

CHAPTER 9

RESULTS OF THE INVESTIGATION

9.1 INTRODUCTION

In this chapter the results of the survey into the views and attitudes of management and workers towards the disclosure of business information; collective bargaining; worker participation, consultation and joint decision-making and workplace forums are be examined and discussed.

The respective sectors of the economy covered by the current study with their case names in brackets are: agricultural research (case A); tertiary education (case B); private security (case C); manufacturing (case D); research and development (case E); private hospital (case F) and armaments (case G).

As each of the organisations that participated in the study are not necessarily representative of its sector, the current qualitative study focusses on between case comparisons and not sector comparisons.

9.2 RESULTS OF THE INVESTIGATION REGARDING THE DISCLOSURE OF INFORMATION

In this section of the chapter, the findings of the investigation relating to the disclosure of information are be displayed in various formats. The first column on the left of tables 9.1 and 9.2 lists the nine questions regarding disclosure of information put to the respondents with their respective responses recorded in columns A to G. (See also an example of the questionnaire completed by respondents - Annexure A).

Tables 9.1 tabulates the responses of management of cases A to G. The responses of the worker representatives are recorded in table 9.2. These tables are followed by a display and discussion of the responses of both management and worker representatives to each of the nine questions relating to the disclosure of business information.

In order to verify the accuracy of the researcher's summary of the responses recorded

in the various tables and lists a few verbatim responses of management and worker representatives will be included in frames in the sections that follow.

Table 9.1: Compilation of all management representatives' responses on disclosure of information

	A	B	C	D
1. View of s 16 of LRA.	Open to idea. Enhances consultation.	Agrees with s16 as long as focuses on relevant info.	Only disclosed if necessary to assist our employees.	Disclose what TUs/employees want if reasons are justified.
2. Who makes requests for DOI.	TU reps or employees.	TUs, staff members WPF reps.	TUs, staff members WPF reps.	Requested via internal forum and supported by real need for info.
3. TU limited to info on members only.	Yes, limited TU members only.	No, should have clear picture of organisation's ability to participate responsibly.	Yes, non-members have right to confidentiality of their info.	No, would not be sufficient. A thoroughly thought-out approach implemented uniformly is required.
4. Improved CB and conflict resolution?	Yes, positive influences on CB and conflict resolution.	Yes, better understanding of organisation's limitations.	No, explanation by management usually sufficient.	Not really, honesty and transparency not appreciated by TUs.
5. Effect on employee participation?	Yes, positive influences on employee participation.	Positively, better understanding and problem-solving.	Not sure if disclosure has had effect.	Once info is received by TU that is normally the end of request due co's honesty
6. Type of info disclosed.	All relevant info.	Salary, budget strategies, all management info at appropriate time.	Vacancies, company notices.	Non-sensitive : marketing, finance , production, co. performance etc
7. Stage/when disclosure takes place.	When requested/deemed necessary by management.	When they ask or when we think it can assist the process.	Only if the majority of employees are in agreement that info is needed by employees.	Need to know basis. By delaying disclosure it appears as if info becomes more important to TUs
8. Disputes re disclosure of info.	No disputes so far.	Not really. Handled in-house.	No disputes.	Yes, info verified by CA under auspices of CCMA..
9. Resolve disputes? Process used.	N/A	Negotiation between employer and TU.	N/A.	Arbitration of CCMA

Table 9.1 (continued)

	E	F	G
1. View of s 16 of LRA.	In terms of agreement between TUs and employer communication means conveying and disclosure of info at the earliest possible time before acting.	Agree with principle expressed in s16	We share business processes and financial information
2. Who makes requests for DOI.	Chairperson of WPF.	Employees and/or union representatives	The union and people needing information
3. TU limited to info on members only.	Yes, Personal info limited to TU members. Remuneration info disclosed during wage negotiations.	Yes, info must be limited to TU members only	Yes, we apply this principle. The union is not entitled to info. on non-members
4. Improved CB and conflict resolution?	Yes, LRA is silent on info sharing by TU to enable employer to bargain/consult effectively.	Yes, more info is available and therefor better CB and conflict resolution	Not at first, later it improved the collective bargaining process
5. Effect on employee participation?	Yes, forms part of collective agreement between TUs and employer.	Yes, employees are more involved due to more info available to them	No effect. Unions bargained regardless of info. available
6. Type of info disclosed.	All relevant info for effective functioning: closing/erection of plants, org. restructuring , promotion of employees.	Financial info during wage negotiation Organisational restructuring	Specific marketing, financial situation, monthly sales estimates, employment equity
7. Stage/when disclosure takes place.	Usually during wage negotiations	During wage negotiations or when requested	On a continuous basis or when requested
8. Disputes re disclosure of info.	No disputes	Yes, about financial info	No disputes to date
9. Resolve disputes? Process used.	N/A	Conciliation and mediation at CCMA	N/A

Table 9.2: Compilation of all trade union(TU)/worker representatives' responses on disclosure of information

	A	B	C	D
1. View of s16of LRA.	In line with LRA. Means of solving disputes.	Taken note and have made arrangements for disclosure. Not info on the remuneration of senior managers.	Good idea gives workers more insight.	It gives the TU the right to information
2. Who makes requests for DOI.	TU officials, elected reps/councillors, individuals.	Only union executives and companies outside institution.	TU reps or individual workers.	TU representatives and workers themselves
3. TU limited to info on members only.	No, all workers.	No, because mngt rewards so-called loyal staff with rewards such as overseas tours.	No, info should not only be on TU members.	No, information should be available on all workers
4. Improved CB and conflict resolution?	Yes, in line with objectives of LRA.	Only selective info disclosed so doesn't help much.	Too little disclosure of info to notice any differences.	Very small improvement as disclosure is limited
5. Effect on employee participation?	Not much effect on employee participation.	Representatives are allowed as observers in decision - making structures.	Too little disclosure - employee participation obstructed by management.	Yes, workers can ask better questions
6. Type of info disclosed.	Remuneration policy, Parliamentary grant, Financial status, External income.	Only bottom line info - like total cost of staff remuneration.	Company notices, vacancies etc. disclosed but not info relevant to negotiations.	Appointments, financial information and wage negotiations
7. Stage/when disclosure takes place.	At monthly meeting disclosed for consultation with mngt	Only after salary negotiations have been concluded.	Only when compelled by law.	When the union needs to know and wage negotiations
8. Disputes re disclosure of info.	Yes, finance structure of org. and wage info for negotiation.	Ongoing every year we experience same kind of problems obtaining info.	Yes, difficult to get financial info from employer.	Yes, on income differences
9. Resolve disputes? Process used.	Yes, conciliation at CCMA.	Yes, mediation of CCMA.	Yes, settled in-house.	Yes, settled between union and management

Table 9.2 (continued)

	E	F	G
1. View of s16 of LRA.	Make protecting the interest of TU members much easier.	Very important as it allows TU reps to perform functions	Gives TU more information than before
2. Who makes requests for DOI.	TU officials/reps; WPF members.	TU reps should make requests	Trade Union
3. TU limited to info on members only.	No, info on all workers should be available.	Yes, disclosure should be limited to members	No, information on all workers
4. Improved CB and conflict resolution.	Yes, CB and conflict resolution is easier with more info available to TUs	Yes, disclosure of info. has improved collective bargaining and conflict resolution	No, only some info is disclosed
5. Effect on employee participation.	Employee participation is more since the collective agreement regulates disclosure.	Yes, as disclosure can make employer reverse certain decisions	Yes, employees are more involved in different structures
6. Type of info disclosed.	Non-essential bargaining info is disclosed.	Audited financial statements during wage negotiations	Financial info, product changes and organisation changes
7. Stage/when disclosure takes place.	Some financial info is given at annual wage negotiations.	During wage negotiations	During wage negotiations or when management is asked
8. Disputes re disclosure of info.	Yes, enough info for bargaining not available to TUs	Yes, a wage dispute	Yes, management is slow in making information available
9. Resolve disputes? Process used.	Yes, resolved by employer and TUs.	Yes, conciliation and mediation at CCMA	Yes, internally between management and TU

Question 1. "Respondents' views of section 16 of the LRA providing for disclosure of information."

Cases (Management representatives' views)

- A. Open to idea - enhances consultation
- B. Agrees with s16 as long as focus is on relevant information
- C. Only disclosed if necessary to assist our employees
- D. Disclose what trade union (TU)/employees want if reasons are justified
- E. In terms of agreement between TUs and employer communication means conveying and disclosure of info at earliest possible time before acting
- F. Agree with principle expressed in s16 of LRA
- G. We share business processes and financial information

The trade union/worker representative for organisation B responded to the question as follows:

"Taken note of it and have made arrangements to disclose - certain information. Are not prepared to disclose information of senior & top management"

Cases (TU/worker representatives' views)

- A. In line with LRA. Means of solving disputes
- B. Taken note and have made arrangements for disclosure of certain info. Not info on remuneration of senior management
- C. Good idea gives workers more insight
- D. It gives the TU the right to information
- E. Makes protecting interests of TU members much easier
- F. Very important as it allows TU reps to perform functions
- G. Gives TU more information than before

From an examination of the management representatives' views on section 16 of the LRA of 1995 it is clear that all seven respondents agree with the principle of disclosure of information. However, the application of the principle differs and appears to range from an open approach of sharing information to a narrow approach of disclosing only some information and only when requested by the trade union or workers as is indicated in cases C and D.

Judging from the responses, the worker representatives are in favour of the disclosure of information. This is to be expected as the workers and their representatives are now entitled to have more information made available than ever before, making their job of protecting the interests of worker so much easier. Case B indicated that certain information is excluded from disclosure. This theme of reluctance to disclose certain information is repeated in the responses to question seven of this section.

Question 2. "Who should make such requests for disclosure of information?"

Table 9.3: Management representatives' responses

	A	B	C	D	E	F	G
Trade union (TU)	x	x					x
Employees	x	x	x				x
TU and employees						x	
Workplace Forum		x			x		
Other representative body				x			

The responses of the management representatives to the question of who should make the request are presented in table 9.3. No clear pattern emerges from the responses plotted in the table, but it appears that the management representatives are in favour of the trade union and employees (or a combination of the two) making requests for the disclosure of information.

Table 9.4: TU/worker representatives' responses

	A	B	C	D	E	F	G
TU Officials	x	x	x		x		
Elected representatives	x			x		x	x
Councillors	x						
Individual employees	x		x	x			
WPF representatives					x		
Outside parties		x					

From the responses in table 9.4 it appears that worker representatives prefer that the elected or trade union representatives as well as individual employees make the requests for disclosure of information. It is interesting to note that there is strong agreement on this point between both management and worker representatives in spite of the fact that they serve different constituencies.

Question 3. "Should trade unions be limited to information concerning its members only?"

Cases (Management representatives' responses)

- A. Yes, limited TU members only
- B. No, should have a clear picture of the organisation's ability to participate responsibly

- C. Yes, non-members have right to confidentiality of their info.
- D. No, would not be sufficient. A thoroughly thought-out approach implemented uniformly is required
- E. Yes, personal info limited to TU members. Remuneration info disclosed during wage negotiations
- F. Yes, information must be limited to TU members only
- G. Yes, we apply this principle. TU not entitled to info of non-members

Five of the management representatives held the view that when information is disclosed to the unions it should only be information concerning the union members. However, two organisations, B and D, disagreed with this view. They were of the opinion that trade unions should not be restricted to information concerning their members only and as one representative put it "*...should have a clear picture of the organisation's ability to participate responsibly*". These views could be described as mature or progressive views on the role which trade unions should be able to play in their participatory function in healthy labour relations.

