INVESTIGATING THE IMPACT OF COVID 19 ON COLLECTIVE BARGAINING AND WORKERS LIVELIHOODS:

THE CASE OF NEHAWU IN DURBAN.

A Dissertation submitted in partial fulfilment of the requirements for Master's degree of Social Science (Community Development) in the School of Built Environment and Development Studies,

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Contents

List of figures

List of Tables

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DECLARATION

I, Mbuyiseni Simon Mathonsi, declare that this research project is submitted to Master's degree of Social Science (Community Development) in the School of Built Environment and Development Studies, University of KwaZulu-Natal. The manuscript has not been submitted previously to any degree. All reference materials contained therein have been duly acknowledged.

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Mbuyiseni Simon Mathonsi **Date**

LIST OF ACRONYMS

ANC - African National Congress

NEHAWU - National Education Health and Workers Union

COGTA - Cooperative Governance and Traditional Affairs

COSATU - Congress of South African Trade Unions

PSCBC - Public Service Coordinating Bargaining Council

KZN - KwaZulu-Natal

ILO - International Labour Organization

COVID - 19 - Coronavirus of 2019

CHW - Community Health Workers

LRA - Labour Relations Act

CB - Collective Bargaining

RSA - Republic of South Africa

RNA - Ribonucleic Acid

TFL - Tanganyika Federation of Labour

GTUC - Ghana Trade Union Congress

Stats Africa - Statistics South Africa

GDP - Gross Domestic Product

UNCSEC - United Nations Committee on Social, Economic and Cultural rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

NEDLAC - National Economic Development and Labour Council

SAAWU - South African Allied Workers Union

GAWU - General and Allied Workers Union

HAWU - Health and Allied Workers Union

GEAR - Growth, Employment and Redistribution

WFTU - World Federation of Trade Unions

TUI-PS&A - Trade Union International for Public Service and Allied

SACTU - South African Congress of Trade Unions

SADTU - South African Democratic Teachers Union

POPCRU - Police and Prisons Civil Rights Union

PSC - Public Service Commission

TVET - Technical and Vocational Education and Training

CET - Community Education and Training

UK - United Kingdom

DDG - Deputy Director General

LRA - Labour Relations Act

BEC - Branch Executive Committee

DPSA - Department of Public Service and Administration

USA - United States of America

NLARA - National Labour Relations Act

ILO - International Labour Organisation

SDG - Sustainable Development Goals

KZN - KwaZulu – Natal

CHW - Community Health Workers

ABSTRACT

Collective bargaining is often associated with higher earnings, greater security for employees, and greater earnings equality. During the collective bargaining financial circles of 2019/2020, 2020/2021, 2021/2022 South African collective bargaining could not meet this protective function. Protective function means ensuring adequate pay, deciding on limits on daily or weekly working hours, and regulating other working conditions. The failure of wage negotiations during the above collective bargaining circles had hampered the South African government's plan to reduce the levels of race and gender inequality, and it has also had a negative impact on the country's economic growth.

This study investigates the impact of COVID 19 on collective bargaining and workers' livelihoods, using the case of NEHAWU in Durban. The National Education, Health, and Allied Workers Union (NEHAWU) is one of the largest trade unions in South Africa, which organizes both in the public and private sectors (especially with regard to state-owned entities). A qualitative research approach was adopted together with an exploratory research design to conduct an in-depth exploration of the phenomenon under study. Semi-structured interviews (both face-to-face and online) were employed for data collection among the leaders and members of NEHAWU in Durban. Thematic analysis was used to code the qualitative data and identify the emerging themes and subthemes. Meanwhile a non-probability sampling method was employed, and a purposive sampling technique was used to identify a sample of 10 (ten) participants for the study. "Collective bargaining: a veritable tool for resolving conflict", the theory of collective bargaining by Kolatikan (2014) as well as three theoretical perspectives in industrial relations (the Unitary, the Radical and Pluralistic perspectives) combined to form the framework that underpin this study.

The research study revealed that the failure of collective bargaining during 2019/2020, 2020/2021, and 2021/2022 collective bargaining circles as a result of the COVID-19 pandemic did not only disrupted workers' livelihoods but it also reversed workers' level of life and deepened gender, race, and class inequalities. The study also revealed that the salary freeze experienced during the above collective bargaining circles, coupled with the rise in food and petrol prizes, drove some workers into hard-core poverty, a level of the working poor, with workers occupying the lowest rungs of the payment system bearing the most brunt. The study recommends that collective bargaining needs to be strengthened and protected, especially during disasters such as COVID-19. It also recommends the up skilling of the low-paid workers

so that they can move up the salary rungs. It further recommends that collective bargaining should prioritize workers who are in the lowest rungs of the salary payment system.

Keywords: Collective Bargaining, Trade unions, COVID 19, Industrial relations, Livelihoods, Public Service Coordinating Bargaining Council.

CHAPTER 1. INTRODUCTION

1.1. Introduction

During the collective bargaining, financial circles 2019/2020, 2020/2021 and 2021/2022 public sector trade unions in South Africa embarked on a number of mass actions, short of a strike action, as means of forcing the South African government to honour in full the collective bargaining agreement of 2018 to 2021 (contained in Public Service Coordinating Bargaining Council (PSCBC) resolution 1 of 2018) and 10% salary increase for the 2021/2022 collective bargaining circle. The trade unions demanded the South African government to honour the collective agreement despite the government's reallocation of public expenditures to deal with the COVID-19 pandemic (Muller, 2020). Coronaviruses (CoVs) are a group of highly diverse, enveloped, positive sense and single stranded Ribonucleic acid (RNA) viruses that cause diseases involving respiratory, enteric, hepatic and neurological system among both humans and animals (He, Deng, and Li, 2020, p. 719). This disease was first discovered in Wuhan in China in December 2019 and confirmed on 5 March 2020 in South Africa. Rezandt (2015) defines a collective bargaining agreement as a set of promises, implying a covenant of good faith and fair dealing and enforceable by law.

Among the public sector trade unions involved in this struggle is the National Health, Education, and Allied Workers Union (NEHAWU), the biggest and the most militant affiliate of the Congress of South African Trade Unions (COSATU), which has more than 277 000 members ((City Press, 25 April 2021).). This chapter provides a contextual understanding of the issue of COVID-19 and its impact on collective bargaining and workers' livelihoods, using the case of NEHAWU in Durban. It provides the background, rationale, and research problems for the study. It further presents the aim of the research and outlines the objectives and questions to be answered by the research study.

1.2 Background and outline of the research problem

The South African government reneged on honouring the public sector wage agreement reached during the public sector negotiations of 2018 and 2021, stating the need to exercise fiscal prudence to redirect public resources in order to grapple with the challenges of the COVID-19 pandemic (Muller, 2020). During the 2021 Budget Review, the then South African Minister of Finance, Mr Tito Mboweni, raised the concern that public finance was

unsustainable, particularly because the public sector wage bill accounted for 34 percent of the public financial expenditure during the financial year 2019/2021. The Minister then outlined measures for reducing the public sector wage bills to ameliorate the challenge of overspending (Singh, 2021). The government further argued that the South African public sector wage bills were already higher in comparison to other developing countries in the Southern African Development Community (SADC) region (Department of National Treasury, 2021). The COVID-19 pandemic has occurred at the worst possible time for South Africa, and as a result, the country's economy slumped by 7 percent in the third quarter of 2021 thereby affecting government's fiscal planning and expenditure (Smit, 2021).

However, the reallocation of public expenditure to procure medical suppliers, such as personal protective equipment and vaccines, as well as the redirection of public finance resources and expenditure to fund other pressing needs of the country had negatively impacted the public sector workers' livelihoods (Muller, 2020).

According to a survey launched by the World Bank through a series of Rapid Response Phone Surveys of more than 100 countries, South Africa was among the sub-Saharan countries where COVID -19 had a negative impact on livelihoods, food security, and human capital and caused massive job losses (Paci, 2021). Therefore, this study seeks to investigate the impact of COVID-19 on collective bargaining and workers' livelihoods using the case of NEHAWU in Durban.

1.2.1. Brief Profile of NEHAWU

NEHAWU is both a Public and Private Sector Trade Union founded on 26-27 June 1987 (NEHAWU History book, 2021). This Trade Union was formed during the surging workers' political struggle in the turbulent 1980s (NEHAWU History Book, 2021). A trade union is the product of the merger of three trade unions: the South African Allied Workers Union (SAAWU), the General and Allied Workers Union (GAWU), and the Health and Allied Workers Union (HAWU) (NEHAWU constitution, 2004).

The union organizes in the following sectors: public health, state administration and public social development, all state-owned enterprises, private health, higher education (Universities and Colleges), and TVET and CET Sectors (NEHAWU Constitution, 2004). From its inception, NEHAWU carries the legacy of class-orientated trade unionism with the liberation struggle heritage "bequeathed by its forbearers, such as the South African Congress of Trade Unions (SACTU), the forerunner of the Congress of South African Trade Unions (COSATU)

to which NEHAWU is presently affiliated. Due to its internationalist ideology, legacy, militancy, and organizational prowess, this worker union has grown tremendously, with its membership rising from 18 000 in 1988 to more than 272 826 in 2022 (NEHAWU History book, 2021). As an affiliate of the World Federation of Trade Unions (WFTU), NEHAWU is considered a champion of international solidarity in relation to trade union rights, collective bargaining, and political and ideological activities (NEHAWU, 2010).

NEHAWU's militant dexterity were further pronounced when in 1989 (during Apartheid South Africa) it joined hands in a relentless strike action with two other COSATU public sector trade unions, the South African democratic Teachers' Union (SADTU) and the Police and Prisons Civil Rights Union (POPCRU), to bring about sweeping changes that radically reconfigured the state of the public service in South Africa (Maree, 2013).). Owing to this strike action and the mass mobilization program that upported it, the apartheid South African Government had to offer workers the remarkable wage increases, in which the lowest paid grade 1 received 29.5% increase, and grades 2 to 6 received 35% increase (Du Toit *at a.,* 2010). Further, because of this combative action, a collective bargaining platform for public service workers was initiated for the first time since 1912 (Maree, 2013). Through this revolutionary action, the Public Service Commission (PSC) was established to regulate the numeration and working conditions for public service workers (Brandl and Traxler, 2011). The bargaining council, established in 1989, is the cornerstone of today's Public Service Coordinating Bargaining Council (PSCBC) (Maree, 2013).

In its last National Congress held in 2021, NEHAWU characterized the conditions under which South African public sector trade unions operated as follows:

(a) That the conditions in which South Africa's social and economic development were conducted kept being hamstrung by the neoliberal capitalist trajectory that was adopted by the Government in 1996 in the form of the Growth, Employment and Redistribution (GEAR) program.

(b) NEHAWU further asserted that as a result of the neoliberal agenda, working people's conditions had deteriorated, with wages having not increased in the two decades following 1994 (NEHAWU history book, 2021:181).

(c) According to NEHAWU, the neoliberal agenda had produced a new phenomenon of "precarious" workers, deepened joblessness, and eroded real wages. (Naidoo, 2010; and Burchiesi, 2021)

(d) Furthermore, NEHAWU observed there had been a radical reconfiguration of the South African workforce which altered the class composition of the public sector workforce from the one dominated by "non-classified" workers (General hands, porters, and cleaners, amongst them) to the one dominated by classified and professional workers (professional nurses, doctors, radiographers, administrative staff etc. (Dunjwa, 2020).

Given the above dynamics and many others, NEHAWU was then not only faced with the challenges of protecting trade union rights and improving collective bargaining, but it was also confronted by the challenge to refashion its character and re-engineer its organizational machinery in order to remain relevant in the new environment that demanded a different leadership approach and style. (NEHAWU History Book, 2021: 182).

1.3 Rationale for the study

This study highlights how the challenges of poor salaries, deteriorating wages, and poor living standards of workers have become the major reason for the drop in labour income for workers around the world during the COVID-19 pandemic (ILO, September 2020). This research study further aims to suggest ways in which trade union collective bargaining can be strengthened to cushion workers during the COVID-19 pandemic and other such calamities. The study is in line with the outcomes of the research by the International Labour Organization (ILO) which contradicts the argument by the South African government that public sector worker salaries should be frozen just because they are believed to be among the highest paid in the SADC region (Department of National Treasury, 2021). The ILO is an organisation that sets internationally recognised principles to protect the rights of workers in the global world and serves to secure the interests of the employees by facilitating social dialogue between governments, employers and workers (Rizandt, 2015, p.15). Rizandt (2015) further asserts that the ILO is the creature of the United Nations (UN) charter and is therefore a UN agency.

The ILO is a special agency of the United Nations (UN) and created by the UN Charter.

The South African Broadcasting Corporation (SABC) News (September 2020), as of 2020, reported that many workers would have their houses repossessed because COVID 19 had made

workers either lose their jobs or earn less due to reduction in working hours and that such a situation made workers fall behind in servicing their housing mortgages and credit payments. This causes psychological problems such as stress and depression due to workers' fear that their property would be auctioned by banks, leading them to become homeless (Antonio *at al*., 2021)

This research study contributes knowledge about practical strategies employed by NEHAWU leaders, negotiators, and workers during collective bargaining in South Africa. It is on this basis, therefore, that this study sought to investigate the impact of COVID-19 on collective bargaining and workers livelihoods using the case of NEHAWU in Durban. NEHAWU is both a public and a private sector union and therefore conducting the study at NEHAWU allows affords the researcher to capture sentiments of trade union members workers across both these sectors (NEHAWU History Book, 2021). Hence NEHAWU Durban region is even more relevant because while it comprises of members from both sectors, it also composed of the members from all races drawn from different socio-economic backgrounds: urban, peri-urban, and rural areas.

This study covers the period from April 2020 to May 2022. This period covers the following collective bargaining financial circles: 2019/2020; 2020/2021, 2021/2022, and part of 2022/2023. This was the period when the first COVID-19 case was confirmed in South Africa on 5 March 2020 and the period where lock down restrictions were declared in March 23 and later extended to 30 April 2023 (Mbunge, 2020). The study further covers the period of the 5 alert levels (a plan to gradually open certain economic sectors of the country) declared on the 24 April 2020, through to the period of vaccination which began in December 2021 (Arndt at al., 2020) up until the beginning of the 2022/223 collective bargaining circle in May 2022.

Thus far, research studies conducted in relation to the COVID-19 pandemic have focused more on labour market dynamics in South Africa during the time of COVID-19 (Ranchodd & Daniels, 2020) and the livelihood impacts of the virus in urban areas of South Africa (Schotte & Zizzamia, 2021). None of the existing studies have focused specifically on how the Covid-19 pandemic affected public sector workers' salary negotiations and workers' living conditions in South Africa. This study contributes new knowledge on how NEHAWU leaders and workers deal with the challenges posed by COVID-19 on collective bargaining and workers' livelihoods.

1.4 Research problem

Public sector unions in South Africa faced insurmountable challenges when negotiating salary increases for their membership during the COVID-19 pandemic, especially during the financial years of 2019/2020, 2020/2021, and 2021/2022 (Singh, 2021; Smit, 2020). The situation was further exacerbated by the fact that the South African government reneged on the collective agreement on public sector salary increase reached in 2018, which is referred to as resolution 1 of 2018 and covers the period from 2018 to 2020 collective bargaining period (Singh, 2021). The government asserted that the public sector workers' wage bill was both higher and unsustainable, and that it needed proper management (Department of National Treasury, 2021). This created an impasse between the government, public sector workers, and worker representatives.

It is common cause that the deadlock between public sector unions and government in South Africa always result in a collision course that ignites rolling mass action impacts negatively on South Africa's economic outlook (Maleka, 2021). The case in point is the most disruptive and violent public sector worker strikes in 2007 and 2010 (Mahlangu & Pitsoe, 2011). According to Ozili (2020), salary negotiations need to be approached with consideration by both negotiating parties because the drop in salary income and wages of public-sector workers would result in households being forced to reduce their consumption of goods, thereby further affecting the country's economic growth prospects. The continued salary freeze flies in the face of the recent research findings that there is a high level of indebtedness among public servants of South Africa and that almost 80% of them have more than four (4) credit commitments which they are failing to service making them vulnerable to loan sharks or unlicensed money lenders (Mwase, 2017). Mwase (2017) believes that such situation could lead to workers compromising their integrity in the discharge of their duties, as they are preoccupied with how to deal with debt collectors.

This study was conducted to explore how NEHAWU uses the collective bargaining platform to negotiate better salaries for its members and improve their livelihood during the COVID-19 pandemic period.

1.5 Research Aim

To investigate the impact of COVID-19 on collective bargaining and workers' livelihoods: The case of NEHAWU in Durban.

1.6 Research Questions

(a) How has COVID-19 affected collective bargaining and workers' livelihoods at NEHAWU in Durban?

(b) What are the workers' experiences of navigating life during COVID-19 at NEHAWU in Durban?

(c) What are workers' perceptions of collective bargaining and their livelihoods at NEHAWU in Durban?

(d) To what extent can collective bargaining meet workers' livelihood expectations during COVID-19 at NEHAWU in Durban?

1.7 Research Objectives

(a) To investigate the ways in which COVID-19 has affected collective bargaining and workers' livelihoods at NEHAWU in Durban.

(b) To investigate workers' experiences of navigating life during COVID-19 at NEHAWU in Durban

(c) To investigate workers' perceptions of collective bargaining and workers' livelihoods during COVID-19 at NEHAWU in Durban.

(d) To investigate the extent to which collective bargaining can meet workers' livelihood expectations during the COVID-19 period at NEHAWU, Durban.

1.8 Outlining of the Chapters

Chapter 1 of the study presented the background, rationale, research topic, the aim, questions and objectives of the study.

Chapter 2 presents a literature review and provides both a contextual and an in-depth understanding of the subject being researched. This chapter explains the concept of collective bargaining, its origins and traces how this phenomenon has changed over time. It further provides a background on the landscape of collective bargaining in South Africa and how it has been implemented both in Apartheid South Africa and during a democratic dispensation.

This chapter also defines the phenomenon of livelihoods and explains how the COVID-19 pandemic has affected the workers' livelihoods.

Chapter 3 describes the methodology adopted by the study and the methods used for data collection and analysis. It also outlines the ethical considerations vital for this study as well as highlights the limitations of the study.

Chapter 4 summaries the research findings, their interpretation and presents a discussion

Chapter 5 completes the research report and presents the study recommendations.

The following chapter focuses on the discussion of consulted literature based on the topic.

CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter provides a literature review and analysis relating to the impact of COVID 19 on trade unions' collective bargaining and workers' livelihood at NEHAWU in Durban. The term collective bargaining was first coined in 1891 by the British labour movement pioneer and an economic theorist, Beatrice Webb, who defined it Collective bargaining as

"A process through which workers come together and send representatives to negotiate (with employers) their terms and conditions of employment." (Doellgast & Benassi, 2020, p.2)

According to Godfrey (2010), collective bargaining is viewed by employers as a means to maintain labour peace, a preferred environment for profit making, while for workers, it is viewed as a means to maintain certain standards relating to the distribution of work, wages, and stable employment. Godfrey (2010), avers that the collective bargaining framework is provided in section (c) of Labour" Relations Act no. 66 of 1995, which states that employers and employees can

(a) Collectively bargain to determine wages, terms, and conditions of employment and other matters of mutual interest.
(b) Formulate industrial policy to balance the interest of both employees and employers

ILO's collective bargaining Convention of 1981 defines the term collective bargaining widely to include all negotiations that take place between the employer, a group of employers' or one or more employers' organisations, on the one hand, and one or more workers' organisations on the other,

for the purpose of (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers and their organisations and the workers organisations (Rezandt, 2015, p.15)

This chapter provides the conceptualization of the trade union collective bargaining, defines collective bargaining from an international perspective, traces the origins of collective bargaining both in Africa and South Africa. It also outlines the relationship between trade unions and collective bargaining and indicates why collective bargaining should be considered a trade union instrument/approach. Furthermore, the chapter analysis the impact of COVID-19 on collective bargaining in South Africa and its effect on workers' livelihoods. The theoretical frameworks guiding this study are based on collective bargaining, industrial relationships and workers' livelihoods challenges.

2.2 Conceptualising trade union collective bargaining

2.2.1 Evolution of Collective bargaining

Collective bargaining is the process by which workers in the firm gather to send their representatives to negotiate terms and conditions of employment with firm managers, and it is an alternative to individual bargaining (Doellgast & Benassi, 2020). For Hyter and Elgar (2014), collective bargaining as an institution originated with the industrial revolution in the 18th century and was discovered by economic theorist Beatrice Webb, founder of industrial relations in the United Kingdom. The Industrial Revolution was a period of major reforms in the structures of manufacturing, agriculture, and transportation, and it forms that basis for the current social and political structure of developed nations (Hyter & Elgar, 2014; Doellgast & Benassi, 2020). This period, spanning about a century, from 1760 to 1850, initially saw Great Britain, and then the developed nations of Europe and North America became industrialized, causing an increase in factories, urbanization, and capitalism, and in the process, a new socioeconomic system was consolidated (Hyter & Elgar, 2014). This period marked the transition from primitive home-based to factory-based mechanization, which saw volumes of country-side people descending to industrial areas to seek work (Hyter & Elgar, 2014; Doellgast & Benassi, 2020). At this point, labour relations started being reformed as industrial workers took the initiative to form trade unions, which were considered relevant institutions to protect employees from the new harsh production methods that went with enormous competition among different industries. Therefore, as Doellgast and Benassi (2020) argue,

those workplace negotiations between employers and employees are considered the building blocks for today's collective bargaining.

2.2.2 Institutions and institutionalisation of collective bargaining

The centrality of collective bargaining in any industrial relations process has been agreed upon by many scholars (Bechter & Brandl, (2014); Marginson & Welz, (2015). This section attempts to track and trace how collective bargaining was ultimately institutionalized. Crouch (2011:17) define an institution as follows:

> "An institution is constituted as patterns of human action and relationships that persist and reproduce themselves over time, independently of the identity of the biological individuals performing within them."

The first workers to initiate collective bargaining were the guilds of craft workers who were continuously facing workplace challenges such as low wages and unsafe working conditions (Hyter and Elgar, 2014)). In this situation, workers had to respond by withdrawing their labour power to force employers or governments to listen to their demands based on what was referred to as "joint-rule making" (Doellgast & Benassi, 2020). The employers, Hyter and Elgar (2014) asserted, would either listen to workers and comply with their demands or face strike actions. However and despite relentless struggles by workers, as late as the 19th century trade unions were still not recognized in Europe and collective bargaining was viewed as a criminal conspiracy and considered an act inflicting harm to the "public" (Lance Compa, 2014: 92).

Fortunately for the workers, the economic depression of the 1930s, the free market system-generated economic crisis, imposed a reform on the employer-employee relationship, mainly in Europe and the USA ((Arnholtz, 2018)). This forces both employers and governments to embrace and regularize the collective bargaining regime (Hyter & Elgar, 2014). As a result, the USA National Labour Relations Act was promulgated in 1935, and it did not only legislate the formation of trade unions but also allowed workers to exercise their rights to collective bargaining and the right to contest unfair labour practices (Hyter & Elgar, 2014). By 1937, France and other Western European countries acceded to workers' pressure and began legislating workers' rights to collective bargaining (Doellgast & Benassi, 2020).

In 1944, in the wake of the Second World War, the multilateral structure of the United Nations, the International labour organization (ILO) adopted a Philadelphia Declaration based on the mantra that "labour was not a commodity," and, consequently in 1948 an ILO convention on

the right to collective bargaining (Convention no. 98 of 1948) was passed as one of the international laws and that further reconfigured the entire world's industrial relations regime (Hyter and Elgar, 2014). Doellgast and Benassi (2020) emphasized that with the declaration by the ILO not only was collective bargaining legislated and allowed but also its scope was expanded beyond being concerned with wages and working conditions to include other rights such as job security, training, parental leaves, equality issues, to mention just a few.

2.2.3 The role of free market system in shaping the global environment of collective bargaining

Crouch (2011) mentions that all organisations undergo institutional changes. Institutional change is defined as change in an entire class of organizations and these mean changes in the ideas that govern institutions and that changes introduced by ILO in the employment contract altered the rules and practices the collective bargaining regime (Crouch, 2011)

The somewhat progressive industrial relations forced by the Great Depression era, normally referred to as the Fordist period of the economic boom (1940s – 1960s), faced a cul-de-sac with the ushering in of yet another economic crisis known as the oil shock that began in the 1960s (Arnholtz, 2018). In fact, since the depression of the 1930, the Oil Shock of the 1960s, and the financial crisis of 2008, policy makers have gradually become aware that collective bargaining systems are not neutral instruments but that they can be manipulated to serve the neoliberal agenda and be used to improve the economic performance of companies, industries, and countries (Arnholtz, Meardi, and Oldervoll, 2018; OECD, 2017, 2018, 2019). The neoliberal-driven reformation of the collective bargaining system forced a decline in bargaining coverage, which was caused by the regulatory changes such as the discontinuation of national agreements and multi-employer bargaining, changes in the rules or policies on the extension of sector agreements to unorganized employers, and in the legal treatment of the validity of multi-annual and expired agreements (OECD, 2017, 2018, 2019).

According to Baccaro and Howel (2010) and Bechter and Brandl (2014), this common neoliberal trajectory which was dominant in advanced capitalist countries, became a dominant exogenous pressure that forced countries to curtail the impact of collective bargaining by forcing labor market flexibility, loosening employment regulations, and moderating wages. This pressure, (Bechter & Brandl 2014) insists, was rooted in reducing the cost of doing business by supranational institutions, such as the European Commission (UC), European Central Bank (UCB), and International Monetary Fund (IMF). This transnational force not only

called for a review of industrial relations systems, but it also down varied central collective bargaining and put a hybrid model where central bargaining became subservient to decentralized or firm-based bargaining (Angrave *at al.*, 2017).

