: 636-646).

Registration gives the union the status of a juristic person, thereby protecting its members from any obligations and liabilities incurred by the union. Any disputes that arise regarding the Freedom of Association are firstly referred to a Bargaining Council (BC). If none exists then the dispute must be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA). The BC or CCMA must try and resolve the dispute through conciliation. There must be an

attempt to get the respective parties to agree to an amicable solution to the problem or the dispute. Once this attempt fails then that matter will be referred to Arbitration in terms of the ORA or to the Labour Court for an order that will be final and binding on all parties concerned (Swanepoel, 2000: 668-677).

### **3.7.3. BASIC CONDITIONS OF EMPLOYMENT ACT OF 1997**

What workers earn is never just about money. It is also about how long workers must work and other conditions of employment. May Day as an international day of labour solidarity has its origins 150 years ago in workers' struggles for a 40-hour week, a struggle for "8 hours of work, 8 hours to play and 8 hours to sleep". The Basic Conditions of Employment Act of 1997 (BCEA) is the law that sets out minimum and maximum settings relating to working conditions.

The main aspects of this legislation are:

- Define fair labour practices;
- Establish and enforce basic conditions of employment; and Basic Conditions of Employment.

The Act states that its purpose:

- Is to give effect to and regulate the right to fair labour practices conferred by section 23 (1) of the South African Constitution;
- By establishing and enforcing basic conditions of employment;
- By regulating the variation of basic conditions of employment; and
- To give effect to obligations incurred by the Republic as a member state of the International Labour Organisation (ILO).

This is an example of where the country's adoption of an ILO convention played a small part. The real force leading to the Act was worker struggle. Even under the apartheid regime the workers had already won some improvements through struggle and determination in the early 1980s.

The BCEA covers such issues as:

- ***Working Time***

Including a maximum of 45 ordinary hours of work per week, pay calculation for weekend and Sunday, public holidays and meal and tea breaks.

- ***Leave***

Incorporates annual leave and sick leave, maternity leave, and family responsibility leave.

- ***Particulars of Employment***

Employers must keep written records of workers and remuneration particulars of employment and must inform workers of these and record many details on the pay slip.

- ***Termination of Employment***

What notice is required?

When can there be pay instead of notice?

What if part of the contract is accommodation?

When can severance pay be claimed?

What must happen about a certificate of service?

- ***Prohibition of child labour***

These practices are prohibited, and made forced child labour a criminal offence. The central struggle over this law was over "tight" regulation versus "flexible" regulation. Labour wanted the Act to set binding standards which could only be varied "upwards." Employers and government wanted flexibility to vary standards "downwards", particularly for companies with under 50 workers. As with other labour laws the end product is a compromise, which allows for downward variation on some standards. Labour has not yet won the long-standing central demand for a 40-hour week. This issue remains a central issue of labour struggle. The Act sets weekly hours at 45 but it also provides for the reduction of 'the working hours of employees to the goal of a 40 hour working week and an eight hour working day'. In Europe many workers already work a 37-hour week. A Bargaining Council collective agreement can change some basic conditions (Basic Conditions of Employment Act 75 of 1997).

Furthermore, the technological challenges and advancement in the manner in which goods and services are produced has led to the following Skills Development Act being promulgated.

#### **3.7.4 SKILLS DEVELOPMENT ACT 97 OF 1998**

The purpose of this act is to advance or improve the skills, knowledge and abilities required by an individual to perform a task to a particular standard. Training staff usually conducts training, which can include various techniques such as demonstrations, group or individual exercises, role-playing, and displays. A systematic approach to training allows stakeholders to gain the knowledge, skills and experience required dealing with situations they face on a daily basis.

The advantages of a systematic approach to training are meeting goals and objectives more effectively and efficiently, greater employee satisfaction, cost savings and an enhanced company image.

Gender and race inequalities emanating from the apartheid era has prompted the following Employment Equity Act. This Act provided race and gender protection.

#### **3.7.5 EMPLOYMENT EQUITY ACT 55 OF 1998**

The purpose of this Act is to achieve equity in the workplace by endorsing equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and implementing affirmative action processes to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce. Elimination of unfair discrimination. Implementation of affirmative action measures for disadvantaged and black people, women and people with disabilities.

Application of this Act:

Chapter ii of this Act applies to all employees and employers. Except where Chapter iii provides otherwise, Chapter iii of this Act applies only to selected employers and people from designated groups (Employment Equity Act 55 of 1998).

Workers were exposed to environments that were not conducive. Some were death traps like the mining industry. Workers were neglected to ensure the multinational companies acquired productivity and profit. The ensuing Act is to prevent unwarranted fatalities, diseases and illness.

### **3.7.6 OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993**

The purpose of this Act is to define healthy and safe working conditions as follows:

- Dealing humanely with health consequences of work out lines programmes for the rehabilitation of people with disabilities; and
- Defines treatment of HIV in relation to – research, testing, counselling, education, treatment.

Administrative steps taken are that The Department of Labour (DOL) has established organisations as part of the new system of dispute resolution namely:

- Commission for Conciliation, Mediation and Arbitration (CCMA);
- The Labour Court;
- The Labour Appeal Court as part of the system of resolution created by the new Labour Relations Act; and
- Establishment of the National Economic Development and Labour Council (NEDLAC) to promote co-operation between the government, the private sector and the labour movement.



Further challenges involve the addressing and overcoming the historical division between a labour force and the employer / local government that is committed to a radically different approach redressing gender disparities in the labour force (Occupational Health and Safety Act of 1993).

The researcher relates that from past experience workers and their leaders could not engage employer counterparts in the courtroom. Their disadvantage was the lack of understanding legal terminology and defending the workers. The labour department has made provision for training and development for workers to equip themselves with tools to engage with the employer. Workers could counteract the employer by monitoring their activities and implementing sound policies and procedures.

### **3.7.7 MONITORING AND IMPLEMENTATION**

The Labour Department has assisted in the establishment of the trade union training institute, DITSELA, as part of its programme to strengthen civil society. The CCMA; the Labour Court; the Labour Appeal Court; the DOL; NEDLAC; The South African Human Rights Commission; the Commission for Gender Equality are some of the established bodies to undertake that workers rights are protected.

### **3.8 BEHAVIORAL ASPECTS OF PEOPLE**

According to Hanekom & Thornhill (1983: 62), it is a statement of ideas also referred to as assumptions, projections, research and/or observation to describe a matter and the behavior of individuals under specific circumstances. It is a concept of interpretations based on observations. In the case of public administration it should also be put as a requirement that should be alarmed with

the cognition of reality that is not separated from experience of the actual field of activity.

For example, if one has to construct a theory of a motor, one has to first establish a number of points. There are various connotations to what is meant as motor. Is it an electric motor, an internal combustion engine, or a motor for a car? After it is discovered what type of “motor” is meant, thereafter the nature and scope of the motor can be determined. If for example, this motor drives a motor vehicle, then the picture becomes clearer and its nature and scope can be determined. The same applies to the phenomenon such as administration (Smith, 1997: 153-56).

Most crises begin with the chronic but undetected non-performance of individuals. Failure of devastating dimensions results from neglect of signals. The ultimate penalty will be radical change to the current status. A knowledge management alert to early signs of trouble can alter this sequence considerably by quickly intervening to minimize the damage. The matter is to reduce the pain and damage and the protection of human resources (Meyers & Holusha, 1986: 205-207).

Botes (1998: 159) maintains that there are many public administrators who do not have any time for any theories at all and who quickly brush aside any course a university or tertiary institute offers in Public Administration. Their belief is that they operate in the real world and their reaction to a problem is crucial because, there could be an incident that would require a split second response. The researcher provides the example of the terrorist assaults on the World Trade Centre in New York and the Pentagon in Washington in September 2001, which is commonly known as 9/11. No theory was required to mobilise the rescue personnel to the disaster scene. It was quick human reaction. It was important societal activities that had to be carried out without interruption of political power.

Thus these practitioners are extremely busy people, married to the job of administration, mixing business with pleasure and work with leisure.

### **3.9 HUMAN RESOURCES MANAGEMENT AS AN INTERVENTION PROCESS**

Human resources management facilitates the relationship between the organisation and the employees for sound labour relations. It is an intervening process between the employer and employees. The employment relationship of exchange brings in energy, skills, knowledge, abilities, and aptitude, in exchange for tasks, responsibilities and duties. The scope of Human Resources Management (HRM) is that it manages aspects related to the employment relationship. If there is a healthy relationship then there is sound human resources management. HRM is not only about compliance but establishing a kind of commitment from employees relating to rules, regulations and policies. HRM is there to ensure that the employment contract between the stakeholders governs the relationship

#### **3.9.1 IMPLICATIONS OF AN EMPLOYMENT CONTRACT**

The agreement of employment serves as the foundation of the employee/employer relationship in any public entity. This normally would be initiated once both parties agree to enter into this contract of employment. The parties agree to the following once the contract comes into being:

- A safe and healthy working environment;
- Pay the respective salary and all benefits that are due;
- Adhere to the conditions of service as applicable;
- The right to join a union;
- Provision of stop order facilities;
- Adhere to the application of policies and procedures, and
- Growth and development for future promotion.

The contractual form of the employment relationship is said to disguise the equality of bargaining power, where it is perceived that the employer holds more power than the employee does. This leads to the exploitation of the employee. The relationship is purely an economic venture. The employee offers his labour in exchange for money.

The relationship incorporates rights to protection against unfair labour practice and basic conditions of employment. In the eThekweni Municipality, the employee has the freedom to associate and to join a union of choice, which allows for collective bargaining rights to safeguard against exploitation.

### **3.9.2 LABOUR RELATIONS POLICY**

A labour relations policy may be viewed as a guide public management, and which leads to consistency in standards and ensures equitable conducting labour relations matters. An organisation needs to establish a policy that will provide clear guidelines on its relationship with employees. A labour relation's policy should be laid down in writing. There is a need for democratic (participative) management and the need for interaction skills. The interpersonal interaction takes place between people. While legislation and procedures are usually effective in regulating conflict, they result in arms length relationship between management and employees. Collective bargaining develops good relationships between management and union representatives, but brings management no closer to their own employees. Consequently, collective bargaining and union/management relations are not dealt with at all. Examples of poor management, insufficient communication and ineffective personal interaction between management and employees lead to the alienation of the employees and subsequent labour relations problems (Kemp, 1992: 10-11).

There is less focus on the interaction between management and the employees, which either reduce or increase employee participation or conflict. Participation draws all parties into a team. This is how integration of people takes place. The industrial relations climate will determine constructive or destructive relations. Thus the manner in which the manager interacts with subordinates will determine whether he has a positive or negative influence on them. The democratic style management develops policies through group discussion. The autocratic manager determines policies on his own. This leads to conflict, retaliation, and a discord between management and the employees exist. The “us-them” mentality prevails and there is little trust between the parties concerned. The net result is that employees become alienated from management not integrated into the organisation (Kemp, 1992: 10-11).

Although managers recognise that they should have good relationships with their employees, they do not really know what type of relationship they should develop or how to establish the right type of relationship. In the combative type of relationship the manager and his employees will be perpetually in conflict, which sets a spiral of conflict that result in a negative outcome for both parties. Such managers generally view membership of a union in a negative light. They believe that unions have bad intentions and try desperately to keep them out. The unions in turn regard this as a threat to democracy and react in the best way they deem fit, to protect the rights of their members. The more they try to keep the union out the more they elicit a power struggle with the union and provide a reason for the employees to belong to a union. The paradox is that managers achieve the opposite of what they actually want. It virtually becomes a relationship between management and the unions, rather than a relationship between management and the employees. Eventually the employees become organised and labour relations problems arise. On many occasions managers often interact in ways that create conflict rather than cooperation (Kemp, 1992: 39-49).

Empathy is normally defined as being in touch with the other person's feelings. Stereotypes and prejudice hamper empathy. It is an interaction process to check whether you have understood the person correctly and react accordingly. The biggest advantages of relating in a collaborative manner using the facilitation skills that it force the managers not to be prejudicial and to be accepting. Managers should accept employees as they present themselves (Kemp, 1992: 49-52).

### **3.9.3 EMPLOYMENT RELATIONS MANAGEMENT**

One of the most crucial organisational decisions has to do with who does what when it comes to the management of employment contracts. The parties involved in the employment relations are; the municipality as the employer (organisation) and the employees (labour) and the representatives of these employees (organised labour). Because workers are organised collectively, they elect shop stewards in the workplace and these representatives become stakeholders in the employment relationship. However, in this relationship, outcomes are taken about the management of the employment relationship.

### **3.9.4 INDUSTRIAL RELATIONS**

It must be understood that the interdependency between industrial relations and human resources management will most probably become more acute in the near future. An example is that, aspects relating to improving productivity, enhancing training and development, and improving the management of unions' demands will be the new focus. Furthermore, the building of trust and efficient conflict handling, as well regular meetings, the sharing of goals and open honest communication with all stakeholders is to be the ingredients of successful human resources and industrial relations management in the future. Industrial relations activities that have to be addressed are: employment equity, affirmative action, training and development, the elimination of discrimination, cross-cultural

management, coping with deteriorating work ethics, and economical survival (Nel, 1997: 284).

The researcher is of the view that prosperity of the eThekweni Municipality depends on the collaborative role of both the management and organised labour. The culture of the organisation has to change to influence people's behavior. There has to be a passion between and amongst people to change. Organisations like eThekweni Municipality that value the people followed by in-house career opportunities, formal training systems and appraisal measures have successful reports on output. Staff has employment security and their voice is heard in the organisation. To operate successfully in this environment, the corporate agenda should create a people centred strategy. When human capital forms the driver of the municipality's success, one has to build strong and lasting relationships built on trust and transparency. Crises involving labour can be as threatening to the life of any large organisation. Industrial relations crises do not materialise without a cause. There is always a pre-crisis period. Early detection and action must be taken before a blowout to ensure that a serious disruption can be prevented. There are seldom-real solutions to problems related to strike actions. The after effects of labour unrest can become an important part of the history of future negotiations (Meyers & Holusha, 1987:129-30).

Dealing with trade unions like IMATU and SAMWU in the local government sector had become a way of life in the eThekweni Municipality. The rise of democracy, post 1994 was not surprising where representatives of organised labour, business and community-based organisations developed close collaboration to ensure that community needs were addressed.

### **3.9.5 APPLICATION OF HUMAN RESOURCES POLICY**

A proper human resources management policy will contain clear statements on the optimum development, utilisation and conservation of the total labour force of the organisation. As the labour relations function is integrated with the human resources function, the establishment of healthy labour relations within an organisation will greatly depend on the manner in which the total human resources function is executed. It is essential to develop a clear human resources policy to ensure consistency in all human resources practices. An official policy will assist all employees concerned with human resources management in implementing fair and non-discriminatory labour practices (Nel, 1997: 262).

### **3.10 COLLECTIVE BARGAINING STRUCTURES**

In the public service, the Public Service Bargaining Council exists, where policy issues relating to the functional activities of the employment environment are negotiated between the trade unions (Labour) and the representatives of the public management sector (Employer).

In the eThekweni Municipality, negotiations on policy matters are conducted between the Councilors and Management representatives EMPLOYER component, and IMATU, SAMWU known as the ORGANISED LABOUR component that operate within the SALGBC. Some of the functions are the concluding and enforcing of collective agreements, promoting and establishing training and education schemes, establishing and administering pension, medical and other funds. Dispute resolution mechanisms are to resolve and prevent labour disputes and to establish and manage a fund towards the resolution of disputes (SALGBC Constitution)



### **3.10.1 COLLECTIVE BARGAINING INFRASTRUCTURE**

The Employer and Labour in the eThekweni Municipality decide the most appropriate levels for collective bargaining. The decision on the structure of collective bargaining is an important facet in South Africa especially due to the relationship with the trade unions and collective bargaining is important. It is however, a complex decision and has to be tailored to external claims such as legislation and elements of the organisation. For the following reasons amongst others, it is important to decide at what level and with whom negotiations will take place:

- It should regulate which employees are covered by collective agreements;
- It should assume the degree of the trade unions' influence in the organisation;
- It should assume the degree of direct and indirect worker participation in management decisions, and
- Ultimately, it should assume the degree of conflict between the trade unions and the employer.

Since trade unions dispute that bargaining should be to their advantage, conflict between trade unions and management is always a possibility if the two parties support radically different opinions. Change is constant and it is essential for management and organised labour to review the collective bargaining environment at regular intervals (SALGBC Constitution).

### **3.11 MANAGEMENT AND SHOP STEWARDS INTERACTION**

The implementation of a policy is not carried out by senior management but rather by line management in their daily communication with employees in the municipality. It is the responsibility of Human Resources (HR) officials to place the skills in the hands of the public manager to deal with issues of dispute because managers must become more and more their own HR managers. In this way, supervisors and shop stewards will attain greater clarity about their role.

The shop steward plays a pivotal role in the municipality environment. He/she performs his duties in the course of his employment and is the one official who can directly represent the workers' interests concerning both management and the union. He also acts as a link between the union and the workers and the union and management (Swanepoel, 1999: 21-42).

The researcher provides from his experience that workers are the important link, the one who understands what is happening on the shop floor and who represents and upkeeps about the trade union's interests. At the same time, shop stewards as employees have to do justice to their normal duties. Sometimes they are first line supervisors who were promoted. It must also be noted that many supervisors are members of a trade union. This places them in a complex situation as a shop steward especially when it comes to negotiations and disciplinary matters. Given all these complexities, top management in the public sector will have to reflect the role of the shop steward with regard to the employment relations' management. The specific functions and rights of shop stewards are usually negotiated as part of a collective agreement. The role and operation of shop steward committees and the general functions, rights and duties of role players are defined at organisation level. Thus while general guidelines exist, the actual details will ultimately rest on the grand strategy decided on by management.

The researcher mentions that in formal trade union recognition and bargaining strategies there will obviously be more emphasis on agreements and the administration of agreements, while the casual cooperative and constructive part that can be played by shop stewards will vary according to the specific grand strategy. For example, shop stewards might participate in various customary personnel management decisions on issues such as appointments, career changes, job evaluation, performance assessment and training and development. Decision-making on the role of shop stewards is a crucial matter that affects the

way in which an organisation manages its employment relations (Swanepoel, 1999: 21-42). An emphasis on the rights and functions of a shop steward follows.

### **3.11.1 RIGHTS AND FUNCTIONS OF A SHOP STEWARD**

A shop steward is an employee elected to represent a group of employees at a unit of the employers' organisation. He/she then represents the "constituency" at the branch and national level of the union. Some people describe a shop steward as a representative who is accredited by the trade union, and who acts on behalf of trade union members in the department where he/she works.

### **3.11.2 POSITION OF THE SHOP STEWARD**

The researcher reflects that the shop steward stands in the age-old conflict between labour and management, and consequently has a two-fold task. Firstly, he is a worker and secondly, an office bearer. As a worker his position is regulated by the contract of service with the employer. He is thus an ordinary worker with basically the same rights and obligations as his co-workers. Naturally the shop steward will work on the "factory floor", because that is where he associates most closely with the fellow worker, and because he does not obviously fit into the higher hierarchical structure of management. Because of the development of organised labour, the trade union has increasingly become the personification of labour, thereby at the same time ensuring an effective communication system with management. This development then produced the concept of the shop steward and this is where they enter their second role, namely that of office bearer of the trade union. As the trade union office bearer their duty is confirmed and their appointment and conduct regulated according to the stipulation of the trade union constitution, which in turn must comply with the relevant organizational rights agreement negotiated with the employer. A prerequisite for being appointed as shop steward however is that he should be a member of the trade union.