Cases (TU/worker representatives' responses)

- A. No, all workers
- B. No, because management rewards so-called loyal staff with rewards such as overseas tours
- C. No, information should not only be on TU members
- D. No, information on all workers should be available
- E. No, information on all workers should be available
- F. Yes, disclosure should be limited to members
- G. No, info on all workers

Six of the seven worker representatives indicated that they believed information disclosure should not be restricted to information concerning union members only. These views were to be expected as more available information could place the unions in a stronger bargaining position. What is surprising is that one worker representative in organisation F held the view that trade unions should be restricted in their access to information. The motivation for this view relates to the question of confidentiality of information and hence the need for restrictions. This view illustrates that the worker representative has thought of the implications of unlimited disclosure of information.

Question 4. "Has disclosure of information improved collective bargaining (CB) and conflict resolution processes in your organisation?"

Cases (Management representatives' responses)

- A. Yes, positive influence on Collective Bargaining and Conflict Resolution
- B. Yes, better understanding of organisation's limitations
- C. No, explanation by management usually sufficient
- D. Not really, honesty/transparency not appreciated by TUs
- E. Yes, LRA is silent on info sharing by TU to enable employer to bargain/consult effectively
- F. Yes, more information is available and therefore better CB and conflict resolution
- G. Not at first, later it improved the collective bargaining process

The views of the management representatives on whether disclosure of information has improved collective bargaining present a mixed picture. Four believe that disclosure of information has contributed to an improvement in collective bargaining and conflict resolution in their organisations. The remaining three representatives, cases C, D and E had reservation about its effects.

Cases (TU/worker representatives' responses)

- A. Yes, in line with objectives of LRA
- B. Only selective information disclosed so it does not help much
- C. Too little disclosure of information to notice any difference
- D. Very small improvement as disclosure is limited
- E. Yes, Collective bargaining and Conflict Resolution is easier with more information available to TUs
- F. Yes, disclosure of info has improved collective bargaining and conflict resolution
- G. No, only some info is disclosed

The picture of the responses of worker representatives is the reverse of that of the management representatives. Three of the representatives share the view that disclosure of information has contributed to an improvement of collective bargaining and conflict resolution in their organisations. The four opposing views are based on reasons such as that disclosure of information is too selective or too limited to be of

much use.

It is conspicuous that the management and the worker representatives of three organisations, cases C, D and G, felt that disclosure of information has not improved collective bargaining and conflict resolution in their organisations. Although the management and the worker representatives represent different constituencies, they share the same view of the situation in their respective organisations.

Question 5. "Has disclosure of information affected employee participation in your organisation?"

Table 9.5: Management representatives' responses

	NEGATIVELY /NO	NEUTRAL/UNCERTAIN	POSITIVELY/DEFINITE
A			x
B			x
C		x	
D		x	
E			x
F			x
G	x		

Four of the management representatives gave an outright positive response to the question whether disclosure of information has affected employee participation, as is displayed in table 9.5. This finding corresponds to that of Grosett (1997:38) which found that one of the benefits of disclosure of information listed by employers was increased employee involvement. Two respondents were uncertain or had neutral views about the effect of disclosure of information on employee participation. One representative was of the opinion that disclosure of information had no effect on employee participation.

Table 9.6: TU/worker representatives' responses

	NEGATIVELY /NO	NEUTRAL/UNCERTAIN	POSITIVELY/DEFINITE
A	x		
B			x
C	x		
D			x
E			x

Table 9.6 (continued)

F			x
G			x

Five of the worker representatives were of the opinion that disclosure of information had a definite effect on employee participation in their organisations. Two representatives of the workers, cases A and C indicated that disclosure of information had no effect on employee participation. One possible explanation for these two views is that the workers' representatives expect a much greater effect of disclosure of information on employee participation in their organisations.

Question 6. "What type of information is disclosed ?"

The management representative of organisation D responded as follows:

" All kinds. Marketing decisions that are not market sensitive, financial information, financial information, production information, how the company is doing (generally) and so on ".

Table 9.7: Management representatives' responses

	A	B	C	D	E	F	G
Employment equity							x
All relevant	x						
Financial/Budgets		x		x	x	x	x
Production				x			
Marketing				x			
Organisational Performance				x			
Plant, closure and erections					x		
Strategies		x					
Organisational restructuring		x			x	x	
Vacancies			x				
Company notices			x				
Promotion of employees					x		

From table 9.7 it becomes clear that financial or budgetary information is the type of information most frequently disclosed according to respondents in the investigation. The second most frequently disclosed type of information is organisational restructuring.

Restructuring often means loss of jobs which explains why this type of information is so sought after.

Table 9.8: TU/worker representatives' responses

	A	B	C	D	E	F	G
Remuneration policy	x						
Parliamentary grant	x						
Financial status/information	x			x		x	x
External income	x						
Production/ Product changes							x
Bottom line information		x					
Organisational Changes/ Restructuring							x
Non essential information			x		x		

The type of information indicated as most frequently disclosed by four of the seven workers' representatives in table 9.8 is financial information. This is understandable as financial information is essential for the survival of all organisations and thus of importance to managements and workers alike. The second type of information frequently disclosed in the opinion of worker representatives was non-essential information. This is information that is of little value to management and hence the ease of disclosure to worker representatives.

Question 7. "At what stage/when will your organisation disclose information to a trade union?"

Cases (Management representatives' responses)

- A. When requested/deemed necessary by management
- B. When they ask or when we think it can assist the process
- C. Only if the majority of employees are in agreement that info is needed by employees
- D. On a need to know basis. By delaying disclosure it appears as if info becomes more important to TUs
- E. Usually during wage negotiations
- F. During wage negotiations or when requested
- G. On a continuous basis or when requested

To the question at what stage or when information is disclosed to a trade union, two of the management representatives indicated that information is disclosed during wage negotiations. What the other responses have in common is that information is disclosed to trade unions albeit reluctantly through all kinds of restrictions or requirements that have to be met. For example, comments like " *when requested/deemed necessary by management*" or " *on a need to know basis* ". Organisation D seemed to be toying with the trade union by delaying disclosure and artificially creating a sense of importance of the information for the trade union.

The trade union/worker representative of organisation B responded as follows:
" *Only after the salary negotiations have been concluded* " .

Cases (TU/ worker representatives' responses)

- A. At monthly meeting-disclosed for consultation with management
- B. Only after salary negotiations have been concluded
- C. Only when compelled by law
- D. When the union needs to know and wage negotiations
- E. Some financial information is given at annual wage negotiations
- F. During wage negotiations
- G. During wage negotiations or when management is asked

Five worker representatives indicated that information is disclosed to the trade unions around the time of wage negotiations. One respondent indicated that information is only disclosed to trade unions in his organisation when compelled to by law. This is indicative of the reluctance amongst management to disclose information to trade unions which was referred to in the above paragraph.

Ngcobo and Howard (1999:9) refer to this reluctance as " *an attitude of minimal compliance*". Employers often approach the disclosure of information in a check list style, making empty statements on each of the issues on which they have to disclose information.

Question 8. "Has your organisation had a dispute regarding disclosure of information?"



What was the nature of the dispute?"

Cases (Management representatives' responses)

- A. No disputes so far
- B. Not really. Handled in-house
- C. No disputes
- D. Yes, info verified by CA under auspices of CCMA
- E. No disputes
- F. Yes, over financial information
- G. No disputes to date

Two of the seven management representatives have indicated that they had experienced disputes regarding the disclosure of information. In both these cases the disputes involved the disclosure of financial information. Again the importance of financial information is underscored. The remainder of the management representatives report no disputes regarding the disclosure of information.

Cases (TU/worker representatives' responses)

- A. Yes, financial structure of organisation and wage information for negotiation
- B. Ongoing - every year we experience the same kind of problems to obtain information
- C. Yes, difficult to get financial information from employer
- D. Yes, on income differences
- E. Yes, enough information for bargaining not available to TUs
- F. Yes, a wage dispute
- G. Yes, management is slow in making information available

All the worker representatives in the investigation indicated that they had experienced disputes concerning the disclosure of information. The respondent of case B indicated that these disputes are "*ongoing - every year we experience the same kind of problems to obtain information*". It is noteworthy that only two management representatives reported disputes whereas all the worker representatives reported disputes regarding the disclosure of information. A possible explanation could be that worker representatives experienced more frustration and disputes with management in the process of obtaining information.

Once again the reluctance of management to disclose information appears to be the cause of disputes regarding disclosure of information. The impression is created that managements are still struggling to come to terms with the new requirements such as the disclosure of information created by the LRA of 1995. (See Ngcobo and Howard's (1999:9) comment under question 7 in this regard).

Question 9. "How were disputes resolved? What process was followed?"

Table 9.9: Management representatives' responses

	A	B	C	D	E	F	G
Negotiations between employer and TU		x					x
Conciliation at CCMA						x	
Mediation at CCMA						x	
Arbitration at CCMA				x			
Not applicable	x		x		x		

The management respondents' responses as to how and what processes were used to resolve disputes regarding disclosure of information are indicated in table 9.9. The table indicates that of the four organisations that experienced disputes two resolved their disputes through negotiations between the employer and the trade unions. The other two organisations utilised the conciliation and mediation processes of the CCMA.

Table 9.10: TU/worker representatives' responses

	A	B	C	D	E	F	G
Negotiations between employer and TU			x	x	x		x
Conciliation at CCMA	x					x	
Mediation at CCMA		x				x	
Arbitration at CCMA							

Table 9.10 displays the responses of the worker representatives. Four worker representatives indicated that the disputes were resolved through negotiations between management and the trade unions. The balance of worker representatives indicated the use of the processes of conciliation, mediation and arbitration offered by the CCMA.

It is interesting to note that there is agreement between the management and worker responses in only two cases, F and G, as to the processes followed to resolve disputes regarding disclosure of information. When comparing tables 9.9 and 9.10 the

discrepancy in the views of how disputes were resolved in the same organisation is explicit. This may be an indication of the totally divergent views held by management and worker representatives in South African organisations about the resolution of disputes.

One of the main potential sources of conflict with the disclosure of business information is the question of confidentiality. It is therefore interesting to note that Germany, the Netherlands (Ottervanger, 1996:399) and South Africa (LRA of 1995 section 165) all have provisions to ensure the confidentiality of information disclosed to works councils and workplace forums.

9.3 RESULTS OF THE INVESTIGATION REGARDING COLLECTIVE BARGAINING

Responses in this section are presented in the same format as was adopted in section 9.2. The result of the response data of the management representatives is presented first and thereafter the responses of the worker representatives. Table 9.11 displays the responses of the management representatives of the seven organisations and table 9.12 the responses of the worker representatives.

Table 9.11: Compilation of Management representatives' responses

	A	B	C	D
1. Understanding of the term collective bargaining (CB)	Negotiation between employer and Trade Union (TU)	Annual process of negotiations on substantive issues	Meeting of departmental representatives to discuss improvement of work environment	Negotiations between employer and TUs
2. Practice CB? How often?	Yes, monthly	Yes, annual salary negotiations and monthly meetings with TUs	Yes, annual through employer body and monthly with own employees	Yes, all the time
3. Bargaining structure	Single employer (centralised)	Single employer (centralised)	Multi-employer (sectoral)	Part Multi-employer (sectoral) and single employer (centralised)
4. Describe bargaining relationship	Characterised by mistrust and suspicion	Good, with respect but realistic	Good, we take care of our employees	Not good. Attempting to improve relationships

Table 9.11(continued)

	E	F	G
1.Understanding of the term collective bargaining (CB)	Process of application of pressure to achieve goals	Refers to the process of bargaining between management and TU	We moved from site CB to centralised bargaining at corporate level
2. Practice CB? How often?	Yes, annually and throughout the year	Yes, monthly and once a year with wage negotiations	Yes, monthly and annually on substantive issues
3. Bargaining structure	Single-employer (centralised)	Single-employer (centralised)	Multi-employer (sectoral)
4. Describe bargaining relationship	Bargain in good faith according to social agreement with TUs	The relationship can improve	Adversarial relationship

Table 9.12: Compilation of the TU/worker representatives' responses

	A	B	C	D
1.Understanding of the term collective bargaining (CB)	One or more TUs coming together with employer on range of issues	Where TU and management bargain about salary increases and service conditions	When TU and employer negotiate about service conditions and wages	It means negotiated benefits, conditions of service, contracts of employment etc.
2. Practice CB? How often?	Yes, monthly on agreed dates	Yes, approximately 12 time p/a	Yes, regular	Yes, on continuous basis by different structures/forums within co. and industry at large
3. Bargaining structure	Single-employer (centralised)	Single-employer (centralised)	Single-employer (centralised)	Multi-employer (sectoral)
4. Describe bargaining relationship	Fair to strained at times	A relationship of struggle to promote interests of members	Not good, Management tries to avoid and ignore the TU	Reasonable. Continuous battle to protect members' interests

Table 9.12 (continued)

	E	F	G
1. Understanding of the term collective bargaining (CB)	When TU bargains to improve wages and conditions of members	When the TU and management reach agreement on wage and other issues in interest of workers	The TU and management agree on wages and other benefits for the workers
2. Practice CB? How often?	Yes, once a year	Yes, the union practices CB once a year	Yes, when the union meets management
3. Bargaining structure	Single-employer (centralised)	Single-employer (centralised)	Single-employer (decentralised)
4. Describe bargaining relationship	Management doesn't want to listen to TU position	The relationship can improve and be more transparent	The union can not trust management actions

Question 1. "What does your organisation/trade union understand under the term collective bargaining?"