2.3 Collective bargaining from an international perspective

There are different views on the role of national governments and their resilience to the neoliberal agenda in the regulation and management of industrial relations in their countries within capitalist political economies (Baccaro & Howel, 2017). This section examines the role of different nation-states in the transformation of employment relations and collective bargaining systems since the early 1960s, with specific reference to Western Europe, Latin America, and the United States. The examination will be based on the following three areas: (1) the role of the states in collective bargaining during the era of neoliberalism, (2) the scope of collective bargaining within the context of neoliberalism, and (3) the trade unions approach to collective bargaining within capitalist political economies.

2.3.1 The role of national governments on collective bargaining during the times of neoliberalism.

In 1930, the Great Depression ushered in new forms of industrial relations, where national governments became practically involved and became active players in the employment relations regime (Heyes et al., 2012). This involvement was based on the dominant theory of that time known today as the Keynesian model, which advised central governments to actively intervene and declare necessary policy to rescue local firms from liquidation (Heyes et al., 2012). This theory carries the logic of capitalist development which states that the state-driven industrial relations were imperative in restructuring the labor market for a stable socioeconomic environment (Ntumy, 2015). This Model felt that capitalism was not capable of resolving its own crisis, hence the need governments' intervention (Heyes *et al.*, 2012). However with the Oil Shock of the 1960s and the financial crisis of 2008, policy makers had become aware that collective bargaining systems were not neutral instruments but are susceptible to manipulation by employers to maximise profit and improve economic performance of companies and industries (Arnholtz, Meardi, and Oldervoll, 2018; OECD, 2017, 2018, 2019).

In their original article "A common neoliberal trajectory: the transformation of industrial relations in the advanced capitalist states, Politics and Society", Baccaro and Howell (2014) analysed the trajectory of institutional change in the industrial relations systems of France, the

UK, Germany, Italy, Sweden, and Ireland since the 1970s. These two scholars concluded that the patterns of change in industrial relations had been transformed in a similar neoliberal direction, which is characterized by dominant employer discretion. In this article, Baccaro and Howel (2014) observe that while this neoliberal trajectory was common across Western European countries, the pathways to liberalization and the extent to which it has been accomplished differed considerably, depending on national settings.

Hence, since the 1960s, in Europe and especially in Germany, the UK, the USA, and Japan, it was observed that the erosion of bargaining coverage during the Great Recession was was not unique but it was just the continuation of a process that began much earlier and was not related to regulatory changes during the crisis (Arnholtz, Meardi, and Oldervoll, 2018). Most Western Europe states had since the 1960s introduced reforms that have directly or indirectly contributed to weakening trade unions, strengthening employers, and reshaping industrial relations in a neoliberal direction (Streeck, 2011). This has happened in a variety of ways, for example, through the deregulation of the labor market, the support of non-standard employment, the redefinition of labor policies in favor of active measures, and sometimes through reforming wage-setting institutions, promoting the decentralization of collective bargaining, and introducing legal criteria for representativeness (Marginson and Welz, 2015).

According to Marginson and Welz (2015), the main reason why unions are generally weaker today than 50 years ago is that they often represent a smaller share of a more diversified workforce, and their role and voice in the political arena is less important, while employers have become relatively stronger. This has been caused by the increased pressure from international competition which produced massive unemployment through advocating for domestic deregulation of labor markets which led to the total commodification of labor (Schulten and Müller, 2015).

According to Baccaro and Howel (2014) the employer discretion is always observable in three areas of collective bargaining systems: (a) wage determination, (b) personnel management and work organization, and (c) hiring and firing procedures. This employer discretion introduced a new characteristics in the collective bargaining regime, referred to as hybridization and derogation (Schulten and Müller (2015). Hybridization refers to the form of a collective bargaining regime that allows for multi-layered wage negotiations conducted both at central and decentralized levels while and derogation is the collective bargaining systems which include "opening or walk out" clauses that allow employers to walk out of collective

agreements at any time (Marginson & Welz, 2015). The power asymmetry between employers and workers facilitates liberalization of industrial relations where changes in employment relations without replacing existing institutions and their rules (Baccaro and Howel, 2014)

2.3.2 Trade union approaches to collective bargaining in the era of neoliberalism

While neoliberalism has empowered employers to be the most influential players in collective bargaining, but this does not mean that the counter movements of trade unions and civil society in reversing such.

Neoliberalism dominance on employee relations systems can still be radically altered in favour of the workers, only if they understand that the collective bargaining institutions remain instruments in the hands of (social) actors, and that industrial relations are actor-driven in any changing economic, social, and political environment (Collete *et al.,* 2017). These authors believe that a combination of economic shocks and political responses by workers and social movements could act as game changers (Betcher & Brandl, 2015).

;ike Collete *at al.*, Bacarro and Howel (2017) also believe that while the significance and sophistication of employer discretion should not be undermined, but counter movements such as trade unions and social movements have the potential to expose the worst effects of neoliberalism and offer alternatives. For an example, in 2008, when the European Commission sought to apply the employer discretion rule, the European trade unions and social movements successfully organized a resistance program that moved bargaining to units at different layers where they made substantial gains. (Betcher & Brandl, 2015).

Thus, even with the current COVID-19 pandemic and its devastating socioeconomic consequences it should be expected that the counter movement of trade unions and social movement would still confront and succeed against any employers' attempts to water down employment relations (Collete et al., 2017).

2.3.3 Collective bargaining scope and institutional changes under neoliberalism

Collective bargaining was brought about by the rise of social democratic political parties immediately after the First World War, and since then, it has provided a fertile environment for the establishment of centralized bargaining arrangements, which has made workers score many gains that increased trade union density (Godfrey, Maree, Du Toit and Theron, 2010)

As stated above, the neoliberal trajectory of 1960s not only changed the structure but also reduced the scope of collective bargaining (Visser, 2013). Visser (2013) asserts that among the major workers' gains reversed by the neoliberal regime was the system of "extension" of collective bargaining agreements. Extension is a system in which collective bargaining agreements are extended to all employers in the industry and even cover the non-unionized section of workers (Bechter and Brandl, 2015). According to Bechter and Brandl (2015), the system of institutional conversion of the collective bargaining system is the common strategy used by employers during times of economic turmoil. This was introduced in1940s but gained momentum in the 1960s and was exploited by both transnational organizations and capitalist-oriented governments in response to the oil shock economic crises (Brandl & Traxler, 2011). Such changes in collective bargaining and general public policy are often forced into national governments by external monetary institutions, such as the World Bank, the International Monetary Fund, and other institutions leveraging the financial support dispatched to those countries (Molina, 2011). Baccaro and Howell (2011, 2017) and Streeck (2011) aver that liberalization in industrial relations is part of a wider neoliberal project directly linked to the aim of capital to restore and maximize profitability.

In their quest to maximize profit and exercise control over foreign economies, these financial capitalist institutions perceive collective bargaining as an obstacle to labor market adjustment, which must ensure an increase in labor productivity by moderating wages and loosening employment regulations (Bechter and Brandl, 2015). While the scope for collective bargaining had expanded since the 1930s to include non – wage issues such as training, job security, and leaves, the 1960s and 2007/8 structural reforms demanded reduction of the collective bargaining scope to be limited only to wages and the introduction of a hybrid central bargaining system with dominance of firm-based collective agreements which could not extend to other firms (Braakman & Brandl, 2016).

2.4 Collective Bargaining in Africa

In Africa, the legal framework for employment relations is located within the Africa Charter of Human and People's Rights, which was adopted by the majority of African states on the 1st June 1981. This framework is built on the International Labour Organization's Convention No. 98 of 1948 (Zvobgo, 2019). According to ILO Report (2011), by the year 2011 only a little more than a quarter of Africa's workers were wage or salary earners and most of whom were in the agricultural sector and were 'working poor' falling below the $1.25 per day poverty line. Even during this 21st century, most African workers are still found in the informal sector

because Africa is a large and diverse continent where many countries face serious economic challenges despite their rich natural resources (ILO 2019). The Report explained how over the years, the world collective bargaining system had been hollowed out and trade union density reduced due to a neoliberal agenda adopted by both firms and government (Zvobgo, 2019). Given the dominance of the neoliberal agenda in world industrial relations, it is necessary to locate the analysis of the African collective bargaining system in three stages through which it has evolved. Those are the colonial stage, independent, and post-independence periods.

2.4.1 The evolution and institutionalisation of collective bargaining in Africa during the colonial stage.

According to Sisulu (2019), Africa's wage labour in its modern sense occurred after the Berlin Conference. This conference was convened between the period 1884 and 1885 by the Germany Chancellor Otto Von Bismarck to manage the ongoing process of colonisation of Africa so as to avoid the outbreak of armed conflict between rival colonial powers (Craven, 2015)). the conference created a legal and political framework for the partition of Africa into territories to be "owned" by the European and the West colonial powers and it had to subordinate African claim to sovereignty under these colonial powers and, at the same time, provide an effective ideology of colonial rule (Craven, 2015).This conference represents the final scramble for Africa, where dominant European superpowers Britain, France, and Germany led the process of dividing Africa into colonial territories in order to amass African natural resources and expand their industrial sector (Sisulu, 2019). However, it is worth mentioning that even during the pre-colonial period, labour relations networks had been formed and exercised through craft and tradesman's guilds facilitated through trade relations between some European countries and certain African tribal chiefs (Ntumy, 2015)

Already the period before the First World War there had emerged the African workers' trade unions in territories of British West Africa which were influenced by the "strong indigenous tradition of association, and where some embryo trade unions may have existed for some time earlier." (Mwakilambo, 2020:3). For example, in 1920 in Ghana (Accra) Africans formed "Artisans' and Labourers' union and these earliest African trade unions grew as a result of the hostile conditions of labour that were introduced through colonialism in which the Africans were forced to produce their labour force to exploit the African natural resources under European or American corporations. (Mwakilambo, 2020).

However, the formal institutionalization of industrial relations in Africa dates back to the 1940s and is intertwined with Africa's struggle for independence, which African trade unions had been an integral part of (Kocer & Hyter, 2011). As a result of the Berlin conference demarcation, Africa's industrial relations evolved in accordance with the colonizing country's world outlook (Mwakilambo, 2020). For example, in African French territory the legislation regarding industrial relations and collective bargaining were directly linked to civil rights laws that were obtaining in France, and these laws provided better conditions for African trade unions to easily enter into collective contracts with employers compared to British controlled African regions (Kocer, Hyter, 2011). Kocer & Hyter (2011) assert that in workers in settler French workers unions recruited African workers to their own unions making them acquire the status equal to unions in mainland France. Due to this organic connection, especially after the Second World War, many unionists from France (and Belgium) were sent to Africa to organize African workers (Stirling, 2011). In fact, judging from collective bargaining systems of France and British colonies, it could be observed that labour relations and dynamics of interpersonal relations between employers and the employed were a microcosmic reflection of the societies that colonized them (Ntumy, 2015). The primary objective by French authorities to give rights to African trade union formation was an attempt to create stability in colonial political economies for both the ease of extraction of natural resources and for the preservation of markets for finished products (Dioh, 2010). Nonetheless, this policy of condescension did not succeed because African trade unions decide to adopt the posture of social movements and change agents of the time and agitated for political and economic changes (Ntumy, 2015).

For example, in Tanzania, Tanganyika Federation of Labour (TFL) was the peak labour organization prior to national independence, and it was an important proponent of the nationalist movement. Similarly, in Ghana, the Ghana Trade Union Congress (GTUC) became a leading actor in the struggle for self-government (Mlimka 2010).

However, trade unions in Africa have demonstrated a tendency to become less effective after independence (Jauch, 2010, Bereford & Cross, 2015). For example, in Namibia and Zimbabwe, trade union federations played a significant role in the struggle for independence. However, the analysis made in 2015 noted that these once powerful and fearless organizations were then playing a subordinate role in the post - colonial period often reduced to play a function of a "conveyer belt" for the ruling party (Beresford & Cross, 2015: 11)

In British West Africa, there was no major presence of the European settler working class; hence, African workers formed their own unions as a premise for initiating collective bargaining, and luckily, for them, British government representatives allowed the formation of trade unions in anticipation of stable industrial relations (Stirling, 2011). However, unlike the case with unions in French territories, unions in British territories did not have any link with Trade unions in Britain and they had to develop their own version of labour relations (Stirling, 2011).

Contrary to West Africa, in Southern Africa the development of trade unions was quite unique simply because, in these territories the European settlers considered African workers as potential job competitors and perceive them as enemies (Kocer & Hyter, 2011). As a result in Southern Africa (especially in Botswana, South Africa and Zimbabwe) black trade unions remained banned even in the aftermath of the Second World War ILO convention giving the rights to trade union formation. Instead, during apartheid South Africa, these adversarial relations were elevated into law through the Labour Relations Act of 1953. The same adversarial relations were also dominant in Portuguese territories (Stirling, 2011).

2.4.2 Development of Africa industrial relations and collective bargaining during independence

When African states gained independence, albeit in different periods, African trade unions played a critical role, not only in ushering in independence, but also in shaping the ideological character of their respective governments (Kocer & Hyter, 2011). Also, African trade unions, both because of their credentials in the struggle for independence and their human resource capacity, provided one of the important recruiting bases for both government and business communities of newly established states in Africa (Ntumy, 2015). The presence of trade union leaders within the state apparatuses did not only enhance the degree of workers' role in the state but it also led to the industrial relations of the colonial period being radically transformed and an agenda for developmental states set in (Mlimka 2010). The formation of big federations in most African countries during this period facilitated the development of the centralized bargaining systems and compelled different employers to form employer organizations to participate in central bargaining processes (Kocer & Hyter, 2011). In order to give meaning to collective bargaining, Governments of African Independent states facilitated the formation of corporatist organizations, mainly consisting of trade unions, business communities, and state representatives as empowered social partners for a genuine social dialogue. These social

dialogues led to the achievement of, at least, two important features of a developmental state in African countries which are (a) the introduction of minimum wages and (b) the ratification of an extensive number of ILO conventions regarding the conditions of work and this made trade unions the main actors in the economy (Mlimka 2010). Social dialogue also facilitated the formation of state enterprises and these institutions became very important features of a developmental state, making new African independent states the main drivers of service delivery (e.g., infrastructure, education, health, etc.) (Kocer and Hyter, 2011)

Industrial relations during post - independence period

In the 1970s, when the world went into a deep economic crisis, independent African countries could not be spared (Mlimka 2010). This economic crisis led to serious foreign exchange shortages, increased public debt, and high inflation, forcing most African countries to succumb to austerity measures and implement one size fits all structural adjustment programs imposed by Breton–Woods institutions (Kocer & Hyter, 2011). These structural manoeuvres forced internal political instability in many African countries and led to the emergence of counter revolutionary voices that demanded regime changes and the installation of new governments that would embrace the neoliberalism agenda of the dominant financial institutions and transnational companies (Mlimka 2010). This period of austerity measures imposed drastic budget cuts in public expenditure reversed all the gains in both the political and labour relations systems (Kocer & Hyter, 2011). These austerity measures further added to the day-to-day problems of workers by promoting further reductions in wages and undermining the already weak social policies by demanding drastic cuts in public expenditures. Hence the demise of many once progressive African governments can be traced on the public resentment generated by these economic crises and the adverse consequences of structural adjustment programs, which permanently promised but failed to deliver growth and prosperity (Kocer & Hyter, 2011)

2.5 Collective Bargaining in South Africa

Collective bargaining in South Africa is traced through the evolution or development of the country's political and socio – economic realities (De Wet (2018). In particular, South African labour legislation and collective bargaining cannot be understood outside the industrial relations of the Southern African region in an integrated manner (Dukes, 2011). This is because much legislative activity in the region emanated ex cathedra from South Africa, mainly from

the Cape Colony, the then seat of the British High Commission (Dukes, 2011). This examination of South African collective bargaining takes into account the predatory nature of colonial penetration and how this evoked resistance and rebellion from trade unions which was described as organized group anarchy, conspiracy, insubordination, or industrial sabotage by a colonial administration (Godfrey, Maree, Du Toit and Theron, 2010).

These were considered by the trade unions as genuine reactions directly corresponding to aggressive dispossession and the cumulative effects of dislocation from ancestral lands and forms of economic and subsistence activity (Godfrey, Maree, Du Toit and Theron, 2010). This section examines South African collective bargaining system around the following areas: the origins and exercise of South Africa collective bargaining regime pre and post 1994 democratic breakthrough with specific reference to the collective bargaining legal framework, the scope and structure of collective bargaining system during the democratic period. The section also analysis the state of the Public Service Collective bargaining status immediately before and during the COVID-19 pandemic period, the effects of the 2007/2008 economic crisis and the neoliberal paradigm informing the 2019/2020, 2020/2021. 2021/2022 and partly 2022/2023 collective bargaining environments and the basis of the impasse between government and public sector workers. It also traces public service trade unions responses post 1994.

2.5.1 History of trade union and collective bargaining in South Africa

2.5.1.1 South African collective bargaining pre-1994.

The lynchpin of collective bargaining legislation in South Africa was the Industrial Conciliation Act of 1924 (De Wet 2018). This Act came about because of the the relentless struggles in the form of strike actions and work stoppages in 1907 and 1913 by white British settler workers brought to provide skilled labour in South Africa when diamonds and gold were first discovered in the 17th century (Godfrey, Maree, Du Toit and Theron, 2010). The discovery of gold and diamonds in South Africa marked the transformation and expansion of South Africa's economy, which was mainly based on agriculture (Godfrey, Maree, Du Toit and Theron, 2010).

By the time a new piece of the above legislation was promulgated, in power was The government of the Union of South Africa, formed on May 31, 1910, after the unification of the Cape, Natal, Transvaal, and Orange River colonies, and this government is the historical predecessor to the present-day Republic of South Africa. De Wet (2018) indicated that by 1924, the then South African government had two objectives to achieve in its domestic policies, that

is (a) to formalize the "colour bar" in the industry and also to entrench the 'two-stream' concept of South African nationhood which were Native and European South African states. Through this strategy, the discriminatory South African state created a formal schism between the so called 'civilized' (white) and 'uncivilized' (black or African) workers (Godfrey et al, 2010; and, Du Toit et al, 2015). From the period 1910 to the early 1990s, the South African government had succeeded to entrench the positions of whites as a superior group by, in the main, promulgating laws like the Wages Act of 1925 and others.

The Industrial Conciliation Act of 1924 succeeded to establish industrial councils and these became the core structure for centralized collective bargaining institutions that still exist today.(except when the name was changed to the bargaining council in 1995) (de Wet, 2018). For the first 55 years of their existence, the industrial councils statutorily denied black workers access to centralized collective bargaining, despite the black workers being the overwhelming majority of the working class and this was done by not denying them the right to belong to or establish registered trade unions (Godfrey, Maree, Du Toit and Theron, 2010)

However, the early 1970s saw the emergence of democratic black trade unions with formidable workplace organizations which leveraged the increasing international pressure against the apartheid state and that forced the South African state in 1979 to allow black trade unions to become registered and thus join industrial councils (Dukes, 2011). This turning point represented a fundamental change in the employment relations of South Africa. During the 1980s and the early 1990s, the employment relations landscape was dramatically altered as black trade unions grew and gained recognition from employers because of their participation in the Industrial Councils (Godfrey *et al.*, 2010; and, Du Toit *et al.*, 2015). These trade unions drastically changed the balance of power in the employer – employee relations during negotiations and that created a new dynamic to collective bargaining which increased the trade union density by more than fourfold (Godfrey, Maree, Du Toit and Theron, 2010). The trade unions suffered a minor setback due to the pressure by the world economic crisis of the 1970s and the 1980s which compelled the South African government to embrace the free market ideology and reduce labour regulation, refuse to gazette collective agreements and weakened industrial councils, and contributed to the demise of those workers that were already frail (Dukes, 2011). Fortunately, in the same 1980s, the same South African trade unions had already combined into two large federations: the Congress of South African Trade Unions (COSATU) and the smaller National Council of Trade Unions (NCTU), and had amassed

enough power to resist the harsh apartheid government measures (Theron, Godfrey and Fergus, 2015).

The above developments made Webster (2015) and Chinguno (2013) predict that the multi-employer bargaining was fast becoming the centre of scrutiny by the employer organizations and that collective bargaining would be under immense pressure in some years to come. It was on those basis that Godfrey *et al.*. (2010) warned all trade unions to consider developing some adaptation strategies in defence of the multi-employer bargaining. The developments observed during the bargaining circles under scrutiny by this research study characterized by a vitriolic attack on collective bargaining by the South African government (NEHAWU statement, 2020) attests to the fragility of collective bargaining. According to Webster (2015) trade unions need to develop new forms of organizations and design innovative collective bargaining institutions that would be resilient to employer neoliberal manoeuvres.

2.5.1.2 South African collective bargaining post -1994

The first democratic election of 1994 expressed a clear need for radical change in South Africa's socioeconomic and political order and the new government was confronted with significant institutional transformation measures, the urgent need to introduce new policies in line with the Constitution as well as the call to align the country into a rapidly changing global environment (Rust 2017). Because the industrial relations were critical in shaping the anticipated transformation and policy changes, the government had to the democratisation of the society based on the principles of equality, non-racialism, and non-sexism (Rust 2017).

Collective bargaining was fundamentally transformed after 1994 when a universal franchise brought black majority rule to South Africa for the first time under the government led by the African National Congress (ANC) and hence a number of labour laws were enacted to entrench worker and trade union rights in a stronger way (Ferreira, 2017). The Labour Relations Act 66 of 1995 became the centre peace Act around which collective bargaining would be based. This even made it possible to extend full collective bargaining rights to almost the entire public service system, and to cover those sectors which were denied the right to collectively bargain such as the domestic and farm workers (Grawotzky, 2011). This legislative transformation strengthened the trade union organizational rights at the workplace and as a result the trade union membership was rapidly increased and equitable labour relations got entrenched in the country’s Constitution (Act 108 of 1996). This made South Africa in line with advanced

democracies of the world where labour rights were formally recognized (Grawotzky, 2011). Furthermore, the country got enlisted within the obligations conferred on member states of the International Labour Organisation (ILO) which, amongst others, provided a framework for the determination of wages, policy, and matters of mutual interest between employees and their representatives, as well as to employers and their representatives, thereby promoting orderly collective bargaining, employee participation, and effective dispute resolution (Marree, Du Toit *at al*., 2010)

Labour relations were now conducted in an environment where labour and capital had to be harmonized to achieve industrial peace and improve productivity. In an attempt to provide transparent socioeconomic decision-making processes, the government created institutions such as the National Economic Development and Labour Council (Nedlac) (Kim &Westhuizen, 2015). NEDLAC was established as a corporatist institution to facilitate negotiations and discussions involving the state, organized business, and organized labour, a representative and consensus-seeking body (NEDLAC, 2012, Kim &Westhuizen, 2015)). NEDLAC's objectives were established in the National Economic Development and Labour Council Act 35 of 1994 and they are (a) to strive to promote the goals of economic growth, (b) ensure quality participation in economic decision-making processes, and issues of social equity and (c) seek to reach consensus and conclude agreements pertaining to social and economic policy (NEDLAC, 2012).

2.5.1.3 The scope and structure of collective bargaining during democracy

Currently, South Africa's collective bargaining at multiple levels (Masupye, 2021), the main distinction being between single-employer bargaining and multi-employer bargaining. Single-employer bargaining takes place at the branch, company, or corporate levels, while multi-employer bargaining involves a number of employers who are usually represented by an employers' organization (Godfrey, 2018). The key feature of most multiemployer bargaining arrangements is that the agreements reached will be extended to non-parties, that is, to employers and employees who are not members of the organizations that negotiate the agreement (Maree et al., 2010)**.** The most radical innovation of the South Africa Labour Relation Act is the introduction of the workplace forum (Godfrey, 2018). Workplace forums consist of elected employees who have the right to consult with management and reach a joint

agreement with them over matters such as those relevant to the interests of the parties in a particular workplace. (Godfrey, 2018).

2.5.1.4 Current state of Public Service Collective bargaining

It is also important to note that with the ushering in of a new South African government, the scope of the Labour Relations Act (LRA) has been extended to include employees who were previously excluded from labour action. Therefore, state employees, teachers, lecturers in tertiary institutions, farm workers, and domestic workers are included in the Act and have the same rights and obligations as other workers (Grawotzky, 2011). The Act provides for the establishment of a bargaining council for the public sector. Most of the changes in South Africa favoured unions rather than businesses or employers, and hence centralized bargaining favours larger unions rather than employers, leading to a new power imbalance (Ferreira, 2017)

Addressing the Public Service Bargaining and Administration indaba in 2012, Mr Khumbula Ndaba (the then Deputy Director General (DDG) for Public Service and Administration Department), explained that the structure of collective bargaining in the public service as built on the three pillars of central bargaining. These pillars are the Public Service Coordinating Bargaining Council (PSCBC), which represents bargaining at the central level, the second pillar consists of the bargaining that occurs at dedicated sectorial councils, and the third one refers to bargaining that takes place in provincial and parliament chambers. The parties comprising a bargaining council (BC) comprised employers and all trade unions admitted to the council (PSCBC Indaba, 2012).

As of 2012, there were eight trade unions admitted to the PSCBC, namely, the Congress of South African Trade Unions (with constituents of the South African Democratic Teachers Union (SADTU), the National Education Health and Allied Workers Union (NEHAWU), Police and Prisons Civil Rights Union (POPCRU), the Democratic Nurses Organisation of South Africa (DENOSA), and an independent labour caucus, comprising the Health and Other Services Personnel Trade Union of South Africa (HOSPERSA), the National Professional Teacher's Organization (NAPTOSA), the South African Policing Union (SAPU), and the Public Servants Association of South Africa (PSA). In 2011, 47 bargaining councils covered an estimated 2.5 million workers across both the private and public sectors (including national and local governments) (PSCBC Indaba, 2012). In recent years, there has been a growing importance of the public sector in collective bargaining, and now more than 50 per cent of

bargaining council coverage is linked to public services, and this includes local government (Grawotzky, 2011).