### **3.11.3 ROLE OF THE SHOP STEWARD**

The primary role of the shop steward is to ensure and maintain equilibrium in the employment relations between management and labour. The framework of existing rules and regulations is precisely that which creates efficient liaison between the interests of management and workers. In maintaining this position, the shop steward approach must be objective towards resolving problem situations between management as well as towards their fellow workers. The shop steward has the most important task of discussing a legitimate grievance of workers with the relevant supervising official. Should this produce an unsatisfactory result, the discussion on the matter is further dealt with by the higher authority in management. Reporting it directly to the union branch office for further action depending on the importance of the matter is then pursued. The shop steward actively engaged in forming working groups where appropriate, as joint consultation between management and workers for discussing common problems for example, clothing allowance, sanitary ablution facilities, parking for staff, year-end parties etc. The number of shop stewards elected will depend on the size of the membership of the depot, which is determined within the collective agreement. The shop steward performs duties in the course of employment and is the one official who can directly represent workers interests toward both management and the union. To the management he shop steward represents the union, while at the same time being one of their staff (IMATU Handbook on Shop Stewards Duties - Undated).

### **3.11.4 QUALITIES OF A GOOD SHOP STEWARD**

If he wishes to perform his role effectively, the shop steward should have the respect and trust of the union, his fellow employees and management. Furthermore, he should be an effective communicator or be trained to make independent, objective judgments and to reach rapid decisions where necessary. Most importantly he should be committed, diligent and fair-minded, and should be

knowledgeable in union, employee and even management affairs. There is no doubt that in the performance of their duties, the shop steward must have the confidence of both the management and workers. The shop steward must be a good listener of arguments from both his fellow employees and management. He must be fair but firm with both parties and must possess the ability to distinguish between real and imaginary grievances. The extensive nature of the task demands thorough training, patience, insight and diligence, since he still has to perform his normal daily task in addition to his trade union activities (IMATU Handbook on Shop Stewards Duties - Undated).

### **3.11.5 FUNCTIONS AND DUTIES OF SHOP STEWARDS**

Some major functions of the shop steward are cited as follows:

- To carry out their duty as members of the branch committee;
- To be responsible for the effective organisation of the branch;
- To report to the branch committee on all problems which arise amongst members, or between management and members, and
- To enroll new members to the trade union to strengthen the membership.

Since the shop steward is knowledgeable of the regulations of the trade union's constitution particularly in matters pertaining to membership and benefits, he/she must inform and assist members when completing and submitting claims for appropriate benefits. On the one hand, he/she must encourage members to attend trade union meetings regularly and actively participate in discussions. On the other hand, he/she must also keep the trade union informed about the needs of his fellow workers in so far as matters affecting the workers (IMATU Handbook on Shop Stewards Duties - Undated).

The shop steward guards the interests of members and represents them to ensure that:

- management observes all stipulations of an agreement;
- management comply with safety regulations and all accidents and injuries are reported as required by law;
- workers consult the notice board periodically in order to keep abreast of the latest developments, and
- advise and assist members in matters concerning statutory council benefits.

The shop steward must perform his/her negotiation functions, for example, discussing valid complaints with management and discuss resolutions of with workers and then testing their views through feedback sessions. It is also the shop steward's duty to ensure that workplace relations are maintained. They must ensure that any arrangement between the union and management is properly implemented. Workers must receive the negotiated benefits and the agreement procedures and ensure that management and employees alike comply with them. The shop steward represents fellow workers at disciplinary hearings and usually plays an integral role in the conduct of grievance procedures. Management also discusses problems they experience in the workplace with the shop steward (IMATU Handbook on Shop Stewards Duties - Undated).

### **3.11.6 RIGHTS OF THE SHOP STEWARD**

A shop steward performs duties in the municipality in terms of the ORA, and will be called to perform certain functions during normal working hours. Therefore his work may have to be interrupted to bring an urgent matter to the attention of management to negotiate on behalf of a fellow employee during the conduct of grievance or disciplinary procedures. Thus the shop steward is allowed greater flexibility than other employees and will be permitted to leave his point of duty at short notice to a workplace related matter that requires his attention. This may

lead to friction where supervisors may not wish to release him from the workstation. Some supervisors resent the freedom granted to shop stewards and the behavior adopted by the unions. Employers, who regard the shop steward as extremely valuable in their communication with employees and the union, may agree to appoint a full-time shop steward (IMATU Handbook on Shop Stewards Duties - Undated).

How much immunity does the shop steward have whilst performing the duties? eThekweni Municipality has to encounter with the determination of the limits of immunity that will be extended to shop stewards. This will have to be an objective determination that has far-reaching implications. Discipline of shop stewards is unheard of in the eThekweni municipality due to the relationship that exists.

Both labour and management are obliged to show each other mutual respect at whatever platform. During negotiations threatening remarks uttered by a shop steward towards management may be taken seriously. The adversarial approach is common practice during periods of negotiations but this has limitations. Against this background, the ability to negotiate and compromise builds up healthy industrial relations. The refusal to consider other points of view can be construed as negotiating in bad faith. Shop stewards are elected to represent the interests of their members at all times. In their pursuit to represent members they ought to be protected against being victimised for doing so. However, they should not resort to defiance and confrontation. When a shop steward approaches or negotiates with an official, he does it on an equal level to management (IMATU Handbook on Shop Stewards Duties - Undated).

The rules applicable to the labour representatives and management together are somewhat relaxed but this should not be seen as a license to display disrespect or rudeness. There are limitations of course that should be observed. Once the conduct of the shop steward is violent, militant and disrespectful, disciplinary measures would apply, irrespective of the position he/she occupies. These

actions or disputes must be considered within the circumstances of the respective cases.

### **3.11.7 SHOP STEWARD COMMITTEE**

The author of the research states that usually shop stewards from the union will establish a shop steward committee in the eThekweni Municipality. The main function of this committee is that of co-ordination but it also serves as a forum where shop stewards can discuss problems and strategies within their unit. It is customary for a shop steward committee to be granted a certain amount of time per week to hold meetings and discuss local problems. In terms of the ORA, the shop steward is granted 2 hours per month to engage with his membership in meetings.

### **3.11.8 SHOP STEWARD POWER**

The power vested in the shop steward depends largely on the type of industrial relations system that exists. The level at which collective bargaining occurs depends on the trade union, and the shop steward themselves. In some instances, the shop steward wields tremendous power and acts relatively independently of other union officials, while in others they are allowed to act only as intermediaries between the union and management, and the union and its members. When shop floor organisation of members is strong and collective bargaining takes place at shop floor level, the shop steward gains in popularity, importance and power. Essentially, they are expected to act as a liaison for the membership and should be proactive or reactive in their own right. Within the reality of arbitration and even labour court decisions, employers are sometimes saddled with decisions that they need to implement, for example, the reinstatement of employees. A shop steward's conduct can be said to fall within the realm of fair and acceptable bargaining tactics to exercise his functions. When the employer considers instituting disciplinary action against a shop steward, an



objective consideration will need to be undertaken. The basis of analysis should be whether the shop steward violated the threshold between acceptable or unacceptable behavior (IMATU Handbook on Shop Stewards Duties - Undated).

### **3.11.9 PARTICIPATIVE MANAGEMENT**

Participative management in the workplace is increasingly making its presence felt in the workplace. Although it seems to be the latest trend, the pace or progress made is still slow. Management personnel have gradually started to entrust their power to colleagues with important tasks, thereby making them accountable for sound and desirable decisions. Empowering people by giving them the tools, skills, motivation and authority to make decisions with the use of information technology help people reach performance goals. The emphasis on multiple competencies within the organisation is a measure for employee fulfilment and financial contribution. The corporate culture of openness, co-operation and collaboration is a continuous culture that would emphasise or focus on employee empowerment (Daily News, Workplace, 2005: 3).

### **3.11.10 SHOP STEWARDS' NEGOTIATIONS**

Shop stewards engage in formal collective negotiation. Many issues are now bargained at a national or divisional level within the SALGBC. This involves very few worker leaders nationally or in the divisions. At the local Municipal level, shop stewards sit across the table to bargain directly with the employer in Local Labour Forums (LLF) otherwise known as "workplace forum" in the current LRA. The leadership of the respective unions would determine their representation at forums. However, a large number of shop stewards do not play such a role, which is to the detriment of the members. All shop stewards should be involved in negotiation through grievance handling. The dangers of elites within the core group who take up the roles of negotiators should include the office bearers of the Shop Steward Council (SSC). Office bearers are responsible for arranging

meetings. The core group as a whole should be elected to deliver a spread of people across service units or the Municipal area. They are elected by the committee and must report to it after every meeting. They are not to engage with management and councilors without any feedback. Similarly, if the team includes a full-time shop steward, or if an official attends the LLF, they must report back (IMATU Handbook on Shop Stewards Duties - Undated).

It is about the disseminating latest information and also getting issues of concern from the shop floor. There are collective responsibilities and educational duties by the shop stewards. Rank and file shop stewards also have a responsibility to build unity. All negotiators must report back to all other shop stewards and/or members on what has transpired at any forum. Education of their fellow shop stewards about the issues under negotiation is fundamental. Finding other ways of involving other shop stewards in gathering information or undertaking other events to support the union's proposals is paramount. They must hold feed-back meetings. Shop stewards must seek to develop their own understanding of the issues being negotiated so that they can test weak negotiation. They should identify matters of a collective nature that need to be undertaken at the LLF. Holding shop stewards to account does not mean trying to break them down or discredit them or is it about attacking every negotiation they undertake. It is about expecting clear and honest answers from them. The worst kind of shop steward is the person who is unwilling to bring bad news to the membership (IMATU Handbook on Shop Stewards Duties - Undated).

### **3.12 BARGAINING AND POWER**

Bargaining is about power in numbers to achieve the best result. The apparent weakness of the negotiators often stems from the members' limitation. The shop stewards rely on is the mobilisation of members. If members do not show any interest then the employer will ignore the negotiators. If the issue is a central issue such as wages and yet workers are quiet then the employers will ignore

their demands. The biggest weakness amongst members and many shop stewards is that they think the union is only about wages and working conditions. Many shop stewards fail to teach members about other matters that should be taken seriously. Education and training decisions are left to management and that should not be the case. The employer ignores issues because of the lack of input from the union which is evident in the LLF within the different Units of eThekweni Municipality. Good negotiators need to be persuasive and able to get the employers to change their mindset. Uninformed argument and reliance on personal argument does not influence the process. There is no point in getting angry with the employer because shop stewards have not mobilised members or studied the facts and developed their arguments. Most agreements do not reveal an outright winner, but a balance of power between the parties.

### **3.12.1 NEGOTIATING COLLECTIVE AGREEMENTS**

Collective bargaining is a process necessitated by a conflict of needs, interests, goals, perceptions and ideologies, but resting on a commonality of interest. It is the application of pressure and counter pressure in the attempt to achieve some balance between the fulfilment of the needs, goals and interests of management on the one hand and employees on the other. Depending of the nature of the relationship, each party's source and use of power and the strategic effectiveness of it will prevail. In the public sector, the manager has to take cognisance of the environmental conditions because the trade union representatives have wealth knowledge on labour relations activities (Swanepoel, 1999: 69-70).

People bargain with each other virtually every day. Sometimes these negotiations are intricate and sometimes they are simple. Of course we negotiate with our families about which friends to visit or which television programme to watch, and children bargain about which games they are going to play. At work we negotiate with superiors and sub-ordinates about issues such as time off, or how to cope with budgetary constraints. Negotiation is a wider

concept than collective bargaining, because negotiation takes place in every sphere of life. From a labour relations perspective, however, negotiation is a narrower view than collective bargaining. Collective bargaining in labour relations includes actual negotiations, which concerns the actual execution of certain arrangements. Competent negotiators are rare, and specialised and intensive training is needed to be successful. The public manager has to be wary of this because the trade union official is exposed to this environment in his daily activity (Swanepoel, 1999: 71-72).

### **3.12.2 STYLE OF NEGOTIATION**

The shop steward must understand the importance of careful exploration. The hallmark of a good shop steward is the anticipation of the moves the employer might make. Preparation for negotiation therefore means not only preparing of own arguments, but also foresees the opponent's reaction. Indeed, the good shop steward must not only be hopeful of such responses, but also consider on such responses to further his aims. The good shop steward must manoeuvre his opponent into awkward positions, perhaps thereby to ready himself for the real goals. A number of negotiating styles can bring about this result. For example, one scheme at least in bargaining is for the parties to itemise the various issues between them. As the parties go down the list, the good shop steward will obtain the agreement of the other party to as many of these items as possible, while agreeing to only the least disagreeable items. The shop steward knows a number of methods that only through careful advance planning however, can such methods bear gainful results in the negotiation (McCormack, 1995: 9-14).

The talent of the negotiator is dependent on the basics of speed, co-ordination and intelligent responses. There is a difference between being liked by the opposition and indeed to be liked. Intellect, charm and honesty can influence the opponent to either weigh on an issue or more likely to yield if they like you. But self-confidence and mental toughness can provide the killer instinct. The

negotiator does not necessarily need to be the smartest person in the room. The reminder is that any issue must commence and improve progressively. The astute shop steward is that what keeps the opposition off balance. The tough competitor should have people sense, integrity, and an eye for crucial detail in the big picture (McCormack, 1995: 9-14).

In every negotiation there are usually the minor and major issues to contend with. The minor issues that the management proposes can derail the shop steward's concentration. The astute shop steward must pay careful attention to the minor issues in a negotiation and it is always important to question the other side's insistence on the minor issues. The simple act of questioning each minor point can tell one much of the other side's intentions, and this could possibly save one from being distracted. The decision-maker on the other side will assist by buying your proposal. The act of listening can be very persuasive (McCormack, 1995: 17-23).

In the eThekweni Municipality, re-negotiation into the contract does occur sometimes because circumstances change. It is easier to open a negotiation if the stakeholders recognise the changing circumstances. These negotiations in certain circumstances lead to disputes, for example, ORGANISED LABOUR bargained in bad faith. The parties had signed a negotiated agreement on the Conditions of Service (COS) but labour lodged a dispute on certain chapters of the COS. The dispute was lodged at the Labour Court for adjudication. Disputes in the workplace are conflict driven and their handling would have an important influence.

### **3.13 DISPUTES IN THE WORKPLACE**

Labour relations are conflict-driven. The emphasis on operational labour relations practice has diminished along the way. Their handling naturally has an important influence on the quality of employment relations in an organisation.

Collective bargaining has traditionally been seen as the primary, dominant activity in the workplace (Swanepoel, 1999: 69-70).

Success in understanding the nature of grievance procedures, can be attained by understanding the following:

- definition of a grievance;
- nature and causes of grievances;
- nature and content of grievance procedures, and
- employer/employee interaction in grievance procedures.

The definition of the term grievance has presented problems, especially since it presents a negative connotation. A complaint by an employee is not a grievance but dissatisfaction emanating from an employee's emotional status. The complaint does not have to undergo the formal process to be rectified. A dispute/grievance lodged by an employee on the other hand is an alleged violation of workers' rights. A controversial issue of dispute must be considered to be important. The matter must be accepted as being contentious by those who hold opposed views and must be actively debated (Thomas, 1993: 13-14).

The chances of resolving a controversy depend partly on the nature of the grounds for the dispute and the manner in which the dispute is managed. The approach to sorting out the conflicting ideas bears heavily on the likelihood of success. Another approach is that of dealing with the matter in a close-minded way with a view to have one's own pre-established position to prevail. The third approach is to incorporate other's ideas into one's own to explore and understand opposed arguments and viewpoints and their rationale. This productive approach helps better to appreciate shortcomings and to develop a fresh viewpoint. The resultant position is likely to be of higher quality having examined alternatives (Thomas, 1993: 25-27).

There is a high level of ignorance on the provisions of labour legislation and there is sometimes willful non-compliance by the management in the Municipality. The broad objective is to get the parties to move away from an adversarial approach to developing the level of understanding of labour laws. For example, in the eThekweni Municipality, controversial issues are taken to arbitration or labour court to get an award to settle a dispute. The awards made against the municipality runs into huge financial losses.

### **3.13.1 TYPES OF DISPUTES**

An employee in distress will not have to evaluate the dispute and should have the right to lodge a grievance. In addition, the employee should not return dissatisfied to the workplace because the complaint was unheard. By addressing employee interests, the organisation would minimise the employee's tendency to reframe conflicts as statutory violations. Including interest-based conflicts in the dispute resolution process makes early resolution possible and maximizes the wide range of benefits possible in dispute resolution ([www.mediate.com/articles/janis](http://www.mediate.com/articles/janis)).

### **3.13.2 WAGES AND CONDITIONS**

Negotiations over terms and conditions of employment take place through centralised negotiations. Salaries and conditions of service in the Municipal Sector are negotiated in the central structures of the SALGBC. It does mean that most shop stewards do not directly bargain salaries and conditions because they do so from a position of mandated collective strength. It must be noted that the role the shop steward performs is one that is linked to the shop floor.

- ***The Struggle for a Living Wage***

The struggle for a living wage is not just talking about a minimum wage rate or the size of the salary pay packets. This term is always used to express an economic struggle for

equality and fairness to create a "living wage for all." So when this term is used it is talking of a "national minimum wage" or a particular "rate of pay" for municipal employees. Organised Labour bargains over salaries in the Municipal Sector through the SALGBC at a national centralised level. A single national minimum wage was identified as a national goal. The struggle for a national minimum wage is a struggle to achieve a minimum that provides the worker with sufficient income to live a full and proper life (South African Municipal Workers - MANUAL 4 for Shop Stewards).

- ***Making Wage Demands***

There are two basic types of across the board increase. It can either be done as a Percentage increase across the board or Money amount increase across the board. These two types of methods have different results. Percentage increases widen gaps between wage levels – the gap between bottom and top increases. Those who are paid more get a larger increase. If the same money amount is paid to lower and higher earners then the lowest get the biggest percentage increase and the higher wages get a lower percentage. The wage gap stays the same. Lower paid workers generally prefer a money amount (South African Municipal Workers - MANUAL 4 for Shop Stewards).

### **3.14 WORKPLACE REVOLUTION**

Much of the energy of South Africa's transition to democracy was generated in the field of labour relations. Trade unions serving the interests of black workers grew rapidly using strike and stay away action to pressure for change on a wide front of labour and political issues. Employers were pressured into collective agreements at industrial level. The labour movement did not confine its energies to the labour field, but protracted its actions to resist government reform in the political arena and to mount campaigns for political transformation on its own terms. The National Economic Development & Labour Council (NEDLAC) was established in 1994, giving statutory life to an evolving tri-partism in the country. Its first major success was the negotiation of the Labour Relations Act of 1995 (LRA), which *inter-alia* institutionalised conciliation in dispute situations. It is obligatory for all disputes in the municipality to be referred to conciliation either



through a bargaining council with jurisdiction or through the Commission for Conciliation, Mediation and Arbitration (CCMA). The CCMA commissioners are empowered to determine a suitable approach to attempt resolution of a dispute. If conciliation failed to achieve a settlement on certain matters, they are informed to proceed to arbitration. Not only is conciliation now obligatory; the CCMA commissioners have considerable latitude in conducting the process according to their judgment of what is suitable. For example, a party's refusal to participate in a conciliation/arbitration matter would not constrain a commissioner from exploring an issue with the party present and making an award.

As the eThekweni Municipality achieves higher levels of performance with limited resources, there would be evidence of increased emotional and physical stress amongst managers and workers alike. Wages, benefits and job security would be under threat.

### **3.15 PROCESS OF ARBITRATION**

Arbitration is the traditional form of private dispute resolution, which is a mandatory procedure. It is administered by the SALGBC that maintains lists of available arbitrators and provides rules under which the arbitration will be conducted. The SALGBC manages the arbitration in whole. Parties to the SALGBC often select arbitrators on the basis of substantive expertise. Arbitration is ad judicatory as opposed to advisory, because of the fact that the arbitrator adjudicates a decision at the end of an arbitration hearing and that decision is final and binding, subject only to a court review (SALGBC Constitution).