Cases (Management representatives' responses)

- A. Negotiations between employer and TU to reach collective agreement.
- B. Annual process of negotiation on substantial issues
- C. Meeting of all departmental representatives to discuss issues to improve work environment
- D. Negotiations between employer and TUs
- E. Process necessitated by conflict of interest by application of pressure to achieve goals of management
- F. Refers to the process of bargaining between management and the TU
- G. We have moved from site collective bargaining to centralised collective bargaining at corporate level

The management representatives agreed that collective bargaining entails negotiation between the management of the employer and the worker representatives or trade unions. There is also an understanding that collective bargaining is a process.

Cases (TU/worker representatives' responses)

- A. One or more TUs coming together with employer on range of issues
- B. Where TU and Management bargain about salary increases and service conditions

- C. When TU and employer negotiate about service conditions and wages
- D. It means negotiated benefits, conditions of service, contracts of employment etc
- E. When TUs bargain to improve wages and conditions of members
- F. When the trade union and management reach agreement on wages and other issues in the interest of workers
- G. TU and management agree on wages and other benefits for the workers

The worker representatives' understanding of the term collective bargaining differs from that of management. The majority of respondents viewed collective bargaining in terms of wages and conditions of service with emphasis on the interests of the workers. This can be explained in that ordinary workers are more concerned about their basic needs and the means of satisfying them.

Question 2. "Does your organisation /trade union practice collective bargaining? How often does it happen?"

Table 9.13: Management representatives' responses

	A	B	C	D	E	F	G
Yes	x	x	x	x	x	x	x
Monthly	x	x	x	x	x	x	x
Annually		x	x	x	x	x	x

To the question of whether their organisations practice collective bargaining all management respondents answered in the affirmative as can be seen from table 9.13. Most respondents also reported that they practised collective bargaining annually as well as monthly.

Table 9.14: TU/worker representatives' responses

	A	B	C	D	E	F	G
Yes	x	x	x	x	x	x	x
Monthly	x	x	x	x			x
Annually					x	x	

The worker representatives (see table 9.14) all agreed that their organisations practice collective bargaining. The majority of worker representatives reported that they practised collective bargaining monthly. In the light of above responses of the worker

representatives which show that they saw collective bargaining mainly in terms of annual wage negotiations and service conditions, it could be expected that they would have indicated the frequency of collective bargaining as annually rather than monthly. On the other hand this shows insight on the part of the worker representatives who view collective bargaining not only as an annual event but a continuous process.

Question 3. "Indicate your organisations bargaining structure."

Table 9.15: Management representatives' responses

	A	B	C	D	E	F	G
Multi-employer (sectoral)			x	x			
Single-employer (centralised site)	x	x		x	x	x	
Single-employer (decentralised site)							x

Examining table 9.15 five of the seven cases indicated that their organisations have a single-employer (centralised site) bargaining structure. The table shows that case D has both a multi-employer (sectoral) as well as single employer (centralised site) bargaining structure. The explanation is that some products fall into different bargaining councils and that certain sections have a bargaining structure for a particular division. Only one case indicated a single-employer (decentralised site) structure as the group also have different sections which negotiate locally but at different sites .

Table 9.16: TU/Worker representatives' responses

	A	B	C	D	E	F	G
Multi-employer (sectoral)				x			
Single-employer (centralised site)	x	x	x		x	x	
Single-employer (decentralised site)							x

The worker representatives' views of their organisations' bargaining structures largely corresponds to that of management of each organisation, except for organisation C where the representative indicated a single-employer (centralised site structure and case D where the representative might not have realised the double bargaining structure of the company.

Question 4. "Describe the bargaining relationship between your management and the trade union or worker representative structure?"

The management representative of organisation E responded as follows to the question. "*The parties will bargain in good faith according to a social agreement*".

Cases (Management representatives' responses)

- A. Characterised by mistrust and suspicion
- B. Good, with respect but realistic
- C. Good, we take care of our employees
- D. Not good. Attempting to improve relationship
- E. Bargain in good faith according to social agreement with TUs
- F. The relationship can improve
- G. Adversarial relationship

When the responses of the management representatives are examined three of the seven cases described the relationship between management and the trade unions in positive terms. The responses of the other four cases could be classified as negative.

Cases (TU/Worker representatives' responses)

- A. Fair to strained at times
- B. A relationship of struggle to promote interests of members
- C. Not good. Management tries to avoid and ignore TU
- D. Reasonable. Continuous battle to protect members' interests
- E. Management does not want to listen to TU position
- F. The relationship can improve and be more transparent
- G. The union cannot trust management actions

Most of the worker representatives describe the relationship in negative terms. This could be explained that in their quest to achieve better wages and conditions of service for their members worker representatives are frustrated by management. Terms such as "*struggle*" and "*tries to avoid and ignore us*" are used. The most glaring discrepancy between management and worker responses is found in case C where management record that the relationship between the parties is good - "*we take care of our employees*" - while the workers record that it is not good and management does not take

notice of their trade union.

9.4 FINDINGS OF THE INVESTIGATION REGARDING WORKER PARTICIPATION, JOINT CONSULTATION AND JOINT DECISION-MAKING

The responses of the management representatives and workers representatives regarding worker participation, joint consultation, and joint decision-making are presented in tables 9.17 and 9.18 respectively.

Table 9.17: Compilation of management representatives' responses

	A	B	C	D
1. Understanding of worker participation.	Participation of employees through e.g. the WPF	Influencing decisions to the benefit of the organisation	Allowing workers to participate in decision-making	Communication and consultation between parties to reach consensus and joint decision-making
2. Has worker participation increased.	Yes, a Nat. Bargaining Forum has been established	Yes, establishment of WPF, TU representation on Mngt Board and Resources Committee	Yes, comply with sectoral determination which makes for a happy work force	Yes, with more difficulty than before disclosure of info.
3. Understanding of consultation.	Implementing changes only after discussions with TUs	Talk to TUs and allow them to influence decisions	Discussions leading to mutual agreement affecting employees	Mngt views it as info sharing but TU as negotiation
4. Matters consulted on.	New compensation model, Employer contribution Med Aid	Performance bonus, restructuring, smoking policy and policy issues	Provident fund, wages, working hours, overtime	Product changes, retrenchment, policy matters, employment equity and skills dev.
5. What is consultative structure called and its functioning.	Yes, Nat. Bargaining Forum. Reps at each site	Yes, WPF meets mngt to discuss concern of employees	Yes, employment equity and skills dev. committees consult with mngt	Yes, group wide centralised bargaining forum, divisional bargaining structure, site employment equity/ skills dev. committees
6. Understanding of joint decision making.	Discussions until consensus is reached on certain matters	Certain issues on which consensus should be reached	Jointly making decisions with workers that will affect them	Outcome of consultation
7. Matters on which joint decision making have taken place on.	Increased travel allowance	Disciplinary code and procedure, employment equity policy	Employment equity, Training and development of employees	Product changes, retrenchment, policy matters, employment equity and skills development

Table 9.17(continued)

	E	F	G
1. Understanding of worker participation.	Communication and consultation between parties to reach consensus and joint decision-making	Worker participation is where the workers take part in decision-making	The TUs represent their members and convey the peoples' views to management
2. Has worker participation increased.	Yes, employer and TUs agreed to introduce a WPF to facilitate worker participation and decision-making in spirit of LRA	Yes, workers are much more involved than in the past	Yes, with the representative structure. The non-aligned section of work force does not participate
3. Understanding of consultation.	Opportunity to discuss mngt's proposals and for TU to make alternative solutions to reach consensus. Final decision rests with mngt.	This is where mngt have discussions with worker reps to get workers' opinions	They do not see difference between consultation and negotiation
4. Matters consulted on.	Closing/erecting plants, AA, job evaluation and compensation, retrenchment, employment practices	Employment equity, skills development, organisation restructuring, remuneration, job grading	General employment, equity matter, organogram changes
5. What is consultative structure called and its functioning.	Yes, central labour forum consists of WPF and mngt reps negotiates and consults as per agreement	Yes, a WPF that meets with mngt to discuss concerns of workers	Yes, joint consultative forum involved in matters such as employment equity, restructuring and transformation
6. Understanding of joint decision-making.	Compulsory participation and joint decision-making between employer and WPF	Discussion that continue until consensus is reached	Joint decision-making - influencing the decision - making process
7. Matters on which joint decision-making have taken place on.	Performance management, med aid, retirement fund, disciplinary code and procedure	Disciplinary code and procedure and med aid	Restructuring company, disciplinary code and procedure

Table 9.18: Compilation of TU/worker representatives' responses

	A	B	C	D
1. Understanding of worker participation.	Where workers decide with mngt	TU wants full member status of all decision-making structures. Also Council Exco	When both mngt and TU participate in decisions affecting both	The worker decide with mngt on decisions
2. Has worker participation increased.	Yes, workers are informed and welcomed to participate.	Yes, observer status on mngt committee, member of senate and finance committee of Council	No, TU is not involved in decision-making	Yes, there are more forums for workers
3. Understanding of consultation.	Consultation is key thing done by TU reps	Not telling TU what they are going to do but consulting staff and TU with aim of getting agreement or even consensus	When retrenchment takes place affected employees are consulted	Issues affecting workers are discussed by TU and mngt
4. Matters consulted on.	Establishment of WPF, retrenchment, wages, serious misconduct	Retrenchment policy Med aid scheme	Retrenchment, new procedures, skills development	Retrenchment, Employment Equity, Skills development
5. What is consultative structure called and its functioning.	Yes, Nat Bargaining Forum group wide with local reps. Consultation	WPF introduced against wish of mngt by using LRA. Consultation	Yes, employment equity/ skills development committees	Yes, Employment Equity Committees, Divisional bargaining forums. Consultation, bargaining
6. Understanding of joint decision-making.	No part of the relationship has power over the other	Mngt only wants to consult and not allow consensus joint decision-making	When decisions are made by mngt and TU through consensus	Mngt wants to consult but no joint decision-making
7. Matters on which joint decision making have taken place.	Disciplinary code, AA, workplace rules, wages, retrenchment	Med aid	Retrenchment, employment equity and skill development	Policy matters, skills development, employment equity

Table 9.18(continued)

	E	F	G
1. Understanding of worker participation.	Where workers are involved with mngt making decisions	This means TU officials can't negotiate with mngt without workers and shopstewards	When TU is involved in mngt decisions
2. Has worker participation increased.	Yes, the 3 TUs have established a WPF	Yes, has increased through establishment of WPF	Yes, the union is asked to come to more mngt meetings
3. Understanding of consultation.	Mngt asks for suggestions, does its own thing	Mngt shall not uni-laterally change employment conditions without consultation	When TU talks to mngt about proposals made by mngt
4. Matters consulted on.	Retrenchment, Employment equity, Job evaluation	Wages, retrenchment, org changes, skills dev, employment equity job grading	Restructuring, retrenchment, employment equity, export promotion, job grading
5. What is consultative structure called and its functioning.	Yes, Central Labour Forum. Bargaining/consultation	Yes, TU based WPF Consultation	Yes, Joint Consultative Forum
6. Understanding of joint decision-making.	Mngt and TU must reach consensus on decisions	TU and employer must consult for consensus before implementing any proposal	TU decides with mngt what is best for workers
7. Matters on which joint decision-making have taken place.	Disciplinary code, Med Aid	Disciplinary code, Workplace rules, Advance previously disadvantaged persons, Rule changes of social benefit schemes	Restructuring, retrenchment, employment equity

Question 1. "What does your organisation/trade union understand under the term worker participation?"