From 2020 to date, the Council still comprises the above representatives from eight Public where the State as an Employer is represented by the Department for Public Service and Administration (DPSA). The primary function of the Council is to negotiate and conclude collective agreements with respect to matters regulated by Section 36(2) of the Labour Relations Act (the Act) (PSCBC 2019/20 Report).

Mr De Bruin, the General Secretary of PSCBC, explains the history and function of the council was to give effect to the goals of the PSCBC as per the Constitution registered on October 13, 1997, and established in terms of Section 35 of the Labour Relations Act (LRA), No. 66 of 1995, as amended (PSCBS GS De Bruin, 2020: 11). De Bruin (2020) further outlines the objectives of the PSCBC as follows: (a) to enhance labour peace in the Public Service; (b) to promote a sound relationship between the Employer and its Employees; (c) to negotiate and bargain collectively to reach agreement on matters of mutual interest to the Employer and Employees represented by admitted Trade Unions in the Council; and (d) to provide mechanisms for the prevention and resolution of disputes between the Employer and Trade Unions admitted to the Council, Employer and Trade Unions not admitted to the council as well as the Employer and Employees where the employer has the requisite authority to resolve such disputes.

2.5.1.5 The effects of the neoliberal paradigm on collective bargaining and the response of trade unions post 1994

In 1912, when trade unions were still not allowed in public service, the Public Service Commission (PSC) was established and used to regulate the remuneration and working conditions of public servants since 1989 (Brandl and Traxler (2011). However, between 1989 and 1996, three militant trade unions, NEHAWU, SADTU, and POPCRU, initiated the biggest strike wave never seen in the history of public service in South Africa and that changed the labor relations landscape of South Africa (Maree, 2013). This introduced a new Labour Relations dispensation whose outcomes were promulgation on the Public Service Labour Relations Act of 1993 which gave fundamental labour rights for the first time to public servants

and provided statutory recognition of public service trade unions (Maree, 2013). The apartheid government had to succumb to the pressure of public service trade unions and offered workers phenomenal wage increases with the lowest paid grade 1 receiving 29.5% increase, while grades 2 to 6 received 35% increase. Workers also forced government accede to a three year long contract (Maree, 2013).

The recognition of these public service trade unions facilitated a remarkable growth in their membership, where SADTU increased from 40 000 members in 1993 to 210 000 members in 1999 (Maree, 2013). NEHAWU also increased rapidly; hence, to date, it stands at more than 276 000 (NEHAWU report, 2021). The union density in 1999 increased to 96%, which was remarkably higher compared to West Germany (75%) and Britain (80%) in 1980's (Maree, 2013:14). Overall, in 1999, there were already 19 public service unions participating in the collective bargaining public service Bargaining Coordinating Bargaining Council (PSCBC) (Maree, 2013).

However, given that the strongest public sector unions, such as NEHAWU, SADTU, and POPCRU, were affiliates of the Congress of South African Trade Unions (COSATU) which is in a political alliance with the ruling party, the public service collective bargaining continued to exhibit forms of both corporation and conflict (Maree 2011). This was because COSATU affiliated trade unions consider themselves to play the dual role of pursuing sectarian workers' interests and also play a part in the transformation of the political and socio – economic situation in the country (Maree, 2013). Botha (2015**)** considers this role by COSATU as responsible unionism necessary for good faith bargaining, governance and the exercising of the various rights and freedoms afforded to trade unions. Responsible trade unions should not only play an important role in the promotion of better working conditions for workers but they should also contribute to the role of shaping society (Botha, 2015).

2.5.1.6 The rise of the tension between public sector trade unions and post 1994 ANC- led administration

The first indication of tensions between public service unions and the democratic state could be traced back to the wage negotiations of 1999, where government used its discretion and unilaterally implemented its final offer of 6.3% against workers' demand of 7.5%, a difference of 1.2% (Maree, 2013). Maree (2013) avers that this government's stance was the cause of the largest and most damaging strike of public servants in 2007. This strike lasted for 28 days and

accounted for a loss of approximately 14.4 million working days. In that period, the employer had offered 5.3% and stuck close to it, while unions demanded 12% salary increment. Finally, because of this union pressure, the state had to revise its offer to 7.5% (Maree, 2013)

During the 2007 round of salary negotiations, the public sector trade unions rejected government's reasoning for workers to exercise belt tightening consequential to the global financial crisis and instead they considered those wage negotiations as their opportunity to recoup their 1999 losses which had caused a serious decline in real wages (Maree, 2013; Grawinzky, 2011). The trade unions argued against belt tightening arguing that within the government circles there was preoccupation with the culture of enrichment and conspicuous consumption.

In 2010 the trade unions approached the strike action a similar way as in 2007 and it lasted for 20 days and ended with the government bending and finally offering 7.5 % increase and an increase in housing allowance, while trade unions had demanded 8.6% (Maree, 2013). In terms of collective bargaining outcomes, workers achieved real growth in wages between 2009 and 2010 (Statistics South Africa (Stats SA), 2011). The SA Reserve Bank indicated that this growth in real wages came off the back of a decline in real wages prior to the crisis. Looking at nominal wage increases during the crisis, salary increases ranged between 9.8 per cent and 10.4 per cent, during 2008 to around 9.4 per cent and 9.6 per cent in 2009 and in 2010 the settlements dropped to between 8.3 per cent and 8.6 per cent (Grawinzky, 2011)

2.5.1.7 Resolution 1 of 2018 and the current impasse 2020/21

During the collective bargaining financial circle 2020/2021, the state had succeeded not only in dictating the nature and direction of public service collective bargaining but also in bullying public sector trade unions to accept the state's predetermined offer (PSCBC update, July 13, 2020). This was even worsened by the fact that the South African state had just "walked out" of the 2018 collective bargaining agreement and hence refused to implement the last leg of the agreement covered in Resolution 1 of 2018. According to the NEHAWU statement of July 2021, the failure by state to comply with all clauses of this resolution coupled with the below inflation increment for the financial year 2021/2022 has denied workers a huge salary increment that would cushion workers against the harsh conditions created by the COVID 19 shock. In terms of PSCBC Resolution 1 of the 2018 collective agreement, the increment that workers would have received from April 2020 to March 31, 2021, was as follows:

1. Salary Level 1-7 : projected CPI + 1.0 %

2. Salary Level 8-10: projected CPI + 0.5 %

3. Salary Level 11-12: projected CPI

The average inflation rate in 2020 was 3. 3%, the lowest in 16 years, and the second lowest in 51 years (Stats SA, 2021). The workers in salary level 1-7, therefore, had by the end of July 2021 lost 4% increment as per resolution 1 of 2018, which would serve as a carry through increment to their baseline and pension, according to the NEHAWU statement of July 2021. While it is arguably the first time that the South African state "walked out" of the central collective agreement (known as derogation), the literature shows that this conduct had become a feature of European collective bargaining since the economic crises of the 1970s and the 1980s and the financial crisis of 2008/2009 (Brandl & Hyter, 2015).

In 2021/2022, again the state emerged victorious over the public sector unions and convinced them to accept a far below inflation salary found in Resolution 1 of 2021 (PSCBC General Secretary, July 17, 2021). This agreement, signed by the majority of public sector trade unions, saw workers being underpaid as follows:

1. The agreement allowed for a pensionable increase of 1, 5% payable to all employees that would, otherwise, not have qualified for the annual pay progression adjustment.

2. The allowance is paid on a sliding scale where level 1 employees receive a cash equivalent of R1220 per month and level 12 employees receive R1695 per month (PSCBC General Secretary, July 27, 2021)

However, the National Education Health and Allied Workers Union (NEHAWU), Police and Prisons Civil Rights Union (POPCRU), and South Africa Police Union (SAPU) refused to sign the Resolution. These unions considered it an insult that workers would be paid through their salary progression budget (SAPU statement, July 2021). NEHAWU further contended that such was an unfair arrangement where workers are paid through their own salary in a situation where the government borrowed from Paul to pay the same Paul, a gruesome attack on collective bargaining (NEHAWU statement, July 2020). Baccaro and Howel (2014) argue that South Africa has embraced a neoliberal regime as a panacea to South Africa's economic

challenges and hence has adopted the form of industrial relations synonymous with collective bargaining systems in most Western European countries.

Collective bargaining as a trade union approach

Trade union collective bargaining arose simultaneously with the rise of the industrial revolution during the periods 1760s and 1850s (Doellgast & Benassi, 2020). This Industrial Revolution, a period of major reforms in the structure of manufacturing, agriculture, and transportation, came with harsh production methods that were highly exploitative of workers (Hyter & Elgar, 2014). Hence the trade unions were formed to negotiate for less harsh production measures (Hyter & Elgar, 2014). Since this also was a period of high competition among different industries, trade unions began realizing that worker unity was a fitting and corresponding response to employers' exploitation of workers across different industries and adopted the collective bargaining as a fundamental approach that trade unions could achieve on behalf of its members and itself (Hyter & Elgar, 2014).

Since then, collective bargaining has always been a tool in the hands of workers, especially after World War II and has formed a fertile environment for the establishment of the multi-employer or centralized bargaining arrangements (Godfrey, Maree, Du Toit and Theron, 2010). Multi-employer had also been used by the trade unions to effect "extension" of collective agreements (Kocer & Hyter, 2011). Extension is an act of public policy where the government declares a public policy that extends collective agreements to non-organized employers (Hyter & Elgar, 2014). Doellgast (2014:4) explains that the extension of collective agreements serves such purposes as (a) the promotion of collective bargaining and self-regulation, (b) the creation of common standards or funds for apprenticeships, training, (c) enforcement of minimum wages and minimum terms of employment, and (d) binding of Foreign Service (FS) providers to domestic standards.

When African states gained independence, albeit in different periods, African trade unions used collective bargaining not only to help their independence, but also to shape the nature and character of their respective governments (Kocer & Hyter, 2011). African trade unions, both because they had been part of the struggle for independence and also because of their human resource capacity, used collective bargaining to develop collective bargaining systems that went beyond just wage negotiations to include appointment and promotion processes among newly established states in Africa (Kocer & Hyter).

Furthermore, Eidlin and McCartrhy (2020:2) note that in collective bargaining arrangements, workers distinguish themselves as a "class for itself" and believe in class unity as a critical element to pursue the class struggle for a new social order. In this context, workers understand that workplace relations are always defined against conditions underlying the boundaries of antagonistic interests between capital and labor, and that disparities in power and economic affluence are a necessary component of capitalist society (Craden, 2011). Given these inherent contradictions reflective of the world outlook, collective bargaining has been considered the vital instrument for workers as they agitate for the reconstruction of society (Eidlin, 2020). However, Grawitzky (2011) argue that in South Africa where there is an environment of high inequality, collective bargaining has become a key mechanism for redistribution and has been more effective in protecting earnings than in saving jobs.

There is also a strong feeling by some scholars that collective bargaining has reached its ceiling and that it is no longer effective (Webster (2015) and Chinguno (2013). This is mainly because employers had succeeded in imposing changes on the industrial system and these have tended to reduce labor costs by expanding unemployment and job insecurity (Marginson, 2014). These wide-range measures, promoted by international organizations, adopted by national governments, and implemented on behalf of capital are always directed at reducing labor costs by moderating the effectiveness of collective bargaining (Glassner and Keune, 2010). With the current employer discretion, Glassner and Keune (2010) argue strongly that trade unions must expect the expansion of flexible forms of work that will lead to the decline of trade unions' power and influence and enable governments and employers to reinforce and accelerate the decentralization trend in collective bargaining.

Webster (2015) and Chinguno (2013) noted that as early as 2013, with neoliberalism in ascendance in many countries, central bargaining had become under scrutiny by employer organizations. Under such conditions, the authors predicted that trade unions would be under immense pressure in the years to come, unless they go through a paradigm shift and reorganize or restructure their approach to collective bargaining institutions (Chinguno, 2013). With the dominance of austerity-driven changes in the institution of collective bargaining, the implications for trade unions are serious (Dellgast & McCarthy, 2020). Visser (2013) warned that these changes weaken the institutional role and standing of the trade union movement at all levels, deplete bargaining power, and curtail fundamental institutional tools and safeguards. Visser (2013) concludes that these changes in the scope and structure of both industrial

relations and collective bargaining undermine the functioning of trade union organizations and threaten the cohesion of collective representation.

2.5.2 The impact of COVID-19 on collective bargaining in South Africa

2.5.2.1 Understanding the socio-economic environment in which South African collective bargaining took place during COVID- 19.

In contrast to previous negotiations, public service collective bargaining for the periods 2019/2020 and 2020/2021/ 2021/2022 took place not only at the time when South Africa was faced with a rising debt in its Gross Domestic Product (GDP) ratio or economic shocks arising from COVID-19, but also when the South African government had taken a politically driven policy decision to embrace austerity measures (Budget review 2019). Austerity measures are strict economic policies that reduce government spending and public debt (Hexly and Brandl, 2014).

In the February 2019 budget review, the South African government declared that it was going to cut a large portion of the employee compensation budget to ameliorate budget deficits. Government felt that in order to put the country on a new trajectory that could yield economic growth, it needed to deal with three areas of key risk to economic growth and which are the primary reasons for the current budget deficit, and those are: (a) corruption and poor management and governance of state owned enterprises, (b) public sector wage bill and, (c) poor administration of the revenue collecting South African Revenue Service (SARS) (Budget Review, 2019). As an intervention, the budget review document reports that the government decided to restructure the Electricity Supply Commission (Eskom), cut the compensation budget by R50.3 billion over the next three years, and review the current administrative systems of SARS (Budget Review, 2019). According to this budget review (2019), this changes would assist the South African government in better managing the budget deficit and containing public debt at sustainable levels. This budget review for 2019 lamented that the South African deficit had widened to 4.7 per cent of GDP in 2019/20 and was expected to narrow to 4.3 per cent of GDP by 2021/22. It was anticipated that the percentage of GDP gross loan debt would increase over the next three years and stabilize at 60.2 per cent in 2023/24, which was calculated to be marginally above the 2018 mid-term budget policy statement (MTBPS) estimates. According to this budget, the government revised the medium-term economic

outlook, with the GDP growth forecast expected to reach 1.5 per cent in 2019, rising to 2.1 per cent in 2021.

Hence, relative to the 2018 Medium-term Budget Policy Statement (MTBPS), the department budget baselines were reduced by R50.3 billion, the measure of which would come from the public sector compensation budget (Muller, 2020). Consequently with the government having revised its baseline expenditure down by R9 billion in 2019/20, R19.7, by billion in 2020/21 and R21.6 billion in 2021/22, it was expected that the public sector collective bargaining was going to contend with challenges informed by these huge cuts in the compensation budget (RSA budget review, February 2019). However, proponents of austerity measures argue that government spending over the years had done very little, if any, to stimulate growth after any financial crisis and that instead, what has been witnessed is the rise of debt, which always reduces spending in other areas of needs and could lead to a country's default on debt payment, the consequences of which would be hard to bear (Muller, 2020).

During the 2021 budget review and as a result of the COVID-19 pandemic, consolidation measures imposed during the 2019 budget were suggested to continue with the hope that this would narrow the budget deficit, stabilize the debt-to-GDP ratio, and exercise restraint in expenditure growth (Budget Review, 2021). According to this budget review, further reduction of budget were to be effected as follows: Compared with the 2020 Budget, main budget non-interest expenditure would further be reduced by R264.9 billion, or 4.6 per cent of GDP, over the Midium Term Expenditure Framework (MTEF) period and most of those adjustments would be directed to the wage bill (RSA 2021 budget reviews).

This fiscal environment was to shape the process and outcomes of the 2020/2021 collective bargaining, which would affect more than 1, 6 million public sector workers, about 70 % of whom are the lowest paid and lowly skilled workers occupying salary levels 1-7 (PSCBC, 2021). About 60% of NEHAWU members fall into the category of salary level 1-7, with about 30% falling in the middle class range and very few in levels 11 and 12 (NEHAWU, 2021).

It is also worth noting that in South Africa, the public service collective bargaining is mainly centralized and multiemployer-based and also have a decentralized function performed in provincial coordinating chambers of the PSCBC in addition to department-based chambers (PSCBC report, 2019/2020). It should also be noted that the PSCBC collective bargaining goes beyond negotiations on salary adjustments to include other forms of social wage, such as leave

measures, housing allowances, medical aid subsidy, danger allowance, and post creation and filling (PSCBC resolution 1 of 2018).

However, it is debatable whether austerity measures are a good strategy for stabilizing government finances. For example, Muller (2020), one of the critics of the austerity plan, posits that cutting government spending in the form of posts and salaries will reduce economic growth and interfere negatively with revenue collection, thereby worsening the situation. Doellgast (2020) argues that fiscal consolidation has a negative effect on governments' ability to deliver public goods to the people and believes that the answer to the current collective bargaining dispute lies in the dialogue between government and public sector trade unions, wherein compromises can be reached.

2.5.3 The Challenges and effects of COVID-19 on Collective bargaining

2.5.3.1 The State of emergency used to sidestep workers' rights

The Public sector unions leverage on collective action to improve the working conditions of workers during normal operation (Visser (2013). However, emergencies that disrupt normal operations limit the role of collective bargaining in protecting the public workforce and negotiating new impact agreements to protect employees during times of uncertainty (Ghadimi, 2020). According to Mthethwa (2020), in South Africa, like in other states, the government exploited the COVID-19 situation to side line social partners (trade unions) and side step workers' rights through imposed costly COVID – 19 related restrictions. For example, when the South African president invoked the Disaster Management Act, which imposed large-scale restrictions as of March 18, 2020, one of the most casualties of this imposition was social dialogue with labour and, in the main, collective bargaining (Laws. Africa newsletter, 2020). Not only were collective arguments put in abeyance, but key collectively bargained agreements were unilaterally reversed by the existing (Allinger *at al.*, 2021). By closing down some departments, introducing shift work, and introducing half-day work, the South African government state as the employer interfered greatly with trade union rights as enshrined in the Basic Conditions of Employment Act No. 75 of 1997, for example, the regulation of a day's work, leave measures, and remuneration (Mthethwa, 2021). According to NEHAWU, community health workers and Public Works program workers were among the categories of

workers that were affected the most by these measures since they are casual workers (NEHAWU, 2020).

While the right to collective bargaining was reversed, the workers were already hurting from the existing challenges in the labor sector, thus their situation had already been worsened by initial coronavirus response measures, which have harmed the economy, businesses, and regional supply chains (Allinger *at al.*, 2021. There were tensions in the workplace as workers contended with a slew of issues, including working long hours, the lack of personal protective equipment, wage cuts, the threat of retrenchment, and wage freezes, all given that at least three million people reportedly lost their jobs since the start of the covid-19 lockdown. (Mthethwa, 2021)

2.5.3.2 Suspension of the right to strike and the right to freedom of gathering

In South Africa, the right to strike is Freedom of Assembly and it forms an integral part of the bill of rights, the cornerstone of South African democracy and is clearly a protected right and is well documented in the Labor Relations Act. No. 66 of 1995 (RSA Constitution, Act no. 108 of 1996). While the South African government introduced these stringent COVID-19 restrictions, trade unions were left powerless as these prevented them from exercising their rights in urging the negotiation process forward (Flavin & Hartney 2015). The Disaster Management No. 53 of 2005, was invoked and transformed into a Police State where security forces were deployed to monitor citizens' activities and ensure compliance with restrictions (Trippe, 2020:1). These COVID-19 rules such as the "stay at home" rule, the banning of gathering, and the introduction of measures such as social distancing severely hum-strung trade unions and prevented them from exercising their many hard-won worker rights such as the right to gather and seek mandate from members and a right to strike in support of their collective bargaining demands (Mthethwa, 2020). Trippe (2020) further argued that the deployment of troops had prompted outcries from civil society and the UN, who warned that excessive policing and the potentially deadly risks associated with the enforcement of harsh lockdowns and curfews could spark a human rights disaster.

The necessity of physical distancing for the duration of the COVID-19 crisis has significantly impacted the typical means by which unions mobilize members and their workforce (Flavin & Hartney 2015). During normal working conditions, it is the established culture that trade unions

mobilize and engage members of a bargaining unit to urge negotiations forward by staging a public show of support, organizing demonstrations, or simply packing a bargaining session full of bodies with and increase the likelihood of success (Flavin & Hartney, 2015).

2.5.3.3 Re-configuration of the work places

Like many other employers, the South African state used the COVID-19 pandemic as an opportunity to reconfigure the workplace by unilaterally introducing new forms of work such as online work (NEHAWU, 2020). Working from home was commenced without any collectively agreed upon resolutions and arrangements that would have allowed trade unions to seek mandates from their members and put forward their views and suggestions on collective bargaining matters (Allinger *at al.*, 2021). Hence, some of these unilaterally arrived at measures resulted in workers' workload being increased, their workers' quality time affected, and in some instances caused increased electricity bills, which reduced workers' disposable income (Allinger *at al.*, 2021, Mthethwa, 2021).

2.5.3.4 Resolution 1 of 2018 and resolution 1 of 2021: Impact on salary freeze

While the South African public-sector workers had already lost a lot of income due to the COVID-19 pandemic as at 2020, the inability of the South African government to honour the last leg of resolution 1 of 2018 only served to increase a dent in their salaries (NEHAWU statement, July 21, 2020). According to the PSCBC General Secretary (July 17, 2021), following under is the indication of the amount that the workers lost per level.

1. Salary Level 1-7 : projected CPI + 1.0 %

2. Salary Level 8-10: projected CPI + 0.5 %

3. Salary Level 11-12: projected CPI

Stats SA (2021) posits that in reality workers had lost at least an average inflation of 3.3% due to government's con compliance with the dictates of the resolution. For the financial year 2020/2021, workers had received a far below inflation increment, totalling to 1.5%, and a mere cash bonus at the minimum of R1220 -00 and maximum R1695 -00 (PSCBC General Secretary, 17 July, 2021). According to the NEHAWU statement of July 2021, the "failure" by that state to comply with all clauses of the resolution, coupled with its below inflation increment for the

financial year 2021/2022, has denied workers a huge salary increment that would have cushioned the workers against the harsh conditions created by the COVID 19 pandemic.

NEHAWU further argued that the arrangement where workers were paid through their own salary in a situation where the government borrowed from Paul to pay the same Paul and where workers received cash gratuity for only 12 months represents an attack on collective bargaining (NEHAWU statement, July 2020). Baccaro and Howel (2014) would argue that this form of industrial relations has now become synonymous with collective bargaining systems in most Western European countries, indicating that South Africa has embraced a neoliberal regime as a panacea to South Africa's economic challenges.

Not only has the South African government introduced cuts in the public sector wage bill (which led to a freeze in public sector wages, especially salary increase for the 2019/2020 financial years), but it has also cut down on its budget to provincial government (equitable share), which has resulted in many provinces having to introduce major retrenchment measures, with the KwaZulu Natal Department of Education, indicating that it will retrench not less than 4000 workers (News Africa, August 18, 2021). These proposed retrenchments would take place at the back of the country, whose labor market has been producing a major unemployment crisis, alongside a deeply unequal employment system (Institute for Economic Justice on Employment and Precarity, 2020).

NEHAWU also observed that the South African government's behaviour of undermining collective bargaining had then been adopted by many firms or employers, both in state-owned companies and the private sector.

> "The decision by the government to renege on a signed collective bargaining agreement has also affected other sectors/employers who are now dragging their feet in implementing binding collective bargaining agreements such as SARS, ARC, NHBRC, and others. At SARS, the employer reneged to implement the last leg of the 2019 signed salary agreement, the increment was to be effective as of the 1st April 2021." (NEHAWU 9 August, 2021, p1)

2.5.3.5 The Plight of temporal/casual workers

> With the government's program of retrenchments on the cards, the plight of the temporary workers in the system was rapidly becoming more oblique (NEHAWU 9 August, 2021, p1).

Among its stress about the continuous contractualisation of Community Health Workers (who are 60 000 nationally), NEHAWU is also strained by many other forms of worker casualization in many other sectors. On August 9, 2021, in a pre-emptive statement to the KwaZulu Natal (KZN) Member of Executive Council (MEC) for COGTA, NEHAWU KZN province had this to say:

> "As NEHAWU in the province, we have come to the conclusion that we can no longer tolerate the arrogance and inconsiderate attitude of this department in dealing with the issues affecting our members and workers. Instead of channelling its efforts in trying to resolve the long standing issue of the permanent absorption of contract workers, that have been working for the department for over a decade, we have been witnessing consistent intimidation and victimization of our members and workers by the department (NEHAWU KZN statement" (NEHAWU09 August 2021, p1).

It is this rate of unemployment and high levels of inequality, according to the Institute for Economic Justice on Employment and Precarity (2020), that in 2018 South Africa had to be reviewed by the United Nations Committee on Social, Economic and Cultural Rights (UN CSECR) on its human rights obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 2015. The two aspects of the ICESCR review were Article 6 on the "right to work" and Article 7 on the "right to just and favourable conditions of work."

The committee recommended the following: on the high rate of unemployment, the Committee recommended that the country provided the committee with efforts to reduce this scourge, especially as it affects mainly the youth and people with disabilities as well as resolve precarious employment. The following were the Committee recommendations: a) South Africa was to introduce relevant legislation that regulates the informal economy to protect workers from abuse; b) the country was also told to extend coverage of labour and social security legislation to all affected workers; c) to facilitate the transition of informal workers into the formal economy; and d) to present and mitigate the casualization or externalization of work in the formal economy (ICESCR, 2020). Therefore, by adopting austerity measures that reduce

the wage bill and pursue worker retrenchment, South Africa is gradually reneging on these commitments (ICESCR, 2020).