Arbitration is driven by a pre-dispute contract entered into by the parties. The parties in eThekweni chose an administering authority, such as SALGBC, that would govern the procedure that will be followed. They can have a *de novo* (second trial) after they have gone to arbitration. Unless otherwise agreed, the decision is legally binding except in extremely limited circumstances, such as in

the case of fraud or collusion on the part of the arbitrator. In general the arbitrator should be a neutral person chosen by the parties.

The arbitrator reads briefs and documentary evidence, hears testimony, examines evidence and renders an award after the hearing. Once confirmed by the SALGBC, the award is subsequently entered as a judgment (SALGBC Constitution).

### **3.16 CONCILIATION/ARBITRATION: GRIEVANCES**

All too often stakeholders appear to get involved at conciliation/arbitration, post the grievance process, in matters that are indefinable in terms of the Labour Relations Act (LRA) as required by the constitution of the SALGBC. The grievance procedure agreement states, that, if the grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the SALGBC for judgement.

Whereas the constitution of the SALGBC states:

"10.6 Disputes referred to Council for conciliation

10.6.1 in this clause, a dispute means any dispute that may be referred to a Bargaining council in terms of the Act . . . . .” and,

"10.7 Disputes referred to Council for arbitration

10.7.1 For the purpose of this clause, a dispute means any dispute that has been referred to conciliation but remains unresolved after 30 days of the referral and,

10.7.1.1 the Act requires that the dispute be arbitrated and any party to the dispute has demanded that the dispute be resolved through Arbitration; or

10.7.1.2 all the parties to the dispute consent to arbitration; or

10.7.1.3 it is a dispute about the explanation or application of the provisions of this constitution." (Allistair Peter; AGP/Sc/Conciliation Arb: 4 July 2005).

As most grievance disputes referred to conciliation/arbitration is described by employees/their representatives as an "unfair labour practice" (ULP), these

must comply with the LRA, as set out by the SALGBC constitution before it is mandatory to submit to arbitration.

The Act clearly defines ULP in Section 186 as:

"Unfair labour practice" means any unfair act or omission that arises between an employer and an employee involving:

- Unfair conduct by the employer relating to the promotion, demotion, probation (excluding disputes about dismissals for a reason relating to probation) or training of an employee or relating to the provision of benefits to an employee;
- The unfair suspension of an employee or any other unfair disciplinary action short of dismissal in respect of an employee;
- A failure or refusal by an employer to reinstate or re-employ a former;
- Employee in terms of any agreement; and
- An occupational detriment, other than dismissal, in contravention of the protected Disclosures Act, 2000 (Act 26 of 2000), on account of the employee having made a protected disclosure defined in that Act.

It therefore follows that the employee must not to allow issues to be referred to arbitration where there is no requirement to arbitrate such matters. Objections should be lodged at the conciliation stage of a dispute where it will be necessary to provide a conciliator with all the necessary information. This must include the grievance procedure agreement, constitution of the SALGBC and the definition of an ULP as set out in the LRA resulting in a settlement or withdrawal of the item by the grievant. Should the employee/the Unions force the issue to be heard by an arbitrator, a *point in limine* must be argued that the matter is not arbitrable, has already been before a conciliation process and we do not consent to arbitration in terms of 10.7.1.2. of the SALGBC constitution. (Allistair Peter; AGP/Sc/Conciliation Arb: 4 July 2005).

### 3.17 CONFLICT MANAGEMENT

The concept *conflict* usually has an adverse connotation. Most people are opposed to it. Most people would prefer to avoid conflict altogether rather than to handle it. The likely reason for this is that conflict is associated with hostility, defensive behavior and lengthy trouble dominated by loss, suffering, damage and bad intentions. Conflict is perceived as a negative element that should be avoided as far as possible. Informed people, however, regard these assumptions as mistaken. It should be understood that conflict is a normal by-product of all human interactions: that is why it is present in any work situation. Tension in working situations is common and management is constantly in search of new ways of handling it. Therefore conflict should be accepted as a fact of life and understood (Swanepoel, 1999: 106-108).

The researcher has identified that conflict is an essential element in all social interaction. The task of conflict management should be to comprehend why and how various forms of conflict occur? It should be understood how it could be diagnosed and used to the advantage of all parties involved. Conflict is always present in labour relations. For example, in SALGBC negotiations, if a trade union wants a wage increase of 22% whereas the employer representatives regard 8% as the maximum that can be granted, conflict arises. Conflict would occur when there is a gap between parties' points of view, or when they have opposing objectives, and ideas. If this were not so collective bargaining would not be necessary – not even integrative bargaining. Conflict that is correctly handled can be a powerful constructive force that in fact revives relationships.

For example, conflict can:

- Be a source of energy, thus becoming a catalyst for change and adjustment;
- Make people sensitive to different needs, perceptions and ideas;

- Motivate parties to assess the power balance between them;
- Help to define the limits of acceptable behaviour in the future and
- Help to resolve accumulated frustration and tension, thereby creating a more positive climate (Swanepoel, 1999: 106-108).

In conflict people engage each other with amongst other things, their words, tone of voice, and actions. These are called conflict behaviours or styles which can escalate, ignore, or resolve disputes.

Conflict styles are generally not consciously chosen, but appear as actions that have been learned since childhood from everyday encounters, arguments, and disputes. Most people use their full range of conflict styles to one degree or another but reliant upon the nature of the conflict, prefer particular behaviours to others. Many factors influence conflict styles, including the other party's behavior, the context of the conflict, the goals being sought, the concerns for one's own goals versus one's anxiety for the other party's goals, and so forth. Conflict is emotional, conflict styles occurs preconscious and without conscious control or in conflict choice. Nevertheless, because of the intensity of the moment, consciously changing behaviors may simply be too difficult. Furthermore, we may intend to deal with the conflict in one manner only to find ourselves reacting to the style of our antagonist in a different manner. This is because much of our conflict behavior is preconscious, prompted and scripted by our experiences during childhood, our emotional development and adult life experiences. ([denoll@manageconflict.com](mailto:denoll@manageconflict.com))

No employer purposely arranges to have a hostile work environment. Yet the eThekweni Municipality's management makes common mistakes that can easily lead to an antagonistic work environment. However, even though these costly mistakes can be corrected.

### **3.18 EMPLOYEES DISREGARD FOR LABOUR RULES**

The objective of The Labour Relations Act is to provide for an inexpensive and speedy resolution of labour disputes.

Section 138(1) of the LRA confirms this by stating that commissioners must

“... determine the dispute fairly and quickly,  
and with the minimum of legal formalities...”

For a number of reasons, arbitrations and/or reaching the arbitration date in the eThekweni Municipality is frequently a cumbersome, time-consuming exercise, which in some instances, exceeds 12 months since the dispute occurred. It is normally in the aggrieved employee's (applicant) interest to get the matter timeously heard, whereas the respondent (employer) in some instances displays scant disregard for the grievance policy. This is of concern from organised labour that the employer does not deal with labour disputes in a sound manner, especially when they are vigorously defending weak cases. Some management representatives show flagrant disregard for the resolution mechanisms. A favorite tactic by the employer is the request for a postponement of an arbitration date scheduled by the Bargaining Council. The reasons for requesting postponement are in many instances seen as frivolous and vexatious. In many instances management of eThekweni municipality have issued disciplinary warnings without following due process in terms of the LRA. The ensuing chapter provides guidelines on the process that should be followed according to labour law.

#### **3.18.1 ISSUING A WARNING WITHOUT A HEARING**

There is the query of whether the employer is allowed to issue a disciplinary warning without convening a formal disciplinary enquiry.

Schedule 8 of the LRA at section 4 confirms that a formal disciplinary hearing need not precede disciplinary sanctions.

Section 4(1) of Schedule 8 of the LRA merely states,

“Normally, the employer should conduct an investigation to determine whether there are good grounds for dismissal. This does not need to be a formal enquiry.”  
Hearing ought to be convened unless Case law suggests that in cases of dismissal, a prior;

*The “overriding extremity”* prevents a formal hearing being convened prior to a dismissal *“such as potential danger to life or property”*. However, the issuing of disciplinary warnings is different. A formal disciplinary hearing need only be convened where, should the employee be found guilty, dismissal is a possible sanction in light of the gravity of the misconduct in question.

While good reason for discipline must exist, a formal procedure is not required every time an employee breaches a rule.

“It is a common and well accepted practice that employers discipline their employees without a hearing when they issue warnings or other disciplinary sanctions short of dismissal.”

It would be problematic to require employers to convene formal hearings for all disciplinary breaches, great or small. At the very least, employers should still allow an employee to reply to whatever complaint arises prior to issuing a disciplinary warning. To merely issue a written warning without permitting the employee to reply to the employer’s complaint would, in all likelihood, render such warning unfair. If the employer representative in the eThekweni Municipality were to proceed with issuing a warning without the due discipline process being followed, that would be rendered unfair.

### **3.18.2 COACHING IN THE WORKPLACE CONTEXT**

The word coaching appears repeatedly in the workplace. Coaching in the workplace embraces a very specific set of skills for the purpose of achieving its objectives. It is not teaching or mentoring or counselling or consulting. Only a skilled coach will know when to bring these elements into play when engaging into a coaching relationship. In a coaching relationship, the employee and employer should engage on a journey that will tap into their thinking and creativity. Coaching can be perceived in various definitions and it would depend on the environment. Coaching may be defined as the art of improving performances and development of self-awareness. It creates conditions that would provide for continuous development, thereby helping individuals and teams to define and achieve goals and to recognise their own strengths. Coaching can be related to the description of the daily experience that people are familiar with. A good coach would create a favourable working environment to encourage one to speak without interruption or judgement, to reflect and to learn. Each person of is a coach in some aspect of our lives, providing a mirror to help others to see where they are going (Daily News, 2004: 2).

### **3.18.3 DISCONTENTED WORKERS**

Pynes (2004:104-106), proffers that discontent among workers arises as a result of conflict in the workplace brought about by power struggles. This would normally arise as a result of differing points of view on an issue. Organisational culture is perceived to be valuable when it helps employees to expect job related behaviors and performance levels. The reason why certain efforts fail is that the problem is misdiagnosed and often the wrong solution is implemented and there is a failure to monitor and evaluate. Solving problems should be the optimising approach by managers. Dissolving problems involves changing the system and/or the environment in which the problem is embedded so that it would simply



disappear. This leads to low morale and bad labour relations. Because the “problem” did not go away, it would not be resolved and indeed, would get worse (Flood & Jackson, 1991: 147).

People feel secure in their ability to be territorial because it provides them with comfort knowing that they have control of the environment. It enhances their status and position and places them in charge of whatever situation may prevail. Managing people in the local government sphere and more especially in the eThekweni Municipality has historically been fraught with difficulties. It has been demonstrated that the fundamental relationship between the eThekweni Municipality (employer) and the employee is not a contractual one, but a relationship of power. There is the clear distinction between leadership and management. These are often misunderstood concepts in the Municipality.

#### **3.18.4 CONSTRUCTIVE CONFLICT MANAGEMENT**

Of due consideration is the issue of how have many people in the Municipality actually become managers. They may have been in the organisation for a long time and understand the functioning of the department better than anyone else. There are others who have expertise, education, and interpersonal skills that make them suited to leadership appointments. Others rise to management posts because they develop persuasive curriculum vitae, interview well, or are well connected in “high” places. In many instances, persons appointed into their first managerial position have one thing in common, and that would be that it is the first time that they have had responsibility of supervision over other people’s work and behavior. First time managers have to respond to people and build relationships. The patterns of relations would alter as new managers try to find out how to handle people through trial and error (Crawley, 1992: 6).

It is understood that the manager’s job is about organizing and developing systems and monitoring competence as well as ensuring positive interactions and relationships at work. In addition, there is a social and organisational context

in the form of good interpersonal skills that ensure a conflict-free environment. Managers come in to contact with others in the workplace for the provision of effectiveness and efficiency in getting people to get on with each other and with their work.

Common difficult situations are often a result of:

- Personality clashes;
- Threat of physical violence;
- Harassment charges;
- Disputes with the supervisor/manager, and
- Breakdown in working relationships (Crawley, 1992: 6-7).

Managers essentially are in a better position to have an influence on conflicts and contribute to a positive environment in the workplace. The manager has to be able to take the pressure and be decisive, but not to work against the employees' interests. A manager's capability and the manner in which he handles difficult situations and people is an important facet of the work environment. A manifestation of differences working against each other can be very explosive and as these differences clash, they can lead to untold damage (Crawley, 1992: 9-10).

Conflict situations in most instances need not always turn out this way. Constructive conflict management must endeavour to transform the situation and interact in meaningful exchange between the ingredients. This will ensure that when the sparks do fly, positive heat will be generated. Constructive engagement will destroy the ingredients and diffuse the surroundings. Instead of exploding, the situation must cool, readjust to one another and find a desirable solution (Crawley, 1992: 10-11).

People will need to develop a sense of facilitation, investigation, and conflict management techniques. A major achievement is getting the parties that are in

conflict to talk to one another. The humility of men and women who mediate is amazing, as they dodge insults from both parties in order to achieve a desirable outcome. They facilitate exchange and even progress towards the desired goal to ensure a win-win situation. The power of learning and the search for understanding is what should motivate conflicting parties to find more about what works. Being calm and able under pressure is how people should behave and react to others (Crawley, 1992: 10-13).

Conflict is often the reason for people not understanding one another in a discussion. This would be evident by: There are a few fundamental errors that occur in eThekweni Municipality that have to be rectified to ensure that fairness and justice are the end result in a conflict situation chaired by management officials. Grievances that emanate from the workplace are due to a lack of understanding of the fundamentals of supervising subordinates. The chance of resolving a controversy depends on the nature of the grounds for dispute. Also, the manner in which the dispute is managed bears heavily on the likelihood of success. Disputants must be prepared to explore and understand opposed arguments and viewpoints after thorough exploration of opposing positions (Crawley, 1992: 16).

Examples of poor listening skills include;

- Interrupting the speaker;
- Answering with irrelevant or unconnected information, and
- Misinterpretation and misunderstanding.

The researcher states that arising from the above statements; the typical communication channel exercise by sending a message from the front of the room ends up distorted, or is not the subject of discussion. This is typical of human behavior. Active listening enables the listener to gather information, acknowledge the speaker and also remain in control of the subject matter. Angry people need to be heard and they need no encouragement to let off steam. The

listener has to be sensitive to the speaker's feelings and offer encouragement to understand what the key issues are.

The important aspect in an organisation as large as the eThekweni Municipality is to be successful in the effective delivery of services. What is meant by success? The important factor is to find out who specifies success. It is ultimately the receiver of the goods and services, the ratepayers of the city, who will evaluate the performance of the service units of the municipality. These are people outside the team of specialists who cater for the needs of the community.

There are four terms to describe those roles outside the team of employees, which are significant in specifying success:

**The Customer:** the ratepayer outside of the service unit who utilises the services or products.

**The Client:** a unit may have its "customers" within the same organisation. For example, the personnel branch may see its clients as line managers. Clients therefore are customers within the organisation.

**The Users:** the information and technology department (IT) may develop a new programme for the Nursing Services unit. The *client* is the Nursing Services Manager, but the *users* are the data analysts who will operate the system on a day-to-day basis. They will have different needs and expectations.

**The Sponsors:** these are important people within the organisation, usually at a senior level above the operational level employees, in the hierarchy of the bureaucracy. The sponsor makes it clear that the services rendered must meet the customer's requirements. Negotiation with key people within the organisation must take place with these key personnel on a regular basis. While each employee has his own standard of performance, he has to know that he must

take responsibility for achieving the desired output (Hastings, Bixby, & Chaudhry-Lawton, 1988: 33-35).

It would be naïve to pretend that in service units conflict never occurs. Just the opposite happens in an organisation where people with different behavioral patterns exist. What is interesting to note is the manner in which these units go about resolving their conflict situations. Conflict is a necessary and useful part of team life. Conflict, which is properly managed and constructively employed, leads to greater understanding amongst the relevant stakeholders. It would provide energy to the team to emerge with new ideas towards the achievement of the Unit's tasks and objectives (Hastings *et al*, 1988: 111-112).

Conflict is a necessary and useful part of team life. Conflict, which is properly managed and constructively employed, leads to greater understanding amongst stakeholder's participation in the various committees, as alluded to in the next chapter.

### **3.18.5 APPROACHES TO WORKER PARTICIPATION**

Worker participation can take place from within the organisation, or through parties from outside the organisation. In South Africa, statutory bodies for worker input within the organisation include workplace forums, safety committees, working groups and numerous other committees, whose aim is to enhance the interaction between workers and the public manager on certain specific issues. Direct input occurs when a worker personally or directly participates in decision-making processes of the public entity. This is usually done on a voluntary basis and the matter of representation is therefore irrelevant. Indirect participation in organisational decision-making processes can by its very nature, only take place through shop stewards elected from their own ranks to participate on their behalf. Indirect participation from within the organisation is therefore equated with representation, but representation through shop stewards or other co-workers

who actually work in the workplace is direct representation (Swanepoel, 1999: 157-160).

Worker participation has considerable potential for empowering workers, improving the quality of employment relations and thereby increasing the competitiveness in the Municipality. There are, however, numerous challenges that have to be professionally managed and handled. Communication is a tool to promote effective labour relations. A good communicator never blames others for poor communication, as he accepts responsibility for transmitting and receiving messages correctly. One of the main features of a democracy are the open, honest communication which one finds in a democracy (Kemp, 1992: 53-54).

Although control is an important management activity, it is undertaken to ensure that the work is done properly. Many managers supervise very closely and the employees perceive this as interference in their work. It is also a sign of a lack of faith in them. Managers are often responsible for creating industrial unrest by placing their employees in these situations. Employees who feel powerless join trade unions to deal with management on their behalf and in this way they gain a measure of power. Effective interaction gets employees to be involved in decision-making and problem solving. They need to be empowered which has implications for their feelings of self worth, motivation, and participation in the organisation (Kemp, 1992: 71-76).

Verbal aggression tends to be destructive, and a common event in human communication. It poses a serious threat to effective communication and co-operation and hence to the success of any voluntary dispute resolution effort. It is said that it takes two to tango and it takes at least two to create conflict and to resolve it. Conflict involves interaction between or among two or more parties who have conflicting goals (Daniels, 1994: 3-5).

In the eThekweni Municipality, it has been noted that certain units are encountering problems, because they are adopting subjective approaches to managing people. An example of such a unit is the Health Unit, which recently had the Head and two Deputy Heads transferred to other Units within the Municipality. What is of importance is that people in management positions need to distinguish between destructive and constructive arguments.

### **3.19 CONCLUSION**

The chapter introduced the impact of labour relations within the sphere of local government. In order to understand the formation and role of organised labour, the historical perspective was explained. Shop stewards who interact with Management in the Collective Bargaining structures pursue the objectives of the Union within the constraints of statutory measures. The legislative framework makes provision for bargaining councils that constrain the activities governing management and organised labour.

The SALGBC is one such structure that provides guidelines to the eThekweni Municipality within which dispute resolution is managed. Therefore, the importance of worker participation together with human resources management as an intervention process is vital in constructive conflict management, as discussed in this chapter.