Cases (Management representatives' responses)

- A. Participation of employees through e.g. a workplace forum
- B. Influencing decisions to the benefit of the organisation
- C. Allowing workers to participate in decision-making
- D. TUs believe they should intimately be involved in the running of the business
- E. Communication and Consultation between the parties to reach consensus and joint decision-making
- F. Worker participation is where workers take part in decision-making
- G. The unions represent their members and convey the peoples' views to management

Cases (TU/Worker representatives' responses)

- A. Where workers decide with management
- B. TU wants full member status of all decision-making structures. Also executive committee of Council
- C. When both management and the union participate in decisions affecting both
- D. The workers decide with management on decisions
- E. Where workers are involved with management in making decisions
- F. This means TU officials cannot negotiate with management without coming together with workers and shopstewards.
- G. Worker participation is when the union is involved in management decisions

An analysis of the responses of the seven management and seven workers' representatives generally indicate consensus that worker participation refers to the participation of the workers in the decision-making process.

Question 2. "Has worker participation increased in your organisation since the introduction of the LRA of 1995?"

Table 9.19 Management representatives' responses

	A	B	C	D	E	F	G
Yes	x	x	x	x	x	x	x
No							

Table 9.20 TU/worker representatives' responses

	A	B	C	D	E	F	G
Yes	x	x		x	x	x	x
No			x				

All seven management representatives were of the opinion that workers participation increased in their respective organisations since the introduction of the LRA of 1995 as is shown in table 9.19. Only one representative of the workers disagreed with this view.

Question 3. "What does your organisation/union understand under the term consultation?"

Cases (Management representatives' responses)

- A. Implementing changes only after discussions with TUs
- B. Talk to TUs and allow them to influence decisions
- C. Discussions leading to mutual agreement affecting employees
- D. For management it means information sharing sessions and for the TU it means negotiation
- E. Opportunity to discuss management proposals and TUs to make alternative solutions to reach consensus. Final decision rests with management
- F. This is where management has discussions with worker representatives to get workers' opinions
- G. They do not see a difference between consultation and negotiation and consultation usually end in negotiation

The management representatives generally viewed the concept consultation as an exchange of information between the management of the organisation and the workers and their representatives. It is interesting to note that two representatives of management pointed out the difference in understanding of consultation between management that regard consultation as an information exchange process and the view of the trade unions which regard consultation as a negotiation process.

The trade union/worker representative of organisation A responded to the question as follows: "*Consultation is the key thing done by the trade union representatives*".

Cases (TU/worker representatives' responses)

- A. Consultation is the key thing done by trade union representatives
- B. Not telling TU what they are going to do but consulting staff and TU with aim of getting an agreement or even consensus
- C. When retrenchment takes place the affected employees are consulted with
- D. Issues affecting workers are discussed by the trade union and management
- E. Management asks for suggestions but does its own thing
- F. Our understanding is that management shall not unilaterally change employment conditions without consultation with workers
- G. When the union talks to management about proposals made by management.

Although the worker representatives' interpretations of the term consultation are

divergent, the responses of worker representatives share the view that consultation is about discussion or an exchange of ideas. What is noticeable is that three of the worker respondents indicated that managements go through the motions of consultation, but in the end act unilaterally. This could be the reason why trade unions prefer to move from the consultation process manipulated by management, in their view, to the process of negotiation as a result of their past unsatisfactory experiences with the consultation process.

Question 4. "List those matters on which consultation has taken place in your organisation?"

Table 9.21: Management representatives' responses

	A	B	C	D	E	F	G
Compensation/remuneration	x		x		x	x	
Medical aid	x						
Changes in organisation		x			x	x	x
Retrenchment					x		
Performance bonuses		x					
Smoking policy		x					
Policy issues/new procedures		x		x			
Retirement funds			x				
Working hours/overtime			x				
Product changes				x			
Employment equity				x	x	x	x
Skills development				x		x	
Job evaluation/grading					x	x	

The management representatives have indicated a whole range of topics for consultation in their organisations as shown in table 9.21. The two topics that were indicated by four of the seven respondents are: changes in the organisation and employment equity. A possible explanation for the first mentioned topic is the organisation changes often result in job losses which is an extremely sensitive issue for workers in time of high unemployment such as South Africa is currently experiencing. The second topic, employment equity can be explained by recently introduced legislation enforcing employment equity.

Table 9.22: TU/worker representatives' responses

	A	B	C	D	E	F	G
Compensation/remuneration	x	x				x	
Medical aid		x					
Retrenchment	x	x	x	x	x	x	x
Policy issues/new procedures			x				
Disciplinary matters	x						
Export promotion							x
Employment equity			x	x	x	x	x
Skills development			x	x		x	
Job evaluation/grading					x	x	x

The responses of the worker representatives are displayed in table 9.22. The two topics that most are salient from the display are retrenchment and employment equity. The same explanation as used above would apply.

Question 5. "Does your organisation have a consultative structure? What is it called and describe its functioning?"

The management representative of organisation E, responded as follows: " Yes. *The Workplace Forum and the Management Representatives of 'E' form the Central Labour Forum (CLF). The purpose of the C L F is to conduct on a centralised basis the primary function as set out in the Agreement* ".

Table 9.23: Management representatives' responses

		Name	Function
A	Yes	National bargaining forum	Negotiates centrally with local representatives at each site
B	Yes	Workplace forum	Consults with management
C	Yes	Employment equity/skills development committees	Consults with management
D	Yes	Group wide central bargaining forum, Divisional bargaining structure and site employment equity committees.	Centralised bargaining. Consultation at site level.
E	Yes	Central labour forum.	Bargaining and consultation.
F	Yes	Trade union based WPF	Consultation
G	Yes	Joint Consultative Forum	Consultation on employment equity

Table 9.23 shows that all the management representatives indicated that they had one or more consultative structures in their organisation. The structures included for example

WPFs, employment equity and skill development committees, bargaining forums and on site management and trade union meetings. These structures were either used for consultation on site or for bargaining at a central location.

Table 9.24: TU/worker representatives' responses

		Name	Function
A	Yes	National bargaining forum with local representatives.	Consultation
B	Yes	Workplace forum	Consultation.
C	Yes	Employment equity/skills development committees	Consultation with employees and management
D	Yes	Employment equity committees and divisional bargaining forums.	Bargaining and consultation.
E	Yes	Central labour forum.	Bargaining and consultation.
F	Yes	Trade union based Workplace forum.	Consultation.
G	Yes	Joint Consultative Forum	Consultation

The responses of worker representatives are indicated in table 9.24. The responses between the two groups generally correspond with minor differences such as in case A where the national bargaining forum's functioning is described as consultation rather than as bargaining.

Question 6. "What is your organisations/trade union's understanding of the term joint decision-making?"

Cases (Management representatives' responses)

- A. Discussions until consensus is reached on certain matters
- B. Certain issues on which consensus should be reached
- C. Jointly making decisions with workers that will affect them
- D. Outcome of consultations
- E. Compulsory participation and joint decision-making between employer and WPF
- F. Discussions that continue until consensus is reached
- G. Joint decision-making - influencing the decision-making process

Three of the management representatives understood the term joint decision-making

to refer to discussions that eventually lead to consensus being reached between the management and the worker representatives.

Cases (TU/ worker representatives' responses)

- A. No part of the relationship has power over the other
- B. Management only wants to consult and not allow consensus joint decision-making
- C. When decisions are made by management and the union through consensus
- D. Management wants to consult but no joint decision-making
- E. Management and TU must reach consensus on decisions
- F. TU understanding is that TU and employer must consult and reach consensus with WPF before implementing any proposals
- G. The TU decides with management what is best for the workers

Three of the worker representatives indicated the consensus aspect of joint decision-making as part and parcel of their understanding of joint decision-making. Two of the worker representatives thought that their managements were prepared to consult but were not prepared to enter into joint decision-making with their worker representatives. This could be an indication of a lack of trust between the two parties involved.

Question 7. "Matters on which joint decision-making have taken place."

Table 9.25: Management representatives' responses

	A	B	C	D	E	F	G
Travel allowance	x						
Disciplinary code and Grievance procedure		x			x	x	x
Employment Equity/AA		x	x	x			
Product changes				x			
Retrenchment			x	x			
Policy matters				x			
Training and Skill development			x	x			
Performance management					x		
Medical aid					x	x	
Retirement funds					x		

Table 9.25 displays the matters on which joint decision-making have taken place. Four

of the management representatives indicated that their organisations had joint decision-making on issues such as disciplinary codes and procedures and on grievance procedures. Two representatives indicated that they had joint decision-making discussion regarding retrenchment and restructuring.

Table 9.26: TU/worker representatives' responses

	A	B	C	D	E	F	G
Disciplinary code and procedure/ workplace rules	x				x	x	
Employment Equity/AA	x		x	x		x	x
Organisational changes/restructuring						x	x
Retrenchment	x		x	x			x
Policy matters							
Skills development			x	x			
Medical aid		x			x	x	
Retirement funds						x	

According to the worker representatives' responses displayed in table 9.26 four of the respondents indicated the topic of employment equity or affirmative action on which joint decision-making had taken place. Three of the workers' representatives indicated that their organisations had joint decision-making regarding disciplinary codes and procedures, and workplace rules procedures and medical aid.

9.5 RESULTS OF THE INVESTIGATION REGARDING WORKPLACE FORUMS

The results of the investigation indicate that the organisations that participated in the investigation can be placed in two categories: Those organisations that do not have a WPF and provide compelling reasons why they prefer their existing representative structures. The responses of these organisations that do not have WPFs are discussed in section 9.5.1. Of the seven cases investigated there were two cases (C and D) in this category. The management representatives' responses are presented first and thereafter the responses of the workers representatives.

The other category are those organisations that have WPFs functioning in terms of the LRA. In section 9.5.2 the responses of these organisations (cases A, B, E, F and G) that have or had WPFs are discussed. There are five such cases in this investigation.

9.5.1 Organisations that do not have WPFs

Godfrey and Du Toit (2000:16) refer to research done by the Workers College and the South African Netherlands Project for AlternativeS in Development (SAPAD) which found that many non-statutory worker participation schemes, designed and initiated by employers are thriving in companies. Members of unions that rejected WPFs often actively participate in these management-initiated schemes.

Table 9.27: Compilation of responses of Management Representatives of Organisations without WPFs

	C	D
1. Why has WPF not been established	TU insufficiently representative	Current structures work better than WPF
2. What steps are being taken.	None	Discussions and agreement with TU not to go this route
3. What difficulties do you foresee in establishment.	None	None
4. What effects will a WPF have on your organisation.	Another forum for employees	Duplicating existing structures
5. Does your organisation have any other worker involvement/ participation	Employment equity/skills development committees	Yes, group-wide bargaining forum Site level forums and committees
6. Effectiveness of this structure	Making progress	Meet regularly with worker representatives

Table 9.28: Compilation of responses of Worker Representatives of Organisations without WPFs

	C	D
1. Why has WPF not established	Not enough members	Not viable. Existing structures sufficient
2. What steps are being taken.	Recruit more members	None at present
3. What difficulties do you foresee in establishment.	Getting mngt to recognise WPF	Might prove useless or divisive, lack of participation
4. What effects will a WPF have on your organisation.	Issues of all workers can be discussed	No effect
5. Does your organisation have any other worker involvement/ participation	Employment equity and skills development committees	National Congress, Area divisional shop stewards council and shop stewards committee
6. Effectiveness of this structure	Not moving fast enough	Works well

Question 1. "Why has a WPF not been established?"