2.5.3.6 How can unions strengthen their bargaining positions in retrenchment processes?

As an encouragement to workers and trade unions, Ghadimi (2020) impressed upon trade unions not to be demoralized and felt powerless during the COVID-19 crisis because he believes that trade unions by their nature are capable of resisting employers' power to undermine the collective bargaining process by adopting and applying austerity measures that lead to retrenchment. Ghadimi (2020) observed that employers are using the COVID-19 crisis to retrench workers or restructure workplaces, suggesting that trade unions need to be vigilant and be informed role players during consultations with bosses and at the bargaining table. Ghadini (2020) believes that company information is extremely useful for negotiators facing retrenchment cases right now.

2.5.3.7 Scholarly debates on the economic impact of collective bargaining

According to Lamarche (2015), studies and theories differ in terms of the economic impact of collective bargaining. According to Velenueva (2015), both employers and workers stand to gain from collective bargaining. For instance, the setting of minimum bargained wages serves as an insurance against firms' productivity fluctuations. Velenueva (2015) argues that in a highly globalized world, where workers live in a society with a concentrated distribution of skills and high dismissal, costs are better covered by wages set in collective contracts than in situations with flexible wages. Employers, according to Velenueva (2015), may also benefit from imposing high bargained wages on all workers because the resulting increase in costs prevents small firms from entering the market. But, however,

Fay and Ghadini (2020) argue that as trade unions enter into collective bargaining and defend workers' rights, they need to consider that these new conditions had an undetermined end date given the state of the COVID 19 pandemic. There are contradictory views on whether employers must continue to honor collective agreements and improve the livelihood of

workers. For example, Du Plessis (2020) argues that unions must accept that during this COVID-19 period workers are on a back foot and, therefore, must be ready to make concessions and sacrifices given that government resources, the world over, are depleted by the pandemic.

On the contrary, Pantland (2020) in his article "The coronavirus crisis must be a call for unions to reshape the world," agitates trade unions to mobilize workers and all available resources to fight and defend the rights of workers to decent wages and improve the material lots of working-class people. Similarly, Pantland (2020) and McNicholas *at al.* (2020) advise workers to deepen the struggle to reform conservative collective bargaining regimes and resist the erosion of trade union rights by employers, because this erosion contributes to extreme economic inequality and is also a threat to democracy.

While it is generally believed that collective contracts have positive effects on employees, Velenueva (2015) cautions workers that, notwithstanding the fact that collective agreements are important in regulating the working conditions of both unionized and non-unionized workers and help reduce wage inequality and close down on gender gaps, the same sector-wide collective contracts increase labor costs, hinder employment growth, and force working conditions on employees who are not part of the bargaining process. In support of Velenueva et al. (2018), in their study entitled 'The One Constant: A Casual Effect of Collective Bargaining on Employment Growth?' argued that collective bargaining has a negative economic effect on workers, in that bargaining reduces employment growth by two to four points per year. However, they argue that further studies must be conducted to determine whether this is indeed a constant variable factor or whether it depends on different organizational settings or environments.

On the other hand, Muller (2020) believes that collective bargaining should aim at a win-win solution, and therefore calls upon an understanding between employers and employees to always strive to reach an amicable settlement. Lohmeyer and Taylor (2020) acknowledged that the global pandemic has had a negative impact on people's lives. However, these authors fail to go further and expose how working people and their families have been affected by the same. Evidently, McNicholas *at al.* (2020) highlighted that COVID 19 has exposed the system of collective bargaining as both broken and outdated, which is caused by employer dominance in the social dialogue, and they (McNicholas *at al.* 2020) agitate progressive policymakers of the

world to reform collective bargaining in a way that does not retard unions' ability to be effective in helping workers.

2.6 Theoretical perspectives in industrial relations and collective bargaining

Industrial relations cover the relationship between management and employees and how they interact, through which they regulate conflict in the workplace (Mindset Learn, 2013) Chidi and Okpala (2010) view employment and industrial relations as the study of the rules governing employment as well as the ways in which these rules are changed, interpreted, and administered at the workplace level.

Regarding the relationship between employers and employees, three main theories take precedence today. These are unitary, pluralist, and radical perspectives. These theories of industrial relations were formed in the past century and have not changed much in the past 50 years (Weedmark, 2019). Two of these theories describe relationships in terms of conflict, while the third emphasizes cooperation (Weedmark, 2019)**.** Generally, different firms have different relationship characteristics, which can be explained, in the main, through three types of industrial relations and collective bargaining theory: unitary theory, pluralist theory, and radical theory (Craden, 2011).

Mzwangwa (2015) defined theory as an explanation of how two or more facts are related to one another, and each theory interprets reality in a different way. According to the ILO (2011), the three major theoretical perspectives in industrial relations differ regarding interpretation and the manner in which they are analyzed and applied in workplace relations. The role of unions, workplace conflict, and job regulation are the primary aspects outlined and explained differently regarding how they are applied from each perspective (ILO (2011). The radical perspective is also known as the conflict model, which considers conflict as permanent and based on the irreconcilable interests of workers and employers, while the pluralist perspective views conflict as normal and natural in the workplace, and therefore can be managed. This radical perspective is often associated with Marxism, although it is not limited to it (Mzwangwa, 2015)

2.6.1 Unitary perspective

The unitary perspective in employment relations assumes that employers and workers operate in teamwork to achieve common objectives within an organization (Weedmark, 2019). This

theory views a workplace organization as a combined unit whereby employers and workers have an equal understanding.. Unlike conflict theories, this model disputes any idea that there is a meaningful role for conflict in the workplace and instead suggests that employers should have the freedom to set the rules of the game and that employees should cooperate in complying with the rules (ILO 2011). It is believed that conflict is disruptive and costly to the production process, and each time conflict arises, it is regarded as part of the fault lines related to poor employee management or as a product of communication problems (ILO 2011). As unitarists expect a harmonious workplace comprising committed and loyal employees, conflict is considered a threat and must be eliminated ((Craden, 2011)

2.6.2 The pluralist perspective

The pluralist perspective views the employing organization as a coalition of individuals and groups with diverse objectives, values, and interests (Craden, 2011). The underlying assumption of this perspective is that individuals in an organization combine into a variety of distinct sectional groups, each with its own interest, objectives, and leadership, and that these different groups in an organization are competitive in terms of leadership, authority, and loyalty (Weedmark, 2019). In this regard, conflict puts the organization in a permanent state of dynamic tension (ILO 2011). This is where mainly the trade unions fit in, and it is through a pluralist perspective that unions have a platform to exercise their rights, unlike when an institution or an employer applies or exercises the unitary perspective it (Mzwangwa, 2015)

The observation made by Weedmark (2019) is that the pluralist perspective recognizes the mutual dependence of the two groups, and the assumption made is that the conflict between management and labor is not fundamental and unbridgeable, so that the parties will fail to cooperate. In this regard, the ILO report (2011) highlights that the key lies in the regulation of employment relationships. Pluralists believe that rather than imposing policies on employees, managers are supposed to help reconcile the competing parties within an organization and to help align employee interests with organizational goals (Singh & Loncar 2010).

2.6.3 The radical perspective

This radical perspective is referred to as the Marxist approach, which rejects the pluralist frame of reference on the reconcilability of the competing interests between the two parties involved in an employment relationship (ref). According to Marxists, the objective of the radical

perspective is to annihilate the suppressive social order, and unions are seen as vehicles for this social revolution (Craden, 2011; Eidlin, 2020).

From a radical perspective, conflict will constantly take place between employers and workers due to inherent historical disparities that force employers and workers to be opposed to cooperation, as they pursue different and contradictory interests based on historical hostility (Eidlin, 2020). Eidlin (2020) observes that in the collective bargaining arrangements, workers distinguish themselves as a "class for itself" and that class unity has always been a critical element of their class struggle for a new social order. Workplace relations are, therefore, defined against conditions underlying the boundaries of antagonistic interests between capital and employees and, from this perspective, disparities of power and economic affluence are perceived as a necessary component of the capitalist society (Craden, 2011). Craden (2011) argued that it should then be normal for unions to react on behalf of workers exploited by the capitalist, and in this regard, conflict is inevitable. Indeed, in workplace institutions where joint regulation is applied, there would be times of common understanding, but that does not suggest cooperation as an inherent feature of employer – employee relations (Eidlin, 2020)

2.7 The impact of COVID-19 and workers livelihood

2.7.1 The second theoretical framework underpinning the study is sustainable livelihood.

Paudel (2017:1) defines livelihoods as the capabilities, assets (tangible and intangible), and activities required to make a living. For livelihoods to be sustainable and resilient, Paudel et al. (2017) posited that sustainability can be measured against people's ability to cope with and recover from shocks and stress while maintaining or enhancing their capabilities and assets, including natural resources. Sati (2014) takes the definition even further by arguing that not only should livelihoods be considered sustainable when they cope and recover from stress and shocks, but also if it provides sustainable livelihood opportunities for the next generation and contributes net benefits to other livelihoods at the local and global levels, both in the short and long term. According to Sati (2014), livelihood is a means of gaining a living.

One of the most definitive identifiers of socioeconomic status in modern society is a person's salary (Mabuza, 2020). According to Statistics SA (2019), in South Africa, labor market income is considered the largest source of household income when compared to other income sources, namely, social grants, remittances, income from a business, and pensions. If labor income is the primary source of an individual's sustenance, it determines the lifestyle that

people can afford and ultimately conveys their sense of worth to their employer organization and society at large (Mabuza, 2020).

StatsSA (2019) further confirmed that according to regression results, females earn in overall 14% less than males and amongst the four prominent racial groups in South Africa, blacks earn the least followed by Indians, then coloreds and whites earning the most (23% more than Blacks). The reasons for these salary inequalities are at the very least multidimensional; however, the most prominent reason is the level of education of the workforce. (Mabuza, 2020)

2.7.2 The state of livelihoods in South Africa

In terms of the ICESCR review conducted in South Africa in 2018, it was found that this country has both a major unemployment crisis, especially among youth and people with disabilities, and high levels of inequality. Among its recommendations, the ICESCR committee placed a positive obligation on the South African state to ensure that everyone had access to decent employment opportunities, including by directly providing decent employment to those without access (ICESCR, 2020). The committee placed an obligation on the South African government to guarantee every worker the right to decent work in the context of the COVID-19 pandemic and to ensure that access to work does not place the lives of workers in danger.

The issue of sustainable livelihood is also outlined in South Africa's National Development Plan (NDP, 2011). The NDP (2019) observed that the country's primary challenges are poverty and inequality and that these two challenges are exacerbated by rising unemployment. The NDP has set a goal of full employment by 2030. Income inequality is a crucial issue when considering the development of an economy; hence, Stewart and Samman (2014) believe that not only are unemployment and gross inequalities unjust according to most philosophical perspectives, but they are also harmful to general well-being, social stability, economic growth, and prosperity. Therefore, it is no surprise that reducing inequalities is one of the United Nations' SDGs (SDG, 2016). The SDGs are 17 goals to be implemented by all countries, and they serve as a blueprint to achieve a better and more sustainable future for all nations by the year 2030. Sustainable Development Goals address global challenges, including those related to poverty, education, inequality, climate change, environmental degradation, prosperity, peace, and justice (SDG 2015).

Goal 10 of the SDGs aims to reduce inequalities within and among countries, and these were set to be achieved through the promotion of social, economic, and political inclusion,

irrespective of age, sex, disability, race, ethnicity, origin, religion, or economic status (UN, 2015). Inequality must also be reduced through all affected countries taking the initiative to adopt fiscal, wage, and social protection policies that gradually pursue greater equality (UN, 2015). Goal 5 of the SDG's aims to achieve gender equality and empower all women and girls. To achieve this, all countries (including South Africa) must adopt and strengthen already implemented policies and enforceable legislation that promote gender equality and female empowerment at all levels (UN, 2015). According to Mabuza (2020), salary earnings are the most important indicator of a person's livelihood. The action of the South African government to freeze salaries and implement the retrenchment program will only serve to deepen both race and gender inequality and is in disregard of the SDG goals of the United Nations.

2.7.3 The effect of COVID-19 pandemic restrictions on workers livelihoods

The COVID19 pandemic has had an unprecedented impact in all facets of human life, including at the health front, in the world of work and on society generally (Abebayo, 2020) Within ten days of the first confirmed COVID-19 case in SA, the President invoked his disaster management powers and five days later announced a full national lockdown (SA Government, 2020). It is argued that South Africa adopted a "rip off the band-aid' approach and is considered one of the few countries that implemented severe restrictions from day one of the lockdown (Ryan, 2020). This hardline attitude was a prelude to the SA government's overall response to President Ramaphosa, stating that the COVID-19 pandemic called for an extraordinary response with no half measures (Ramaphosa Speech, March 2020). In his inaugural speech on the COVID-19 pandemic, President Ramaphosa clearly stated that the government's priority was the health of South Africans. While this was a commendable stance, unfortunately it was going to be very difficult for South Africa to afford, because, as the government implemented its strategy, which focused on four factors: preparation, primary detection, lockdown, and enhanced surveillance (a strategy applauded even by the World Health Organization, which declared that the rest of the world could learn from South Africa); however, as of July 17, 2021, as South Africa was still on 509 days lockdown, the overall response has been drastic and devastating from both economic and social perspectives. (Ryan, 2020).

Ryan (2020) argued that the South African government was unreasonable in its implementation of COVID-19 restrictions. These high-handed workers continued employment, negatively impacted businesses, and aggravated the country's high levels of inequality among races and genders (Ranchhod & Daniels, 2021).

President Ramaphosa later took responsibility for his drastic measures and confirmed that because of these restrictions, many South Africans were unable to earn an income, as businesses have been forced to cease operations with job losses, mainly affecting low-income workers the most (Ramaphosa, 2020a). The lockdown also saw an increase in the abuse of women and children, and this had received international coverage (Abebayo, 2020 Ramaphosa, 2020a). De Villiers, Cerbone, and Van Zijl (2020) believe that not only were workers severely affected by COVID-19 pandemic restrictions, but also that many sectors (including the government) remained unable to operate and others had to close their businesses permanently.

In all democratic states, public sector workers are considered an important interface between governments and their citizens because they remain the trusted government front through which governments respond to, mitigate, and help resolve crises (Schuster at all, 2020). Hence, Schuster (2020) believes that public-sector workers represent the major barometer of an effective state. According to Cohen (2020), governments are not only expected to craft and deliver high-quality public health systems during this pandemic, but they also have to address the strain on ordinarily routine processes of governance. For example, welfare administrators have the task of processing unprecedented numbers of requests for social support, while some officials must craft response policies aimed at minimizing economic damage (Cohen, 2020). The challenges brought about by COVID-19 restrictions illustrate the strain placed on public sector workers in the form of burnout, sick leave, and performance if they remain unaddressed (Kazmin 2020).

The global coronavirus disease (COVID-19) pandemic has disrupted many aspects of normal life, including the work processes and responsibilities of public employees. The NEHAWU statement of September 2020 observed that many in the public sector workforce have been on the front lines as first responders, and that, therefore, they found themselves having to contend directly with dealing with people infected and affected by the COVID-19 pandemic and enforcing government protective orders. Other workers have had to swiftly adapt to an imposed environment wherein they were supposed to effectively perform and satisfy their job responsibilities virtually while at the same time being expected to adhere to laid down protective orders (NEHAWU, 2020). The NEHAWU statement further highlighted that every

public employee has had to face challenges, uncertainty, and anxiety as a result of the COVID-19 pandemic, affecting their day-to-day and long-term employment.

Buffer (2020) argued that the COVID-19 pandemic restrictions had resulted in many public sector workers changing the location of their work, their work tasks, and the demands they faced beyond work. Prior research suggests that these changes create both unique challenges and significant strain on public-sector workers, risking burnout, sick leave, demotivation, and lower performance (Buffer 2020; Tinypulse 2016).

First and most obviously, many public sector workers were forced by COVID-19 to telework, not because they choose to do so, but because they are obliged to do so due to social distancing during the pandemic (Buffer 2020; Gallup 2017). Surveys of teleworking show that teleworking significantly reduces levels of happiness at work and interferes with the workers' intention to remain in organizations to which employees are obliged, rather than choose to work remotely (Tinypulse 2016). Moreover, because of the COVID 19 pandemic, public sector workers had, at times, teleworking throughout the week irrespective of surveys warning that teleworking is not associated with greater engagement and that employees who work remotely are deprived of the opportunity for face-to-face interactions with managers and co-workers (Gallup, 2017).

Remote working five days a week during the pandemic, for instance, heavily constrains social interactions between employees, thereby risking the professional and social isolation of employees (de Vries et al. 2018; Buffer 2020). With the sudden shift towards remote working, many of the preparatory steps and good practice guides recommended for effective remote working (such as ensuring appropriate and safe remote workplaces, providing technical equipment, or training in virtual collaborative environments (McKinsey 2020)) could not be completed. It is being argued, therefore, that public servants are currently likely to face a series of unmet needs when it comes to their remote workplace demands and resources required to work effectively and worse with those workers in developing countries, with limited Internet connectivity and electricity supply (McKinsey 2020).

2.7.4 COVID-19 pandemic restrictions and its effect on public sector managers

Similarly, public sector managers are facing new challenges imposed by remote working because in developing countries, supervision is difficult and managers cannot sufficiently supervise even when staff members work physically (Buffer 2020; Tinypulse 2016). In developing countries, many risks are associated with management. For example, the risks of staff moonlighting and corruption had already been there pre-COVID (MeyerSahling, Schuster and Mikkelsen 2018). In remote work environments, basic management and supervisory skills cannot be implemented.

For example, managers cannot manage or supervise managers without direct communication, leading and motivating their subordinates, as such teamwork and close supervision are difficult to accomplish during the pandemic (Buffer 2020; Tinypulse 2016). Surveys of teleworking suggests that a significant minority of employees find 'staying motivated' challenging during telework as in most cases almost half of the employees are in contact less than once a day with their superior (Buffer 2020; Tinypulse 2016). Alternatively, some employees were severely affected during remote work as they were deprived of the opportunity to benefit from face-to-face interactions where they could seek clarity on the problems they face with their tasks, goals, and objectives and what the company expects from the workers (Buffer 2020).

With the COVID-19 pandemic, workers in general, and public sector workers in particular, have had to shoulder additional tasks, especially with nursery and school closures, and public sector workers had to double up as child and elderly minders while also expected to deliver on their remote work targets. (Buffer 2020). As early as 2014, Bakker and Demerouti (2014) observed that job demands-resources theory predictions of job demands increased in many public sector organizations during teleworking. However, this increase in job demand did not correspond with an improvement in job resources (e.g., in terms of support from supervisors, colleagues, or technical equipment to operate effectively), and personal resources did not improve (Clausen et al. 2012).

2.7.5 COVID-19 and the labour market

A body of the literature has explored the impact of COVID -19 on workers' livelihoods. For instance, Schotte and Zizzamia (2021) examined the effect of the COVID-19 pandemic on the labor market and found that the impact of the pandemic has been uneven across households with differential access to income, assets, employment, healthcare, and social protection, as well as along gender lines. Adams-Prassl et al. (2020) found that this inequality was severely felt in the labor market by workers in basic occupations and low income.

Du Plessis (2020) argues that Covid-19's biggest negative impact on labor relations will indisputably be job losses. He is convinced that the South African National Treasury's prediction that there may be 1,79 million job losses due to Covid-19 means that many workers will be unable to keep their jobs, especially because many organizations will be force to downsize as the only means of survival. Gisselquist and Kundu (2020) believe that jobs are already being lost, and expect more job loss after the pandemic reaches its peak. The workers in almost every economic sector will be exposed to radical changes in conditions of employment, retrenchment, liquidation and business rescue processes, while conglomerates could break up into smaller companies, leading to further job losses (Du Plessis, 2020)In their research on the COVID-19 shock in South Africa, Jain et al. (2020), consistent with Ranchhod and Daniels (2020), find that the pandemic has been experienced as both a sudden and dramatic shock to labour markets. The findings were that shocks to earnings and continuous employment were felt by almost all workers, especially those in the lowest income bracket. This shock, according to Ranchhod and Daniels (2020), also permeated through those not directly affected by job or earnings losses but who are dependent on these workers as channels of support. This shock to labor market income seems to have affected household spending, with several respondents reducing their consumption of essential food and non-food items (Ranchhod & Daniels, 2020). Second, the shock to earnings has led to a general reduction in the basic resilience of households to future shocks, which could include the second and third waves of COVID-19 infections, from which South Africa emerged in February 2020.

2.8 Theoretical frameworks Underpinning the Study

The research study is framed along a theory by Oweseni and Omosalape Olakitan (2014) with the title "Collective bargaining as a veritable tool for resolving conflicts in organizations." Kolakitan (2014) defines collective bargaining as a way of institutionalizing and managing conflicts in the workplace. He further observes that the role of collective bargaining is increasingly becoming more paramount since workplaces have now become bigger, such that wage negotiations now take place across sectors. Therefore, advises organizations to embrace a new collective bargaining model that recognizes that the scope of collective bargaining is continually expanding. For instance, in the past, collective bargaining was only limited to salary issues, but now it has been extended to non-pay issues such as leaves, disciplinary procedures, saving schemes, and pension working methods (Olakitan, 2014).

Like Olakatan, Schotte, and Zizzami (2021) support an interest-based bargaining model because it considers the interests of both parties in the bargaining process and also aims to ensure mutual benefit. The interest-based employer/union bargaining model should replace the current positional bargaining and confrontational model, where unions submit endless demands and employers always respond with unrealistically low wage increase offers (Schotte & Zizzamia, 2021)

However, radical theorists have dismissed the possibility of a mutual relationship between employers and employees. Radical theorists believe that the relationship between the two parties is always defined against conditions underlying the boundaries of antagonistic interests between capital and employees and that disparities in power and economic affluence are perceived as a necessary component of capitalist society (Craden, 2011). They further believe that it is normal for unions to react on behalf of workers who are exploited by the capitalist and, in this regard, conflict is inevitable and agree that where joint regulation is applied, there would be times of common understanding but that does not suggest cooperation as an inherent feature of those employer – employee relations (Eidlin, 2020).

Olikitan (2014) argues against the current approach, which allows third-party mediation during wage negotiation deadlocks. Employer and employee parties, Olikitan (2014) believes, must take responsibility for strengthening the collective bargaining regime by reaching collective bargaining agreements that guarantee social peace, harmony, and stability in an organization. When collective bargaining contracts are extended to both unionized and ununionized workers, collective bargaining can be used as a tool to reduce wage gaps, condense gender disparities, and progressively reduce inequality at work (Velenueva, 2015)

According to Olakitan (2014), sustainable collective bargaining must achieve the following stabilizing elements in the workplace: (1) it must structure working conditions and other related matters of mutual interest between the two parties in the bargaining council; (2) it must ensure predictability by creating both procedural and substantive rules; (3) it must promote democracy in the workplace and allow employees to participate in managerial decisions; and (4) it must institutionalize dispute resolution. Olakitan's (2014) findings also confirm a major correlation between collective bargaining and conflict resolution when wage negotiations adopt an interest-based approach.

The limitation of the above theory is exposed by Denk (2019), who argues that stability and harmony in the workplace are not dependent on the model of bargaining, but instead depend on the structure of the market and the degree of competition in both the product and labor markets. Denk (2019) argued that for workers to receive higher or lower wages depends not on the revised and smart bargaining models, but rather on the presence and strength of monopsony power in which employers can offer low wages because workers have limited power or opportunity to take on their employer or may incur high costs if they try (Denk, 2019).

However, Olakitan must be celebrated and appreciated to unveil the complexities and expansionary nature of a new collective bargaining regime, and for his provision of a new collective bargaining model (Velenueva (2015).

2.9 Conclusion

This chapter presents a literature review pertaining to the impact of COVID-19 on collective bargaining and worker livelihoods. It drew on the evolution of collective bargaining from an international perspective in Africa and South Africa, and how collective bargaining has served as a critical trade union approach over the years. This chapter further examines the impact of COVID-19 on collective bargaining and workers' livelihood in South Africa. The following chapter will present the research methodology, research approaches, and designs, as well as the method of data collection and data analysis adopted in this study. It also presents the research philosophy, trustworthy issues, and ethical issues considered.

CHAPTER 3: RESEARCH METHODOLOGY

3.1. Introduction

The previous chapter reviewed the literature on the impact of Covid-19 on collective bargaining and workers' livelihoods, using the case of NEHAWU in Durban. This chapter provides the methodology adopted by the researcher to arrive at empirical data. Gaunder (2012) defines research methodology as a collective term that refers to the structured process of conducting a research study. The methodology chapter covers the research approach, research philosophy design, research design, population, and sampling issues. It further details the methods for data analysis, pilot study, and trustworthy issues. The chapter concludes by identifying study limitations, eliminating bias, and indicating compliance with research ethics.

3.2. Research approaches

Research approaches are general plans and procedures for conducting research, and they include steps from the detailed broad assumptions of the study and the methods of data collection, analysis, and interpretation (Creswell, 2014). The selection of the research approach is dependent on the nature of the research problem (Clark, 2016). According to Kalu & Bwalya (2017), there are three research approaches that can be adopted in any research methodology and those are (a) qualitative, (b) quantitative, and (c) mixed methods.

3.2.1. Quantitative research approach

Quantitative research is an approach for testing objective theories by examining the relationships between variables (Baru, 2018). The quantitative approach typically measures variables on instruments and analyzes numbers by using statistical procedures. Researchers who engage in this form of inquiry make assumptions about deductively testing theories (Creswell, 2014). The quantitative approach relies on quantitative data derived from surveys and questionnaires as instruments for data collection.

3.2.2. Qualitative research approach

Qualitative research is an in-depth study of social and cultural phenomena and focuses on text, whereas quantitative research investigates general trends across populations and focuses on numbers (Gaundar, (2012). Qualitative research approaches are rooted in naturalistic paradigms (Samroom *et*. al, 2018). According to Clark (2016), this paradigmatic research approach differs from the deterministic philosophy that underpins the quantitative approach. The difference between the two is that the naturalistic approach asserts that reality is subjective rather than objective; hence, this approach provides for multiple realities of a phenomenon (Gaundar, 2012). A qualitative research design provides in-depth insights and understanding of real-world problems, and it is better suited to explore complex phenomena that may not be measurable through a quantitative research study (Moser & Korstjens, 2017).