## CHAPTER FOUR

### RESEARCH METHODOLOGY

#### 4.1 INTRODUCTION

This research initially commenced by investigating the effectiveness of the SALGBC. It immediately became evident, that there may be the notion that awareness of processes in resolving conflict is unknown especially in the eThekweni region, judging by the number of disputes that arise. Less is still known of the bargaining council's input in relation to resolving conflicts. The study, on which this research is based, focuses on a theoretical and descriptive discussion relating to dispute resolution. The research utilised different methodological approaches including both qualitative and quantitative tools. There are a variety of approaches and techniques that will be used in this research. The main techniques include:

- 100 questionnaires, which were handed to a cross-section of the spectrum under investigation;
- Interviews, which were conducted either face-to-face or telephonically;
- A document study, which included information gathering to provide a theoretical and practical perspective from contemporary sources, *inter-alia*, books, magazines, newspaper articles, journals, periodicals and the Internet, and
- Surveys, which were carried out to collate the information and provide recommendations to improve the dispute resolution mechanism in the municipality.

Through the above research approaches, the researcher intended to highlight the extent of transformation in the dispute resolution system at eThekweni Municipality.



Key questions to be answered in the research were:

- Which dispute resolution policies have been documented?
- What conflict management measures are currently used?
- What are the current dispute resolution procedures that are available?
- How is the management of disputes conducted in the workplace?
- What types of dispute resolution training exists in the organisation?

The researcher investigated the following:

- Sources that are vital for the investigation to be effective;
- What gives rise to grievances in the workplace;
- Comparison and contrast of the trade union and the relationship with its membership and the employer component;
- The policies and procedures that currently exist in the environment;
- The legislation governing the employee/employer relationships, and
- The programmes that are in place to effectively achieve the desired effect.

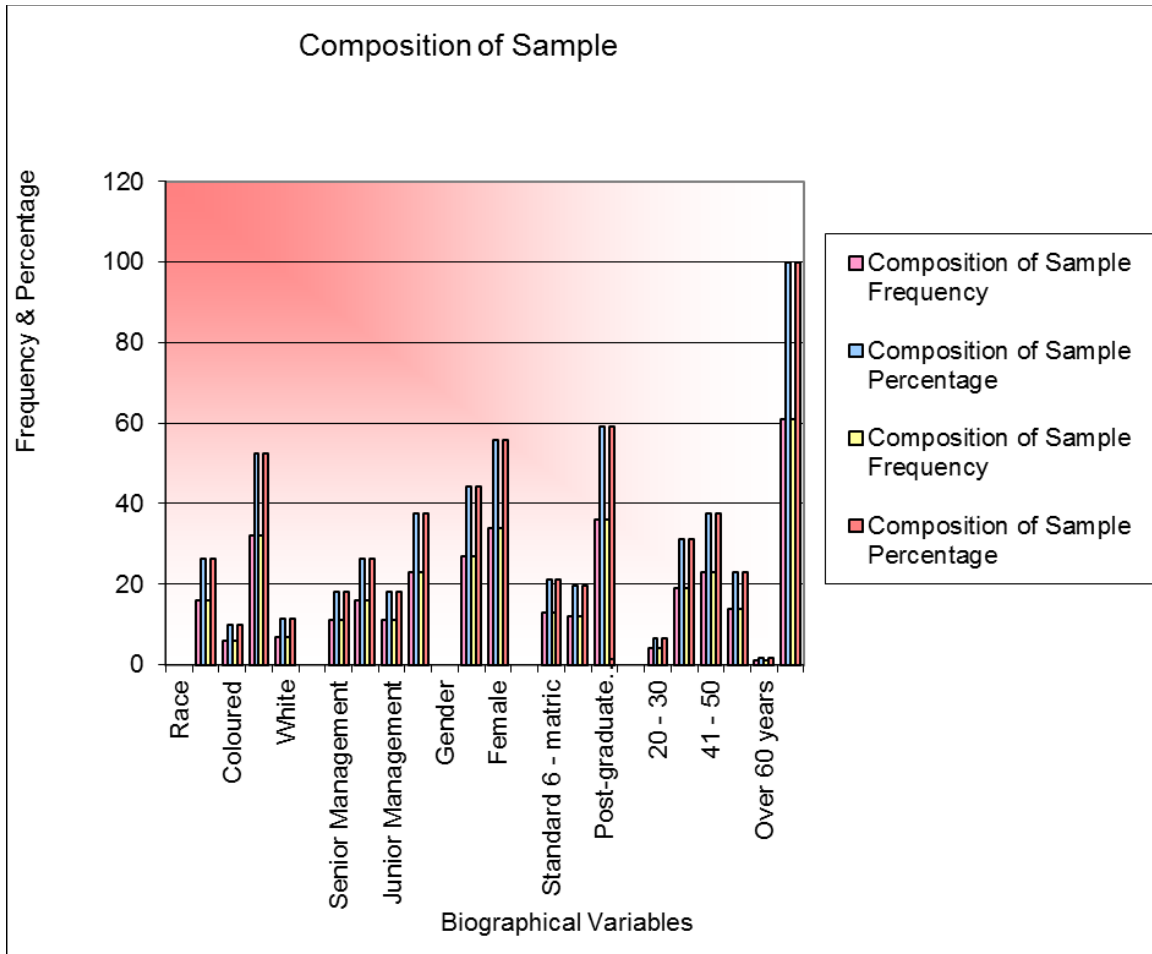
The respondents were required to complete a questionnaire that was handed to them. Precise conflict questions that required closer introspection were included. The questionnaire focused on biographical data and elements governing dispute resolution. The research discussed the findings of a questionnaire administered to management and employees. In total, 61 people completed the questionnaires. The end result provided an indication of how this council functions in relation to conflict resolution and its effectiveness in eThekweni Municipality. Table 4.1 on page 115 provides a breakdown of the composition of the sample that assisted in the research.

**Table 4.1**  
**Composition of Sample**

<b>Biographical Variable</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Race</b>		
African	16	26.2
Coloured	6	9.8
Indian	32	52.5
White	7	11.5
<b>Employment Category</b>		
Senior Management	11	18.0
Middle Management	16	26.2
Junior Management	11	18.0
Other	23	37.7
<b>Gender</b>		
Male	27	44.3
Female	34	55.7
<b>Qualification</b>		
Standard 6 - Matric	13	21.3
Certified courses	12	19.7
Post-graduate qualification	36	59.0
<b>Age</b>		
20 - 30	4	6.6
31 - 40	19	31.1
41 - 50	23	37.7
51 - 60	14	23.0
Over 60 years	1	1.6
<b>TOTAL</b>	<b>61</b>	<b>100</b>

#### **4.2 OUTLINE OF METHODOLOGY**

The research recognised potential strengths and weaknesses as the selected findings were presented. The accumulation of information and data and the research approach taken enabled the outcome to bring about creative changes in the eThekweni Municipality. It is interesting to note that the different demands that were encountered in this research brought expectations of the different dimensions. This research is about deriving information from the relationship between the variables. The exploratory nature of the questionnaire recorded reasons why there were certain occurrences or what caused the situation. A questionnaire was utilised to gather information.



The research identified a key concern that was not undertaken previously in eThekweni Municipality. The hypotheses contributed to the development of knowledge of the variables that are involved in this research. Apart from the theoretical knowledge gained from literature, the researcher applied/integrated self-knowledge to enhance the assortment of information. The methodology undertaken was both of a qualitative and quantitative nature. This was due to the fact that the collection of statistics is not the answer to understanding beliefs or experiences. These are best understood through qualitative data.

### **4.3 SAMPLING PROCEDURE**

The sample was chosen to represent the larger whole of which they are a small part. The sample utilised was an important element to test the hypotheses. The random selection was a proportion of employees used to gather research data. Qualitative research method utilised was with closed questions specifically for fixed or limited responses. This enabled the researcher to quantify the responses easily. Participants/respondents were inducted prior to taking part in the survey.

### **4.4 LIMITATIONS OF THE STUDY**

The researcher managed the empirical study autonomously. There was limited supportive elements like a peer group or networking with others conducting research in a similar field. These could have assisted in the development and the seeking of ideas and suggestions. The time factor in completing this research was a drawback because the results of this study could have been put to good use in the municipality.

### **4.5 CONCLUSION**

The research utilised different methodological approaches with a variety of techniques. The questionnaire probed themes that related to biographical data and elements governing dispute resolution. The researcher encountered various challenges as mentioned in the “limitations to the study”, to enable the production of a statistical analysis with objective results. The descriptive statistics would enable the reader to make operational utilisation of the overall results.

## **CHAPTER FIVE**

### **PRESENTATION AND ANALYSIS OF RESULTS**

#### **5.1 INTRODUCTION**

The literature review was undertaken on the key dimensions of the study. In order to fulfil the objectives of the study and to test the hypotheses, an empirical study was undertaken. The data collected through the administration of questionnaires were captured using Excel and processed using Systat. The results of the study were obtained using both descriptive and inferential statistics and will be presented in this chapter with the use of tabular and graphical representation of data.

#### **5.2 DESCRIPTIVE STATISTICS**

The statistics captured from the study are indicated graphically with a narrative explanation. This would enable the reader to make cross references with ease of understanding the outcomes.

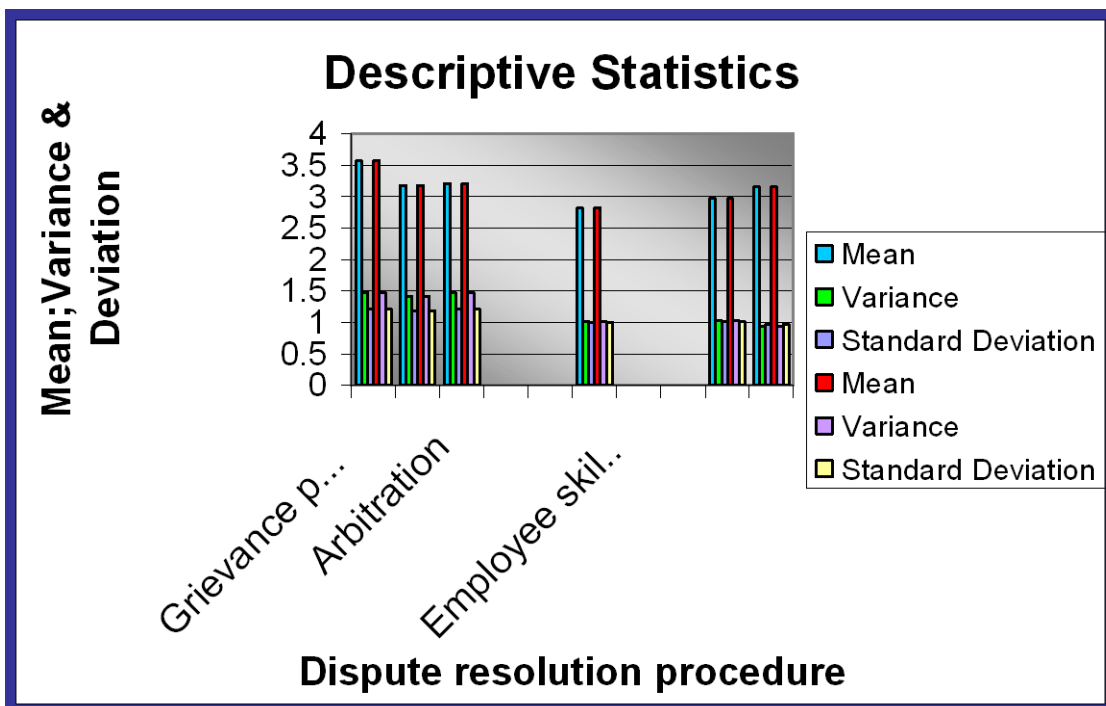
##### **5.2.1 COMMUNICATION OF DISPUTE RESOLUTION PROCEDURES AND SKILLS IN USING INTEREST-BASED AND RIGHTS-BASED OPTIONS**

Subjects were requested to indicate the extent to which dispute resolution procedures were communicated to them since joining the organisation and to reflect the skills of people in using interest-based and rights-based options using a 1-5 point Likert scale ranging from strongly disagree (1) to strongly agree (5) as depicted in Table 5.1.

**Table 5.1**

**Descriptive Statistics: Communication of Dispute Resolution Procedures and Skills**

Dispute Resolution Procedure	Mean	Variance	Standard Deviation
Grievance procedure	3.57	1.482	1.217
Conciliation	3.18	1.417	1.190
Arbitration	3.21	1.470	1.213
Employee skills for use of interest-based options (Conciliation)	2.82	1.017	1.008
Employee skills for use of rights-based options (Arbitration)	2.97	1.032	1.016
Communication - Overall	3.15	0.941	0.90



**Figure 5.1 Dispute resolution procedures**

From Table 5.1 it is evident that employees view the different dispute resolution procedures as being communicated to varying degrees, with the greatest level of communication being for grievance procedures (Mean = 3.57), followed by arbitration (Mean = 3.21) and lastly, conciliation (Mean = 3.18). However, it must

be noted that development is necessary in the communication of these dispute resolution procedures, as indicated by the mean score values against a maximum attainable score of 5. Employee skills for the use of rights-based options are negligibly better (Mean = 2.97), as compared to that for interest-based options (Mean = 2.82). However, against a maximum attainable score of 5, there is room for improvement in both. The overall communication mean score of 3.15 against a maximum attainable score of 5 again confirms development is necessary in terms of communication of dispute resolution procedures.

## 5.2.2 FAMILIARITY WITH POLICIES

Subjects were requested to indicate their perceptions regarding the extent to which employees are adequately trained or familiar with specific policies using a 1-5 point Likert scale ranging from strongly disagree (1) to strongly agree (5).

### 5.1 Dispute resolution procedures

**Table 5.2 - Descriptive Statistics: Familiarity/Training with regards to Policies**

<b>Policies</b>	<b>Mean</b>	<b>Variance</b>	<b>Standard Deviation</b>
Conditions of service handbook	2.74	1.397	1.182
Disciplinary code and practice	2.79	1.237	1.112
Performance appraisal	2.52	1.420	1.192
Employment practices policy	2.59	1.179	1.086
Familiarity/Training regarding policies – Overall	2.66	1.025	1.012

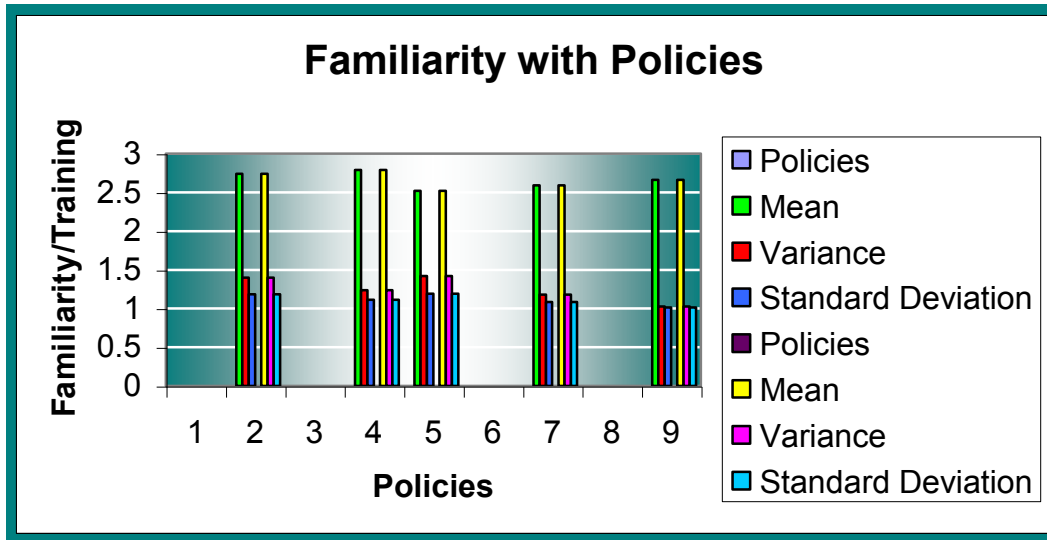


Figure 5.2: Familiarity with policies

Table 5.2 indicates that subjects feel that employees are not adequately trained or familiar with policies overall (Mean = 2.66). While familiarity/training with regard to policies differs across the various policies, the low mean scores reflect low levels of familiarity/training. These in descending level of familiarity/training are:

- Disciplinary code and practice (Mean = 2.79);
- Conditions of service (Mean = 2.74);
- Employment practices (Mean = 2.59)
- Performance appraisal (Mean = 2.52)

These policies provide direction and control within the organisation. The fact that the above results are a cause for concern means that the employees, from top management ranging down to the general worker, would require training as a matter of urgency.

### 5.2.3 PERCEIVED CAUSES OF DISPUTES AND APPLICATION OF GUIDELINES TO DISPUTE RESOLUTION

Subjects were requested to indicate their perceptions regarding the causes of disputes and whether they believed management was applying the guidelines to



Dispute Resolution fairly using a 1-5 point Likert scale varying from strongly disagree (1) to strongly agree (5) (see Table 5.3).

Table 5.3 reflects respondent's perceptions of the causes of disputes, which in descending level of impact of existing causes are:

- Management's lack of **implementing** policies consistently and correctly;
- Poor management or lack of supervisory skills;
- Management enforcing their interpretation of policies and procedures;
- Employee/worker transgression, and
- Management's lack of **understanding** of policies.

**Table 5.3**

**Descriptive Statistics: Perceived causes of disputes and application of guidelines to dispute resolution**

<b>Perceived Causes of Disputes/Application of guidelines to dispute resolution</b>	<b>Mean</b>	<b>Variance</b>	<b>Standard Deviation</b>
Disputes arise out of management's lack of <b>understanding</b> of policies.	3.16	1.306	1.143
Disputes are due to management's lack of <b>implementing</b> policies consistently and correctly.	3.59	1.113	1.055
Management enforces their interpretation of policies and procedures.	3.31	1.151	1.073
Poor management or lack of supervisory skills is the main cause of disputes.	3.57	1.082	1.040
Employee/worker transgression is one of the main causes of disputes.	3.28	1.538	1.240
Management is applying the guidelines of Dispute Resolution fairly.	2.77	1.080	2.50

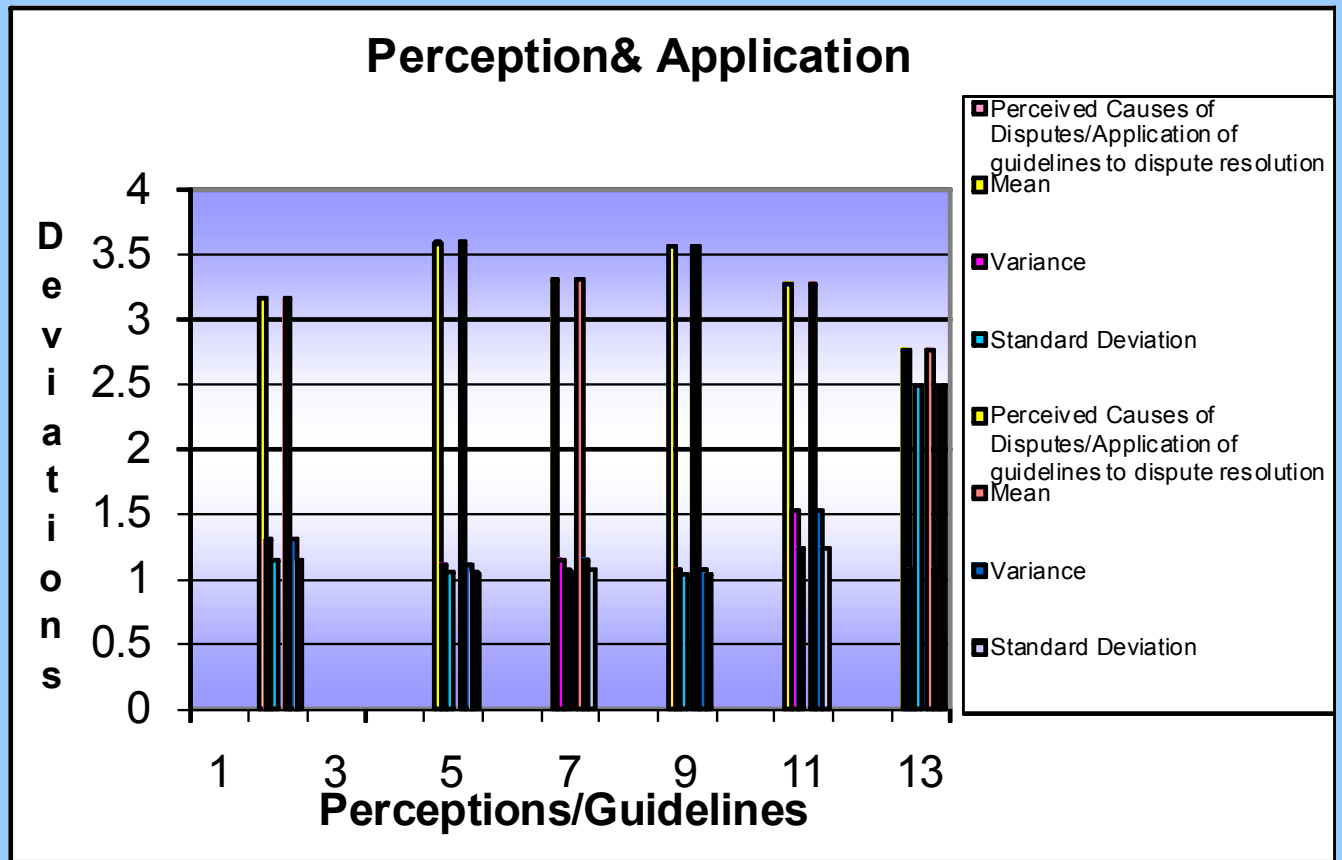


Figure 5.3: Perceived causes of disputes

Of concern, is the fact that employees are not convinced that management is applying the guidelines to dispute resolution fairly as reflected in the low mean score value of 2.77. This in effect indicates that the management of the organisation would need to have its role re-assessed. This reflects tremendous room for improvement in the manner in which management applies the guidelines in this regard.

