

AN ANALYSIS OF THE ROLE AND FUNCTIONS  
OF LABOUR UNIONS IN  
THE SOUTH AFRICAN PUBLIC SERVICE

BY

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DECLARATION

I declare that :

**An Analysis of the role and functions of  
labour unions in the South African Public  
Service**

is my own work, that all the sources used or quoted have been indicated and acknowledged by means of complete references, and that this thesis was not previously submitted by me for a degree at another university.

Signature ..... *H. H. H. H.* .....

Date ..... 15 October 1993 .....

## SUMMARY OF THE THESIS

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THE SOUTH AFRICAN Public Service

BY

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DEGREE: Ph.D.

DEPARTMENT: PUBLIC ADMINISTRATION

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### S U M M A R Y

The labour unions and staff associations in the South African Public Service are playing a vital role in promoting healthy labour relations and sound public personnel administration. Taking into account the fact that South Africa was a colony of Great Britain, the establishment of labour unions and staff associations in the Public Service was a slow process. It was during 1902 that the first union for public servants was established, *viz.* the Cape Postal and Telegraph Clerk's Association. The unions and staff associations that were established thereafter were mainly for white public officials, especially during the period 1902 to 1920.

The unions and staff associations played an important role in the Public Service by submitting their representations and inputs on behalf of their members for the promotion of better conditions of service and improvement of effective public personnel practices.

Today the South African Public Service is having many labour unions and staff associations which are non-racial and open to all public servants. Because of the role and functions of labour unions in the Public Service, the following major changes took place :-

- The promulgation of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).
- The amendment of the Public Service Act, 1984 (Act No. 111 of 1984) to provide for specific and relevant matters of labour relations.
- The establishment of a labour relations Directorate in the Office of the Commission for Administration and labour relations divisions/branches in state departments and Provincial Administrations.
- The participation of unions and associations in remuneration policy of the Government, salary increases, revision of leave, housing subsidy, grievance and disciplinary procedures.

- The joint consultation with the Government on rationalisation and commercialisation of Government activities.
- The improved system of recruitment, proper placement of candidates and the following of just and fair criteria for promotion.
- The fight against unfair and unjust dismissals and termination of services.
- Cooperation and communication between the Government as an employer and the unions as representatives of employees.

The unions and associations have also succeeded through the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) to have the following collective bargaining mechanisms which were denied to public officials previously :

- Public Service Bargaining Council;
- Conciliation Boards;
- Arbitration;
- Industrial Courts; and
- The Right to Strike.

Indeed labour unions and staff associations have also served their members effectively by protecting their rights and providing welfare services to them and their families.

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## CHAPTER 1

### GENERAL INTRODUCTION

#### 1.1 INTRODUCTION

The main function of the Government is to provide services for the protection and the welfare of all the people of South Africa. It is imperative, therefore, that each and every public servant should conscientiously devote himself towards the fulfilment of the responsibilities inherent in these functions in a manner which will deserve the confidence and respect of the public. Moreover, an obligation rests upon all public servants to render honest, efficient and effective services in the performance of their Public Service duties.

In order to accomplish these objectives, the onus lies with the Government as an employer to foster the establishment of acceptable labour relations with its employees and the employee organisations. The presence of unions and staff associations in the Public Service today is to promote and encourage sound and healthy relationships between the Government and its employees.

For the past three years, the South African Government has been facing strikes in the Public Service. There are many unions and staff associations representing public servants of South Africa today and public servants are allowed by law to join any staff association or union of their own choice. The Government has also, in consultation with the unions and staff associations, enacted the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) for the handling of labour relations in the Public Service.

In this study, an analysis is done of the role and functions of labour unions in the South African Public Service. Many public servants in South Africa have joined labour unions and staff associations. These labour unions and staff associations in the South African Public Service continually and where necessary hold discussions and negotiations with the Government in order to reach a settlement on various matters of personnel administration.

The labour relationship between the Government and its employees should be nurtured by mutuality of interest, reciprocity of support, understanding, trust, facilitative communication, shared goals and values. This relationship is dynamic and ever-changing. Both

the Government and the employee organisations have the responsibility to ensure that the public is receiving the necessary services efficiently and effectively.

The labour unions and associations have established and maintained communications with the Government in order to discuss and resolve labour problems in the Public Service. The labour agreement that results from collective bargaining is a code of procedures for orderly resolution of those questions or conflicts likely to arise between labour and management in the course of daily events. Sound labour relations come from the performance of the mutual obligation of the employer and the representatives of employees to meet and discuss in good faith the conditions of service.

## 1.2 **PURPOSE OF THE STUDY**

The following are the objectives and aims of this study :-

- (a) To analyse the role and functions of employee organisations (Unions and associations) in the Public Service.

b) To explain the present arrangements of labour relations in the Public Service in terms :

- policy-making;
- organisation;
- financing;
- personnel administration;
- procedures; and
- control.