3.2.3. Mixed research approach

Mixed methods research is an approach to inquiry involving collecting both quantitative and qualitative data, integrating the two forms of data, and using distinct designs that may involve philosophical assumptions and theoretical frameworks (Kanire et al, 2012). The fundamental assumption of the mixed form of inquiry is that a combination of qualitative and quantitative approaches provides a more complete understanding of a research problem than either approach alone. (Baru, 2018)

3.2.4. The Research approach adopted for the study

This study adopted a qualitative research approach and exploratory research design (Clark, 2016). This research design was relevant to this study because of its capability to extract information from participants in this case, Durban NEHAWU members, shop stewards, and leaders (Adams, 2012). The design was further relevant as it provided in-depth insight relating to participants' experiences, perspectives, and sentiments regarding the impact of Covid-19 on collective bargaining and workers' livelihoods (Kalu & Bwalya, 2017). The qualitative research approach helped the researcher gain a deeper understanding of issues related to the research topic. The use of face-to-face interviews, an important element in the qualitative

approach, enabled the researcher to observe non-verbal communication and listen to the flow of information verbally (Baru, 2018).

3.3. Research designs

The Research design is a plan for the proposed research work (Akhtar, 2016). According to Baru (2018), a research design is the process of anticipating and specifying decisions related to data collection and processing and also serves to represent a logical basis for these decisions. Therefore, the research design sets the procedure on the required data and the methods to collect, analyze, and align all these processes such that they respond to the research question (Grey, 2014). The research design focuses on the type of study planned to achieve specific outcomes (Gillard, 2014). As explained by Gillard (2014), there are three possible research designs: exploratory, descriptive, and explanatory.

3.3.1. Exploratory research Design

Exploratory research is conducted when not enough is known about a phenomenon or when the problem has not been clearly defined (Baru, 2018). This research design is also relevant to conduct research aimed at developing a better understanding of the existing problem, although it may not provide a conclusive result about it (Adams, 2012). Exploratory design is better suited to tackling new problems, especially where no previous research has been conducted (Grey, 2014). When conducting research through this design, the inquirer starts with a general idea and uses the research as a medium issue that can serve as a focus for future research (Baru, 2018). Exploratory research designs comes in such types as interviews, surveys, observation, polls and focus groups (Gillard, 2014)

3.3.2. Descriptive research design

This design is used to explore one or more variables and is defined as the most generalized form of research (Clerk, 2012). In contrast to experimental designs, the researcher does not control or manipulate any of the variables; they only observe and measure them (Adams, 2012). While this research design can be used within the context of a qualitative method for descriptive reasons, it is considered a sort of quantitative research (Adams, 2012). The purpose of this research design is

to observe, describe, and document aspects of a situation as it naturally occurs, and can also serve as a starting point for hypothesis generation or theory development (Gillard, 2014).

3.3.3. Explanatory research design

The explanatory research design is utilized to explore phenomena that have not been researched or adequately explained. With this strategy, the inquirer seeks to obtain a broad notion about the phenomenon and employs research as a tool to direct them to a concern that may be addressed in the future (Adams, 2012). This research design answers the "why" question of the events by establishing cause-and-effect relationships (Baru, 2018). Baru (2018) believes that literature research, in-depth interviews, focus groups, and case studies represent explanatory research methods.

3.3.4. Research design adopted for the study

This study adopts an exploratory design. This research design provides in-depth insights and an understanding of real-world problems (Moser & Korstjens, 2017). The chosen research design was relevant because it made it possible for the researcher to gain an in-depth understanding of the impact of COVID 19 on collective bargaining and workers' livelihoods using the case of NEHAWU in Durban (Baru, 2018). Through this research design, the researcher was able to capture the different perspectives and views of the NEHAWU participants themselves (Baru, 2018). The research design also assisted in exploring complex phenomena such as the impact COVID-19 has had on collective bargaining and workers' livelihoods, which could not have been possible through a quantitative research study (Kalu & Bwalya, 2017). Face-to-face interviews were conducted to facilitate a better understanding of the research problem (Adams, 2012). Face-to-face interviews are structured interviews conducted by trained interviewers using a standardized interview protocol and a standardized set of procedures to record participants' responses (Kalu & Bwalya, 2017).

This research design further enabled the participants to ask for elaboration on questions they did not fully understand, which provided the researcher with the opportunity to clarify further and get more insight about the research topic (Baru (2018). Through face-to-face interviews and open-ended questions, participants had more room to explain their experiences in detail

and made it possible for the researcher to gain a deeper understanding of the subject matter while providing information about their feelings and attitudes towards the problem under study. (Kalu & Bwalya, 2017).

3.4. Research Philosophies

Lynham and Guba (2011) defined research philosophy as a basic set of beliefs that guide action. Research philosophy represents a general philosophical orientation about the world and the nature of research that a researcher brings to a study. According to Creswell (2011), research paradigms describe the underlying philosophical views of groups of people about the world in which they live and the research they conduct. Therefore, a paradigm serves not only to guide research but also to construct and implement systems (Mertens, 2010; Lynham & Guba, 2011). Vaishnavi *et al*. (2013) and Adebesin *et al*. (2011) adapted and summarized the philosophical assumptions that are today known as positivist, interpretive, and phenomenological research.

3.4.1. Positivist Philosophy

The positivist method is a part of the quantitative research approach and falls within the realm of natural science because it produces knowledge based on experiments and observations (Saunders, 2019). This philosophy produces credible and objective data because its primary function is to help the researcher discover observable and measurable facts (Creswell, 2018). This paradigm asserts that there is only one answer to the problem, and negates qualitative research philosophies in their subjectivity and belief in the multiplicity of meanings of the phenomenon (Adebesin et al., 2011:310).

3.4.2. Interpretive Philosophy

Unlike positivism, which seeks only one answer to a problem, the interpretative paradigm proclaims that there are multiple interpretations of a phenomenon (Bhattacherjee, 2012). Hence, this paradigm is used in research that attempts to make sense of a phenomenon through the exploration or explanation of people's perceptions, language, shared values, and meanings in a dynamic social context (Vaishnavi *et al*., 2013). This philosophy generates knowledge derived from live experiences and interpretations of the participants themselves (Creswell, 2018).

3.4.3. Phenomenological Philosophy

Phenomenological philosophy shares some features with the interpretive paradigm, particularly focusing on participants' live experiences (Saunders et al., 2019). Phenomenological philosophy captures the reflective experiences of participants as they interpret the world (Silverman, 2016).

3.4.4. The research philosophy adopted for the study.

This study is based on an interpretive research paradigm. The aim of this qualitative research was to determine how different people in NEHAWU interpret or give meaning to the phenomenon under study, that is, the impact of COVID-19 on collective bargaining and workers' livelihoods (Creswell, 2018). This philosophy was preferred over others because the researcher wanted to make sense of the phenomena through exploration of NEHAWU members' language, shared values, and meanings in a dynamic social context (Vaishnavi et al., 2013). The researcher utilized the interpretive paradigm to acknowledge multiple realities, which provided him with deeper and new knowledge of the problem under study (Adebesin et al., 2011:310; Bhattacherjee, 2012; Hevner et al., 2010).

3.5. Research Techniques

A research instrument is a tool used to collect, measure, and analyze data in relation to the researcher's interest (de Vos et al. (2011). According to Creswell (2012:21), a research instrument must answer research questions to enable the researcher to construct steps to collect data. Three main research instruments are discussed for the purpose of this study, 3 main research instruments will be discussed and those are interviews, focus groups, and observations (Kahir, 2016).

3.5.1. Observation Technique

Observation is a type of correlational (non-experimental) method performed by the researcher by observing the ongoing behavior of participants as questions are posed to them (Betrams and Christensen, 2020). Through observation, researchers can obtain more credible data (Bougie and Sekeran, 2020). Observations can take the form of a structure in which the study is conducted at a specific place (Saunders et al, 2019). This observation of participants was performed through a standardized procedure that helped produce a detailed description of all

behaviors in relation to the previously agreed upon scale. Observation can also be naturalistic, whereby the researcher studies the spontaneous behavior of participants in a natural setup (Betrams and Christensen, 2020). Furthermore, in this type of research, the inquirer records what they see and in whatever way they see it (Ormrod, 2015). Similarly, the observation can take the approach of participant observation, where the researcher becomes part of the observed group under study to get a deeper insight into the participants' lives. (Ormrod, 2015)

3.5.2. Focus group

Kanire (2012) defined the focus group as a small group of carefully selected participants who contribute to open discussions for research to represent the larger population that is targeted. Focus groups with an ideal size of each–8-10 subjects, elicit as many points of view as possible if they are composed of a highly diverse group of people participating in the same session (Adams, 2012). A focus group was chosen based on predefined demographic traits with questions carefully selected to shed light on the topic of interest (Kanire, 2012).

3.5.3. Interviews Technique

Acocella (2012) defines interviews as interactions in which verbal questions are posed by an interviewer with the aim of solicit verbal responses from the interviewee. According to Ary et al. (2010), interviews can be structured, unstructured, or partially structured. In structured interviews, all participants responded to the same questions; however, with some form of latitude in the sequence, answers were recorded through a standardized procedure (Bertram and Christenson, 2020). Unstructured interviews are a form of conversation between the researcher and participants, where questions arise out of the situation (Creswell, 2012). In contrast, in partial or semi-structured interviews, questions are modified along the way to reveal what is important about the phenomenon (Saunders *et. Al*, 2019)

3.5.4. The data collection technique adopted for the study.

Data from this study were obtained through interviews. The researcher adopted this data collection method fully aware that data collection and analysis in qualitative research follow an inductive procedure (Creswel, 2012). One-on-one or face-to-face interviews were used to gather data from participants about their opinions, beliefs, and feelings in their own words

about the impact of COVID-19 on collective bargaining and workers' livelihood at NEHAWU in Durban (Ary, *et.al*, 2010:438). Interviews are the most common form of collecting qualitative data and can be face-to-face, telephone, or online (Collis and Hassy, 2021). The interviews were conducted in the Durban-based workplaces of NEHAWU participants because it was their most convenient venue for them (Moser & Korstjens, 2017). The following steps were followed before the data collection (1.) The researcher asked and obtained permission to conduct the research from the General Secretary of NEHAWU, who provided a permit for the research to be conducted at NEHAWU in Durban. (2.) The Provincial Secretary of NEHAWU in KwaZulu-Natal and the NEHAWU Durban Regional Secretary were engaged by the researcher, and interviews were conducted. (3.) This was followed by recruiting participants employed in various urban government departments where NEHAWU organizes (Health, Education, SARS, Community Health Workers Section, and Sports arts and culture). It is also worth mentioning that the researcher was assisted by two research assistants during data collection. The research assistants helped with facts checks and proofreading of manuscripts and maintaining research equipment.

The researcher had already prepared the interview schedule and questions with a statement of problems related to the research (Moser & Korstjens, 2018). A few days before the start of the interview process, the researcher had briefing sessions with all potential participants to clarify and explain the research and the role expected of them if they consented to participate (Kahir, 2016). These sessions were either physical or virtual depending on the needs of the participants (Greef, 2020). After conducting the pilot study, the researcher started the data collection process in the form of one-on-one interviews with the participants (at the venue and time of their convenience) based on the research topic of the impact of COVID-19 on collective bargaining and workers' livelihoods at NEHAWU in Durban (Saunders et al, 2019; Kahir, 2016).

The interviews provided enough space for participants to explain their experiences and perceptions in detail, which gave the researcher a deeper understanding of the subject under study (Elmir, 2010). Interviews also provided information about participants' feelings and attitudes regarding the impact of COVID-19 on collective bargaining and workers' livelihoods at NEHAWU in Durban (Baru, 2018). Open-ended questions were used to allow participants to provide qualitative details of their experiences on the research topic (Kalu & Bwalya, 2017). These broad and open-ended questions were designed to allow for the exploration and explanation of the phenomenon under study and to assist the researcher in gaining an in-depth

understanding of the research topic (Moser & Korstjens, 2018). It is also worth mentioning that the interviews were recorded using a smartphone and later transcribed (Seagrove *at al.,* 2015). Furthermore, the participants' responses were recorded in the journal to avoid losing some comments based on their verbal and non-verbal expressions of participants (Kahir, 2016)

3.6. Population and sampling techniques

3.6.1. Population

A population is a group of individuals with the same characteristics (Creswell, 2012: 142). Emphasizing this point even further, Shukla (2020) defines the population as the set or group of all the units on which the findings of the research are to be applied and that these units must have variable characteristics under study. The target population for this study was members of the NEHAWU in the urban region with a population of more than 1000 members. A sample is a small group that is observed, which can also be referred to as the sub-group of the target population that the researcher plans to study to generalize the target population (Creswell, 2012: 142). Creswell (2012) argues that there are two main forms of sampling: probability sampling, which suits the quantitative research approach, and non-probability sampling, which favours the qualitative research approach.

3.6.2. Sampling framework

Whitehead *et. Al* (2016:124) asserted that the main purpose of sampling is to select a suitable population (or elements) so that the focus of the study can be appropriately researched. Gravetter and Forzano (2012) defined probability sampling as a sampling method used in quantitative research, where researchers are expected to select the population with characteristics that represent the wider community. Gravetter and Forzano (2012) further argued that, in contrast to probability sampling, non-probability sampling (a qualitative research sampling approach) is used when the researcher wants to recruit only specific populations to investigate a specific topic or when the total population is unknown or unavailable (Whitehead et al., (2016).

3.6.3. Sampling Techniques

Sampling techniques are methods of selecting individual members or subsets of the population to make statistical inferences from them so as to estimate the characteristics of the whole

population (Whitehead et al., 2016). For the purposes of this study, only three sampling techniques were discussed, covering both probability and non-probability sampling: snowball sampling, purposive sampling, and simple random sampling.

3.6.3.1. Snowball Sampling

Snowball sampling is a form of non-probability sampling wherein the researcher relies on other people to recommend participants for the research, and those may be relatives, friends, and colleagues (Taherdoost, 2020).

3.6.3.2. Purposeful sampling

Purposeful sampling is a technique designed to provide information-rich cases that allow for in-depth study (Creswell, 2012). In this study, the choice of participants was dependent on their required status or experience.

3.6.3.3. Simple random sampling

Simple random sampling is a probability sampling method in which every individual in the population has an equal chance of being selected as a participant.

3.6.3.4. Sampling Technique adopted for the study

To select participants for this study, the researcher adopted a non-probability sampling technique known as purposive sampling. Purposive sampling is also known as judgmental sampling because it is based on the researcher's discretion (de Vos *et al*, 2011). To learn and understand the phenomenon under study, the researcher intentionally selected participants intentionally (Ary, *et al*, 2016). While more than 15 people signed concern forms expressing their willingness to participate in the research, data saturation was met with the first 10 participants (Shukla, 2020). The sample of 10 participants comprised one former NEHAWU KwaZulu-Natal (KZN) provincial leader (male), two NEHAWU KZN branch Executive Committee (BEC) leaders (one male and one female), and seven general members (five females and two males). The number of participants was perfect for this study because purposive samples proved to be more effective when only a limited number of people could serve as

primary data sources based on the nature of the research design, aims, and objectives (Tarherdoost. 2020). This sample was selected from across the membership spectrum and across departments in which NEHAWU organizations were selected deliberately to provide information that could not be obtained from other sources. (Creswell, 2012). The selection was informed by what the researcher determined as elements that contained the most characteristic, representative, or typical attributes of the population that served the purpose of the study best (de Vos et al., 2011).

3.7. Data Analysis

Data analysis is the last stage in collecting data; at this point, data are processed and interpreted (Akinyode and Khan (2018). Data analysis can take the following stages: organizing, familiarizing, coding, reducing, interpreting, and representing (Creswell. 2012:26) After data collection, the researcher began the process of data analysis and used the following three methods: content analysis, thematic analysis, and narrative analysis (Ibrahim, 2012).

3.7.1. Content Analysis

Qualitative content analysis is an approach used to quantify qualitative information by systematically sorting and comparing items of information with the view to summarize them (Akinyode and Khan (2018).. Content analysis can be used to turn a large set of raw data into valuable evidence that can be analyzed through keywords or concepts (Snelgrove et al, 2015).. This method is carried out by recording communication between the researcher and the participant using different modes, such as interview transcripts, video tapes, written documents, or protocols of observation (Snelgrove et al, 2015).

3.7.2. Thematic Analysis

Thematic analysis is a method of analyzing data obtained qualitatively, and is usually applied to a set of texts, such as interview transcripts (Caulfield, 2020). When performing thematic analysis, the researcher scrutinized the data and actively identified common themes, topics, ideas, and meaning patterns that are either dominant or come repeatedly in the text (Ibrahim, 2012). This analysis takes a six-step process of familiarization, coding, generating themes, theme review, defining and naming themes, and writing up. Thematic analysis is a flexible method that can be adapted for research.

3.7.3. Narrative Analysis

Narrative analysis or inquiry falls within a qualitative research approach (Penezai, 2017). Narrative analysis is carried out by analyzing stories created by researchers in order to understand how people represent themselves and/or their experiences. This is categorized under the umbrella of social constructionism (Ibrahim, 2012). Unlike thematic analysis, which is based on deductive reasoning aimed at testing or confirming hypotheses, narrative analysis, on the other hand, enables the researcher to gain insights into how and even why topics or ideas are being presented (Creswell, 2012). In broad terms, thematic analysis typically asks WHAT, whereas narrative analysis typically asks how and why questions. (Penezai, 2017).

3.7.4. Adopted data analysis framework

Thematic analysis was preferred because the investigation of the impact of COVID-19 on collective bargaining and workers' livelihoods is a research topic that requires people's views, opinions, knowledge, experiences, and values from a set of qualitative data through the interview transcript (Snelgrove et al, 2015). The thematic analysis approach was used for data analysis because this kind of analysis allows the researcher to look for underlying meaning through words uttered by participants during interviews (Snelgrove et al, 2015). The researcher employed Braun and Clerk's (2006) six-step guide to conduct thematic analysis. Through this approach, the researcher was able to analyze classifications and present themes (patterns) related to the data. This provided the researcher with an opportunity to explain the data in a more detailed manner while at the same time dealing with a diverse subject for interpretation (Ibrahim, 2012). Thematic analysis also offers the researcher a methodological element for studying the data. The researcher followed a six-step process of data analysis as defined by Braun and Clerk: familiarization, coding, theme generation, theme review, theme defining, and writing up (Caulfield, 2021)

Familiarization was performed for the purpose of understanding the deeper meaning of data to obtain a rich meaning. This was preceded by data transcription and reading of the interview

transcripts. The reflexivity journal was used to jot down the emerging impressions of the data (Snelgrove et al, 2015). As the researcher engaged with data, codes emerged and were developed and refined in terms of meanings they made in relation to research questions. As a result, initial themes were developed based on how codes combined to form a pattern of meaning (Ibrahim 2012). These themes were reviewed, expanded, and revised, and some were discarded if they could not give a compelling account relevant to the research questions. Depending on their depth, some themes were defined, named, and broken down into subthemes to avoid losing the depth of their meaning. After the themes were reviewed, the researcher began writing a final report based on themes that made more meaning in terms of the research questions. The thematic analysis was written such that it unpacked the complicated story of the data. Finally, a complete story emerged to convince the reader of the validity of the analysis. Extracts from participants were included in the narrative to capture the full meaning of the points in the analysis, guaranteeing that the argument produced was in support of the research questions (Braun and Clerk 2006).

3.8. Pilot Study

A pilot study is a small feasibility study intended to test different aspects of a method developed for a larger, more rigorous, or confirmatory investigation (Arian, Campbell, Cooper, & Lancaster, 2010). The main function of the pilot study is not necessarily to answer questions but to prevent researchers from launching a large-scale study without proper and adequate knowledge of the methods proposed (Arian, Campbell, Cooper, & Lancaster, 2010). Hence, a pilot study was conducted to prevent the occurrence of a fatal flaw in a study that could be costly in terms of time and resources (Polit & Beck, 2017). In general, researchers use pilot studies to evaluate the adequacy of their planned methods and procedures (Polit & Beck, 2017)

Before the actual interviews, a pilot study was performed with two males and one female from the target population (members of NEHAWU in Durban), the information of whom was not included in the report (Rothgeb, 2017). The pretest was conducted in the venue preferred by the participants. Interviews were administered to these individuals because they had factors similar to those of the target population (Hurst *et. al*, 2015). The pre-test of the interview schedule assisted the researcher in improving the dependability of the research tool chosen, determine how long each interview takes and provide feedback regarding potential challenges or problems regarding the interview schedule (Hurst, Arulogun, Owolabi, Akinyemi, Evere,

Warth, and Ovbiagele, 2015). This pilot study was critical to the research study and it helped the researcher improve his interviewing skills and helped him know when he had to probe to get more detailed information during the actual interview process (Arain, Campbell, Cooper, & Lancaster, 2010). As a result of the pilot study, the researcher saw a need to rearrange certain questions to provide logical flow during the interviews (Rothgeb, 2017).

3.9. Trustworthy Issues

According to Bridget (2017) trustworthiness refers to quality, authenticity, and truthfulness of the findings of the qualitative research (Arian, Campbell, Cooper, & Lancaster, 2010). Trustworthiness relates to the degree of trust or confidence that readers can have in the results of this research (Gurawan, 2015). Trustworthiness is parallel to the empiricist concepts of internal and external validity, reliability, and objectivity (Morse, 2015). Gurawan (2015:4) cautioned that validity or rigor in qualitative research should not be linked to "truth" or value as those are for positivists. Gurawan (2015:4) argues that a study is trustworthy if and only if the reader of the research report" judges it to be so." As this research study is naturalistic, credibility, transferability, dependability, and confirmability have been adopted as analogous concepts to confirm the trustworthiness of the study (Brigitte, 2017).

3.9.1. Confirmability

Confirmability is the degree to which the findings of the research study can be confirmed by other researchers as a confirmation that the data and interpretation of the findings are derived from data rather than from the researchers' own minds (Gurawan, 2015). Confirmability is the neutrality or the degree against it can be concluded that the research is consistent, repeatable and that it has the value equivalent to objectivity in quantitative research (Polit & Beck, 2014).

Confirmability was ensured by using the reflexive journal with the researcher taking notes to maintain the audit line of analysis and all methodological steps and procedures taken (Connelly, 2016). During the research proceedings, the researcher carefully documented the valuable and relevant reflections of the participants (Ghafouri & Ofoghi, 2015). The researcher also performed member checking with two assistant researchers throughout the research process to prevent biases based on only one person's perspective of the research study (Connelly, 2016).

3.9.2. Credibility

Credibility refers to the trustworthiness of the outcomes (Gaunder, 2012). The goal of qualitative research is to provide results that are reasonably true within the particular parameters and limitations of the qualitative method (Moser & Korstjens, 2017). Question-answer validity is one technique that fosters credibility (Moser & Korstjens, 2017). Polit and Beck (2014) assert that the most important criterion in the credibility of the study is confidence in the truth of the study and, therefore, the findings. According to Polit & Beck (2014:4), the principle of credibility depends on the question “"Was the study conducted using standard procedures typically used in the indicated qualitative approach, or was an adequate justification provided for variations?"

The researcher achieved the credibility parameters of this study by holding extended engagements with participants in the field as well as by persistent observation of participants' verbal and non-verbal responses (Gurawani, 2015). The selection of interviews as a data collection technique enhanced credibility by encouraging multiple meanings and reflections on one phenomenon **(**Smith, 2015). The researcher's approach of allowing participants to confirm the findings of the study and to check whether their views were adequately captured during the data transcription process further improved research credibility (Gaunder, 2012). The voluntary and unrestricted responses by participants, guided by structured but flexible questions, made the study valid and believable (Ghafouri & Ofoghi, 2015).

3.9.3. Transferability

Transferability refers to the degree to which the results of qualitative research can be transferred to other contexts or environments with other respondents, and this principle is analogous to generalization in quantitative research (Polit & Beck, 2014: 1; Gurawan, 2015).

Transferability was guaranteed when the researcher employed a qualitative research approach (qualitative), research design (interpretive) and data collection technique (interviews) that allowed participants to tell their different and unique stories (Amankwaa, 2016). Relating their perceptions, opinions, and experiences provided the researcher with a vivid picture that resonated well with the readers (Amankwaa, 2016). Further, the researcher enhanced transferability by being open and transparent about the adopted research analysis, as well as

trustworthy (Connelly, 2016). By employing non-probability purposive sampling, the researcher provided an accurate description of the participants' lived experiences (Brigitte, 2017).

3.9.4. Dependability

Dependability refers to the consistency and reliability of research findings and the degree to which research findings are documented (Bridget, 2017). Dependability refers to the stability of data over time and over the conditions of the study (Polit & Beck, 2014: 1). Polit and Beck (2014:2) further argue that procedures for dependability include "maintenance of an audit trail of process logs and peer-debriefings with a colleague." Process logs or researcher notes of all activities that occurred during the study, including decisions about certain aspects of the study (such as whom to interview and what to observe). The researcher enhanced the study-dependability principle.

The researcher met the dependability principle in this study when he ensured that a detailed account of the study process was documented, and that appropriate and relevant methods were used). Dependability was further achieved as the researcher employed thematic analysis as the data analysis technique (Samroom, et al, 2012). Furthermore, two expert trade unionists were invited to add to the two assistant researchers to help analyze the recorded data to approve or disapprove themes and descriptors recognized through the participants' conversations. (Brigitte, 2017).