#### 5.2.4 PERCEIVED ROLE OF TRADE UNIONS IN DISPUTE RESOLUTION

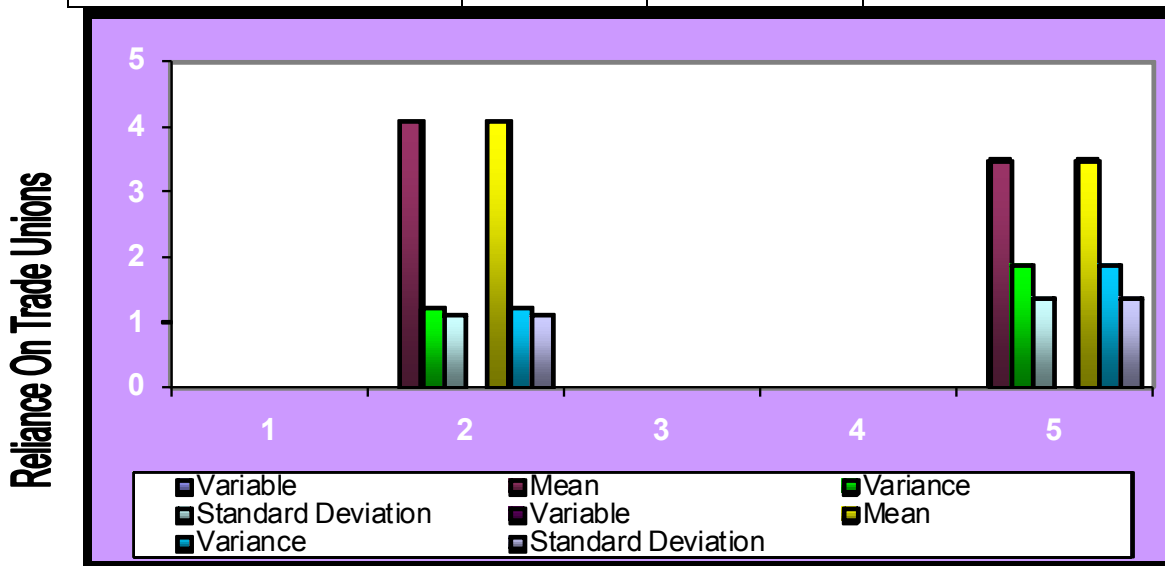
Subjects were requested to indicate their reliance on the Trade Union for protection in disputes and whether the Trade Unions play an effective role in Dispute Resolution using a 1-5 point Likert scale ranging from strongly disagree (1) to strongly agree (5) (Table 5.4). The underlying objectives of the trade union are to represent its members and their interests, ranging from the individual

through to economic to the socio-political environment in the country (South African Municipal Workers Union, MANUAL 4 for Shop Stewards - Undated).

**Table 5.4**

**Descriptive Statistics: Perceived role of Trade Unions in Dispute Resolution**

Variable	Mean	Variance	Standard Deviation
Reliance on Trade Union for protection in disputes.	4.08	1.210	1.100
Trade Unions play an effective role in Dispute Resolution.	3.48	1.887	1.374



**Figure 5.4: Perceived Role of Unions**

Table 5.4 reflects a high reliance on the Trade Union for protection in disputes (Mean = 4.18). In terms of mean score value, however, the perceived effectiveness of the role of Trade Unions in Dispute Resolution, although fairly high (Mean = 3.48), certainly leaves some room for improvement against a maximum attainable score of 5.

### 5.2.5 PERCEIVED INTERPERSONAL RELATIONS

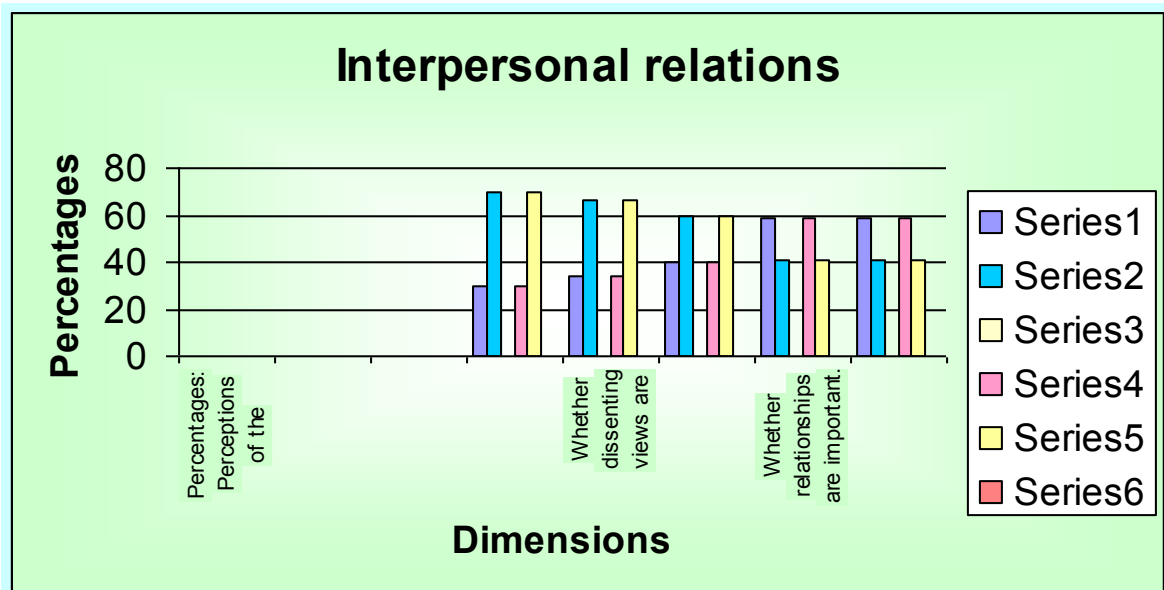
Respondents were required to indicate whether or not the dimensions of interpersonal relations occur in the organisation, using a dichotomous Yes/No

scale. Cumulative percentages were calculated to assess perceptions of interpersonal relations based on these dimensions (Table 5.5).

**Table 5.5**

**Percentages: Perceptions of the Dimensions of Interpersonal relations**

Dimensions of Interpersonal Relations	Percentage	
	Yes	No
Whether conflict is valued.	30	70
Whether dissenting views are encouraged.	33.9	66.1
Whether conflict is seen as an opportunity for change.	40	60
Whether relationships are important.	59	41
Whether feedback is welcomed.	59	41



**Figure 5.5: Interpersonal Relations**

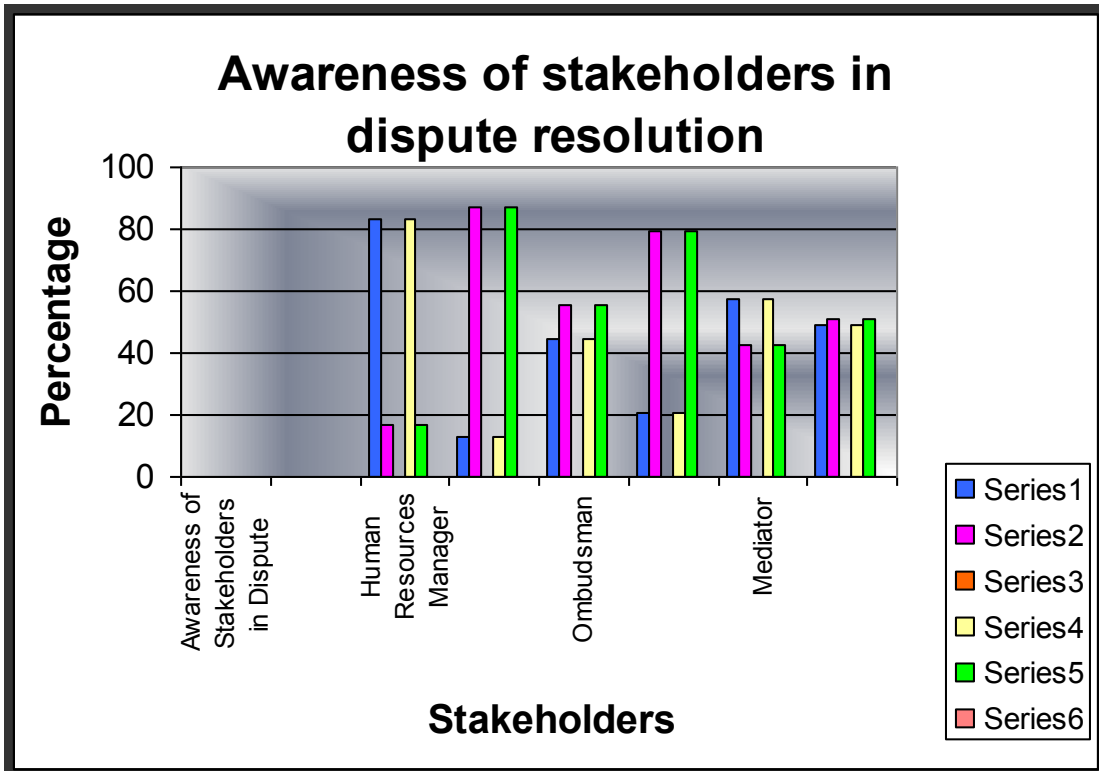
Table 5.5 indicates that the majority of the respondents felt that conflict is not valued in their organisation (70%), that dissenting views are not encouraged (66.1%) and that conflict is not seen as an opportunity for change (60%). However, the majority of the sample (59%) was of the opinion that relationships are important and that feedback is welcomed in their organisation.

### 5.2.6 AWARENESS OF STAKEHOLDERS IN DISPUTE RESOLUTION

Respondents were required to indicate which stakeholders in the dispute resolution process they were aware of, using a dichotomous Yes/No scale. Cumulative percentages were calculated to assess awareness of stakeholders in the process (Table 5.6).

**Table 5.6**  
**Percentages: Awareness of Stakeholders in Dispute Resolution**

Awareness of Stakeholders in Dispute Resolution	Percentage	
	Yes	
Human Resources Manager	83.3	Human Resources Manager
Training Manager	13.2	Training Manager
Ombudsman	44.2	Ombudsman
EAP Facilitator	20.8	EAP Facilitator
Mediator	57.6	Mediator
Facilitator	49.1	Facilitator



**Figure 5.6: Awareness of Stakeholders in Dispute Resolution**

Table 5.6 indicates that the majority of the subjects are aware of the Human Resources Manager's (83.3%) and the Mediator's presence in dispute resolution.

However, the majority of the respondent's reflected lack of awareness of the Training Manager (86.8%), the EAP Facilitator (79.2%), the Ombudsman (55.8%) and the Facilitator (50.9%) in the dispute resolution process. The EAP in an organisation is vital for the well-being of its employees. The conclusion that can be drawn from this high percentage (79.2%), is that an opportunity exists for the organisation to improve consultation in this regard.

Also, there is an indication that the Training Manager is unknown to a huge percentage of employees (86.8%). There is a strong need to ensure that the Training Manager makes his existence known to the large majority of employees. This finding is an important consideration for the Municipality

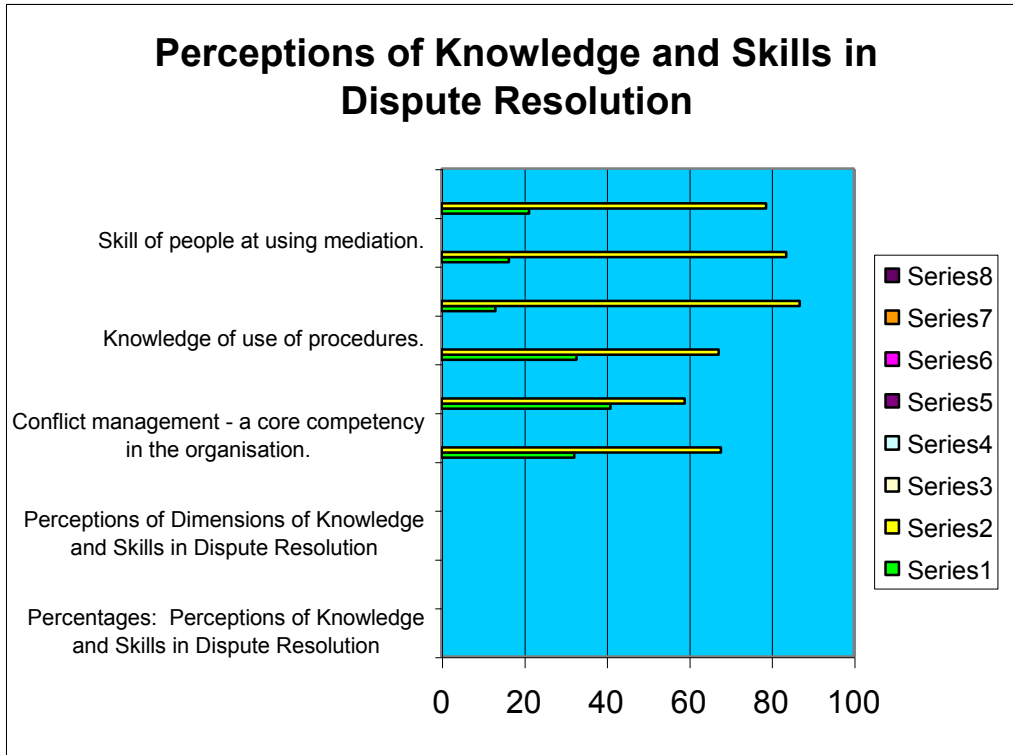
### 5.2.7 KNOWLEDGE AND SKILLS IN DISPUTE RESOLUTION

Respondents were required to indicate whether people involved in dispute resolution have the necessary knowledge and skills, using a dichotomous Yes/No scale. Cumulative percentages were calculated to assess perceptions of knowledge and skills (Table 5.7).

**Table 5.7**

**Percentages: Perceptions of Knowledge and Skills in Dispute Resolution**

Perceptions of Dimensions of Knowledge and Skills in Dispute Resolution	Percentage	
	Yes	No
Conflict management - a core competency in the organisation.	32.2	67.8
Knowledge of procedures available.	41.0	59.0
Knowledge of use of procedures.	32.8	67.2
Skills of people at listening to each other, probing for interests and exploring creative options.	13.1	86.9
Skill of people at using mediation.	16.4	83.6
Skill of people at using investigations and arbitration.	21.3	78.7



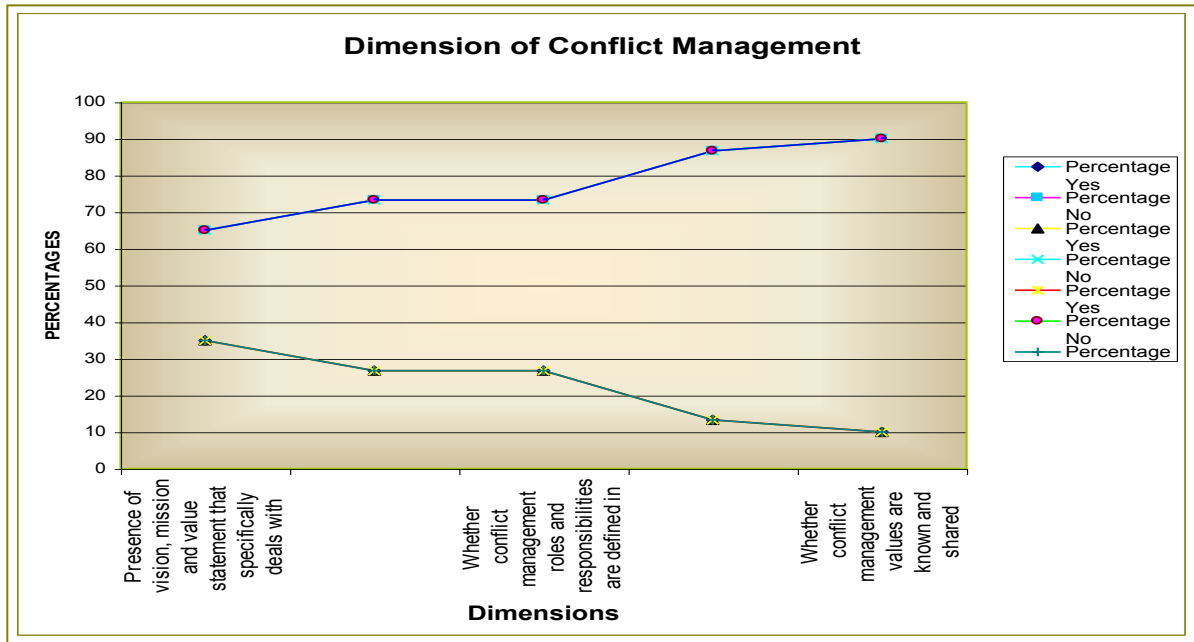
**Figure 5.7: Perceptions of Knowledge and Skills in Dispute Resolution**

Table 5.7 clearly indicates that the majority of respondents have a bleak perception of the knowledge and skills of people involved in dispute resolution. The majority of the subjects indicate that people lack skills of listening to each other, examining for clear interests and exploring creative options (86.9%), skills of mediation (83.6%), skills at using investigations and arbitration (78.7%), skills of conflict management as a core competency in the organisation (67.8%), knowledge of use of procedures (67.2%) and knowledge of procedures available (59%). Arising from this result, it is imperative that skills development becomes one of the change management strategies.

### 5.2.8 CONFLICT MANAGEMENT

Respondents were required to indicate whether or not the dimensions of conflict management exist in their organisation, using a dichotomous Yes/No scale.

Cumulative percentages were calculated to assess these dimensions of conflict management (Table 5.8).