Cases (Management representatives' responses)

- C. Trade union (TU) insufficiently representative
- D. Current structures work better than WPF

To the question why their organisations had not established a WPF the two management representatives responded that the trade union was not sufficiently representative of the workforce. In case D the current consultative structure was working better than a WPF according to the representative.

Cases (TU/worker representatives' responses)

- C. Not enough members
- D. Not viable. Existing structure sufficient

The worker representatives responses correspond to the responses of management and both mention insufficient members and that the current structure for consultation is adequate.

Question 2. "What steps are being taken to establish a WPF?"

Cases (Management representatives' responses)

- C. None
- D. Discussion and agreement with trade unions not go the route

None of the two employers are taking any active steps to establish a WPF. In case D discussions were held with the trade union and it was decided jointly that they would not proceed with the establishment of a WPF.

Cases (TU/worker representatives' responses)

- C. Recruit more members
- D. None at present

The worker representative in case C reported that the trade union had decided to embark on a recruitment campaign for new union members, whilst the workers in case D are taking no action as was agreed with management.

Question 3. "What difficulties do you foresee in the establishment of a WPF?"

Cases (Management representatives' responses)

- C. None
- D. None

Cases (TU/worker representatives' responses)

- C. Getting management to recognise the WPF
- D. Might prove useless or divisive, lack of participation

Both of the management respondents foresaw no problems in regard to the establishment of a WPF in their organisations. The worker representatives on the other hand mentioned the problem of getting recognition for the WPF by management and in case D that the WPF could have a divisive effect and lack of participation in the WPF as potential problems. Both of the worker representatives' responses indicate a lack of insight in WPFs as in the first instance a properly constituted WPF enjoys statutory recognition and compels the employers to recognise the WPF. Secondly, the core idea behind the establishment of WPFs is to enhance worker participation. However, WPFs may be seen as divisive and as a threat or challenge to their power by some trade unions which do not believe in true worker participation of all workers irrespective of union membership. In this regard Nel and Kirsten (2000:42-43) have pointed out the uncertainty regarding the statutory functions of trade unions in the establishment of WPFs as well as the perceived threat of WPFs to existing trade union representative structures.

Question 4." What effects will a WPF have on your organisation if established?"

Cases (Management representatives' responses)

- C. Another forum for employees
- D. Duplicating existing structures

The effect of a WPF on their organisations is viewed by both management respondents in negative terms indicating that a WPF established in their organisations would create just another employee representative forum, duplicating existing structures.

Cases (TU/worker representatives' responses)

- C. Issues of all workers can be discussed
- D. No effect

The worker representative of organisation C was positive and described the effect of the introduction of a WPF would be that all workers' issues would be discussed and not only trade union members' concerns. The worker representative of organisation D foresaw no effects resulting from the establishment of a WPF.

Question 5. "Does your organisation have any other worker involvement/participation structures?"

Cases (Management representatives' responses)

- C. Employment Equity / Skills Development Committees
- D. A group wide bargaining forum, site level forums and committees

Cases (TU/worker representatives' responses)

- C. Employment Equity/Skills Development Committees
- D. National congress, area divisional shop stewards council and shop stewards committees

The responses of representatives of management and of the workers of both organisations correspond and report various forums and committees that serve the purpose of worker involvement/participation in their organisations, making the introduction of a WPF in their organisations unnecessary.

Question 6. "Comment on effectiveness of this structure."

Cases (Management representatives' responses)

- C. Making progress
- D. Meet regularly with workers representatives

Cases (TU/worker representatives' responses)

- C. Not moving fast enough
- D. Works well

Both the management representatives and the worker representatives of case C were of the opinion that effectiveness of the current worker representative structures could improve. In case D both the management and worker representatives expressed satisfaction with their current worker representative structures. Godfrey and Du Toit (2000:16) and Nel and Kirsten (2000:34-35) have noted the successful functioning of number of non-statutory management-worker participating schemes in companies.

9.5.2 Organisations that have or had WPFs

Table 9.29: Compilation of responses of Management Representatives of organisations with WPFs

	A	B	E	F	G
7. Reasons for establishment.	Effective comm between mngt/workers	Promote worker participation and reach more employees	Promote interests of all workers to enhance efficiency in workplace	To promote worker participation	Have a Joint Consultative Forum and other non-aligned structures
8.Process drawing up constitution.	Requirements of sec 82 of LRA	Prescribed procedures and help from CCMA after referral	CCMA	None	Election in different constituencies. Elected members input into constitution
9. What external help received.	CCMA	CCMA	CCMA	None	Internal resources
10. Number of WPF members.	12	20	14	12	16

Table 9.29 (Continued)

11. Election process of WPF members.	CCMA set election date	Constituencies, nominations and election into LRA	TU elected their reps with alternate for each member	Mngt not involved but elections were held	Election in different constituencies. Elected members input into constitution
12. How often does WPF meet.	Every second month	Monthly	Once a month	Monthly	at first monthly now quarterly
13. What is discussed.	Performance mngt	Smoking pol, code of conduct, disciplinary code/procedure, restructuring	Disciplinary code/procedure, smoking policy, employment equity	Employment equity, remuneration, smoking, disciplinary process	Employment equity, appointments, budgets, info processes
14. How often does WPF meet with employees.	Every second month	Once a quarter	4 times p/a	every 3 months	Monthly or by need
15. WPF opportunity to make representation.	Yes, Smoking policy	Yes, Smoking policy, code of conduct, disciplinary code/procedure, restructuring	Yes, if they so wish	Yes, WPF is free to do so	Yes, during restructuring the org, with telephone policy and recognition award policy
16. Use of external experts.	Consultants	Legal adviser on disciplinary code	Yes, Labour Law adviser	Yes, company obtained legal advice	Internal resources

Table 9.30: Compilation of responses of Worker Representatives of Organisations with WPFs

	A	B	E	F	G
7. Reasons for establishment.	Effective comm between mngt/workers	Promote worker participation and reach more employees	TUs applied for establishment	Promote interests of all workers whether TU members or not	Have a Joint Consultative Forum and other non-aligned structures
8. Process drawing up constitution.	Requirements of sec 82 of LRA	Prescribed procedures and help from CCMA after referral	TU applied to CCMA and wrote constitution	Process as in sec 82	Election in different constituencies. Elected members input into constitution
9. What external help received.	CCMA	CCMA	CCMA and TU head office	TU head office	Internal resources
10. Number of WPF members.	12	20	14	12	16

Table 9.30 (Continued)

11. Election process of WPF members.	CCMA set election date	Constituencies, nominations and election into LRA	Nominated persons were voted for as members	Nominations and votes by secret ballot	Election in different constituencies. Elected members input into constitution
12. How often does WPF meet.	Every second month	Monthly	Every month	Every month	at first monthly now quarterly
13. What is discussed.	Performance mngt	Smoking pol, code of conduct, disciplinary code/procedure, restructuring	Restructuring, retrenchment, job grading, education and training	Changes in work organisation disciplinary code and procedure, changes in social benefits schemes	Employment equity, appointments, budgets, info processes
14. How often does WPF meet with employees.	Every second month	Once a quarter	Every three months	Monthly	Monthly or by need
15. WPF opportunity to make representation.	Yes, Smoking policy	Yes, Smoking policy, code of conduct, disciplinary code/procedure, restructuring	Yes, if there are concerns	No	Yes, during restructuring the org, with telephone policy and recognition award policy
16. Use of external experts.	Consultants	Legal adviser on disciplinary code	Yes, CCMA and TU officials	No need so far	Internal resources

As mentioned elsewhere only five organisations fell in the category of organisations that have or had a WPF. The following is an analysis of responses from them:

Question 7. "What was the reason(s) for the establishment of the WPF?"

Table 9.31: Management representatives' responses

	A	B	E	F	G
Effective communication	x				x
Promote worker participation		x		x	x
Promote interest of all workers			x		
Enhance efficiency			x		

A close look at the management representatives' responses shows that three of the five cases listed the promotion of worker participation as the reason for the establishment of their WPFs.

Table 9.32: TU/ worker representatives' responses

	A	B	E	F	G
Bring union and management together	x		x		x
Co-operative governance		x			
Participative decision-making		x	x		x
Transparency		x			
Trusting relationships		x			
Promote interest of all workers				x	

The same theme of participation as the reasons for the establishment of WPF is also found among the worker representatives where three representatives of the group indicated participation as the reasons for the establishment of their WPFs and three representatives indicated participation in decision-making as the reason for the establishment of their WPFs. This is a positive sign as one of the primary objectives of the LRA of 1995 is to promote employee participation in decision-making through the establishment of workplace forums. Godfrey and Du Toit (2000:15) have pointed out that the drafters of the Act had been given a brief to give effect to government policy as reflected in the Reconstruction and Development Programme (RDP) which called for legislation that would " *facilitate worker participation and decision-making in the world of work* ".

Question 8. "Describe the process followed during the drawing up of the WPFs constitution?"

Cases (Management representatives' responses)

- A. Requirements specified in Section 82 of the LRA
- B. Prescribed procedures and help from CCMA after referral
- E. TU based WPF. Applied to CCMA. Constitution i.t.o. Sec 82 of LRA
- F. Discussions between management and trade union and the procedures of sec 82 of LRA
- G. Elections in different constituencies and elected members gave input into drafting of constitution.

In describing the process followed during the drawing up of the constitution of the WPFs all the management representatives of the participating organisations reported that they followed the requirements for constitutions as prescribed in section 82 of the LRA of

1995. Only one case reported requesting assistance from the CCMA with drawing-up of a constitution.

Cases (TU/worker representatives' responses)

- A. Parties come together and draw-up constitution
- B. Consultative process
- E. TU applied to CCMA and wrote constitution
- F. Followed process as described in section 82
- G. Elected members gave input to drafting the constitution

The worker representatives' responses are less sophisticated, but also amounts to the fact that elected members through consultation with reference to the requirements of section 82, drew up a constitution for their respective WPFs.

Question 9. "What external help (if any) did you receive in drawing up the constitution?"

Table 9.33: Management representatives' responses

	A	B	E	F	G
CCMA	x	x	x		
Internal resources					x
None				x	

In regard to the use of external resources in drawing-up the constitutions of their WPFs three of the management representatives indicated the CCMA (Table 9.33). One management representative indicated that his organisation only made use of internal resources. The other management representative reported that his organisation used no external resources in drawing up the constitution.

Table 9.34: TU/ worker representatives' responses

	A	B	E	F	G
CCMA			x		
Internal resources					
None	x	x		x	x
Trade union head office			x		

Four worker representatives (Table 9.34) reported receiving no external help in drawing-up the WPF's constitution. It is interesting to note that of these four organisations in two of the cases the management representatives also reported receiving no external help. One would imagine that the worker representatives would be more aware of the CCMA's assistance in drawing-up the WPF constitution in their organisations and therefore more weight may be placed on the responses of worker representatives who reported that they did not receive assistance from the CCMA. On the other hand it is unlikely that a trade union would have proceeded down the route of establishing a WPF without at least some rudimentary guidelines from the trade union head office.

Had the September Commission's proposal, that a core of shopstewards and union officials be developed in participatory strategies, been implemented as cited by Godfrey and Du Toit (2000:18), one could ask the question whether not more WPFs would have made use of the in-house trade union expertise in the drawing up of their workplace forum constitutions.