3.10. Limitation of the study

Study limitations are weaknesses that may influence the outcomes and conclusions of the research design (Ross and Nikki, 2019). Researchers are expected to present the complete and honest limitations of this study (Kalu & Bwalya, 2017). Researchers are obliged to make a full and meaningful presentation of the limitations in their studies and are further expected to describe the probable limitation, clarify the effect of the limitation, provide possible alternative approaches, and take detailed steps to mitigate this limitation (Ross and Nikki, 2019). In presenting limitations, the researcher will, as much as possible, take the following approach:1. Describe the potential limitation, 2. Explain the implications of this limitation. 3. Provide possible alternative approaches; and finally, 4. Describe steps taken to mitigate this limitation. (Ross and Nikki, 2019).

Considering that this study is qualitative, it suffers from general limitations associated with qualitative research related to validity and reliability (Simon & Goes, 2013). This is because qualitative research takes place in a natural setting where the environment is not controlled, and this is the limitation that researchers have no control over. However, to try and mitigate this limitation, the researcher adopted a strict approach to ensure that trustworthy issues were complied with, as it relates to qualitative research (Tarherdoost, 2020). The other limitation is based on the fact that the study was limited to only 10 participants, made up of NEHAWU current and former leaders, shop stewards, and general members in Durban. This meant that not all of the target population of the NEHAWU Durban region participated in the research study (Ghafouri & Ofoghi, 2015). This limitation negatively impacts the generalizability of this study. However, notwithstanding the limitations related to the number of samples, the research study was not deeply affected because in the qualitative research study, the number of participants was perfect for this study because the purposive sample is considered the most effective sampling technique when only a limited number of people can serve as primary data sources based on the nature of the research design, aims, and objectives (Tarherdoost. 2020).

Another limitation was due to the reality that the study was conducted during the midst of COVID -19 pandemic. This made it difficult to conduct physical conversations with all participants, because others had to be interviewed virtually through Zoom. Even in those who managed physical interactions, facial masks prevented the researcher from reading facial expressions to obtain non-verbal cues. To mitigate this limitation, the researcher ended up reading nonverbal communication through eye contact to glean as much nonverbal communication as possible (Greef, 2020). Virtual interviews conducted through Zoom, on the other hand, came with their own limitations associated with communication delays, insufficient non-verbal signaling, unintended destructions, and often poor quality of pictures due to the network (Greef, 2020). This caused disruption that could lead to misreading or misunderstanding of the views or conversations of participants. To mitigate this digital challenge, the researcher had to record the interviews and follow them up in his spare time to read as many non-verbal cues as possible.

The other limitations of the study are the costs of transportation to and from research sites and the cost of material required to complete the study, which includes all the research tools required. The other costs related to the purchase of COVID-19 materials such as masks,

sanitizers, and other related essentials to guarantee the safety of the participants. To deal with the limitations caused by the pandemic, the researcher had to dig deep into his pocket and ensure that the research study operated strictly within the COVID 19 protocols.

3.11. Ethical considerations

Agwor & Osho (2017: 185) define ethics as follows;
"Ethics are set of moral principles of conduct used to govern the decision making behaviour of an individual or a group of individuals). These principles guide individuals in their dealings with other individuals or groups and provide a basis for deciding whether behaviour is right and wrong. It also helps people determine moral responses to situation in which the best course of action is unclear. For that reason, ethics refer to the study of moral principles or values that determine whether actions are right or wrong and outcomes are good or bad."

Research ethics are concerned with what is permissible and acceptable when one is conducting research (Rule et al., 2011) and research ethics. According to Rule et al. (2011), research ethics has a dual meaning attached to it, which may be applicable to research involving humans, animals, and the environment, or it may concern the honesty and integrity of the researcher. Lazar et al. (2010) stated that researchers should act responsibly and be accountable to society when conducting research. This section discusses ethical considerations in the following areas: permission to conduct the study, informed consent, anonymity, and confidentiality, maintaining the principle of no harm to participants (Lazar et al., 2010).

3.11.1. Permission to conduct the study

Permission to conduct a research study was sought through a letter to the General Secretary of NEHAWU in the national office on September 29, 2021 (Appendix D). The formal letter was written to the General Secretary of NEHAWU, requesting him to allow interviews with NEHAWU members in Durban in relation to the research topic (Saunders et al., 2019). The letter of permission was received on October 13, 2021 (Appendix E), and was then forwarded to the UKZN Ethics Committee as proof of permission to conduct the study. The researcher then contacted the offices of the NEHAWU Provincial Secretary in KwaZulu-Natal and the Durban Regional Chairperson who provided him with the database and contact numbers of NEHAWU branch leaders and members in Durban. Assisted by two experienced NEHAWU trade unionists, the researcher then utilized these networks to identify potential participants.

The participants had to fit the criteria of gender representation and had to cover as many workplaces, departments, and institutions as NEHAWU organized. The participants also needed to reflect on all salary levels from salary level 1 -12. The researcher used these exclusion and inclusion criteria, based on which participants were more relevant to shed light on the research topic (Gravetter & Forzano (2012).

3.11.2. Informed consent

Informed consent is a voluntary agreement regarding the role a person will play in a research study after they are fully informed (Rule et al., 2011). The purpose of informed consent is to increase the chances of the participant becoming more involved in the study (Arafin, 2018). Informed consent emphasizes a process where the research participants must receive and comprehend information appropriately to enable them to make an autonomous decision in the entire data collection cycle. An informed consent process can be termed complete, valid, and meaningful if all four criteria of information such as disclosure, competence, comprehension, and voluntariness are effectively satisfied (Kadam, 2017).

Informed consent was obtained from all participants in this study. During the first meeting, prior to the actual interview process, the researcher made available to the participants all information regarding the nature and purpose of the study, the aim of the study, the problem statement, and the research process (Rule et al., 2011). Participants were workers in different government departments, volunteers of sound intellectual capacity, and had the psychological maturity necessary to understand their involvement in the study (Agwor & Osho, 2017). Furthermore, the participants participated voluntarily and were made aware of the nature and details of the research being conducted as well as their rights to discontinue in the research study at any time of the process (Saunders, 2019).

3.11.3. Anonymity and confidentiality

Confidentiality is underpinned by the principle of respect for autonomy of participants and it is a commitment not to disclose the identifiable information about research participants while anonymity is the way to operationalize confidentiality (Agwor & Osho, 2017). The researcher implemented a number of safeguards to protect participants' confidentiality throughout the research cycle. The researcher ensured the physical safeguard by holding meetings and interview sessions at the venue chosen by the participants themselves, which included NEHAWU offices, workplace offices, and virtual platforms (Saunders, 2019). Administrative

safeguards were implemented by ensuring that only two research assistants and two experienced NEHAWU trade unionist staff members other than the researcher had access to the participants' information. This staff member was also instructed on confidentiality requirements (Rule et al., 2011). Technical safeguards were ensured, as information was stored safely in the computer with passwords and antivirus software to protect it from loss theft and modification by other individuals (Kadam, 2017). Anonymity was ensured by not using the real names of the participants in the research and instead using pseudonyms.

3.11.4. Ensuring no harm to participants

According to Gaap et al. (2020:2) the growing use of "digital devices and implementation of digital technology" create novel ethical questions that threaten the security of information and can cause emotional, physical, and occupational harm to participants. Vanclay, Baines, and Taylor (2013) cautioned researchers to be critically circumspect their risk-benefit ratio and try to anticipate even risks that can have unintended consequences. To comply with the above ethical principle, the researcher ensured anonymity of all participants from whom data were collected using pseudo names to prevent any form of harm (Koonin, 2019). To mitigate potential emotional harm (possibly in relation to COVID-19), the researcher ensured that interviews were conducted in venues chosen by and suitable to the participants and that COVID-19 protocols were strictly adhered to (Vanclay, Baines and Taylor, 2013). Since the study was conducted within the context of COVID – 19, participants were given a choice to participate virtually in the research, and precautionary measures in the form of social distancing, wearing masks, and sanitizing were guaranteed to those who chose physical interaction (Greeff, 2020).

3.12. Elimination of bias

Smith & Noble (2014: 2) define bias as;
"an inclination or prejudice for or against one person or group, especially in a way considered to be unfair'; 'a concentration on an interest in one particular area or subject'; 'a systematic distortion of statistical results due to a factor not allowed for in their derivation".

Smith and Noble (2014) further argue that the researcher has an ethical responsibility to eliminate or minimize bias in the design and undertaking of the research project. Borowska-Beszeta (2017) emphasized two essential contexts of bias: design-related bias and actor-related bias. To minimize actor-related bias, the researcher conducted a pilot study that indicated issues

that needed improvement, such as terminology that could be prejudicial, ambiguous, and culturally non-appealing to participants because of their race, gender, or religion (Saladana (2019). The two assistant researchers were also instructed to observe all ethical issues, such as confidentiality and anonymity (Rule et al., 2011). In addition, the UKZN research ethical committee and the researcher's supervisor approved the research proposal and research schedule of the questions, indicating that bias could be minimal (Smith & Noble (2014).

The researcher conceded in advance that there could be design-related bias that may be on the preferred research approach, participants' selection, data collection, or the entire research cycle (Borowska-Beszeta, 2017: 58). Qualitative research is prone to bias because of its naturalistic nature (Saldana, 2019.)

To mitigate design-related bias, the researcher had indicated in advance the limitations of the choice of the research approach, research design, and the biases relating to selecting a purposeful sample, as well as using interviews as the data collection technique. However, the researcher has provided the rationale for each section of the research cycle and mitigated potential problems, including detailing those mitigations in the trustworthiness and ethical consideration sections (Borowska-Beszeta, 2017). Borowska-Beszeta (2017) posits that if a researcher acknowledges bias in advance, it serves as mitigation and that the mere act of doing it enhances the transparency of possible research bias. To further mitigate for bias, the researcher constantly received feedback from both his research assistants and through a feedback session with the participant conducted after the data collection procedure.

3.13. Conclusion

This chapter describes the research methodology employed in this study. It outlines the research approach, philosophy, and design. Furthermore, the research methodology clarified the issues of population and sampling, data collection, and data analysis, as well as addressing trustworthy issues. Finally, this section presents the limitations of the study, steps taken to eliminate bias, and ethical considerations.

The following chapter discusses the study empirical findings and their interpretation.

CHAPTER 4: PRESENTATION, ANALYSIS AND INTERPRETATION OF FINDINGS

4.1. Introduction

The aim of this study was to examine the impact of COVID 19 on collective bargaining and workers' livelihoods at NEHAWU in Durban. The first three chapters of this research presented an introduction and background to South African collective bargaining and the impact of COVID 19 on the collective bargaining process, a review of the literature based on the phenomenon under study, and a report on the methodological design used for this study.

This section presents the findings, interpretation, and discussion of the findings that emerged from the data. The data were collected using interviews (face-to-face and online) and analyzed using thematic analysis. The Literature will be used to corroborate or refute the participants' findings.

This study adopted a qualitative research approach, using data collected from face-to-face interviews (Saunders, 2012; Creswell, 2010). Although the actual name of the studied trade union institution was used, no actual names for the participants were used. This was done to ensure that all participants' identities were kept confidential. The findings related to the participants will be presented through the themes identified in this chapter. First, the background of the emerging themes will be presented together with their subthemes, followed by the participants' findings on the research questions (Creswell, 2010). All the findings presented served to answer the following research questions.

(a) How has COVID-19 affected collective bargaining and workers' livelihoods at NEHAWU in Durban?
(b) What are the workers' experiences of navigating life during COVID-19 at NEHAWU in Durban?
(c) What are workers' perceptions of collective bargaining and their livelihoods at NEHAWU in Durban?
(d) To what extent can collective bargaining meet workers' livelihood expectations during COVID-19 at NEHAWU in Durban?
(e)

4.2. Presentation

4.2.1. Demographic Characteristics and profile of Participants

The participants for this study were NEHAWU leaders, former leaders, and members working around Durban and belonging to the NEHAWU Durban Region. In total, 10 participants were interviewed, both male and female, working in different departments of the South African Government, ranging from the department of education, COGTA, Arts and Culture, health, and Community Health Workers (CHW). The ages of the participants ranged from 30 to 55 years.

Table 4.2.1: Demographic information of participants

Participants	Gender	Age	Educational	Position	Leadership status	Department
A	Male	52	Post Matric Certificate qualification	Assistant Director	BEC	Education
B	Female	55	Post Matric Certificate qualification	Assistant Director	BEC	Education
C	Male	58	grade 10	Security	Member	Education
D	Female	33	Grade 12	Community Health Worker	Member	Health
E	Female	56	grade 11	Community Health worker	Member	Health

F	Male	48	Junior Degree qualification	Deputy Director	Former Provincial leader	COGTA
G	Female	44	Junior Degree	HR Ass. Manager	Member	Education
H	Male	52	Diploma qualification	Deputy Director	Member	Sport, Arts and Culture
I	Female	31	Diploma qualification	Nurse	Member	Health
J	Female	34	Diploma qualification	Nurse	Member	Health

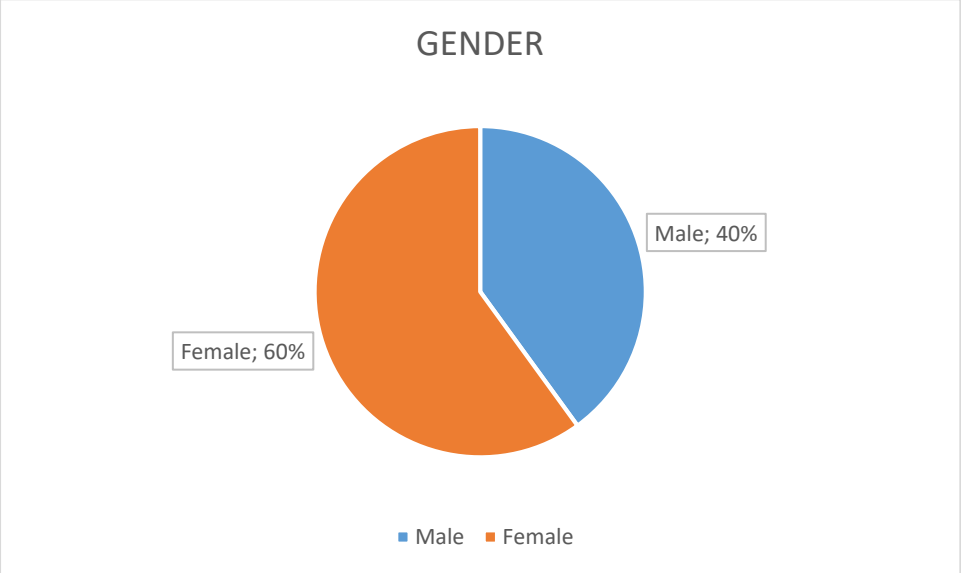

Figure 4.2.1: Gender distribution of participants

The majority of the participants in this study were females, as shown in figure 4.2.1. This is in line with the gender distribution of the entire public service.

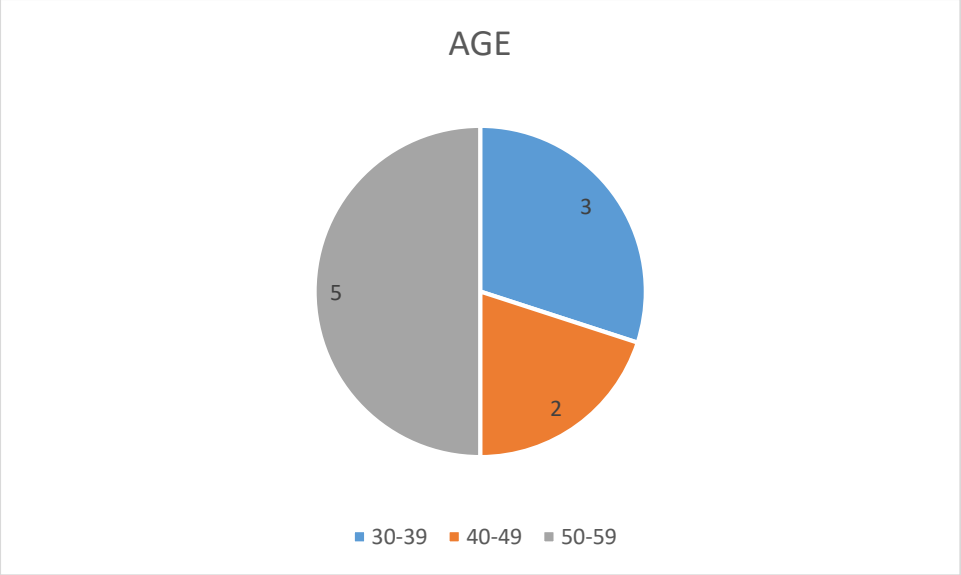

Figure 4.2.2: Age of participants

The majority of the participants in this research were between the ages 50-59

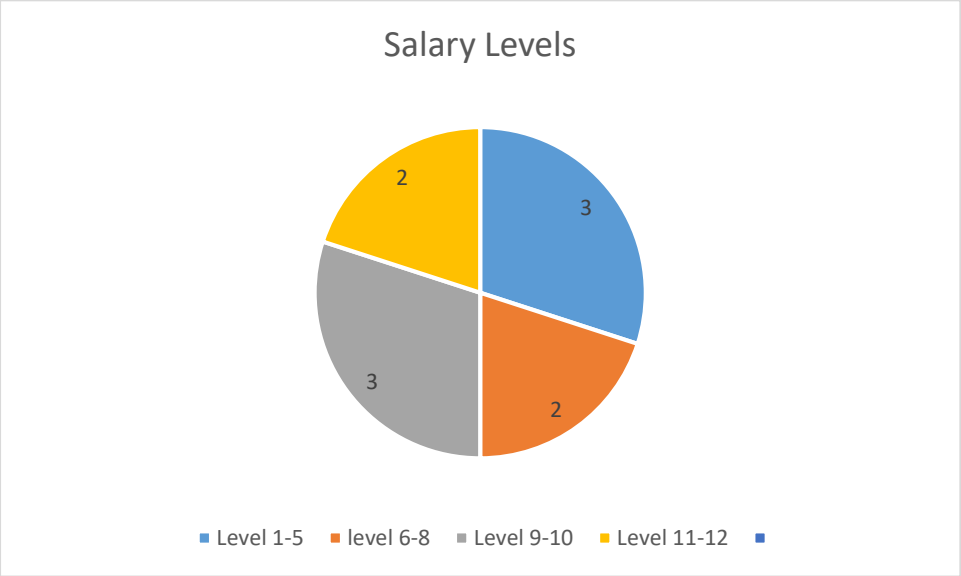

Figure 4.2.3: Salary Levels of participants

The participants in this research were distributed in salary levels of 1-12 in terms of the Department of Public Service and Administration (DPSA) salary scales.

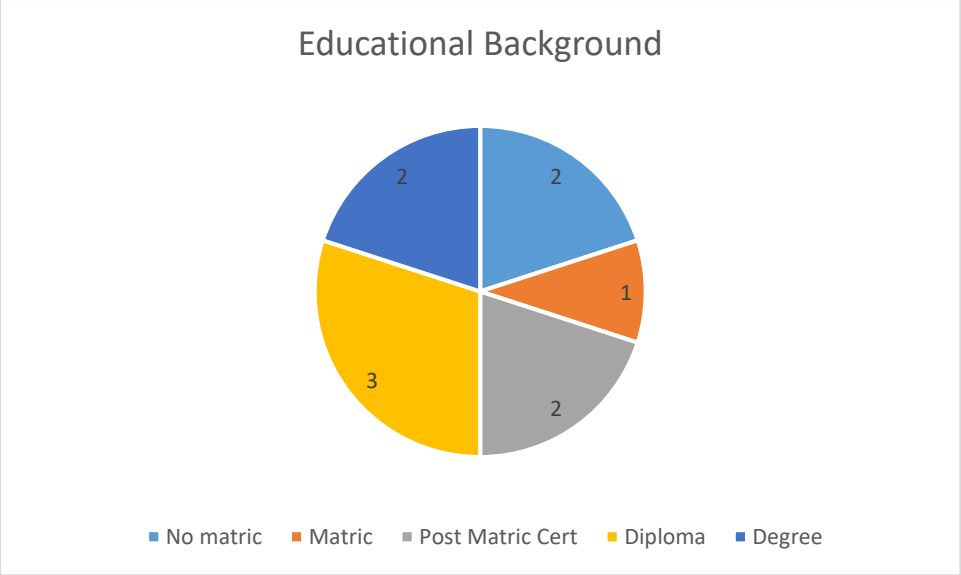

Figure 4.2.4: Educational background of participants

The participants in this research were of different backgrounds, ranging from those without matric, with matric, to those with post-matric educational backgrounds.

4.3. Emerging themes and subthemes

The following themes and subthemes emerged from the analysis of participants' transcript:

(a) Theme: Workers experience a navigating life during the COVID-19 pandemic. Under this theme, the following subthemes emerged.
- Lack of awareness about COVID-19 pandemic
- Disruption of livelihoods
- Coping strategies developed

(b) COVID -19 affected collective bargaining and workers' livelihoods. Under this theme, the following subthemes emerged.
- Factors that led to participants join NEHAWU and reasons for failure of collective bargaining
- Impact of the failure of collective bargaining

(c) Strategies that can be implemented post-COVID-19
- Digitized organizing strategy
- A call for policy review and formulation of new policies

The themes that emerged from the data painted the picture of a highly demoralized trade union membership as a result of failed collective bargaining. The themes also indicated feelings of helplessness imposed by the COVID 19 pandemic on the workers. Participants raised various and sometimes contradictory factors that contributed to the failure of collective bargaining to yield the expected results of a wage increase.

4.4. Data presentation and discussion structure

The structure adopted for the discussion of the collected information captures the researcher's reflections and analysis of the main research study questions and objectives, as defined in chapter one. The data were presented according to themes and subthemes identified during the interview script analysis. Below is a table summarizing the identified themes and the subthemes to be discussed.

Table 4.4.1 Emerging themes and subthemes

Themes	Subthemes
Workers experience of navigating life under COVID 19 Pandemic	i. Lack of awareness about COVID 19 pandemic ii. disruption of livelihoods iii. and Coping strategies developed
COVID 19 affected collective bargaining and workers' livelihoods	i. Factors that led to participants joining NEHAWU and reasons for failure of collective bargaining

	ii. Impact of failure of Collective Bargaining on workers
Strategies that can be implemented – post COVID 19 pandemic	i. Digitized organizing strategy ii. Workers' education iii. A call for policy review and formulation of new policies for future calamities.

4.4.1. Theme 1: Workers' experiences of navigating life under COVID-19

4.4.1.1. Subtheme 1.1: Problems related to lack of awareness about COVID 19 pandemic

Previous studies have shown a link between non-pharmaceutical knowledge of the COVID 19 pandemic and the adoption of protective measures (Singh, 2020). Research suggests that knowledge and awareness about the COVID 19 pandemic supports, while lack of knowledge and strong illness expectations thwarts (Miller, 2021). For an example, research on COVID 19 knowledge and practices (KAPs) of residents in Hubei, China found that most of the study sample had correct knowledge about COVID-19 (90%) and as a result, they maintained appropriate protective practices (Schmidt *at al*, 2020). According to Amoah and Simpeh (2021), possession of information encourages protective behaviors by buffering the negative effects of expectations of pessimistic illness. Previous studies have concluded that non-pharmaceutical knowledge about COVID 19 is important in moderating the devastating effects of the disease (Miller, 2021).

During the interviews, it was found that those with knowledge and awareness about the history, effects, and prevention of the pandemic responded better to the problems emanating from the situation caused by the pandemic than those who lacked basic information about the illness. The interviews also indicated a link between the participants' level of formal education and the nature of the response to the challenges brought about by the pandemic. Those who attained

low levels of education (security personnel and community health workers) responded more haphazardly than those with grade 12 or above. For example, when Participant G (a human resource practitioner with post-matric qualification) was asked about her knowledge and understanding of COVID 19 showed an educated understanding of the pandemic.

> "I understand it to be an infectious disease that spreads through ones mouth, it thrives indoors, can spread through touching affected surfaces hence there are these standard procedures or protocols"

On the contrary, Participant C, a security worker with no high school education, showed a severe lack of knowledge and understanding of COVID 19,

> "I do not know anything about COVID 19, COVID 19 has dealt with us, it is a killing disease, don't know where it came from. I know that a lot of water is used."

Participant D, a community health worker never even believed that the pandemic can be prevented; "it (pandemic) is an illness that is a problem, it has no cure, we cannot do anything 'on' it and it kills."

When responding to a question on how they as a family responded to COVID 19 and the situation it brought, Participant E (a community health worker) recited a story on how ignorance about COVID 19 contributed to both the spread of the disease and the death of people in her family.

> "Families have fought because they think of its witchcraft as they do not believe in COVID 19, and another thing, this steaming thing, they interpreted it in another way, I lost my sister because of steaming, and she became dehydrated."

To support the above narrative, literature had earlier on found that peoples' knowledge and belief systems are the main predictors of behaviours that influence the spread of the disease (Miller, 2021). According to the Common-Sense Model of Self-Regulation, the processes informing individuals' conceptualization of an illness ('Illness related memory schema) or mental model includes perceptions surrounding the threat posed by the illness and it informs potential responses to the threat (Kar, 2021). This underscores the importance for people to be educated, informed, and made aware of diseases and their impacts.

4.4.1.2. Subtheme 1.2: Disruption of workers livelihoods

When the South African government introduced lockdown and declared general holidays, the lives of the people, mainly low-paid workers, were seriously affected (Vindegaard & Benros, 2020). This suggests that COVID 19 not only affected the health of workers but also negatively affected their general livelihoods. Participant C, who worked as a security earning at the grade 3 salary level in the government department, narrated how working during the lockdown made him unable to pay for the family's basic needs.

> "During lockdown we as security were expected to be at work to protect government property, normal transportation was disrupted hence we had to organize our own transport to work and we paid three times more than usual. There were many challenges; I could not pay bonds for two months, many things changed, and my salary could not afford buying food."