**Figure 5.8: Dimension of Conflict Management**

Table 5.8, the perceptions of respondents of the dimensions of conflict management in the organisation presents a negative picture. The majority of subjects believed that conflict management values are not known and shared amongst staff (90%), that conflict management behaviour is not described in job descriptions (86.7%); that the general vision, mission and values are not aligned with conflict management (73.3%); that conflict management role and responsibilities are not defined in job descriptions (73.3%), and that there is no vision, mission and value statement that precisely deals with conflict management (65%). As a matter of urgency, the organisation would have to take great strides to remedy this situation.



**Table 5.8.**

**Dimension of Conflict Management**

Dimension of Conflict Management	Percentage	
	Yes	No
Presence of vision, mission and value statement that precisely deals with conflict management.	35	65
Whether general vision, mission and values are aligned with conflict management.	26.7	73.3
Whether conflict management functions and responsibilities are defined in job descriptions.	26.7	73.3
Whether conflict management behaviour is described in job descriptions.	13.3	86.7
Whether conflict management values are known and shared amongst staff.	10	90

Managers essentially are in a better position to have an influence on conflicts and contribute to a positive environment in the workplace. The manager has to be able to take the pressure and be decisive, but not to work against the employees' interests (Crawley, 1992: 9-10).

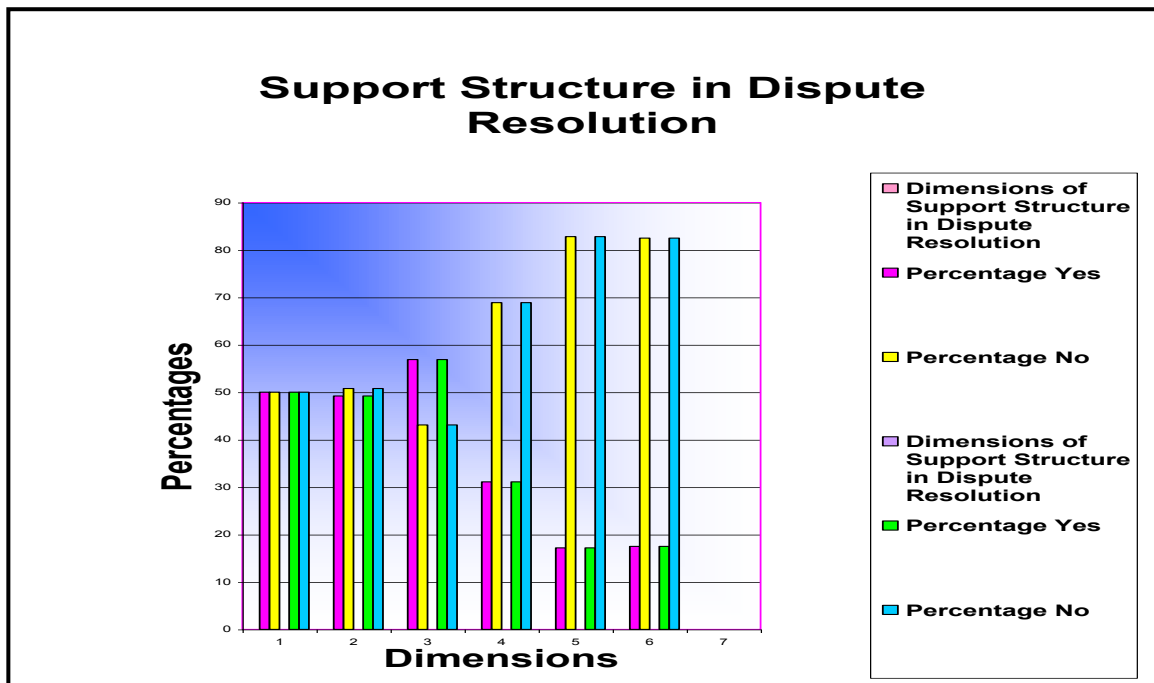
**5.2.9 SUPPORT STRUCTURES IN DISPUTE RESOLUTION**

Respondents were required to indicate whether or not support structures exist in dispute resolution, using a dichotomous Yes/No scale. Cumulative percentages were calculated to assess these support structures (Table 5.9).

Table 5.9.

**Percentages: Perceptions of the Support Structure in Dispute Resolution**

Dimensions of Support Structure in Dispute Resolution	Percentage	
	Yes	No
Availability of people to provide help to disputants.	50	50
Availability of resources to deal with conflict.	49.2	50.8
Existence of senior management system to manage dispute resolution.	56.9	43.1
Whether staff is able to discuss their disputes in confidence.	31.1	68.9
Existence of conflict management oversight team.	17.2	82.8
Availability of an evaluation program.	17.5	82.5



**Figure 5.9: Perceptions of the Support Structure in Dispute Resolution**

Table 5.9 reflects that the majority of the respondents believe that there is no conflict management oversight team (82.8%) or an evaluation program (82.5%) in their organisation. In addition, 68.9% of the subjects felt that staff is unable to discuss their disputes in confidence. While 50.8% of the sample felt that resources are not available to deal with conflict, an even percentage of respondents (50%) felt that people are available to provide help to disputants. A

negligible majority of subjects (56.9%) reported the existence of a senior management system to manage dispute resolution. Conflict in the workplace is good for various reasons. It reflects that disagreements are publicised and highlighted. The consequence thereafter is the management of the dispute because there is no control mechanism to support any evaluation programme. There is no assessment of the cause of the conflict which may have repercussions for the municipality.

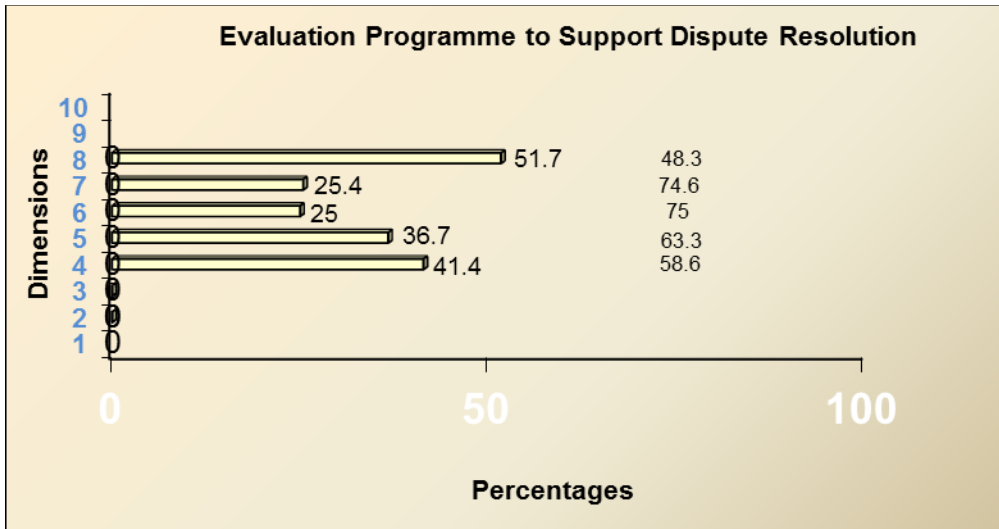
### 5.2.10 EVALUATION PROGRAMME TO SUPPORT DISPUTE RESOLUTION

Respondents were required to indicate whether or not the dimensions of evaluation programme to support dispute resolution exist in the organisation, using a dichotomous Yes/No scale. Cumulative percentages were calculated to assess perceptions of the evaluation programme (Table 5.10).

**Table 5.10**

**Percentages: Perceptions of Evaluation Programme to Support Dispute Resolution**

Dimensions of Evaluation Programme to Support Dispute Resolution	Percentage	
	Yes	No
Whether grievances are dealt with objectively.	41.4	58.6
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	36.7	63.3
Whether a collaborative approach is rewarded.	25	75
Whether performance reviews take cognisance of dispute management and resolution skills.	25.4	74.6
Whether there are consequences for conflict avoidance.	51.7	48.3



**Figure 5.10: Evaluation Programme to Support Dispute Resolution**

Table 5.10 indicates that 75% of the subjects do not believe that a collaborative approach is rewarded, and 74.6% of the respondents believe that performance reviews do not take cognisance of conflict management and resolution skills. eThekweni Municipality depends on the collaborative role between management and labour. The culture of the organisation is to create a value system to cope with the deteriorating work ethic. The building of trust and sharing of goals and honest communication between the stakeholders will lead to successful industrial relations. The municipality has to value the employees who are the drivers of corporate success within a people-centred strategy. In addition, 63.3% of the sample is of the opinion that the aggrieved do not participate in decision-making and in shaping dispute resolution outcomes and 58.6% of them reflect that grievances are not dealt with objectively. Furthermore, 51.7% of the sample indicated that there are consequences for conflict avoidance.

### 5.2.11 PROCEDURES AND OPTIONS

Respondents were required to indicate whether or not the dimensions of procedures and options exist in the organisation, using a dichotomous Yes/No

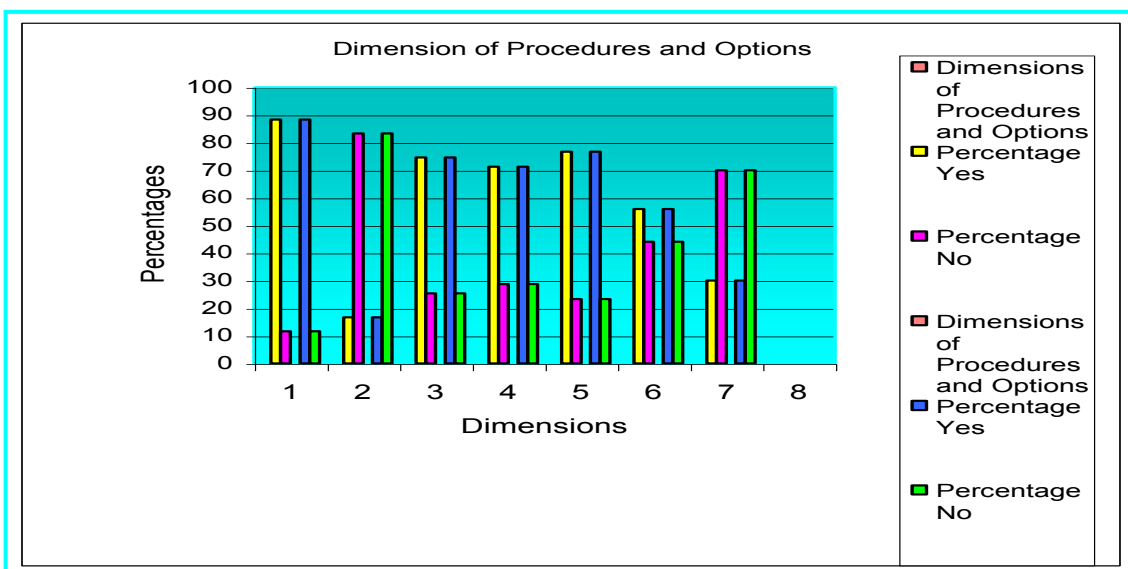
scale. Cumulative percentages were calculated to assess perceptions of procedures and options (Table 5.11).

**Table 5.11 Percentages: Perceptions of Procedures and Options**

Dimensions of Procedures and Options	Percentage	
	Yes	No
Whether procedures exist.	88.3	11.7
Whether procedures are consistently followed.	16.7	83.3
Whether procedures are available to handle the disputes that occur.	74.6	25.4
Whether interest-based options (e.g. Conciliation) are available.	71.2	28.8
Whether rights-based options (e.g. Investigation, arbitration) are available.	76.7	23.3
Whether procedures are well designed.	55.9	44.1
Whether people get responses and information when they need it.	30	70

Table 5.11 indicates that the majority of respondents (88.3%) believe that procedures do exist in the organisation but the majority (83.3%) also indicate that procedures are not consistently followed. Furthermore, only 55.9% of the subjects feel that procedures are well designed. The responses, however, do reflect a positive view in terms of procedures and options as 76.7% of the subjects indicate that rights-based options are available; 74.6% reflect that procedures are available to handle the disputes that occur and 71.2% indicate that interest-based options are available. It must be noted though, that 70% of the subjects felt that people do not get feedback and information when they need it.

**Figure 5.11: Dimension of Procedures and Options**



## 5.3 INFERENCE STATISTICS

### 5.3.1 BIOGRAPHICAL CORRELATES - INTERPERSONAL RELATIONS

The impact of the biographical variables (race, employment category, gender, qualification, age) on perceptions of interpersonal relations in the workplace was analysed using the chi-square statistic (Table 5.12).

#### Hypothesis 1

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and perceptions of interpersonal relations in the workplace respectively (Table 5.12).

Table 5.12

Pearson Chi-square: Biographical variables and Interpersonal Relations

Dimension of Interpersonal Relations	Biographical variable		
	Race		
	Chi-square value	Df	P
Whether conflict is valued.	0.618	3	0.892
Whether dissenting views are encouraged.	4.552	3	0.208
Whether conflict is seen as an opportunity for change.	1.016	3	0.797
Whether relationships are important.	2.293	3	0.514
Whether feedback is welcomed.	1.131	3	0.770
Dimension of Interpersonal Relations	Employment Category		
	Chi-square value	Df	P
	Whether conflict is valued.	1.691	3
Whether dissenting views are encouraged.	0.952	3	0.813
Whether conflict is seen as an opportunity for change.	1.151	3	0.765
Whether relationships are important.	4.180	3	0.243
Whether feedback is welcomed.	1.260	3	0.739
Dimension of Interpersonal Relations	Gender		
	Chi-square value	Df	P
	Whether conflict is valued.	0.388	1
Whether dissenting views are encouraged.	2.429	1	0.168
Whether conflict is seen as an opportunity for change.	0.180	1	0.793
Whether relationships are important.	0.312	1	0.610
Whether feedback is welcomed.	1.172	1	0.307

	Qualification		
	Chi-square value	Df	P
Whether conflict is valued.	1.108	2	0.575
Whether dissenting views are encouraged.	7.221	2	0.027*
Whether conflict is seen as an opportunity for change.	6.260	2	0.044*
Whether relationships are important.	3.657	2	0.161
Whether feedback is welcomed.	1.881	2	0.390
	Age		
	Chi-square value	Df	P
Whether conflict is valued.	1.496	2	0.473
Whether dissenting views are encouraged.	1.041	2	0.594
Whether conflict is seen as an opportunity for change.	1.995	2	0.369
Whether relationships are important.	6.234	2	0.044*
Whether feedback is welcomed.	3.717	2	0.156

- $p < 0.05$

Table 5.12 indicates that:

- Qualification influences perceptions of whether dissenting views are encouraged in the workplace.
- Qualification influences perceptions of whether conflict is seen as an opportunity for change.
- Age influences perceptions of whether relationships are important.

No other biographical variables (race, employment category, gender) influence perceptions of interpersonal relations in the workplace respectively. Hence, hypothesis 1 may only be partially accepted in terms of qualification and age at the 5% level of significance.

In terms of qualification and age, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- 44.1% of the employees with post-graduate qualifications indicate that dissenting views are not encouraged in their organisation and 41.7% of them felt that conflict is not seen as an opportunity for change in their organisation;

- 27.9% of the employees in the age group of 41-50 years felt that interpersonal relationships are important in the workplace, while 23% of the employees in the age group of 40 years and under felt that they are not important.

### 5.3.2 BIOGRAPHICAL CORRELATES AWARENESS OF STAKEHOLDERS IN THE DISPUTE RESOLUTION PROCESS

The impact of the biographical variables (race, employment category, gender, qualification, age) on awareness of stakeholders in the Dispute Resolution process was analysed using the chi-square statistic (Table 5.13).

#### Hypothesis 2

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and awareness of stakeholders in the dispute resolution process respectively (Table 5.13).

**Table 5.13**

**Pearson Chi -square: Biographical variables and Awareness of stakeholders in the Dispute Resolution Process**

Awareness of the following personnel in the dispute resolution process	Biographical variable		
	Race		
	Chi-square value	Df	P
Human Resources Manager	6.675	3	0.083
Training Manager	5.271	3	0.153
Ombudsman	2.918	3	0.404
EAP Facilitator	2.280	3	0.516
Mediator	3.405	3	0.333
Facilitator	2.178	3	0.536
	Employment Category		
	Chi-square value	Df	P
	Human Resources Manager	2.887	3
Training Manager	2.059	3	0.560
Ombudsman	5.476	3	0.140



EAP Facilitator	0.780	3	0.854
Mediator	2.941	3	0.401
Facilitator	1.221	3	0.748
	<b>Gender</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Human Resources Manager	0.054	1	0.816
Training Manager	3.128	1	0.077
Ombudsman	0.119	1	0.730
EAP Facilitator	1.469	1	0.225
Mediator	0.100	1	0.752
Facilitator	2.183	1	0.140
	<b>Qualification</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Human Resources Manager	2.516	2	0.284
Training Manager	1.144	2	0.931
Ombudsman	1.055	2	0.590
EAP Facilitator	1.257	2	0.533
Mediator	7.238	2	0.027*
Facilitator	1.746	2	0.418
	<b>Age</b>		
Human Resources Manager	1.165	2	0.921
Training Manager	5.228	2	0.073
Ombudsman	2.386	2	0.303
EAP Facilitator	0.378	2	0.828
Mediator	1.484	2	0.476
Facilitator	0.592	2	0.744

\* p < 0.05

Table 5.13 indicates that there is a significant relationship between qualification and awareness of the mediator as a stakeholder in the dispute resolution process. No other biographical variables (race, employment category, gender) influence awareness of the stakeholders in dispute resolution respectively. Hence, hypothesis 2 may only be partially accepted in terms of qualification at the 5% level of significance.

In terms of qualification, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- 42.4% of the respondents with post-graduate qualifications are aware of the mediator as a stakeholder in dispute resolution process.

### 5.3.3 BIOGRAPHICAL CORRELATES - KNOWLEDGE AND SKILLS IN DISPUTE RESOLUTION

The impact of the biographical variables (race, employment category, gender, qualification, age) on the knowledge and skills of people in dispute resolution was analysed using the chi-square statistic (Table 5.14).

#### Hypothesis 3

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and knowledge and skills of people in dispute resolution respectively (Table 5.14).

**Table 5.14**

**Pearson Chi-square: Biographical variables and Knowledge and Skills of personnel in Dispute Resolution**

Dimensions of Knowledge and Skills of personnel in dispute resolution	Biographical variable		
	Race		
	Chi-square	Df	P
Conflict management - a core competency in the organisation.	4.682	3	0.197
Knowledge of procedures available.	2.275	3	0.517
Knowledge of use of procedures.	3.082	3	0.379
Skills of people at listening to each other, probing for interests and exploring creative options.	6.947	3	0.074
Skill of people at using mediation.	5.281	3	0.152
Skill of people at using investigations and arbitration.	3.161	3	0.367
	Employment Category		
	Chi-square	Df	P
	Conflict management - a core competency in the organisation.	0.409	3
Knowledge of procedures available.	9.259	3	0.026*
Knowledge of use of procedures.	3.099	3	0.377
Skills of people at listening to each other, probing for interests and exploring creative options.	3.939	3	0.268
Skill of people at using mediation.	4.275	3	0.233
Skill of people at using investigations and arbitration.	6.913	3	0.075
	Gender		
	Chi-square	Df	P
	Conflict management - a core competency in the organisation.	0.029	1

Knowledge of procedures available.	1.028	1	0.311
Knowledge of use of procedures.	0.397	1	0.529
Skills of people at listening to each other, probing for interests and exploring creative options.	0.171	1	0.680
Skill of people at using mediation.	0.088	1	0.767
Skill of people at using investigations and arbitration.	1.219	1	0.270
	<b>Qualification</b>		
	<b>Chi-square</b>	<b>Df</b>	<b>P</b>
Conflict management - a core competency in the organisation.	5.066	2	0.079
Knowledge of procedures available.	0.971	2	0.615
Knowledge of use of procedures.	2.396	2	0.302
Skills of people at listening to each other, probing for interests and exploring creative options.	0.318	2	0.853
Skill of people at using mediation.	0.823	2	0.663
Skill of people at using investigations and arbitration.	1.381	2	0.501
	<b>Age</b>		
Conflict management - a core competency in the organisation.	0.113	2	0.945
Knowledge of procedures available.	0.098	2	0.952
Knowledge of use of procedures.	1.574	2	0.455
Skills of people at listening to each other, probing for interests and exploring creative options.	0.917	2	0.632
Skill of people at using mediation.	2.801	2	0.247
Skill of people at using investigations and arbitration.	8.628	2	0.013*

\*  $p < 0.05$

Table 5.14 indicates that there is a significant relationship between:

- employment category and knowledge of procedures available; and
- Age and Skill of people at using investigations and arbitration.