Question 10. "How many members does your WPF have?"

Cases (Management representatives' responses)

- A. 12
- B. 20
- E. 14
- F. 12
- G. 16

Cases (TU/worker representatives' responses)

- A. 12
- B. 20
- E. 14
- F. 12
- G. 16

Both management and worker representatives reported that the number of WPF members in their organisations ranged between twelve and twenty members. It must be pointed out that the LRA provides for a maximum of twenty members.

Question 11. "Describe the election process of WPF members."

The management representative of organisation E responded as follows: "*The recognised trade union will choose members of the workplace forum from amongst their elected representatives in the workplace. Alternatives are appointed for each member of the workplace forum and are to attend to the elected members duties*".

Cases (Management representatives' responses)

- A. CCMA set election dates
- B. Constituencies were determined, nominations called and election held in terms of LRA
- E. TUs elected their representatives as members with alternates for each member
- F. The management was not involved, but elections were held
- G. Elections held after nominations from each constituency

The responses of the management representatives indicate that WPF members were generally elected after nominations were called and the elections dates determined. One respondent confused the role of the CCMA and that of the election officer, as the latter determines the election date.

The trade union/worker representative of organisation G responded as follows to the question: "*Nominations are called and workers vote by secret ballot*".

Cases (TU/worker representatives' responses)

- A. Members elected by ballot
- B. Every faculty, administrative section and satellite campus each have 1 representative
- E. Nominated persons were voted for as members
- F. Nomination and votes by secret ballot
- G. Nominations are called and workers vote by secret ballot

Three worker representatives reported that elections were held after the nomination of candidates. Candidates were voted for through secret ballot in all organisations included in the study.

Question 12. "How often does your WPF meet?"

Table 9.35: Management representatives' responses

	A	B	E	F	G
Every second month	x				
Four times per year			x		x
Monthly		x		x	x

Three of the five management representatives indicated that their WPFs meet monthly. One organisation reported that their WPF meets every second month. Case E reported that their WPF meets four times a year. Case F indicated that their WPF equivalent structure met every month at the beginning but has since changed to meeting once a quarter according to their needs.

Table 9.36: TU/ worker representatives' responses

	A	B	E	F	G
Four times per year		x	x		
Monthly	x			x	x

Three of the worker representatives reported that their WPF meets monthly. The other cases indicated that their WPF meets four times a year. Only in cases E, F and G are there agreement between the views of the management representatives and the worker representatives.

Question 13. "What is discussed?"

Table 9.37: Management representatives' responses

	A	B	E	F	G
Performance management	x				
Smoking policy		x	x	x	
Code of conduct		x			
Disciplinary code and procedure		x	x	x	
Restructuring	x	x			
Employment equity	x		x	x	x
Appointments					x
Budgets					x
Remuneration				x	

Information processes					x
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The management representatives' views of topics discussed by their WPFs are displayed in Table 9.37. Three topics are indicated by at least three of the management representatives. Of these disciplinary codes and procedures are indicated by three of the five cases. This is in fact one of the topics on which an employer must consult and reach consensus with a WPF in the absence of a collective agreement regulating matters for joint decision-making in terms of section 86(1) of the IRA. The other two topics namely a smoking policy and employment equity can ascribe their "popularity" as discussion topics to recently introduced legislation.

Table 9.38: TU/ worker representatives' responses

	A	B	E	F	G
Changes in work organisation				x	
Plant closures/restructuring		x	x		
Disciplinary code and procedure		x			
Retrenchment		x	x		x
Employment equity					
Education and training				x	
Worker problems	x				
State of affairs of organisations	x				
Job grading		x	x		x
Changes to social benefit schemes				x	

The worker representatives' views of topics discussed by their WPFs are displayed in Table 9.38. The two topics indicated by at least three of the cases are retrenchment and job grading. The reason why retrenchment is such a sensitive issue was explained earlier in the chapter. Job grading is closely linked to remuneration which is extremely important to lower earning workers.

Question 14. "How often does your WPF meet with the employees in your organisation?"

Table 9.39: Management representatives' responses

	A	B	E	F	G
Monthly					x

Every second month	x				
Quarterly/every three months		x	x	x	

The frequency of meetings with the employees according to the management representatives are indicated in table 9.39. One of the respondents indicated a monthly meeting and the other a bi-monthly meeting. Three of the management respondents indicated quarterly meetings.

Table 9.40: TU/ worker representatives' responses

	A	B	E	F	G
Monthly	x			x	x
Every second month					
Quarterly		x	x		

Table 9.40 displays the worker representatives' views of whom three indicated that their WPFs meet monthly with their constituencies. Two representatives indicated quarterly meetings.

Once again the discrepancy between the views of management and the worker representatives in the same organisation is noticeable. Only the representatives of cases E and G are in agreement. One possible explanation could be that managements are not as well informed of the affairs of their WPFs in comparison to worker representatives who may be members of their WPFs and speak from first hand experience.

Question 15. "Has the WPF been given the opportunity to make representations and to advance alternative proposals?"

Cases (Management representatives' responses)

- A. Yes, a smoking policy
- B. Yes, on smoking policy, code of conduct, disciplinary code and procedure and restructuring
- E. Yes, if they so wish
- F. Yes, WPF is free to do so
- G. Yes, during restructuring

Cases (TU/worker representatives' responses)

- A. Yes, representatives are part of decision-making
- B. No
- E. Yes, if there are concerns
- F. No
- G. Yes, with restructuring the company

The worker representatives were less positive and only three of the five indicated that their WPFs were afforded the opportunity to make representations and advance alternative proposals. Once again the difference in views of the management and worker representatives in the same organisation is very obvious and indicates a continued divide between the two groups.

Question 16. "Has the WPF ever made use of external experts?"

Table 9.41: Management representatives' responses

	A	B	E	F	G
Consultants	x				
Legal advisers		x	x	x	
Internal resources					x
CCMA					

As far as the use of external experts by the WPFs is concerned four of the five management representatives (Table 9.41) indicated use of external experts. As the management representatives would have intimate knowledge of such external assistance the responses are interpreted to indicate that the managements saw it fit to obtain expert opinion regarding their respective WPFs.

Table 9.42: TU/ worker representatives' responses

	A	B	E	F	G
No external help	x			x	x
CCMA			x		
Trade union officials		x	x		

Three of the worker representatives indicated that they have made no use of external experts for their WPFs (Table 9.42). Two have indicated that they have made use of

external experts. One representative has indicated the CCMA and the trade union officials and another only the CCMA. The responses of the three representatives who have indicated no use of external experts are in doubt as it is unlikely that the trade union would not have consulted with their trade union officials about a matter of such importance as the establishment and functioning of a WPF.

9.6 SUMMARY

This chapter examined and discussed findings into the four areas selected for the study of industrial democracy in South African organisations.

From the findings it is concluded that both the management and worker representatives support the disclosure of business information but have divergent views on how this principle should be applied in practice.

Should the finding that the majority of organisations which participated in the study and had chosen a single-employer (centralised site) bargaining structure, be representative of the preferred bargaining structure in South Africa, this could be construed as an indication of little support for sectoral centralised bargaining favoured by government.

Both management and worker representatives expressed the view that worker participation refers to the participation of workers in the decision-making of their employers and indicates support for the idea of workers influencing decisions that directly affect the workers.

The promotion of employee participation in decision-making is one of the primary objectives of the LRA of 1995. The study found that the enhancement of worker participation was one of the frequently advanced reasons for the introduction of workplace forums in organisations.

CHAPTER 10

CONCLUSIONS, CONTRIBUTION AND RECOMMENDATIONS

10.1 INTRODUCTION

In this closing chapter the conclusions drawn from the investigation into the four aspects of workplace democracy are summarised and linked to research literature. The distinctive contribution of the study to the four aspects of workplace democracy in South Africa is placed in perspective. A number of recommendations which flow from the investigation and which may be of benefit to various role-players and other researchers are proffered.

10.2 CONCLUSIONS

As indicated before, the study set out to determine the views of management and workers towards four specific aspects of industrial democracy in a number of South African organisations since the introduction of the Labour Relations Act No 66 of 1995 in November 1996. These four aspects are disclosure of business information, collective bargaining, consultation and joint decision-making and workplace forums. Conclusions were drawn on these aspects from the replies given to the questionnaire completed by the two groups of respondents and follow-up elucidating interviews with them. These conclusions are examined sequentially below:

10.2.1 Conclusions regarding the disclosure of business information

Bearing in mind South Africa's past where secrecy rather information sharing was the norm, the new openness regarding access to information for South African citizens could be viewed by some parties with trepidation and resistance while others welcomed it. The climate and surrounding environment first has to be prepared to support the new culture of openness. In the work environment in particular it was the LRA of 1995 that made provision for the disclosure of information for the first time in South Africa.

From the findings on the question of respondents' views of section 16 of the LRA which provides for the disclosure of information, it is concluded that both the management and worker representatives support the principle of the disclosure of business information

but they differ on how the principle should be applied in practice. For some managements this meant disclosing some information and only when requested to do so. The non-disclosure of certain information is viewed by the worker representatives as a reluctance in general to disclose information. These opposing expectations could be a source of disputes and conflict between the two parties.

Trade unions view information disclosure as a means of promoting their objectives by extending negotiation and joint regulation into areas that were previously the sole sphere of management. Some employers regard statutory obligation to disclosure of information to trade unions as a threat to their management prerogative. The need for commercial secrecy and effective decision-making are the basis for their objections.

The representatives of management as well as the representatives of the workers expressed the view that requests for the disclosure of information should come from worker representatives or individual employees. It is interesting to note this agreement of viewpoint between the representatives in spite of the fact that they serve different constituencies. This view is interpreted as a positive phenomenon and also shows that internal users of disclosed information are preferred by both the management and the workers of the organisations which participated in the investigation.

The representatives of the two groups disagreed about whether information disclosure should be restricted to that pertaining to union members. The majority of management representatives were of the view that information disclosed should be restricted to that relevant to trade union members. The worker representatives held an opposing view, that as much information as possible should be disclosed, including information on non-union members. Ballace and Gospel (1983) point out that the Employment Protection Act of 1975 in the United Kingdom restricts information disclosure and trade unions can only demand information for employees within their bargaining units. Our LRA also places restrictions on certain types of information.

A small majority of management representatives believed disclosure of information improved collective bargaining in their organisations, however, the same size majority of worker representatives believed that insufficient information was being disclosed. Grosett's (1997) finding amongst South African organisations that information disclosure leads to improved collective bargaining and reduced conflict in the organisation could

thus be supported by the present study.

Management and worker representatives were in agreement that disclosure of information had a positive effect on worker participation in their organisations. This is similar to findings by Grossett (1997) who also found that employers reported an increase in employee involvement in decision-making following disclosure of information.

The representatives of management and workers agreed about the type of information disclosed. Both groups indicated that financial information is most frequently disclosed, highlighting the importance of financial information to both management and the workers. Financial information is also one of the items of information which Grossett (1997:39-40) suggests should be disclosed to employees. It is noteworthy that financial information is not directly mentioned in any of the items listed in sections 84 or 86 of the LRA of 1995. However, section 16(3) provides that the employer must provide all relevant information to the representative trade union for effective consultation or collective bargaining.

Responses from the management representatives and the worker representatives have generally indicated that disclosure of information normally occurs at the time of wage negotiations in their respective organisations. Some reluctance amongst management representatives to disclose information to trade unions was also detected from the responses. This indicates that although managements have accepted the principle of disclosure of information as provided for in the LRA of 1995, they have not yet agreed on how this should take place in practice.