The study further found that some respondents, especially among the low-income group, were unhappy about their exclusion from government relief grants, which were set aside for unemployed people. Participant B, a female worker, responded as follows when asked about the impact of COVID 19 on her and her family's livelihood:

> "Our livelihood was completely disrupted. As a family, we were struggling to put food on the table because we did not have to buy a different kind of food with vitamins, which was very expensive and we did not budget for that. The government excluded poor workers from the R350 grant, and workers had to prioritize these COVID 19 related medication, not normal food; hence, we had to sacrifice what we do in normal life."

This feeling is also echoed by Shammi *et al* (2020), who found that poorly paid workers are often excluded from relief programs during catastrophes. This discovery on the marginalization of poor workers suggests that safety net programs need more budget to take into account the working poor majority. Paul *et al* (2020) argued in support of the above view that this pandemic has caused enormous socioeconomic and mental health problems affecting people's well-being worldwide, with people in the lower income bracket becoming the most vulnerable, especially now that their subsistence is being threatened.

Men and women in trade unions have been affected differently by COVID 19, of course owing to South Africa's state of gender inequities. Women trade union leaders and members have had

to contend with the greater workload emanating from the triple roles of being homemakers, employees, and trade union members (Shammi et al. 2020) and this pressure has sometimes eroded their physical and mental health.

This was reflected in the interview with Participant D, a community health worker and a mother who considered herself a failure because she could not successfully perform her motherhood role to the satisfaction of her children.

> "COVID 19 changed our lives a lot because me as community health worker I could not come any way close to my children for months and that affected my relationship with my kids and family. I also could not seek financial assistance from even my relatives to help me transport money to work; my world was reduced to me alone."

In support of participant D, Paul *et al* (2020) argues that COVID 19 resulted in a reduction in economic prospects, curtailing of movement, and limited scope for mingling with relatives, friends, and neighbors. These have always formed part of the social support structures of interdependence from which help is sought during emergencies (Paul et al., 2020)

The above points raised by Participant D are supported by the ILO study, which found that the situation of female workers deteriorated as COVID -19 started affecting South Africa in 2020 (ILO, 2020). This study estimates that about 47 million more women and girls stand to plunge into great poverty, and this can increase to a total of 435 million women and girls. This situation is expected to reverse major gains made in the gender struggle and will hinder efforts to achieve Goal 5 of the Sustainable Development Goals (SDGs) (ILO, 2020).

4.4.1.3. Subtheme 1.3: Coping strategies used

The literature has it in high authority that COVID 19 has impacted different aspects of health, economic, and social welfare. It is also established that all humanitarian calamities affect mental health, especially in situations where there is no proper planning and implementation of short- and long-term interventions (Galea *et al*, 2020). Mental health is expected to linger globally over a period of time (Assari and Habibzadeh, 2020).

In this study, all participants showed symptoms related to stress, anxiety, and depression, which was equivalent to the outcomes in the study by Gurvich *et al* (2020). "Coping styles and mental health in response to societal changes during the COVID-19 pandemic." It also emerged from the interviews that participants experienced COVID 19 differently and their coping strategies

were specific to their class position in society. According to Gurvich *et al* (2020), coping style is defined as cognitive and behavioral forms that help in the management of specific external and/or internal demands that exceed the resources of individuals. The literature indicates that at the personal level, most patients (during the COVID 19 period) reported having lost family members prematurely (Sani *et al*., 2020) and have continued to fear losing more. They also showed additional mental health problems related to isolation and loneliness (Usher *et al*., 2020a).

Participants in the upper middle class (participants F, G, and H) demonstrated more positive coping styles. Positive copying refers to a strategy that focuses on the re-evaluation of a traumatic incident in positive terms (Stanislawski, 2019). When asked how she responded to the lockdown decision of the government following the declaration of the state of disaster, participant G responded as follows:

> "At first it was just 21 days and we thought it would be easy, I was just coming from holiday after my birthday, we knew we were going to be indoors and did not have to move, so it was fine we never made an issue of it. But the reality of it dawned when lockdown was extended, I became anxious about myself about my well-being, mental status, and everything around me and some of my family members started to lose jobs; those things started working on my mind I started trying to think deeper how I would manage now; I had to find ways of motivating myself so that I can still feel sane because at the end of it all it feels like this was something we were going to live with for a long time, so it was not easy but one had to find courage in saying it has been worse for other people but at the same time it had been better for me because I managed to get my salary in full, I have managed to have everything I wanted so I was spared."

The study reveals that people of the upper middle class possess resources that are critical in mobilizing support during difficult times, something the general workers do not have. Participant G explained how she was able to mobilize support as part of her coping mechanisms.

> "Firstly, it was with my family we started to connect more doing video calls because I was alone in my house, we started talking positively to each other, and with my friends

as well there were friends that were affected just like me, so we were talking about these things trying to do meditation and what not"

Kar (2021) supports the above contention of 'hoping for the best' or 'remaining busy' as the most normal way of dealing with a stressful situation. Kar (2020) believes that some people manage stressful events through religious faith, try to deal with the problems they face, or share their problems with others. This contention contradicts the findings of Zhang et al. (2020) that female workers are at a higher risk of mental health problems.

The study also revealed that South African media and government messaging came under fire in its narrative during COVID 19. Participants felt that the government and media exaggerated the COVID 19 pandemic situation and negatively interfered with their mental health systems. Participant H retorted

> "Government messages and media reports did a lot of damage both psychologically and emotionally, their message was simply, follow COVID 19 protocols or die, it left us with no option, no thinking, no self-motivation but to think about death only"

> Paul (2020) also mentioned the negative role played by the media, stating that increased mental health problems were also associated with more intense exposure through the media.

Conversely, the study also identified that ineffective coping styles were associated with lower salary grades. These participants exhibited poor mental health. When asked about her understanding of COVID 19 pandemic participant 5, a community health worker answered; "COVID 19 damaged us a lot, it's a disease to destroy families, community, to destroy even workers, I can liken it to the monster, HIV was better. Perhaps we suffer for our sins, maybe we have sinned before God." While participant C, a security workers summarized COVID 19 pandemic as a "Killing disease that has no cure"

The above negative response to stressors is explored by Sim et al (2010) who argues that negative coping methods like "self-blame" reflects higher levels of depression, anxiety, and stress and that they are more often reflective of psychiatric comorbidities during previous infectious disease outbreaks. Kar et al. (2020) warned that these adverse mental health symptoms, including stress disorders, depression and anxiety, feelings of helplessness, and loneliness, are still expected to be a feature of life even when COVID 19 shall have ended.

4.4.2. Theme 2: COVID 19 affected collective bargaining and workers' livelihoods

4.4.2.1. Subtheme 2.1: Factors that led to participants joining NEHAWU and reasons for failure of this round of collective bargaining

The study showed that there were various factors that influenced participants to join trade unions, in this case, NEHAWU. This fits well with Kocer (2018), who believes that reasons for affiliation or not are based on a simple cost and benefit analysis that workers make. He further believes that more workers join trade unions because they provide a platform for collective action, which mostly leads to members achieving more than they can individually achieve.

For Participants A and B, joining a trade union was based on their political activism before employment. To them, being members of the ANC determined the trade union they had to affiliate with. Asked about how he became a member of NEHAWU, Participant A reported the following:

> "Since my youth I was a member of the ANC committed to fight apartheid and I knew that the ANC had a relationship with COSATU and SACP. So when I started working, I looked for a COSATU-affiliated union in the department, which was NEHAWU, and I joined it."

The above participant considered trade union activities as part of the societal transformation program. Cichon (2013) supports the contention that some trade union members view workplaces as sites of struggle to change the social, economic, and social structures for the better. Participant B emphasized it even further when she said:

> "Am an ANC member in my community, which is in the alliance with COSATU, hence at work I affiliate with NEHAWU"

However, to some participants politics was the least thing they considered, and instead most participants reported that they joined NEHAWU for the satisfaction of their own personal or individual needs. Most participants indicated that they had joined NEHAWU because of its militancy and size in many workplaces (the largest trade union in the federation, COSATU). They believe that the bigger the better, and that numbers bring about more NEHAWU's economic leverage than other unions to bargain for better wages and benefits. They believe

that NEHAWU's membership density makes it possible to conduct powerful and successful strike actions that can target even higher wages. Participant H:

> "Over the past years (especially in strikes of 1996, 2007 and 2010) its NEHAWU that has been in the frontline of many public sector wage related strike actions and that has resulted in total stoppage of work in all sectors it organizes in and that had a push factor for the state as an employer to concede to public sector wage demands. I really do not know why it could not do the same now?"

In support of the above view, Pettinger (2018) further posits that both the size and militancy of trade unions play a significant role in counterbalancing the monopsony power of employers in relation to the determination of the structure of payment and working conditions. He further argues that the size, stature, and density of the workforce of trade unions can increase wages, which inadvertently leads to increased spending in the economy. Streeck (2016) also argues that the scale of trade union associations is a critical element in this matrix of strength determination. He believes that the greater the trade union membership, the greater its legitimacy, as well as the power it exerts on the negotiation table.

However, some participants accuse the same trade union, and NEHAWU should take responsibility for the failure of this round of collective bargaining to deliver on workers' demands. Participant 6 argued against conflating politics with workplace matters: Contrary to participants A and B, who are in favor of the relationship between ANC and COSATU, Participant F believes that this relationship compromised workers in this round of wage negotiations.

> "In my view, the relationship between COSATU and ANC's current government administration has compromised workers. The government exploited the fact that there was a section of workers supporting the current administration, even at the expense of workers. NEHAWU could have fought more gallantly had there been no relationship with the current government.

Participant H also blamed NEHAWU for failing to keep its eyes on the ball all the time during wage negotiations.

> "Concentrating on monitoring compliance by employers with health and safety standards at the expense of wage negotiations as well as taking bargaining issues to court and undermine mass mobilization suggest failure by the trade union to prioritise wage negotiations"

Participant C also retorted saying that NEHAWU was conspicuous due to its absence during the lockdown period, at least at the workplace level.

> "When COVID-19 stroke it was like the trade union movement has collapsed, the employer just took over both at a national and workplace level, Cyril Ramaphosa became the dictator, at all work places the employers dictated what needed to happen, we were just helpless we were lonely, NEHAWU failed us at that level"

Participant F blamed NEHAWU for failing to seek mandates from workers, which is why collective bargaining failed to deliver:

> "Mandate seeking was severely compromised because no meetings could take place anymore; Nehawu is the union that uses face-to-face interaction with members and is not the union that uses emails or virtual platforms to gather mandates. They believe in human contact. Leaders could not feel us and could not see anger or frustration. They were not even reaching out because they are not used to what app messages and other forms of technology."

The above complaints by participants are supported by Weedmark (2020), who argues that public sector employers will always wait for a chance to take advantage of any situation to take over and rule the public service sphere and its workplace components. Weedmark (2019) believes that it is not in the interests of employers in the first place to have trade unions in the workplace, and that there are trade unions in the workplace because employers feel compelled by ILO conventions. The same view is supported by Chidi and Okpala (2020), who hold the view that employment and industrial relations are the study of the rules governing employment and that trade unions should always be alert on why and how these rules are changed, interpreted, and administered at the workplace level.

Some participants also blame NEHAWU for the decision made by public sector unions to take collective bargaining matters to the court of law. They argued that the union did not seek a mandate for that decision. They believe that the union demonstrated the vote of no confidence

in the collective power of members and totally disregarded the right to strike action, which is a critical tactic to force the employer to accede to labour demands. Participants H felt that

> "if the National union felt that COVID 19 protocols prevented them from properly seeking mandates from members or if strikes could not take place then they should have postponed 2020/2021 round of negotiations to happen when COVID -19 protocols were relaxed not to go to court because in court you win or lose but with strike actions unions always win even if it is not at a high level that they want, but they win something"

> The argument against taking wage negotiations to court is also supported by Olikitan (2014), who strongly feels that collective bargaining activities should be distinguishable from commercial bargaining models in which disputes are resolved through the involvement of the interlocutor.

It is, however, a common cause that the above resentments against NEHAWU arise from the disappointment by workers who, for the first time since 1994, received a zero % increment. According to Du Plessis (2020), trade unions should be the only ones to shoulder the blame for a dysfunctional collective bargaining process of 2019/2020 and 2021/2022, and trade unions needed to accept that during this COVID-19 period, workers are on a back foot and therefore must be ready to make concessions and sacrifices given that government resources, the world over, are depleted by the pandemic.

4.4.2.2. Subtheme 2.2: Impact of failure of Collective Bargaining on NEHAWU members as workers

The difficulties created by the failure of this round of collective bargaining among NEHAWU workers in Durban are serious and varied. The interviews revealed several problems that the workers had already faced and continued to face. At least two participants who worked as Community Health Workers shared their frustrations about how the failure of collective bargaining has made it possible for the government to simply renege from its 2018 promise of absorbing them permanently by the year 2020. The NEHAWU 2019 Central Executive Committee reported that part of the 2018 resolutions was the issue of the absorption of these workers to permanency based on the modalities to be developed by the PSCB Council. Participant E, a community health worker, raised her frustration regarding this matter as follows:

> "The collapse of Collective bargaining has disturbed us a lot and has spoilt collective bargaining, Government promised us in 2018 that we will get salary increase but instead government complaints of COVID, they also wanted to make us permanent, but because of COVID they say no money, even now for 2021/2022 financial year they say there is no money, they have not budgeted for it."

Some participants, especially Participants C, D, and E, felt that the employer prerogative dominated the 2019/2021 and 2020/2022 collective bargaining processes. They felt that public sector unions were unprepared to deal with the challenges of the period. This form of wage negotiation was first felt by European and Western trade unions in the 1970s. These participants felt that their union subscription to NEHAWU was not worthwhile. Participant C had this to say:

> "Unions were also confused, unions did not take care of workers, and employer was all over us wage negotiations never delivered anything. The government stated that there was no money. The only voice we heard was that of Cyril Ramaphosa telling unions what to do and what not, so all our monies for union subscriptions were a waste.
>
> "Look now we are going to suffer for the next 5 years, everything has gone up, petrol, food, transport, school fees, and everything, but our salaries will remain the same, where is fairness? (Participant I).
>
> "Our lives will be at stand still for many years, we shall not recover from this setback, our cars will be taken, and our houses will be sold because we cannot afford all these things with this salary." (Participant J)

The view of these participants is supported and further explained by Baccaro & Howel (2014) and Schulten and Müller (2015) who argue that employer discretion began as a feature of wage negotiations in Europe where because of exogenous pressure through austerity by World Bank and International Monetary Fund institutions employers were forced to embark on derogative form of negotiations. This derogation is a form of collective bargaining systems which include "opening or walk out" clauses that allow employers to walk out of collective agreements at any time. This suggests a critical reconfiguration of the South African Collective Bargaining system, in where industrial relations are further liberalized.

However, Participant E disagrees with the view that the government had no money and that it was forced by exogenous factors, such as borrowing money from the IMF to apply austerity

measures. She believes that South Africa had money, it is just that politicians saw the opportunity to leverage the COVID 19 pandemic situation to loot the state of its resources. Participant E agreed that the employer dominated wage negotiations but needed to be apportioned to the weaknesses of public sector unions and NEHAWU. She argued that:

> "The unions lost a lot, they failed dismally to represent us well. Even the government borrowed monies, but these monies never reached workers. For example, we were told that monies were to buy Protective Personnel Equipment (PPEs), but now people of government get arrested for the same PPEs, meaning that it was nothing but corruption that prevented workers from getting their increment. This was just the government's strategy to eat that money and the taxpayers' money. Looks of looters are all government people who get paid a lot because they are so greedy."

The failure of collective bargaining has also deepened inequality in the past, both in terms of gender, race, and class. Many female participants, particularly Participants D, E, and G, reported that the failure of collective bargaining exacerbated the already existing race and gender inequalities, which represent a serious problem that South Africa still faces after 1994. Participant G said,

> "I will really encourage union (NEHAWU) that life is hard in our times let them fight for us at negotiation table, they must press on and know that we as black people and particularly women did not have trust funds like other races. To us, any zero increment takes us far back than we are, as opposed to those who had a better life during apartheid. The union must always ensure that wages (negotiations} always have racial content. Any disturbance in salaries. As (black), we started from scratch and our life is pushed 10 steps back because we as black Africans and women in particular are in the bottom income levels.

Participant D told the story of how she had to wake up early and take her child to grade R school and avoid money for the transport uncle, and how the impact failure of collective bargaining will take time to resolve if any:

> "I am a single mother in fact so during COVID 19 food went up and here we are poorer because there was no increase in money. Children are at school, so we must get groceries with little pay, and also pay for transport for children. So, I was now waking up early to take my grade R child to school because no money for "umalume" (the uncle who transport children to school at a fee)"

The above argument exposes the gender, race, and class impacts of unsuccessful collective bargaining. Ranchhod and Daniels (2020) further elaborate that blows to wages and threats to employment affected almost all workers, with those in low-income brackets being the most vulnerable. This shock has inadvertently affected family members whose livelihoods depend on employed people (Ranchhod & Daniels, 2020).

Female workers not only bore the most brunt of failure of collective bargaining, but also male workers earning in lower brackets reported that the scars of failure of collective bargaining will take time to heal. Participant C expressed that he could not pay his bond, as he was forced to prioritize other necessities.

> "Because of COVID 19 I could not pay bond, many things changed. I work as security: You see, during lockdown we had to work, but transport was not there, you know, so we had to organize our transport and pay more than our usual one, so where is money for bond. Although salary did not go down, we had more things to attend to like COVID 19 medication and other things to improve healthy living. A large amount of water was used. I was banking on the salary increase to cover the shortfall. (F)

That Covid 19 had an unprecedented impact on workers' livelihood is qualified by Ranchhod and Daniels (2020), who believe that while the South African government can boast of achieving a delay in the spread of the COVID-19 pandemic, the restrictions imposed had serious negative impacts in the sense that the already-depressed economy had been brought to a standstill, thereby aggravating the country's high levels of inequality among races and genders. This is also supported by the NEHAWU statement of July 2021 that the failure by state to comply with all clauses of this resolution (and increase workers' salaries) as well as its below-inflation increment for the financial year 2021/2022 has denied workers' huge salary increments that would cushion workers against the harsh conditions created by the COVID 19 shock.

4.4.3. Theme 3: Strategies that can be implemented – post COVID 19 pandemic.

4.4.3.1. Subtheme 3.1. Digitized organizing strategy

There is a strong feeling from some participants that given the recently demonstrated NEHAWU challenges to reach out to its members because of the COVID 19 restriction, its time the union changed its organizing model. Currently, the union style of

recruitment, service, and mobilization is based on plant-to-plant or firm-to-firm visits by trade union organizers. Participant 6 had this to say by way of advising NEHAWU that it should be the union of the future:

> "This (physical organizer) model of membership service is not only tiresome or unsustainable but also, given the advancement in technology, it is outdated, the union must rise to digitized way of organizing and slow down on organizer-based system. Digitized mobilization is fast, sustainable, and cost-effective and reaches many members at one go."

One participant felt that the trade union movement in South Africa, like the trade union movement in the entire world, has received no choice but to go digital because the whole working industry is going telework. Participant G:

> "COVID 19 has thrown us ill prepared into working remotely. We were suddenly given instructions by telephone or email, with a clear deadline imposed. There was no training, not a chance given to familiarize ourselves with such, we had to ride the car in motion."

Participants F and G felt that remote working reconfigured unions' demands for collective bargaining. He believed that instead of the union negotiating to create a conducive working environment at the firm level, negotiations must now be creating "homes" as conducive centers of work. Participant G said:

> "I found myself having to create a space within my own house in order to work, whose space was it, whose electricity and whose time because in other instances I had to work till late at night"

The above argument regarding the necessity of integrating technology as a critical element of the workplace is also shared by McKinsey (2020), who states that a move to remote working must be thoroughly prepared for. McKinsey (2020) lists these preparatory steps as the creation of suitable and safe telework workplaces, the introduction of necessary technical equipment, and the training of workers to work in virtual environments. Without these measures, public servant workers will forever remain with a long list of unmet needs as they battle the demands of remote work.

When it comes to their remote workplace demands, as well as resources required to work effectively and worse with those workers in developing countries, with limited internet connectivity and electricity supply. (McKinsey, 2020).

The ILO report (2020) advises that countries must now consider digital technologies as a necessity that goes beyond mere communication but that it should be the critical element of service provision. The report further impresses upon nation-states to improve the Internet, connectivity, and electricity supply.

4.4.3.2.Subtheme 3.2.: Workers education

As part of working towards the future, some participants felt that NEHAWU must also concentrate on the education and training of its members to improve their education level as part of an attempt to satisfy lower-educated members (Kocer, 2018). Asked about how to better prepare to face collective bargaining-related challenges in the future, Participants G and H emphasized the role of educating trade union members and workers in general, both academically, to improve their financial position and in terms of life skills. Participant G believed that:

> "Workers must be prepared mentally, and the union (NEHAWU) must force the government to make maximum use of the Employee Assistance Program to educate people to deal with such emotional and psychological challenges in the future. In addition, people must try and acquire more skills; this does not mean that you must die in one department, we need flexible education, and the department must pay workers to further their education. People must be multi-skilled, for example, if they have to be moved to another department. We are lucky that we did not experience job loss or cut in pay; otherwise, in the future we might not be this lucky as public service workers.

Participant H felt that trade unions like NEHAWU could leverage membership subscriptions to create institutions to improve the education level of workers so that they could earn better. NEHAWU can also work with Higher Education departments to create and streamline the curriculum that takes into consideration workers' experience and prior learning in the sector.

> "The COVID 19 pandemic exposed once that those who have attained low levels of education and those that are not educated at all are easy victims of such situations as collapse of collective bargaining and even in terms of learning and understanding the mobility of the virus. Therefore, NEHAWU must consider it a part of membership

benefit to create platforms for formal learning at the workplace so that workers can further their education and improve their salary levels. Currently, the NEHAWU has a funeral scheme among its membership benefits, and I think education of workers must be among union benefits in this case the trade union can work with the department of Higher Education."

The above suggestion by participants G and H also supports Barone and Van de Werfhorst (2011) that the level of education influences workers' pay levels in the labor market. According to Koçer and Van de Werfhorst (2012), a person's educational status determines their position in the social stratification process.

4.4.3.3. Subtheme 3.3: A call for policy review and formulation of new policies for future calamities.

Considering that collective bargaining is a system that will last longer as part of the labor relations system, trade unions are advised to leverage their current experiences and policy review processes (Dival *et al*, 2021). With this understanding, many participants suggested that actions NEHAWU need to take in the future. Participant C suggested that NEHAWU must not stop calling for the reinstatement of Resolution 1 of 2018 and the implementation of the abandoned last leg of the wage agreement.

> "NEHAWU must go back and demand the 2018 agreement to be implemented, or else its content must be re-included as is in our 2022/2023 negotiation process, otherwise we will be limping for the rest of our lives and our pension will have a dent for life."

The reopening of a contract is a normal procedure in the bargaining process. Farber and Nicole (2020) support this view and further argue that reopener clauses are always part of the bargaining process, and trade unions can exploit it to maximize benefits for members.

> "As part of the recovery program from COVID 19 pandemic devastation, NEHAWU must be more sharp and more futuristic in its collective bargaining demands and anticipate such calamities as COVID 19" (Participant B)

> "Mind you our government, to make unions look bad, said he is deploying money elsewhere because of COVID, he takes care of the poorest of the poor for example he gave millions of people R350 etc. but we are asking where are the emergency fund which can cover the working poor workers? In the future, Nehawu must tell the

government to always project emergency funds to take care of all South Africans' (Participant B).

Cushioning in work poverty is also a point supported by Dival *et al* (2021), who believe that the South African government must create a social safety net that not only covers the unemployed but also low-paid workers. Dival *et al* (2020) suggest that the government must also consider forms such as transport and childcare subsidies for workers.

Participants G and H both concur that NEHAWU must develop or review its education policy to go beyond political and trade union education and cover general further education to improve the level of education of workers and NEHAWU members. When asked about what she expected NEHAWU to prioritise after COVID 19 she said?

> "NEHAWU ensure that workers get more skills, it does not mean that you must die in one department, workers need flexible education, and the department/employer must pay workers to further their education. People must be multi-skilled, for example, if they have to be moved to other departments. So far, we are lucky that we did not experience job loss or a cut in pay."

Dival et al. (2020) suggest that the government must improve the quality and efficiency of education and through vocational schemes to improve employability to raise both employment rate and wages.

Participant G further advised that NEHAWU and State as the employer need a paradigm shift towards remote work and that COVID 19 has demonstrated that it is possible, and that humanity will soon be forced to adopt telework as a way of work. This was what she had to say during the interview.

> "NEHAWU and public sector employers must consider that workers now need some form of retraining, even as they sit and work at home, they are still required to meet their targets (Key Performance Areas) or standards, they are still being performance managed, that they work at home does not mean doing anyhow. They need to be trained to be independent without being 100% supervised, because there should be some form of supervision, because one at the supervisory level must account. Hence, the state may

need to ensure that the course is on how to work and meet your performance target while at home."

De Vries et al. (2018) disagree with Participant G on making remote work a critical feature of employment because COVID 19 has shown that remote work constrains social interaction and causes isolation.

4.5. Conclusion

This chapter presents the findings of the study and provides a brief discussion in accordance with theories and literature gathered in previous studies, as reflected in earlier chapters. The findings of the study revealed the perceptions and experiences of workers regarding the impact of COVID 19 on collective bargaining and workers' livelihoods. The study found that, generally, all workers had difficulty living their lives under COVID 19 as their livelihoods were disrupted and disorganized. The study also revealed that the salary freeze brought about by unsuccessful collective bargaining and the rise in basic necessities of life, such as food and petrol, has affected lowly paid workers more severely. The following section provides conclusions and recommendations for the study.

4.6.