No other biographical variables (race, gender, qualification) influence knowledge and skills of personnel in dispute resolution. Hence, hypothesis 3 may only be partially accepted in terms of employment category and age at the 5% level of significance.

In terms of employment category and age, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- 14.1% of the subjects in middle management, 11.5% of the respondents in junior management and 8.2% of those in senior management felt that people are aware of the procedures that are available;
- 31.1% of the respondents 40 years and younger felt that people are not skilled at using investigations and arbitrations, followed by 24.6% in the age group of 41-50 and then 24.6% of those over 50 years of age.

### 5.3.4 BIOGRAPHICAL CORRELATION OF - CONFLICT MANAGEMENT

The impact of the biographical variables (race, employment category, gender, qualification, age) on conflict management was analysed using the chi-square statistic (Table 5.15).

#### Hypothesis 4

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and perceptions of conflict management respectively (Table 5.15).

**Table 5.15**

**Pearson Chi-square: Biographical variables and Conflict Management**

Dimensions of Conflict Management	Biographical variable		
	Race		
	Chi-square value	Df	P
Presence of vision, mission and values statement that precisely deals with conflict management.	0.867	3	0.833
Whether general vision, mission and values are aligned with conflict management.	4.297	3	0.231
Whether conflict management roles and responsibilities are defined in job descriptions.	0.525	3	0.913
Whether conflict management behaviour is described in job descriptions.	0.082	3	0.994
Whether conflict management values are known and shared amongst staff.	3.786	3	0.285
	Employment Category		
	Chi-square value	Df	P
Presence of vision, mission and values statement that specifically deals with conflict management.	2.532	3	0.469

Whether general vision, mission and values are aligned with conflict management.	0.031	3	0.999
Whether conflict management roles and responsibilities are defined in job descriptions.	1.436	3	0.697
Whether conflict management behaviour is described in job descriptions.	1.578	3	0.664
Whether conflict management values are known and shared amongst staff.	0.165	3	0.983
	<b>Gender</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Presence of vision, mission and value statement that precisely deals with conflict management.	0.090	1	0.765
Whether general vision, mission and values are aligned with conflict management.	1.116	1	0.291
Whether conflict management roles and responsibilities are defined in job descriptions.	0.002	1	0.969
Whether conflict management behaviour is described in job descriptions.	0.167	1	0.683
Whether conflict management values are known and shared amongst staff.	0.121	1	0.728

**Table 5.15 (Continued)**

**Pearson Chi-square: Biographical variables and Conflict Management**

<b>Dimensions of Conflict Management</b>	<b>Biographical variable</b>		
	<b>Qualification</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Presence of vision, mission and value statement that precisely deals with conflict management.	2.741	2	0.254
Whether general vision, mission and values are aligned with conflict management.	2.883	2	0.237
Whether conflict management roles and responsibilities are defined in job descriptions.	1.761	2	0.415
Whether conflict management behaviour is described in job descriptions.	0.385	2	0.825
Whether conflict management values are known and shared amongst staff.	3.827	2	0.148
	<b>Age</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Presence of vision, mission and value statement that precisely deals with conflict management.	1.192	2	0.551

Whether general vision, mission and values are aligned with conflict management.	1.813	2	0.404
Whether conflict management roles and responsibilities are defined in job descriptions.	2.425	2	0.297
Whether conflict management behaviour is described in job descriptions.	6.435	2	0.040*
Whether conflict management values are known and shared amongst staff.	6.443	2	0.040*

\* p < 0.05

Table 5.15 indicates that there is a significant relationship between age and perceptions of whether conflict management behaviour is described in job descriptions and whether conflict management values are known and shared amongst staff respectively. No other biographical variables (race, employment category, gender, qualification) influence perceptions of the dimensions of conflict management respectively. Hence, hypothesis 4 may only be partially accepted in terms of age at the 5% level of significance.

In terms of age, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- 35% of the subjects between 41-50 years of age believe that conflict management behaviour is not described in job descriptions;
- 36.7% of the subjects between 41-50 years of age believe that conflict management values are known and shared amongst staff.

### **5.3.5 BIOGRAPHICAL CORRELATES - SUPPORT STRUCTURES IN DISPUTE RESOLUTION**

The impact of the biographical variables (race, employment category, gender, qualification, age) on support structures in dispute resolution was analysed using the chi-square statistic (Table 5.16).

## Hypothesis 5

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and perceptions of the dimensions of support structures in dispute resolution respectively (Table 5.16).

**Table 5.16**

**Pearson Chi-square: Biographical variables and Support Structures in Dispute Resolution**

Dimensions of Support Structures in Dispute Resolution	Biographical variable		
	Race		
	Chi-square	Df	P
Availability of people to provide help to disputants.	3.866	3	0.276
Availability of resources to deal with conflict.	8.128	3	0.043*
Existence of senior management system to manage dispute resolution.	3.475	3	0.324
Whether staff is able to discuss their disputes in confidence.	3.803	3	0.284
Existence of conflict management oversight team.	3.968	3	0.265
Availability of an evaluation program.	1.335	3	0.721
Dimensions of Support Structures in Dispute Resolution	Employment Category		
	Chi-square	Df	P
	Availability of people to provide help to disputants.	0.614	3
Availability of resources to deal with conflict.	2.356	3	0.502
Existence of senior management system to manage dispute resolution.	0.808	3	0.848
Whether staff is able to discuss their disputes in confidence.	2.336	3	0.506
Existence of conflict management oversight team.	6.712	3	0.082
Availability of an evaluation program.	3.059	3	0.383
Dimensions of Support Structures in Dispute Resolution	Biographical variable		
	Gender		
	Chi-square value	Df	P
Availability of people to provide help to disputants.	0.606	1	0.436
Availability of resources to deal with conflict.	0.145	1	0.703
Existence of senior management system to manage dispute resolution.	0.524	1	0.469
Whether staff is able to discuss their disputes in confidence.	0.052	1	0.820
Existence of conflict management oversight team.	0.114	1	0.736
Availability of an evaluation program.	1.012	1	0.314

	Qualification		
	Chi-square value	Df	P
Availability of people to provide help to disputants.	1.006	2	0.605
Availability of resources to deal with conflict.	1.246	2	0.536
Existence of senior management system to manage dispute resolution.	1.454	2	0.483
Whether staff is able to discuss their disputes in confidence.	1.020	2	0.601
Existence of conflict management oversight team.	3.651	2	0.161
Availability of an evaluation program.	3.493	2	0.174
	Age		
	Chi-square value	Df	P
Availability of people to provide help to disputants.	0.087	2	0.957
Availability of resources to deal with conflict.	1.110	2	0.574
Existence of senior management system to manage dispute resolution.	0.803	2	0.669
Whether staff is able to discuss their disputes in confidence.	0.828	2	0.661
Existence of conflict management oversight team.	0.994	2	0.608
Availability of an evaluation program.	2.096	2	0.351

\* p < 0.05

Table 5.16 indicates that there is a significant relationship between race and perceptions regarding the organisation's resources to deal with conflict at the 5% level of significance. No other biographical variables (employment category, gender, qualification, age) influence perceptions of the dimensions of support structures in dispute resolution respectively. Hence, hypothesis 5 may only be partially accepted in terms of race at the 5% level of significance.

In terms of race, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- The majority of Indian employees (33.9%) felt that the organisation does not have the resources to deal with conflict while 20.3% of the Black employees felt that it did.



### 5.3.6 BIOGRAPHICAL CORRELATES - EVALUATION PROGRAMME TO SUPPORT DISPUTE RESOLUTION

The impact of the biographical variables (race, employment category, gender, qualification, age) on evaluation programme to support dispute resolution using the chi-square statistic (Table 5.17).

#### Hypothesis 6

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and evaluation programme to support dispute resolution respectively (Table 5.17).

**Table 5.17**

**Pearson Chi-square: Biographical variables and Evaluation Programme to Support Dispute Resolution**

Dimensions of Evaluation Programme to Support Dispute Resolution	Biographical variable		
	Race		
	Chi-square value	Df	P
Whether grievances are dealt with objectively.	7.311	3	0.063
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	4.874	3	0.181
Whether a collaborative approach is rewarded.	8.403	3	0.038*
Whether performance reviews take cognisance of dispute management and resolution skills.	1.012	3	0.798
Whether there are consequences for conflict avoidance.	8.019	3	0.046*
Dimensions of Evaluation Programme to Support Dispute Resolution	Biographical variable		
	Employment Category		
	Chi-square value	Df	P
Whether grievances are dealt with objectively.	1.719	3	0.633
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	4.484	3	0.214
Whether a collaborative approach is rewarded.	0.121	3	0.989
Whether performance reviews take cognisance of dispute management and resolution skills.	0.435	3	0.933
Whether there are consequences for conflict avoidance.	1.314	3	0.726

	<b>Gender</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Whether grievances are dealt with objectively.	0.017	1	0.897
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	1.279	1	0.258
Whether a collaborative approach is rewarded.	2.716	1	0.099
Whether performance reviews take cognisance of dispute management and resolution skills.	2.471	1	0.116
Whether there are consequences for conflict avoidance.	0.085	1	0.771
<b>Qualification</b>			
Whether grievances are dealt with objectively.	11.176	2	0.004**
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	5.986	2	0.050*
Whether a collaborative approach is rewarded.	4.531	2	0.104
Whether performance reviews take cognisance of dispute management and resolution skills.	1.387	2	0.500
Whether there are consequences for conflict avoidance.	16.312	2	0.000**
<b>Age</b>			
Whether grievances are dealt with objectively.	1.623	2	0.444
Whether grievants participate in decision-making and shaping dispute resolution outcomes.	3.939	2	0.140
Whether a collaborative approach is rewarded.	3.106	2	0.212
Whether performance reviews take cognisance of dispute management and resolution skills.	1.396	2	0.498
Whether there are consequences for conflict avoidance.	0.400	2	0.819

\*\* p < 0.01

\* p ≤ 0.05

Table 5.17 indicates that there is a significant relationship between the biographical variables of race and qualification and evaluation programme to support dispute resolution respectively. No other biographical variables (employment category, gender, age) influence perceptions of the dimensions of evaluation programme to support dispute resolution respectively. Hence, hypothesis 6 may only be partially accepted in terms of race and qualification at, at least the 5% level of significance.

In terms of race and qualification, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that:

- Whilst an even proportion of African employees (13.3%) felt that their organisation rewards a collaborative approach the majority of Indian employees (45%) felt that the organisation does not reward a collaborative approach;
- 32.8% of Indian employees felt that there are no consequences for conflict avoidance whilst 20.7% of Black employees felt that there are consequences for conflict avoidance;
- 36.2% of employees with post-graduate qualifications felt that grievances are not dealt with objectively;
- 38.3% of employees with post-graduate qualifications felt that grievants?? do not contribute in decision-making and in shaping dispute resolution outcomes; and
- 31% of employees with post-graduate qualifications felt that there are no consequences for conflict avoidance.

### 5.3.7 BIOGRAPHICAL CORRELATES - PROCEDURES AND OPTIONS

The impact of the biographical variables (race, employment category, gender, qualification, age) on procedures and options using the chi-square statistic are depicted in (Table 5.18).

#### Hypothesis 7

There is a significant relationship between each of the biographical variables (race, employment category, gender, qualification, age) and procedures and options respectively (Table 5.18).

**Table 5.18**

**Pearson Chi-square: Biographical variables and Procedures and Options**

Dimensions of Procedures and Options	Biographical variable		
	Race		
	Chi-square value	Df	P
Whether procedures exist.	2.244	3	0.523
Whether procedures are consistently followed.	5.493	3	0.139
Whether procedures are available to handle the disputes that occur.	2.066	3	0.559
Whether interest-based options (e.g. Conciliation) are available.	1.239	3	0.744
Whether rights-based options (e.g. Investigation, arbitration) are available.	2.867	3	0.413

Whether procedures are well designed.	4.171	3	0.244
Whether people get responses and information when they need it.	11.211	3	0.011*
<b>Dimensions of Procedures and Options</b>	<b>Employment Category</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Whether procedures exist.	1.062	3	0.786
Whether procedures are consistently followed.	2.850	3	0.415
Whether procedures are available to handle the disputes that occur.	1.393	3	0.707
Whether interest-based options (e.g. Conciliation) are available.	1.868	3	0.600
Whether rights-based options (e.g. Investigation, arbitration) are available.	0.637	3	0.888
Whether procedures are well designed.	4.272	3	0.234
Whether people get responses and information when they need it.	8.377	3	0.039*
	<b>Gender</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Whether procedures exist.	0.001	1	0.978
Whether procedures are consistently followed.	1.091	1	0.296
Whether procedures are available to handle the disputes that occur.	0.269	1	0.604
Whether interest-based options (e.g. Conciliation) are available.	0.016	1	0.899
Whether rights-based options (e.g. Investigation, arbitration) are available.	0.034	1	0.854
Whether procedures are well designed.	2.377	1	0.127
Whether people get responses and information when they need it.	1.414	1	0.234
<b>Dimensions of Procedures and Options</b>	<b>Biographical variable</b>		
	<b>Qualification</b>		
	<b>Chi-square value</b>	<b>Df</b>	<b>P</b>
Whether procedures exist.	6.444	2	0.040*
Whether procedures are consistently followed.	3.888	2	0.143
Whether procedures are available to handle the disputes that occur.	2/169	2	0.338
Whether interest-based options (e.g. Conciliation) are available.	1.234	2	0.539
Whether rights-based options (e.g. Investigation, arbitration) are available.	3.798	2	0.150
Whether procedures are well designed.	3.143	2	0.208
Whether people get responses and information when they need it.	1.725	2	0.422

	Age		
	Chi-square value	Df	P
Whether procedures exist.	0.489	2	0.783
Whether procedures are consistently followed.	0.075	2	0.963
Whether procedures are available to handle the disputes that occur.	3.224	2	0.200
Whether interest-based options (eg. Conciliation) are available.	1.572	2	0.456
Whether rights-based options ( eg. Investigation, arbitration) are available.	1.322	2	0.516
Whether procedures are well designed.	2.418	2	0.299
Whether people get responses and information when they need it.	1.674	2	0.433

\* p < 0.05

Table 5.18 indicates that there is a significant relationship between each of the biographical variables (race, employment category, qualification) and procedures and options respectively. No other biographical variables (gender, age) influence perceptions of the dimensions of procedures and options respectively. Hence, hypothesis 7 may only be partially accepted in terms of race, employment category and qualification at the 5% level of significance.

In terms of race, employment category and qualification, cross tabulations were conducted to assess exactly where these relationships exist and the results indicate that: -

- 45% of Indian employees reflect that people do not get feedback and information when they need it;
- 18.3% of senior management is of the opinion that people do not get feedback and information when they need it; and
- 55% of employees with post-graduate qualifications feel that procedures do exist in the organisation.

#### 5.4 RELIABILITY OF THE MEASURING INSTRUMENT

The reliability of the questionnaire used to collect data was statistically analysed using Cronbach's Coefficient Alpha (Table 5.19).

**Table 5.19**

**Reliability of Questionnaire: Cronbach's Coefficient Alpha**

Cronbach's Coefficient Alpha	<b>0.798</b>
------------------------------	--------------

Table 5.19 indicates that the items in the questionnaire have a high degree of inter-item consistency and therefore, reliably measure the dimensions of the study.

## **5.5 CONCLUSION**

This chapter presents the results of the study and draws conclusions on the hypotheses being tested. However, results have more value when compared and contrasted with the findings of other researchers in the field. The discussion dealt with the nature of theory as a scientific concept. There are theories in public administration that can prove useful through the discovery of knowledge.

In order to focus on the fundamental issue some steps in theorisation and assessment are required. Establishing sound labour and employee relations at the level of the workplace is one of the most important challenges facing public institutions in South Africa. This is largely a result of the historical development of labour relations in this country. It is ultimately up to the respective parties to work hard at building relationships of trust and co-operation to bring about constructive industrial relations in the workplace. The public managers and the respective trade unions have to bring about constructive resolutions in order to maintain a harmonious environment that will bring about a conducive work environment in the country. The structures for cooperation and worker participation must endeavour to enhance collective bargaining and negotiation dynamics. Democratic management is the recommended style for successful industrial relations, for those who want to go beyond collective bargaining and integrate the individual into the organisation to ensure that the employee belongs and counts as part of the team.

## CHAPTER SIX

### CONCLUSION AND RECOMMENDATIONS

#### 6.1 CONCLUSION

The municipality and the unions should take heed of the recommendations made and ensure that the implementation is not impeded in any manner. This will be an indication to the stakeholders that the employer and unions will eradicate any negative perceptions. Organised Labour also has a role to perform in this process by not making the employer the villain at all times and *vice versa*. A participatory decision making process will enhance relationships in the long term between the stakeholders. The municipality and the unions should note that working in isolation would not achieve the desired results to make the working environment a conducive one. Therefore it is obligatory on management and organised labour to utilise their skills to ensure that a win-win outcome is achieved. The fact that personnel are employed to provide a service to the community must be the guiding principle to resolve disputes. Management and the unions must work in close collaboration to achieve a proper working environment and reduce disputes. There should not be the attitude of the victor and defeated party, but the idea of finding the best solution to a dispute, which will impact on service delivery to the communities that they serve.

Key lessons to be learnt from this research are that perceptions have impacted on the causes of disputes. The unions and management have to undertake great introspection to ensure that the work environment could eventually become less burdened by stress. The behaviour and attitudes of employees in the eThekweni Municipality would have to undergo a process of re-engineering. Precise procedures and policies in the eThekweni Municipality direct the operation of the different Service Units in the pursuit of effective, efficient and economical

services. The Municipality must engage its workforce to attain that objective. Worker participation dynamics has a considerable impact on the quality of employment relations. Organised labour faces challenges that have to be managed effectively to ensure that positive service delivery is maintained.

## **6.2 RECOMMENDATIONS**

This research was to determine the role of organised labour on what and how it undertakes its interaction with management to resolve disputes for its membership. The following recommendations are made regarding the management of disputes in the municipality.

### **6.2.1 PRECISE POLICIES AND PROCEDURES**

Having precise policies and procedures does not necessarily indicate the means to an end. They do provide direction. However, the cause for concern is that from the senior management down to the general worker, urgent training is necessary in respect of familiarity with policies and procedures. The author of the research emphasises that organised labour and management negotiated a grievance process should a dispute arise. The procedure highlights the document to be utilised and the time frames within which the dispute should be concluded

### **6.2.2 MANAGEMENT'S LACK OF UNDERSTANDING THE POLICIES**

Management's lack of understanding policies and implementing them consistently and correctly is perceived to be the cause of disputes. This therefore indicates that the role of management has to be assessed to ensure that its attitudes and behaviours are corrected. Management should be trained to understand policies and ensure that they are implemented correctly and consistently.



### **6.2.3 RELIANCE ON THE TRADE UNION**

The reliance on the trade union by its members is considered to be relatively high. However, the effectiveness of the Union in dispute resolution certainly needs improvement. Unions need to engage with its members to enquire what their shortcomings are to ensure that corrective action is taken and maintained.