All the worker representatives in the study have pointed out that they had experienced disputes on the issue of the disclosure of information. Management reluctance to disclose information appears to be the main cause of these disputes. Some of these disputes may have as cause the relevance of the information requested for disclosure. Ngcobo and Howard (1999:7) cite the Pep Stores case where Judge Landman held that "*relevance is directly connected to the purpose of disclosure*". Therefore some disputes may be avoided if the purpose for which information is requested, is clearly specified. In the United States many of the refusals by employers to disclose information are based on objections to the mode in which employers are expected to provide the information. For example the information might not be available in the format requested

by the union and would first have to be converted to the desired format at considerable effort and expense (Ballace and Gospel, 1983).

In the United Kingdom employers have used the checks and exemptions in the Employment Protection Act of 1975 very successfully in refusing to disclose information to trade unions (Ballace and Gospel, 1983).

Analysis of the results of the study shows that an equal majority of representatives of both groups preferred resolving disclosure disputes through negotiation. This could indicate that the parties involved in disputes regarding the disclosure of information prefer to solve their disputes internally rather than through third parties such as the CCMA.

If all the conclusions regarding information disclosure are considered it appears that in spite of some disparate views on certain aspects both groups of representatives are generally positive about information disclosure and its effects in their organisations. This is interpreted as indicating that the disclosure of information is contributing to the democratisation of the workplaces which participated in the study.

10.2.2 Conclusions regarding collective bargaining

Collective bargaining has been practised in South Africa since 1924. As a result of the historical links with Britain, the South African collective bargaining system shares many of the characteristics of British collective bargaining. Collective bargaining has been employed by previous governments as well as the present government as a means of exerting control over the labour market.

The South African government's promotion of centralised sectoral bargaining appears to be out of step with Western Europe where there is a strong preference for plant level collective bargaining which by its nature offers greater employee participation and enhances industrial democracy.

From the results of the investigation it was found that both the management representatives and the representatives of the workers understand that collective bargaining constitutes a process of negotiation. This view of collective bargaining as a process of negotiation also corresponds to the definitions of collective bargaining given

by the Webbs (1902) as well as more recently by Davey, Bagnanno and Estenson (1982:2).

Both management and worker representatives indicated that their organisations were engaged in collective bargaining. Most of the representatives from both perspectives viewed collective bargaining not only as an annual event but as continual information exchange between the management and the workers. This finding is interpreted as a mature view held by both management and the workers regarding the nature of collective bargaining. Read together with the abovementioned finding that organisations preferred to resolve disputes through internal negotiation the central position that collective bargaining holds in South African labour relations practice becomes apparent.

In the present study the majority of management representatives and the majority of worker representatives indicated that their organisations had a single-employer (centralised site) bargaining structure. Should this finding that the majority of organisations that participated in the study and had chosen a single-employer (centralised site) bargaining structure prove to be representative of the bargaining structures in South Africa, this could be interpreted as an indication of little support for the sectoral centralised bargaining favoured by government. This preference is proclaimed in section 1(d)(ii) of the LRA of 1995 where one of the purposes of the Act is indicated as the promotion of collective bargaining at sectoral level.

The negative description by both management and worker representatives of the nature of their bargaining relationship is cause for concern and it appears as if the open and trusting relationship between employers and workers which the government wants to promote is slow to materialise. The previously negative attitudes which have been shaped by past conflicts still linger in the collective memories of the respective groups. This is addressed again in 10.4.

Taking all the conclusions of this section together it is concluded that collective bargaining has not made the contribution to the advancement of industrial democracy in the organisations investigated which it could have done, had the negative view of the bargaining relationship and an open and trusting relationship between management and the workers been addressed more constructively.

10.2.3 Conclusions regarding worker participation, joint consultation and joint decision-making

From a review of the literature (Fisher, 1978; Imai, 1991; Kochan, Katz and McKersie, 1986 and Lansbury and Davis, 1992) it is concluded that the understanding of the concept worker participation, differs from country to country. One of the approaches in categorising worker participation would be whether participation of workers is of a direct or of an indirect nature. Even within these two broad categories countries differ in their approaches to applying worker participation in work situations.

Involvement is a concept that is often used in discussions of employee or worker participation. From the literature (Ledford, 1993) it appears to be the term preferred by researchers of worker participation in North America. Some authors restrict the meaning of participation to the lower level workers in an organisation and this is also the stratum where the direct form of worker participation is found.

Joint consultation between management and labour is a well established practice in most Western countries albeit in different forms. Joint consultation is practised because there is a belief that employees can contribute to management's decision-making and that it creates an opportunity for workers to influence management's decisions. Since the introduction of the LRA of 1995 in South Africa matters for consultation through workplace forums are clearly itemized in legislation (Section 84).

All the management and all the worker representatives in the study under discussion indicated that worker participation refers to the participation of workers in the decision-making processes in their places of work. This view of worker participation by management and worker representatives corresponds with Horwitz's (1981) definition of worker participation as the perceived degree of influence which workers have on decisions affecting them.

The concept of worker participation is a fundamental element of industrial democracy and means that workers must be involved in and have an influence on the decision-making processes in their work environment. While demands for greater worker control and involvement in decision-making on the shopfloor originated from the trade unions it is ironic that many have refused to enter into or support participative arrangements

because they are suspicious of the intentions of management. They fear that their shop stewards and shopfloor members will be co-opted. These are also some of their arguments against Workplace Forums. It is ironic that Godfrey and Du Toit (2000:7) cite research which found situations where members of trade unions that oppose WPFs, actually play active roles in the management initiated participative structures.

In contrast all this study's participating management representatives and six of the worker representatives concurred that worker participation has increased in their organisations since the introduction of the LRA of 1995. A similar increase in worker participation also occurred in Australia after the introduction of enabling legislation, for example, the 1983 Prices and Wages Accord, the Public Sector Reform Act of 1984 and the Affirmative Action (Equal Employment Opportunity for Women) Act of 1986.

Both groups of respondents in the current research viewed consultation as discussions and/or an exchange of views. Two of the management representatives noted that their understanding of what is meant by consultation differed from the trade unions' view that consultation is synonymous with negotiation. Workers also believed that managements were not serious about consultation and in any event made their own decisions. This mistrust of the consultation process on the part of the worker representatives in the study could be a possible reason why worker representatives and trade unions prefer to move from consultation to negotiation in which process they can play a far more active and rewarding role in the interest of their members.

Organisational restructuring and employment equity were topics indicated by most management representatives on which consultation had taken place. The topics reported by most worker representatives were retrenchment, employment equity and skills development. It is noteworthy that the topics indicated by both groups on their consultation agenda are those topics that are currently matters of serious concern for both groups. If Workplace Forums existed in these organisations they would have been entitled to be consulted on most of the above issues and the others listed in section 84 of the LRA.

All representatives of management as well as the workers indicated that their organisations have consultative structures and that these structures serve to facilitate consultation and bargaining between the management and worker representatives in

their respective organisations. (See also Godfrey and Du Toit, 2000:7).

Joint decision-making is also an innovation in South African labour law. The notion for this approach has its roots in the German system of co-determination (Schregle, 1970). Similar co-determination rights have been introduced to South Africa through section 86 of the LRA of 1995 which sets out the joint decision-making rights of workplace forums.

From the responses of both management and the worker representatives in the investigation it appears that both groups interpret joint decision-making as denoting workers participating in the decision-making process with their employers.

Three of the management and three of the worker representatives referred to the consensus aspect when describing their understanding of joint decision-making. This emphasis on joint decision-making would fall into Schregle's (1970) broader definition of participation in decision-making where both parties maintain their independence with the trade union's role seen as moderating or influencing management decisions.

There is little agreement between the management and worker representatives in terms of issues on which joint decisions should be taken. This indicates the totally divergent views held by management and workers in the same organisations. If this finding is indicative of the general position in most South African organisations, joint decision-making will have a slim prospect of succeeding as intended by the LRA of 1995.

If WPFs existed in the participating organisations the employers would have been compelled to consult and reach consensus with the WPFs on all matters for joint decision-making listed in section 86. Although factors such as the political milieu and legislation in South Africa facilitate joint decision-making in the workplace, Coldwell (1992) has noted that the extent of workers' participation depends on several other factors besides the two mentioned above. These factors relate to whether the country concerned is socialist or capitalist oriented, the permissiveness or prescriptiveness of the rules and regulations pertaining to unionisation and the existing economic situation in the country.

Based on the conclusions discussed in this section, there are indications that democracy in the workplaces surveyed has been increasing through worker participation.

10.2.4 Conclusions regarding workplace forums

From the Explanatory Memorandum on the draft Labour Relations Bill, it is obvious that the drafters were strongly influenced by structures and practices in Western Europe, most notably the works council systems of Germany and the Netherlands.

(See also Anstey, 1997 and Godfrey and Du Toit, 2000:15).

Superficially workplace forums also bear some resemblance to works committees established in terms of the Black Labour Relations Act of 1953 and works councils provided for in section 34 of the LRA of 1956 (Du Toit *et al*, 1998:45). However, the system of Workplace Forums is in fact totally dissimilar from the above two systems because it constitutes a system of statutory worker participation of which the aim is to promote industrial democracy.

The following sub-sections detail the conclusions reached in regard to worker participation in organisations – 1. which do not have statutory forums, and 2. those which have functioning WPFs:

10.2.4.1 Conclusions in regard to organisations that do not have WPFs

The management and worker representatives in these organisations were in agreement that a WPF was not established due to a lack of representivity by the trade union and also because existing structures were more than adequate to represent the workers.

No active steps were being taken by the managements to encourage the establishment of a WPF. The establishment of a WPF is the responsibility of the workers of a particular organisation through a representative trade union and may not be initiated by management. In one case the trade union is aiming to increase its membership to become more representative. This could mean that the trade union may in future make attempts to establish a WPF. It is interesting to note that Nel and Kirsten (2000:38) found that sixty percent of employers in their survey indicated that they would initiate the establishment of a WPF if given the opportunity to do so.

The management representatives foresaw no difficulties if WPFs were to be established

in their organisations. The worker representatives responses however showed a lack of understanding of the purpose and functioning of WPFs and their potential benefits. Godfrey and Du Toit (2000:18) cite research which drew a similar conclusion. This insufficient insight may be the one of the reasons why some trade unions oppose WPFs and regard them as a threat. Hopefully the opposition will diminish when the benefits are better recognised as happened in other countries. Sterner (1996:9) notes that when works councils were first introduced in Germany in 1891 the trade unions opposed the dualistic representation system, favouring a unified worker representation at plant and industry level through the unions.

The management representatives judged that the establishment of a WPF would be duplication of existing structures. This finding is interpreted as concern of management that they could end up with two structures with similar function which could lead to an unnecessary waste of time with little benefits for the company. Nel and Kirsten (2000:44-45) have also raised managements' concern regarding the many direct and indirect costs associated with WPFs. One of the worker representatives believed that the establishment of a WPF would have positive effects for the employees. The other representative felt that the introduction of a WPF would have no effect on the organisation in which his members work. Both worker representatives' views could point to a lack of understanding of WPFs as discussed above.

The representatives of management as well as of the workers reported that their organisations made use of various forums and committees to enable worker participation/involvement to take place. The conclusion drawn from this finding is that although these two organisations opted not to establish a statutory recognised WPF these organisations met the need for worker participation by means of various forums and committees established by mutual agreement. The conclusion is confirmed by research cited by Godfrey and Du Toit (2000:17) and Nel and Kirsten (2000:34-35) which found many successful non-statutory participative schemes.

The representatives of both sides in one of the cases expressed a need for the existing worker representative structure to improve its functioning, whilst in the other case both representatives indicated the promotion of worker participation as the motivation for the establishment of their worker participation/involvement structure.

It appears that management and workers in these two organisations have to an extent overcome the antipathy which generally exists between the contradictory interests of capital and labour. By means of various forums and committees which they have created communication between management and workers has been improved leading to better understanding of each others' needs, position and expectations. Due to the resultant information sharing, interaction, consultation and participation in decision-making industrial democracy has been increased considerably, but admittedly there is still room for improvement.