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

This study investigates the impact of COVID 19 on collective bargaining and workers' livelihoods at NEHAWU in Durban. The experiences and perceptions of ten workers were explored. This chapter provides the findings of the study, literature review, and primary research. It also carries suggestions on how NEHAWU must improve its collective bargaining

strategy to positively impact the livelihoods of workers during times of calamities like COVID 19. Finally, we outline the conclusive recommendations drawn from the study.

5.2. The research questions

Below are the research questions used to explore and address this research problem. The questions investigated the experiences and perceptions of NEHAWU Durban members regarding the effects of COVID 19 on collective bargaining and workers' livelihoods.

(a) How has COVID-19 affected collective bargaining and workers' livelihoods at NEHAWU in Durban?
(b) What are the workers' experiences of navigating life during COVID-19 at NEHAWU in Durban?
(c) What are workers' perceptions of collective bargaining and their livelihoods at NEHAWU in Durban?
(d) To what extent can collective bargaining meet workers' livelihood expectations during COVID-19 at NEHAWU in Durban?

5.3. Findings from the study

The aim of this study was to investigate the impact of COVID 19 on collective bargaining and workers' livelihoods: The Case of NEHAWU in Durban. This study employs a qualitative research approach. It also used semi-structured interviews to study the experiences and perceptions of NEHAWU members in Durban to explore the research topic. The literature review had earlier on provided a conceptual understanding of collective bargaining and the effects of COVID 19 on workers and their livelihoods. The literature also provides a background on labor legislation within which both local and international collective bargaining is framed.

5.4. Findings from literature review

The results of the literature review showed that collective bargaining as an institution originated with the industrial revolution of the 18th century in England. However, it also indicates that as it evolves, collective bargaining takes different forms, depending on the structure and system of industrial relations in different countries (Hyter & Elgar, 2014). The approach of trade unions towards collective bargaining also differed based on the attitudes and policies of national governments regarding labor relations as a system (Baccaro & Howel, 2017).

The reviewed literature found that the lynchpin of the legislation on which collective bargaining is based in South Africa was founded in the Industrial Conciliation Act of 1994. This was after the discovery of gold and diamonds in South Africa in the 17th century, which marked the transformation and expansion of South Africa's economy, which was mainly based on agriculture (Godfrey, Maree, Du Toit and Theron, 2010). It has also been discovered that since 1994 South African collective bargaining has been fundamentally transformed resulting into the creation of the Public Service Coordinating Bargaining Chamber designed exclusively for public service workers and employers (Marree, Du toit et al, 2010). This PSCBC is structured as per Section 36(2) of the Labor Relations Act (the Act) (PSCBC 2019/20 report), and that NEHAWU is one of the eight Trade Union organizations that collectively bargain in this institution. The literature further highlights the importance of collective bargaining and trade unions in promoting better working conditions and influencing society (Botha, 2015)

5.5. Findings from primary research

5.5.1. What are the workers' experiences of navigating life under COVID-19 at NEHAWU in Durban?

The study found that all workers had difficulty living their lives under COVID 19 and as a result, all of them had their livelihoods disrupted and disorganized. Workers suffer from different forms and levels of mental health and lack the necessary coping strategies. The study also revealed that the situation was more severe for workers who had low levels of formal education, as opposed to those with higher levels of education who had knowledge and awareness about the history, effects, and prevention of the pandemic.

5.5.2. How has COVID 19 affected collective bargaining and workers' livelihoods at NEHAWU in Durban?

The study found that, in the main, workers join trade unions to satisfy their own personal or individual needs for higher wages and quality working conditions. In particular, they joined NEHAWU because of its militancy over the years in successfully negotiating better wage packages. The research study revealed that workers apportion blame to COVID 19 protocols that prevented them from gathering and conducting strike actions to force the employer to accede to their wage demands. According to the study, workers believe that the government used COVID 19 not only to collapse collective bargaining but also to renege from earlier on

on agreed and signed collective agreements and reversal of most of their hard-won trade union gains.

5.5.3. What are workers perceptions of Collective Bargaining and workers' livelihoods during COVID 19 at NEHAWU in Durban?

The research study revealed that the failure of collective bargaining not only disrupted their livelihoods but also reversed their level of life and deepened inequality of the past, both in terms of gender, race, and class. The study also revealed that the salary freeze brought about by the failure of collective bargaining and the rise in food and petrol prizes has driven some workers to hard-core poverty, a level of the working poor, especially those workers who occupy the lowest rungs of the payment system.

5.5.4. To what extent can Collective Bargaining meet workers' livelihood's expectations during COVID - 19 at NEHAWU in Durban?

The study found that the difficulties created by the failure of this round of collective bargaining on NEHAWU workers in Durban are serious and varied. Those workers at high salary levels had their livelihood not as negatively impacted as those at lower pay grades. It is also a category of non-permanent/casualised workers who lost the opportunity to be absorbed permanently into the system, as the government reneged from implementing Resolution 1 of the 2018 collective agreement that promised casual workers' positions of permanent employment. For this category of workers COVID 19 had severe socioeconomic, psychological, and emotional impacts.

5.6. Conclusions

The aim of this research was to investigate the impact of the COVID 19 pandemic on the collective bargaining and workers' livelihoods of NEHAWU members in Durban. This study used four research questions and objectives as the foundation of the research. This research contributes to the current body of knowledge on the effect of COVID 19 on collective bargaining and workers' livelihoods. The study has presented valuable knowledge and recommendations on approaches that can improve collective bargaining and workers'

livelihoods even during shocks such as the COVID 19 pandemic. This study was conducted with the following research objectives.

- To investigate the ways in which COVID 19 has affected collective bargaining and workers' livelihoods at NEHAWU in Durban. The study revealed that because of COVID 19 collective bargaining, workers' wage packages were frozen, resulting in them failing to afford basic life necessities.
- To investigate workers' experiences of navigating life during COVID-19 at NEHAWU in Durban. The study found that workers' livelihoods were severely disrupted during the COVID 19 pandemic period.
- To investigate workers' perceptions of collective bargaining and their livelihoods during COVID 19 at NEHAWU in Durban. The study found that COVID 19 had catastrophic effects, not only on the workers but also on their generations, as workers will take time to recover.
- To investigate the extent to which collective bargaining can meet workers' livelihood expectations during the COVID 19 period at NEHAWU in Durban. The study showed that the negative impacts of the collapse of collective bargaining during the pandemic were both serious but varied depending on the salary scale of each worker.

5.7. Recommendations

The following recommendations were made from the study: This section presents recommendations for further research as well as recommendations to improve collective bargaining and workers' livelihoods during and after COVID 19 period.

- Government and public institutions should conduct deliberate and focused education campaigns each time there are calamities like COVID 19 so that people, particularly workers, can gain knowledge about the history, effects, and prevention of viruses and diseases. Media (electronic and print) and other online education sessions may not reach people who have no access to them.
- Infrastructure for Employee Support Programs (EAPs) should be accessible to all workers in all workplaces and must be worker centered, fully developed, capacitated, and human resources to detect and deal with all forms of mental health faced by workers in and outside the workplace.

- NEHAWU, on the other hand, should consider establishing its own EAP centers decentralized to regional provinces and branches.
- The government should prioritize education and training programs for skilling low-educated workers so that they can move up their salary rungs.
- The NEHAWU collective bargaining approach should prioritize the lowly paid members for higher wages to cushion them against rising basic needs.
- To compensate for eroded wages and workers' disposable income, the researcher recommends that in the next round of collective bargaining, NEHAWU must include demands that will protect workers in future calamities, such as COVID 19. They can achieve that through, among other things, including the following demands on the wage negotiation agenda: placing the following demands on the negotiation agenda:

    - Hazard pay for essential workers or workers working during the calamity coupled with the benefit of additional paid sick leave.
    - Build into the collective bargaining rules called "opening clause." This allows trade unions to reopen an agreement at a later state if the employer has decided to walk out of it, as in the case of previous wage negotiations.
    - NEHAWU must demand disclosure of employers' financial position if it claims bankruptcy as an initial point to precede wage negotiations.
    - Delay the normal timing of wage negotiations or the conclusion of wage negotiations until the end of the calamity but with clear terms for retrospective payments (temporary and employee-initiated wage freeze).
- The NEHAWU must work harder to ensure that there is no weakening of the institutions that underpin inclusive and coordinated collective bargaining. Similarly, the South African government, as the employer, protected collective bargaining as an institution because it has a key conflict management function and assists in resolving issues of interest.
- Digital technology threatens the traditional organizational model. Therefore, NEHAWU must recognize information technology as a critical force in shaping its relevance in the future and strategically plan for higher visibility of ICT in trade union structures. In a developing country like South Africa, there are two challenges to digital organizing: unaffordability and lack of connectivity. NEHAWU must reshape collective bargaining to take responsibility for these challenges.

- It should be emphasized that remote work is an alternative to office-based work and not an addition; hence, there should be no undue surveillance of remote workers, increased workloads, or longer hours. NEHAWU must ensure that all tools put to the disposal of trade unions and employee representatives are also available in a remote work context (e.g., access to electronic communication and virtual bulletin boards). The employer should provide opportunities for communication and engagement between trade unions, workers, and their representatives, including secure digital meeting spaces similar to the break room and cafeteria access in physical workplaces without employer presence or oversight.

- **Areas for further research**

  Having investigated the impact of COVID 19 on collective bargaining and workers' livelihood at NEHAWU in Durban, albeit on a small scale, the research may be the step towards a larger-scale research on the impact of COVID 19 on collective bargaining and workers' livelihoods on a scale larger than Durban Metro. The research could also cover the input from public sector employers and the challenges they faced in conducting collective bargaining during the COVID 19 pandemic to find comprehensive solutions for effective and efficient collective bargaining during times of calamities like COVID 19

5.8. Overall Conclusions

This chapter presents summaries of the preceding chapters, chapter one to four. It also presents conclusions on the findings in the chapter in relation to identified themes. The study in its entirety brought to the fore the need to evaluate collective bargaining during times of COVID 19 based on the voices of the beneficiaries of the wage negotiation regime.

The experiences and perceptions of the NEHAWU members in Durban captured in the findings highlight the negative impact that COVID 19 had on collective bargaining and workers' livelihoods, which reinforces the need to protect and strengthen collective bargaining as a critical instrument to achieve sustainable development goals, especially on Good Health and Well-being, Gender Equality, Reduced inequality, and Decent Work and Economic Growth. It

is hoped that the views of these workers will be included in adapting collective bargaining to serve their protective function.

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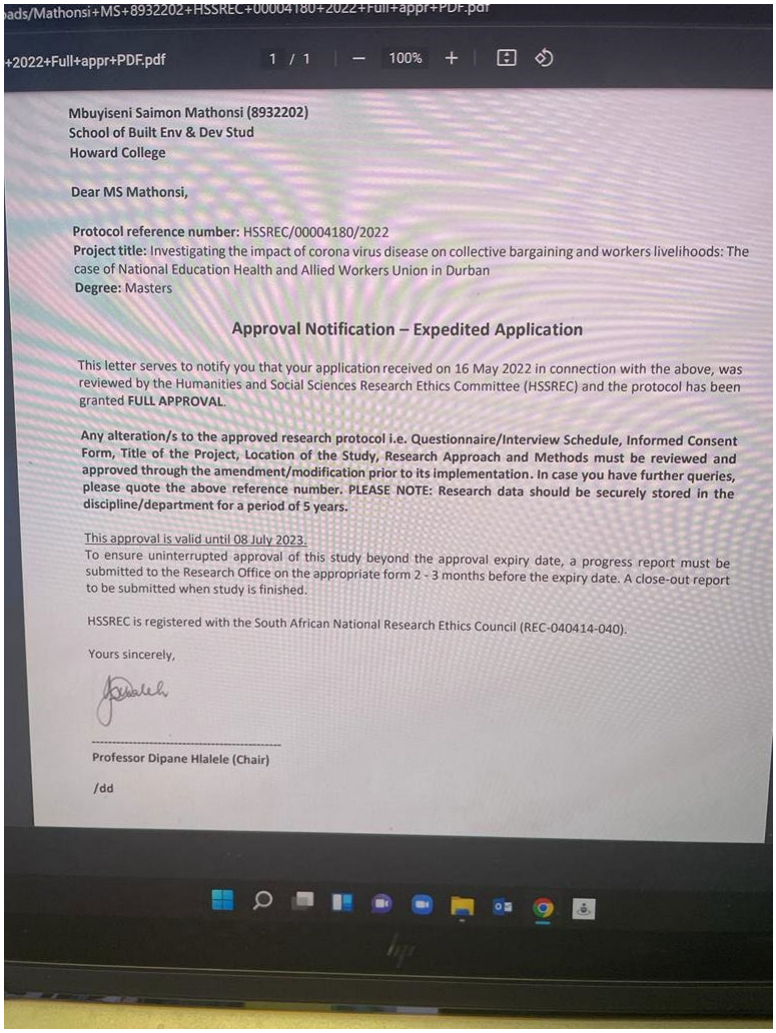
7 Appendices

Appendix A: Ethical Clearance



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Mbuyiseni Saimon Mathonsi (8932202)
School of Built Env & Dev Stud
Howard College

Dear MS Mathonsi,

Protocol reference number: HSSREC/00004180/2022
Project title: Investigating the impact of corona virus disease on collective bargaining and workers livelihoods: The case of National Education Health and Allied Workers Union in Durban
Degree: Masters

Approval Notification – Expedited Application

This letter serves to notify you that your application received on 16 May 2022 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted **FULL APPROVAL**.

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 and Methods must be reviewed and approved through the 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 discipline/department for a period of 5 years.

This approval is valid until 08 July 2023.
To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

HSSREC is registered with the South African National Research Ethics Council (REC-040414-040).

Yours sincerely,

Professor Dipane Hlalele (Chair)

/dd

Appendix B: Informed Consent

& SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION
Research Office, Westville Campus
Govan Mbeki Building
Private Bag X 54001
Durban
4000
KwaZulu-Natal, SOUTH AFRICA
Tel: 27 31 2604557- Fax: 27 31 2604609
Email: HSSREC@ukzn.ac.za

Please be informed that participation in this research is voluntary and participants may withdraw participation at any point if they feel uncomfortable to continue, and in the event of refusal/withdrawal of participation, participants will not incur a penalty or loss of treatment or other benefit to which they are normally entitled.

CONSENT

I ……..have been informed about the study, entitled "The impact of COVID-19 to collective bargaining and workers' livelihood: The case of NEHAWU

in Durban, by Mbuyiseni Mathonsi. I understand the purpose and procedure of this study. and I have been given the opportunity to answer questions about the study and have had answers to my satisfaction.
I declare that my participation in this study is entirely voluntary, and that I may withdraw at any time without affecting any of the benefits that I usually am entitled to.
If I have any further questions, concerns, or queries related to the study, I understand that I. may contact the researcher at 082 971 6433 or Mbuyiseni@nehawu.org.za.
If I have any questions or concerns about my rights as a study participant or if I am concerned. about an aspect of the study or the researchers then I may contact:
HUMANITIES & SOCIAL SCIENCES RESEARCH ETHICS ADMINISTRATION
Research Office, Westville Campus
Govan Mbeki Building
Private Bag X 54001
Durban
4000
KwaZulu-Natal, SOUTH AFRICA
Tel: 27 31 2604557 - Fax: 27 31 2604609
Email: HSSREC@ukzn.ac.za
Additional consent, where applicable
I hereby provide consent to:
Audio-record my interview / focus group discussion YES / NO
Video-record my interview / focus group discussion YES / NO
Use of my photographs for research purposes YES / NO

_____ _____
Signature of Participant
Date

_____ _____
Signature of Witness Date
(Where applicable)

_____ _____
Signature of Translator Date
(Where applicable)

Appendix C: Interview Schedule

UNIVERSITY OF KWAZULU-NATAL
INYUVESI YAKWAZULU-NATALI

Appendix A

Interview Protocol

This protocol will be used for an interview that is estimated to last approximately 45 minutes to an hour.

Individual interviews: A protocol will be administered to the Durban Region leadership of NEHAWU in one session, and follow-up session(s) will be scheduled as necessary. The interview(s) will probe the leaders' perspectives on the following topics and research aims.

Topic

Investigating the impact of COVID 19 on Collective Bargaining and Workers Livelihoods: The Case of NEHAWU in Durban.

Research Aim

To examine the impact of COVID 19 on Collective Bargaining and Workers Livelihoods at NEHAWU in Durban.

1. **Demographical Questions**

a. Name …….

b. Age…..

c. Gender……

Male	
Female	

d. Position……..

e. Education……

2. **Definitional Questions**

a. What are/were your reasons for joining a trade union movement?

b. When and for how long have you been a trade union member?

c. In your view what is the role of the trade union?

d. What is your understanding of collective bargaining/ wage negotiations?

e. What, in your view, are the main benefits of collective bargaining?

f. What can you say are disadvantages of Collective bargaining?

g. What is your understanding of COVID-19?

h. What is your definition/understanding of the term workers livelihoods?

The Interview questions will be structure in relation to the research objectives and corresponding research questions as follows:

QUESTION 1

Objective 1: To explore workers' experiences of navigating life during COVID-19 at NEHAWU in Durban

Question 1: What are the workers' experiences of navigating life during COVID-19 at NEHAWU in Durban?

a. Can you please narrate/tell us briefly about your experience of living under COVID 19 at NEHAWU?
b. What challenges did you face at NEHAWU during COVID-19?
c. How did those challenges affect the work of trade union at NEHAWU

QUESTION 2.

Objective 2: To investigate the ways in which COVID 19 has affected Collective Bargaining and Workers Livelihoods at NEHAWU in Durban.

Question 2: How has COVID 19 affected collective bargaining and workers' livelihoods at the NEHAWU in Durban?

a. How in your view has COVID-19 affected Collective Bargaining at NEHAWU in Durban?
b. What has been the impact of COVID-19 on workers livelihoods at NEHAWU in Durban?
c. What strategies/mechanisms have NEHAWU applied to reduce or ameliorate the impact of COVID-19 on workers' livelihoods?

QUESTION 3

Objective 3: To explore workers' perceptions of collective bargaining and workers' livelihoods during COVID 19 at NEHAWU in Durban

Question 3: What are workers' perceptions of Collective Bargaining and their livelihoods during COVID 19 at NEHAWU in Durban?

a. What is your view about collective bargaining during COVID-19 period at NEHAWU in Durban
b. What, in your understanding, is the link between collective bargaining and workers' livelihood?
c. What was the situation around workers livelihoods during COVID-19 period at NEHAWU in Durban?

d. What strategies were used by NEHAWU during COVID-19 period to engage workers and employers
e. Did the strategies employed by NEHAWU during COVID-19 period impact on workers livelihood?

QUESTION 4

Objective 4: To investigate the extent to which collective bargaining can advance workers livelihoods during the COVID -19 period at NEHAWU, Durban.

Question 4: To what extent can Collective Bargaining meet workers' livelihood expectations during COVID -19 at NEHAWU in Durban?

a. What is the role of collective bargaining in promoting workers livelihoods during COVID -19?
b. To what extent did the collective bargaining strategies employed by NEHAWU undermine workers' livelihood expectations during COVID-19?
c. What methods/mechanisms did NEHAWU embark on to advance workers livelihood expectations?

QUESTION 5.

a. What, in your view, should NEHAWU improve collective bargaining during the COVID-19 pandemic?
b. What strategies or mechanisms could be suggested for NEHAWU to improve workers' livelihoods during the COVID-19 pandemic?

QUESTION 6.

a. Is there any comment you want to make about anything raised during questioning?

Thank you for your time.

Follow-up interviews

In cases where there are still unresolved questions after the initial interview, a follow-up interview will be scheduled to seek clarification if possible. The researcher will send excerpts from the interviews and summarize the researcher's reflective journal of the interview session to the participants. The following questions were asked.

1) What is your reaction to the interview transcript and the researcher's impressions?
2) Are there any statements that you would like to modify?

Yes/No

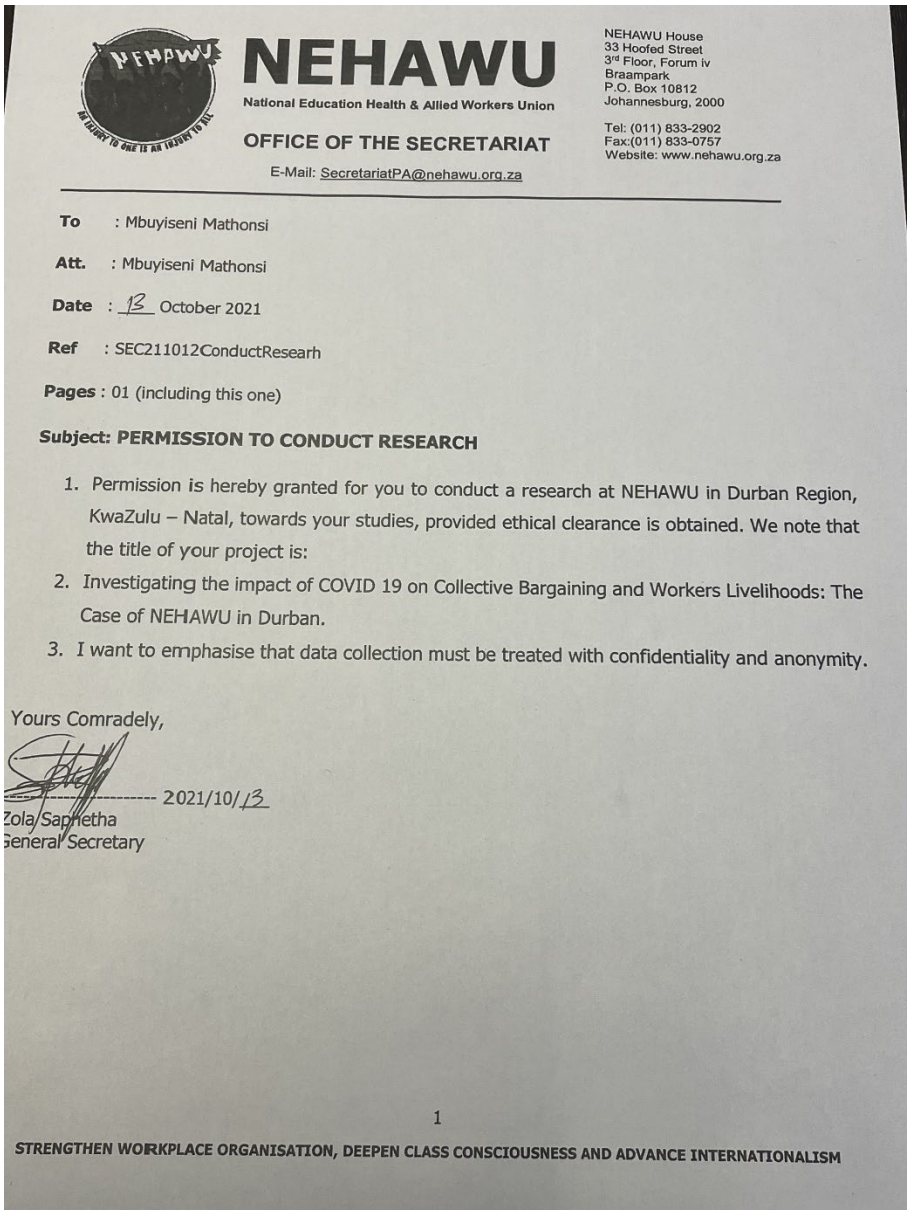
- If so what changes are needed

3) Would you like to add comments to the interview?
4) Have I missed anything you think is important to this study?

Please comment:

Thank you for your feedback.

Appendix D: Permission to conduct a Research



NEHAWU

National Education Health & Allied Workers Union

OFFICE OF THE SECRETARIAT

E-Mail: SecretariatPA@nehawu.org.za

NEHAWU House
33 Hoofed Street
3rd Floor, Forum iv
Braampark
P.O. Box 10812
Johannesburg, 2000

Tel: (011) 833-2902
Fax:(011) 833-0757
Website: www.nehawu.org.za

To : Mbuyiseni Mathonsi

Att. : Mbuyiseni Mathonsi

Date : 13 October 2021

Ref : SEC211012ConductResearh

Pages : 01 (including this one)

Subject: PERMISSION TO CONDUCT RESEARCH

1. Permission is hereby granted for you to conduct a research at NEHAWU in Durban Region, KwaZulu – Natal, towards your studies, provided ethical clearance is obtained. We note that the title of your project is:
2. Investigating the impact of COVID 19 on Collective Bargaining and Workers Livelihoods: The Case of NEHAWU in Durban.
3. I want to emphasise that data collection must be treated with confidentiality and anonymity.

Yours Comradely,

---------- 2021/10/13

Zola Saphetha
General Secretary

1

STRENGTHEN WORKPLACE ORGANISATION, DEEPEN CLASS CONSCIOUSNESS AND ADVANCE INTERNATIONALISM

Appendix E: Letter to NEHAWU General Secretary seeking permission to conduct a Research

TO: The NEHAWU General Secretary

ATT: Comrade Zola Saphetha

CC: Comrade Ayanda Zulu (KZN Provincial Secretary)

Subject: Request for Data collection

29 September 2021

Dear General Secretary

The above subject refers;

As per my 2020 request to continue a course with the University of KwaZulu Natal, this study has now been completed. Due to dominance of COVID-19 my study had been modified to refer to the effects of COVID-19 under the topic "The impact of COVID-19 to Collective Bargaining and workers' livelihoods, the case of NEHAWU in Durban." With this, I am requested to collect data as the final part of the study from a few regional leaders (5) and shop stewards (20) in Durban. This exercise is not expected to take more than one week, and it will mainly be virtual because of COVID Protocols.

Therefore, I request permission from the General Secretary and Provincial Secretary of KZN (as an area of data collection) to collect the required data. This data collection would be best conducted within the first week of October 2021, according to the university.

For more Information please contact: Mr N. Ndwankulu Tshishonga, supervisor, at 072 241 9933, tshishonga@ukzn.ac.za

Yours comradely.

Mbuyiseni Mathonsi