### **6.2.4 INTERPERSONAL RELATIONS**

Interpersonal relations are valued by majority of the respondents and they feel that conflict is not valued. Management and the unions should relate to their members and update them with useful information.

### **6.2.5 AWARENESS OF STAKEHOLDERS IN DISPUTE RESOLUTION**

The awareness of stakeholders in dispute resolution in an organisation as large or eThekweni Municipality is vital. A high percentage of the respondents felt that the EAP Facilitator and Training Manager are largely unknown. The municipality must endeavour to rectify this situation where this important level of personnel is made known to the employees from senior management down to the general workers. Failure on the part of the municipality to advertise these key personnel will render the employees together with their trade unions to engage the Bargaining Council to resolve their disputes.

## **6.2.6 KNOWLEDGE AND SKILLS IN DISPUTE RESOLUTION**

In the municipality, a sizeable percentage of the employees have noted their ignorance of the knowledge of dispute resolution procedures and the use of them. However, at the other end of the spectrum, the lack of skills of the personnel utilising the dispute procedure is huge. A large number of employees ranging from senior management to the blue collar level are not knowledgeable on the policies and procedures in place. Employees depend on their unions to undertake training programmes to keep them updated. The management component, however, has a legal division to cater for their needs to understand the policies and procedures in place. Judging from this chasm, skills development is imperative in the municipality.

## **6.2.7 CONFLICT MANAGEMENT OVERSIGHT TEAM**

Support structures in dispute resolution need urgent attention to remedy the situation. A vision, mission and value statement that precisely deals with conflict management must be developed urgently. An employer as large as the eThekweni Municipality should have a management team to evaluate the resultant cause and effect of disputes. There has to be a conflict management oversight team coupled with an evaluation programme to share and understand the causes and values of disputes. A programme must be implemented to identify and remedy the shortcomings that are currently being experienced. There must be personnel available for employees to discuss their disputes and problems in confidence. The researcher holds the view that the behaviour of employees is key to the organisational work. The deciding factor in every dispute resolution process is the approach and determination of the parties to resolve the dispute. Managers essentially are in a better position to have an influence on conflicts and contribute to a positive environment in the workplace (Crawley, 1992: 9 – 10).

## **6.2.8 SUPPORT STRUCTURES IN DISPUTE RESOLUTION**

A number of dimensions to support dispute resolution were investigated. Performance reviews should be implemented to cater for conflict management and resolution skills. Applicants should be participating and shaping dispute resolution outcomes with the involvement of their trade union to ensure that a repetitive nature is curtailed. Grievances must be dealt with objectively and resolved and not drawn through to the process of arbitration.

## **6.2.9 EVALUATION PROGRAMME TO SUPPORT DISPUTE RESOLUTION**

A large percentage of the respondents indicated that procedures do exist. The concern however that is these procedures must be applied consistently. There are consequences for avoiding conflict and the stakeholders must review their approach. There are cost implications whenever a frivolous or vexatious grievance is taken to the bargaining council for resolution. Stakeholders want to be victorious and to display their version to be correct, while representatives are not abiding by the rules and regulations. Feedback and information must be provided to stakeholders to ensure that the awareness of the rules, policies and procedures are understood. The understanding of the rules and procedures should eliminate many disputes from arising and making the workplace a better place to live in.

## 7. BIBLIOGRAPHY

### 7.1 PUBLISHED BOOKS

Abrahamson, B. 1997. Bureaucracy or Participation. Sage Publications: London.

Alexander, P. 2000. Workers, War and the Origins of Apartheid: Labour and Politics in South Africa, 1939-1948. Cape Town: David Philip.

Barry, D.D. & Whitcomb, H.R. 1981. The Legal Foundations of Public Administration. USA: West Publishing Co.

Botes, P. 1994. Aspects of Supervision. Pretoria: Southern Book Publishers.

Chandler, J.A. 2001. Local Government Today. New York: Manchester University Press.

Chemanais, J., Bayat, S., van der Walt, G. & Fox, G. 1997. Managing for excellence in the public sector. Kenwyn: Juta.

Cloete, J.J.N., 1991. Public Administration and Management. Pretoria: JL van Schaik.

Crawley, J., 1992. Constructive Conflict Management: Managing To Make a Difference. London: Nicholas Brealey Publishing.

Craythorne, D.L. 1990. Municipal Administration a Handbook. Cape Town: Juta & Co.

Daniels, A.C. 1994. Bringing out the best in People. USA: Mc Graw-Hill, Inc.

Denhardt,R.B. 1993. Theories of Public Organisation. USA: The Maple-Vail Book Manufacturing Group Press.

Du Toit, D. 1981. Capital and Labour in South Africa, Class Struggle in the 1970s. London: Keegan Paul.

Du Toit, D. 1998. The Labour Relations Act of 1995, second edition. Durban: Butterworth Publishers.

Flood, R.L. & Jackson, M.C. 1991. Creative Problem Solving. Chichester: John Wiley & Sons Ltd.

Fox W, Schwella E & Wissink H 1991. Public Management. Cape Town: Juta and Company.

Gildenhuys, J.S.H. & Knipe, A. 2000. The Organisation of Government: An Introduction. Pretoria: Van Schaik Publishers.

Grossett, M & Venter, R. 1998. Labour Relations in South Africa. Johannesburg: Thomson Publishing.

Hanekom, S.X., & Thornhill, C. 1983. Public Administration in Contemporary. Johannesburg: MacMillan.

Hastings,C., Bixby, P & Chaudry-Lawton, R. The Superteam Solution. 1988. England: Gower Publishing Company.

Hunt, J. 1981. Managing People at Work.London: McGraw-Hill Book Company.

Kemp, N. 1992. Labour Relations Strategies. Kenwyn: Juta & Co, Ltd.

Kramer, F.A., 1977. Dynamics of Public Bureaucracy. Massachusetts: Winthrop Publishers, Inc.

Leavitt,H.J. 1980. Managerial Psychology. Chicago: The University of Chicago Press.

Loewen, J. 1999. The Power of Strategy. Halfway House: Zebra Press.

Maharaj, P. 1992. Grievance and Disciplinary Procedures at the Local Government Level. Durban: UDW.

McCormack, M.H. 1995. London: Negotiation. Century Ltd.

Meyers, G.C & Holusha, J. 1986. When it Hits the Fan. London: Unwin Hyman Limited.

Mukhopadhyay, A. 1985. Municipal personnel administration. New Delhi: Swatantra Bharat Press.

Pynes, J.E. 2004. Human Resources Management for Public and Non profit Organisations. San Francisco: Jossey-Bass.

Thomas,A.B. 1993. Controversies in Management. London: Routledge.

Thornhill,C. & Hanekom, S.X. 1995. The Public Sector Manager. Durban: Butterworth.

Schein, E.H. 1970. Organisational Psychology. New Jersey: Englewood Cliffs.

South Africa (Republic) .1998. The National Action Plan for the Promotion & Protection of Human Rights. Cape Town: CTP Book Printers (Pty) Ltd.

South Africa (Republic) .1993. Constitution of the Republic of South Africa. Pretoria: Government Printer.

South African Local Government Bargaining Council. 1995. Constitution.

Vegter, E.N. 1980. Functional Management. Durban: Butterworths.

Weisinger, H.1989. Creative Criticism. London: Billing and Sons Limited.

Yoder, D., Heneman, H.G., Turnbull, J.G. & Stone, C.H. 1985. Handbook of Personnel Management and Labour Relations. New York: McGraw-Hill.

## **7.2 REPORTS**

Peter, A.J., Director: Industrial Relations, eThekweni Municipality 25 November 2004.

(Ichharam, M 2003) South Africa's Bargaining Councils and Their Role in Dispute Resolution, Department of Sociology, RAU).

## **7.3 NEWSPAPER**

Daily News Workplace. Wednesday, January 19, 2005.

Daily News Workplace. Wednesday, January 26, 2005.

## **7.4 GOVERNMENT PUBLICATIONS ( Acts of Parliament)**

Republic of South Africa: Basic Conditions of Employment Act 1997 (Act 75 of 1997).

Republic of South Africa: Constitution of the Republic of South Africa, Act 1996 (Act 108 of 1996).

Republic of South Africa: Employment Equity Act 1998 (Act 55 of 1998).

Republic of South Africa: Labour Relations Act 1995 (Updated: 2008) (Act 66 of 1995).

Republic of South Africa: Occupation Health and Safety Act 1999 (Act 85 of 1993).

Republic of South Africa: Skills Development Act 1998 (Act 97 of 1998).

## **7.5 UNPUBLISHED SOURCES**

### **7.5.1 INTERVIEWS**

Anil Singh, Regional Secretary of the SALGBC, 2005.

Dunsmore: Regional Manager (IMATU 2005).

IMATU Handbook on Shop Stewards Duties.

IMATU Handbook on Trade Union History.

## **7.6 WEBSITES**

[www.mediate.com/articles/janis](http://www.mediate.com/articles/janis): Date accessed: June 30, 2009.

[denoll@manageconflict.com](mailto:denoll@manageconflict.com): Date accessed: June 30, 2009.



# 8. ANNEXURES

# **ETHICAL CLEARANCE**

**PERMISSION LETTER FROM  
EMPLOYER**

# **LANGUAGE PRACTITIONER**

# **LETTER OF INFORMED CONSENT**

# QUESTIONNAIRE

RESEARCH OFFICE (GOVAN MBEKI CENTRE)  
WESTVILLE CAMPUS  
TELEPHONE: 031 260 3587  
EMAIL: [ximbap@ukzn.ac.za](mailto:ximbap@ukzn.ac.za)



26 NOVEMBER 2010

MR. V PAKKIRI (200100098)  
School of Public Administration

Dear Mr. Pakkiri

PROTOCOL REFERENCE NUMBER: HSS/0250/04M  
PROJECT TITLE: The Role of Organised Labour in Dispute Resolution in the eThekweni Municipality

**EXPEDITED APPROVAL**

This letter serves to notify you that your application in connection with the above has now been granted full approval following your response to queries raised by the Research Ethics Committee.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach/Methods must be reviewed and approved through an amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the school/department for a period of 5 years

Best wishes for the successful completion of your research protocol.

Yours faithfully

PROFESSOR STEVEN COLLINGS (CHAIR)  
HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS COMMITTEE

cc. Supervisor - Dr. M Subban  
cc. Mrs. C Haddon

**ETHEKWINI MUNICIPALITY**  
**Health, Safety and Social Services Cluster**  
**Health Unit**

9 Old Fort Place  
Durban 4001

P O Box 2443  
Durban 4000

Tel: (031) 311 1111  
Fax: (031) 311 3530

Website: <http://www.durban.org.za>



Our Ref:

Your Ref:

Enquiries:

29<sup>th</sup> November 2006

**Student Name:** Vadival Pakkiri

**Student No:** 200100098

**Re: Master of Public Administration: Permission to undertake  
Research in e-Thekweni Municipality**

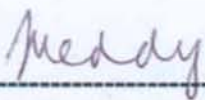
Sir,

This serves to confirm that you have been granted the requisite permission to undertake research within the e-Thekweni Municipality.

This research is supported so that you could provide the municipality with an academic perspective on dispute resolution.

It is envisaged that feedback from the survey undertaken will highlight strengths and weaknesses. This will enable the municipality to undertake adjustments wherever it is necessary.

Yours sincerely

*PP*  
  
-----  
**Dr U. Sankar**  
**Head: eThekweni Health**

Address correspondence to the Head: Health





**Manie Pakkiri**

---

**From:** Michael Sutcliffe [michael@demarcation.org.za]  
**Sent:** 06 August 2006 03:44 PM  
**To:** Manie Pakkiri  
**Subject:** RE: Dissertation Request: Master of Public Administration

That's fine.

michael

---

**From:** Manie Pakkiri [mailto:maniep@imatudbn.co.za]  
**Sent:** Wednesday, August 02, 2006 1:47 PM  
**To:** Michael Sutcliffe  
**Subject:** RE: Dissertation Request: Master of Public Administration

I will be handing out 70 to achieve a return of 50.  
Manie

---

**From:** Michael Sutcliffe [mailto:michael@demarcation.org.za]  
**Sent:** 25 July 2006 10:40 PM  
**To:** Manie Pakkiri  
**Cc:** Carron Dove  
**Subject:** RE: Dissertation Request: Master of Public Administration

Drop it off. How many will you do?

michael

---

**From:** Manie Pakkiri [mailto:maniep@imatudbn.co.za]  
**Sent:** Monday, July 24, 2006 2:01 PM  
**To:** Michael Sutcliffe  
**Subject:** RE: Dissertation Request: Master of Public Administration

Hi Michael,  
I have reached the stage of conducting the full survey for qualitative and quantitative statistical analysis. The data will be utilized in formulating a report towards the completion of my Degree. The Pilot survey could not be conducted for a variety of reasons. I am seeking your permission to hand out these questionnaires to participants whose anonymity is guaranteed. I will be handing a questionnaire to you as my 1<sup>st</sup> respondent, so you could view the document all the same. Please indicate whether an interview is necessary or could I drop the questionnaire with your Secretary to be collected once you've completed same.

Kind regards,  
Manie Pakkiri  
IMATU  
Fulltime Shop Steward  
0824615036 / 3344600 / 3344626

2006/08/07

**TO WHOM IT MAY CONCERN**

16 November 2010

This dissertation, entitled *The role of Organised Labour in Dispute Resolution in the eThekweni Municipality*, has been edited to ensure technically accurate and contextually appropriate use of language.

Sincerely

A handwritten signature in cursive script that reads "CM Israel". The signature is written in black ink and is positioned above the printed name and title.

**CM ISRAEL**  
**BA Hons (UDW) MA (UND) MA (US) PhD (UNH)**  
**Language Editor**

**UNIVERSITY OF KWAZULU-NATAL**  
**Masters degree in Public Administration Research Project**  
**Researcher: Mr V. Pakkiri 082 4615036**  
**Supervisor: Mrs M. Subban 031- 2067763**  
**Research Office: Ms P. Ximba 031- 2603587**

**CONSENT**

I ..... (Full Name of Participant)  
hereby confirm that I understand the contents of this document and the nature of the research  
project, and I consent to participating in the research project.  
I understand that I am at liberty to withdraw from the project at any time, should I so desire.

Signature of Participant

Date

.....

.....

## 1. BIOGRAPHICAL DATA

Place a cross (X) in one of the option boxes chosen.

### 1.1 Indicate your sex, race, and employment category

EMPLOYMENT CATEGORY	AFRICAN		COLOURED		INDIAN		WHITE		OTHER	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
1. SENIOR MANAGEMENT										
2. MIDDLE MANAGEMENT										
3. JUNIOR MANAGEMENT										
4. OTHER (PLEASE SPECIFY)										

### 1.2 Highest qualification

Std 6 and less	
Std 7 –Std 9	
Matric	
Certificated Courses	
Post Graduate Qualifications	

### 1.3 Age group

20 - 30 Years	
31 - 40 Years	
41 - 50 Years	
51 - 60 Years	
Over 60 Years	





- 3.7 Diversity
- 3.8 Negotiation
- 3.9 Managerial Mediation
- 3.10 Facilitation Skills

Yes	No

#### 4. FAMILIARITY WITH POLICIES

Place a cross (x) in one of the option boxes.

Do you feel that employees are adequately trained or familiar with the following policies?

4.1 Conditions of Service Handbook?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

4.2 Disciplinary Code and Practice?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

4.3 Performance Appraisal?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

4.4 Employment Practices Policy?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

#### 5. INTERPERSONAL RELATIONS

Place a cross (x) in one of the option boxes.

5.1 *The attitudes, values, beliefs, norms, and practices, of the organization are significant aspects to ensure harmony & efficiency in the workplace. What are your comments on following aspects?*

- 5.1.1 Is conflict valued?
- 5.1.2 Are dissenting views encouraged?

Yes	No



- 5.1.3 Is conflict seen as an opportunity for change?
- 5.1.4 Are relationships important?
- 5.1.5 Is feedback welcome?

Yes	No

5.2 Does the **Trade Union** frustrate the dispute resolution processes by adopting delaying tactics?  
Explain:

---



---



---



---

5.3 Does **Management** frustrate the dispute resolution process by adopting delaying tactics?  
Explain:

---



---



---



---

## 6. STAKEHOLDERS IN DISPUTE RESOLUTION

Place a cross (X) in one of the option boxes.

6.1 Which of the following personnel are you aware of in the Dispute Resolution process?

- 6.1.1 Human Resources Manager
- 6.1.2 Training Manager
- 6.1.3 Ombudsman
- 6.1.4 EAP Facilitator
- 6.1.5 Mediator
- 6.1.6 Facilitator

Yes	No

6.2 Is Management applying the guidelines to Dispute Resolution fairly?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

## 7. KNOWLEDGE AND SKILLS IN DISPUTE RESOLUTION

Place a cross (x) in one of the option boxes.

7.1.1 Is conflict management a core competency in the organization?

7.1.2 Do people know what procedures are available?

7.1.3 Do people know how to use the procedures?

7.1.4 Are people skilled at listening to each other, probing for interests and exploring creative options?

7.1.5 Are people skilled at using mediation?

7.1.6 Are people skilled at using investigations and arbitration?

Yes	No

7.2 Do disputes arise out of the Management's lack of *understanding* policies?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

7.3 Are disputes due to Management's lack of *implementing* policies consistently and correctly?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

7.4 Does Management always enforce their interpretation of policies and procedures?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

7.5 Is poor Management or lack of Supervisory skills the main cause of disputes?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1



## 8. CONFLICT MANAGEMENT

Place a cross (x) in one of the option boxes.

8.1. Does your organization have a vision, mission and value statement that specifically deals with conflict management?

8.2. Are the general vision, mission and values in alignment with conflict management?

8.3. Are conflict management roles and responsibilities defined in job descriptions?

8.4. Is conflict management behaviour described in job descriptions?

8.5. Are the conflict management values known and shared amongst staff?

Yes	No

## 9. SUPPORT STRUCTURES IN DISPUTE RESOLUTION

Place a cross (x) in one of the option boxes.

9.1. Are people available to provide help to disputants?

9.2. Does the municipality have the resources to deal with conflict?

9.3. Does the municipality have a senior management system to manage dispute resolution?

9.4. Are staff able to discuss their disputes in confidence?

9.5. Does the municipality have a conflict management oversight team?

9.6. Does the municipality have an evaluation program?

Yes	No

## 10. EVALUATION PROGRAMME TO SUPPORT DISPUTE RESOLUTION

Place a cross (x) in one of the option boxes.

10.1. Are grievances dealt with objectivity?

10.2. Do grievants participate in decision-making and shaping dispute resolution outcomes?

10.3. Does the municipality reward a collaborative approach?

10.4. Do performance reviews consider conflict management and resolution skills?

10.5. Are there consequences for conflict avoidance?

Yes	No

## 11. PROCEDURES AND OPTIONS

Place a cross (x) in one of the option boxes.

11.1 Do procedures exist?

11.2 Are procedures followed consistently?

11.3 Are procedures available to handle the disputes that occur?

11.4 Are interest-based options (e.g. Conciliation) available?

11.5 Are rights-based options (e.g. Investigation, Arbitration) available?

11.6 Are procedures well designed?

11.7 Do people get feedback and information when they need it?

Yes	No

11.8 Is employee / worker transgression one of the main causes of disputes?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

11.9 Do employees rely on the Trade Union for protection in disputes?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

11.10 Do you feel that the Trade Union plays an effective role in Dispute Resolution within the e-Thekwini Municipality?

STRONGLY AGREE	AGREE	UNCERTAIN	DISAGREE	STRONGLY DISAGREE
5	4	3	2	1

**THANK YOU FOR YOUR PARTICIPATION**