10.2.4.2 Conclusions in regard to organisations that have WPFs

The enhancement of worker participation is the common theme that emerges from an examination of the reasons given by respondents why their respective organisations introduced a WPF. This is an encouraging development as one of the primary objectives of the LRA of 1995 is the promotion of employee participation in decision-making through the establishment of workplace forums (Government Gazette No 16861) and Nel (1999).

Management representatives as well as worker representatives reported that the requirements for constitutions as prescribed in section 82 of the LRA of 1995 were followed in drawing up the constitution of the WPF in for their respective organisations.

With regard to the use of external resources that their organisations used in drawing up the constitutions of their WPFs three of the five management representatives indicated that advice was received by employees from the CCMA. Four of the worker representatives reported that they received no external help in drawing up their WPF's constitution. One would generally believe that the worker representatives would be aware of the availability of the CCMA's assistance in drawing up the constitution for their WPF. It is also unlikely that a trade union would venture into the establishment of a WPF without some guidelines from the trade union head office or officials. A possible explanation for this unexpected response could be that the worker representatives do not regard the union officials with whom they interact as an external source of assistance.

The number of the WPF members in the organisations in the investigation ranged from

twelve to twenty members. Twenty members is also the maximum number of seats provided for in Schedule 2, item 2(d) LRA of 1995 (Government Gazette No 16861).

From an analysis of the data gathered from both management and the worker representatives, it emerges that the election process employed consisted of a call for nominations of candidates followed by an election of members by secret ballot. This shows that all the organisations that participated in the investigation broadly followed the requirements for constituting workplace forums as laid down in section 82 of the LRA of 1995 (Government Gazette No16861).

Section 83(1) prescribes that the workplace forum must meet regularly. The frequency of holding meetings is left entirely at the discretion of the workplace forums. Agreement as to the frequency of WPF meetings could only be found in three of the five cases between the responses of the management representatives and the worker representatives. Both groups of representatives indicate monthly meetings of the WPF as the most used frequency for holding meetings. The frequency of holding meetings is interpreted to indicate that the WPF meetings have followed the trend of the various other management meetings in organisations which are generally held monthly.

From an analysis of the discussion topics reported by the management representatives the most frequently mentioned are smoking policy, disciplinary codes and procedures and employment equity. The worker representatives indicated restructuring and employment equity as the topics most frequently discussed by their WPFs. As the worker representatives are closer than management to the WPF more weight is placed on their views of topics discussed in the WPF.

On the question of how often their WPFs meet with the employees in the organisation the following information emerges. Out of the five management representatives two reported that their WPFs meet monthly with the employees and two representatives indicated that their WPFs meet with the employees every three months. Three of the worker representatives indicated that their WPFs meet once a month with the employees of their respective organisations. It is interesting to note the discrepancy between the frequency of these meetings indicated by management and the worker representatives in the same organisation. One explanation could be management is not intimately involved in the running of the WPFs and consequently less well informed

about the frequency of their meetings with employees which often take place informally during meal breaks.

All the management respondents indicated that their WPFs were given the opportunity to make representations to management. Only three of the worker respondents agreed that their WPFs were given the opportunity to make representations to management. The more opportunities created to make representations to management, the greater are the prospects of the WPFs influencing decision-making in their organisations and thus enhancing industrial democracy in workplaces in South Africa.

As far as the use of external experts by the WPFs are concerned, four of the five management representatives indicated that use had been made of external experts in respect of the WPFs in their organisations. As the management representatives would have intimate knowledge of such external assistance the responses are interpreted as indicating that the managements saw it fit to obtain expert advice regarding the functioning of their respective WPFs.

Three of the worker representatives have indicated that they had made no use of external experts for their WPFs while two have indicated that they have made use of external experts. One of these representatives indicated using the CCMA and trade union officials and the other only the CCMA. The responses of the three representatives who indicated no use had been made of external experts are in doubt as it unlikely that the trade union concerned would not have consulted trade union officials about an important matter such as the establishment and functioning of a WPF. From the above it appears that members of these WPFs have not made much use of section 82(10 (t) of the LRA which provides that any expert may be invited to attend meetings of the WPF including meetings with the employer or with the employees (Government Gazette No 16861).

The paucity of functioning WPFs in the area covered by the study indicates that WPFs have not been eagerly accepted by either management or labour. This is also the trend elsewhere in South Africa (See also Godfrey and Du Toit (2000) and Wood and Mahabir (2001).) However, where WPFs are functioning there has been an improvement in interaction, in goodwill and co-operation between the managements and workers even though the full potential for employee participation has not been exploited up to now.

This investigation clearly indicates that management and workers are well disposed to the concept of participative management while still being at variance on various aspects of its implementation. Nel and Kirsten (2000:53) have suggested that employers, workers and trade unions should receive training regarding the role of WPFs.

The strong presence of participative structures which included five WPFs out of the seven cases, is interpreted as indicating that participative structures and WPFs in particular have contributed to the democratisation of the participating organisations.

10.3 CONTRIBUTION OF THE STUDY

Very little empirical research information on the disclosure of information in South African organisations is available. Furthermore no information is available on the views on this topic of both management and the workers in the same organisations.

Although the scope of the current study is limited it has contributed some insight into the views of management and worker representatives in the same organisations. Both management and worker representatives agreed on the principle that information should be disclosed for proper functioning of worker representatives and for consultation and collective bargaining. However, they differed on how this principle should be applied in practice. This indicates that official investigations will be required to reach agreement between the parties on matters such as the timing, extent and level of information sharing.

The system of collective bargaining through industrial councils dates back to the Industrial Conciliation Act No 11 of 1924 and was continually amended until terminated by the Labour Relations Act No 66 of 1995 which introduced a system of bargaining councils. Both management and worker representatives see collective bargaining as a process of negotiation. From the findings of the current study it appears that there is little support for the centralised sectoral bargaining favoured by government. If these views are indicative of managements' and workers' views in general in South African organisations, it may be advisable for the government to rethink its position on centralised sectoral level bargaining as provided for in section 1(d)(ii) of the LRA. (Government Gazette No 16861).

Only since the introduction of the LRA No 66 of 1995 are matters for consultation and joint decision-making rights in organisation in South Africa clearly set out.

Findings of the study indicate agreement between the management and worker representatives regarding the meaning of worker participation and the fact that it had improved in their organisations since 1996.

From the findings there are indications that the meaning of consultation is not shared by managements and workers. Workers did not believe that managements were serious in obtaining the views of workers and made their decisions regardless of the views put forward by the workers. If these findings represent the general position in South African organisations much needs to be done to bring these two groups in the employment relationship closer to each other in terms of the process of consultation between them.

Little agreement was found between the management and worker representatives regarding issues for discussion leading to joint decision-making. Notwithstanding the listing of these issues in the LRA of 1995 management and workers have such divergent views on the issues suited for joint decision-making that it appears that joint decision-making is doomed to failure if these views are representative of South African organisations.

Much of the negativity found on both sides of the employment relationship can be ascribed to experiences of discrimination and militancy of the past. It is feasible to expect that as democracy in the political arena and in civil society takes root and expands, the mutual distrust and suspicion will diminish. So will the militancy of the trade unions and they will move towards greater accommodation and engagement with employers.

Although some research has been undertaken into workplace forums since their introduction in November, 1996 no investigation has obtained the views of both management and workers in the same organisation.

The findings in connection with WPFs point to a relative failure of an excellent vehicle for the promotion of most components of industrial democracy. This is mainly due to the attitude of trade unions towards WPFs which they regard with suspicion and concern

that such forums will undermine their position on the shopfloor. There appears to be a lack of knowledge or understanding among unions and workers of the ultimate benefits which can be derived from WPFs.

If the findings of the study are representative of the views of management and workers in South African organisations in general, the findings have the following significance for industrial democracy in South Africa. Information disclosure is an essential component of industrial democracy and both management and worker representatives agree on the principles of disclosure of information but differed on how it should be applied in practice. Managements and trade unions need to devote time and energy in order to reach consensus on this important aspect.

Centralised sectoral collective bargaining is not widely supported. There appears to be agreement about the meaning of worker participation but divergent views on consultation and joint decision-making between management and the workers. Those organisations that do not have WPFs are content with their existing worker representative structures.

Although the management and the worker representatives differed in their views on workplace forums, it can be stated categorically that the provision for such employee forums in the LRA has created more opportunities for workers to make representations to management than ever before. WPFs provide excellent vehicles for workers at plant level to consult with and participate in decision-making with their employers. The law has brought industrial democracy to workers but it is up to the workers themselves to avail themselves of their new rights.

10.4 RECOMMENDATIONS

The representatives of management and the representatives of the workers agreed on the principle of the disclosure of information, that disclosure of information had a positive effect on worker participation in their organisation and on the type of information disclosed. The representatives of management and the representatives of the workers however differed in how disclosure should take place in practice. If a mutually agreed procedure could be developed between the national representatives of business and labour such a nationally accepted procedure would clear up a lot of uncertainty

surrounding the disclosure of information and avoid unnecessary disputes between employer and workers regarding the disclosure of business information.

The importance of information-sharing cannot be overemphasised. There can be no meaningful interaction between management and workers if all relevant information is not made available to them. They need information if they are to contribute to efficiency and productivity improvement and participate in decision-making. Proper consultation is also entirely dependent on sharing of information between the parties. Employers' organisations, trade unions and government agenda's should devote their best efforts to create the proper climate for sharing of information if South African enterprises hope to compete on a global basis.

If the findings that the majority of the participating organisations had voluntarily chosen a single-employer bargaining structure are representative of bargaining structures in South Africa, it could indicate that there is little support for the sectoral centralised bargaining favoured by government and the COSATU unions.

It would then be advisable for government to reconsider its preference for sectoral centralised bargaining which in any event is out of step with the trend towards plant level bargaining found in Western Europe were some of our country's major trading partners are based.

It is evident that there is still a great lack of understanding between employers and employee and this requires intensified efforts to improve communication between them. The autocratic leadership styles of the past are still found in some organisations. In such climates workplace democracy is slow to take root. Union attitudes have also contributed to this state of affairs because they have continued with the combative, militant approach which they have employed with success in the past. Managements need to change their attitudes and empower their workers to develop and utilise their full potential. If unions wish to transform power relations in the workplace they should develop a proactive approach rather than react and oppose management initiatives particularly in regard to worker participation.

If this underlying mistrust is representative of the employer and worker relationship in South African organisations it is recommended that this be scientifically assessed and

that programmes be developed to build trust between employers and the workers if industrial democracy is to succeed in South Africa.

From the findings into workplace forums it appears that WPFs, the South African model for the enhancement of industrial democracy, have not enjoyed the popularity that it should have. This is mainly due to opposition from trade unions whose fears are unfounded. Du Toit *et al* (1998:289) point out that because trade unions are already entrenched where WPFs are introduced and functioning, the possibility that such WPFs will be able to subvert union activities is remote. It is recommended that several of the legal requirements for the establishment of WPFs be relaxed. For example the requirement that only organisations with a minimum of a hundred employees may establish a WPF. Many of the smaller employers are thus automatically excluded if this requirement remains unchanged. Many participative structures initiated by managements are functioning extremely well in South African organisations and it is therefore recommended that managements also be permitted to establish WPFs and this not remain the exclusive right of trade unions.

The current study encompassed seven organisations each of which was each regarded as a separate case. These participating organisations were all based in Gauteng. It is therefore recommended that future studies of industrial democracy ideally should include respondents from all nine provinces or at least an additional one or two other provinces to ensure greater representivity of South African organisations, management and workers.

Although the seven cases are representative of seven different sectors of the economy it is recommended that future studies attempt to include even more sectors of the economy.

10.5 CLOSING REMARKS

There are some encouraging signs that industrial democracy is taking root in South Africa but it needs a lot of nourishment. Even in more sophisticated societies such as Britain experiments in industrial democracy through joint consultation had not succeeded initially and Germany experienced difficulties with co-determination. With continued efforts from both managements and trade unions the South African labour

relations scene should look totally different in years to come.