(c) To indicate how labour unions and associations in the Public Service succeed or fail in trying to serve the interests of their members.

(d) To give an outline on how unions and associations in the Public Service conduct their negotiations and communications with the Government in order to create acceptable relations for public servants.

(e) To describe how the Government as an employer is trying to meet the challenges and the changes confronting labour matters in the Public Service and how they are controlling the activities of the Public Service.

### 1.3 FIELD OF STUDY

This is a study in Public Administration focussing on public personnel administration. The primary objective is to analyse how the labour unions and staff associations in the Public Service are operating in their pursuit of negotiations with the Government in order to improve conditions of service for public servants.

Simplistically, the overall objectives of a labour union are to represent the interests of its members, but, because these interests range widely both within and outside the Government premises, these objectives become multiple and complex. Some of the objectives of labour unions and associations are the following:-

- To improve conditions of service;
- To improve terms of employment;
- To improve the physical environment at work;
- To further the study and application of public administration in all possible ways;
- To improve social security;
- To improve the public image;
- To promote and protect the rights and interests of members.

This analysis deals with the unions and associations in the Public Service of South Africa and how they influence the administration of public personnel. The unions and associations in the Public Service which would be analysed exclude those which are found in the education, and the civil departments (Defence, police and prisons).

1.4

**RESEARCH METHODOLOGY**

This study is focussing on the employee associations and unions in the Public Service. Two methods of research were used, namely, a Literature survey and empirical research.

(a) **LITERATURE SURVEY**

In the literature survey, books, official documents, articles, newsletters and publications from both the Government and unions were used.

The constitutions of different unions and associations, Government Acts and regulations and official letters were also used as sources of reference.



(b) **EMPIRICAL RESEARCH**

The different officials of unions and associations were contacted to contribute to this study by giving their comments on the role and functions of unions and associations. All the administrative heads of State departments and Provincial administrations were also contacted to give their own evaluation and analysis of unions and associations in the Public Service. The editors of leading newspapers were also asked to give their comments and opinion on how they view the role and functions of unions in the Public Service. The secretaries of the Offices of the Public Service Commission in the six National States were also contacted to give their own input in this study.

The questionnaires in this study were also sent out to the state departments, provincial administrations and to unions and associations for their officers to also give their input.

## 1.5 CONTENTS OF THE STUDY

This study includes the following topics and subject matters :-

### 1.5.1 Chapter 1

This is an introduction of the whole thesis. Discussion in this chapter is focused on matters like purpose and field of study, research methodology, contents of study, reference techniques, terminology and a hypothesis.

### 1.5.2 Chapter 2

This chapter gives a historical background regarding the development and origin of labour unions and staff associations in the South African Public Service for the periods before 1910, 1910 - 1961, 1961 - 1983 and from 1983 up to the present time.

### 1.5.3 Chapter 3

This chapter is dealing with the existing policies of labour relations in the South African Public Service. The highlight of this chapter is the discussion on the major provisions of the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993). This Act was passed in

Parliament during July 1993 and came into operation as from 2 August 1993.

**1.5.4 Chapter 4**

This chapter explains the influence of labour unions and staff associations on the whole public personnel administration of South Africa, which includes personnel provision, maintenance, training and development, as well as personnel utilisation. In this chapter, the benefits secured by unions for their members are discussed.

**1.5.5 Chapter 5**

This is the chapter that deals with the financial administration of unions and staff associations. In other words, there is an explanation on how unions and associations obtain and expend their funds.

**1.5.6 Chapter 6**

This chapter deals with the control exercised by the Government over their employees and their employee organisations. In this chapter, matters such as discipline, grievances and strikes are discussed.

1.5.7 **Chapter 7**

This chapter gives an analysis of the questionnaires which were sent to public officials. Their responses are analysed in this chapter.

1.5.8 **Chapter 8**

This is the final chapter which includes the summary and the recommendations of the whole study.

1.5.9 **Bibliography**

This chapter contains the bibliography and together with the annexures which follow thereafter forms the last pages of the whole thesis.

**NB.** It should be noted here that the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) came into operation on 2 August 1993 when this study was already completed. However, relevant changes were made to some of the chapters where necessary.

## 1.6           **REFERENCE TECHNIQUES**

The shortened Harvard method of reference is used throughout this study to indicate the sources consulted. There is an introduction and a conclusion as well as bibliography to each and every chapter except the last chapter on the conclusion.

## 1.7           **TERMINOLOGICAL ASPECTS**

### 1.7.1       **Accountability**

The extent to which an institution is answerable for its actions to the people it serves (Vacino and Rabin, 1981. p.453).

### 1.7.2       **Affirmative Action**

The advancement of persons who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices or the implementation of policies and programmes aimed at redressing social, economic or educational imbalances arising out of past discriminatory laws or practices (Barker, 1992. p. xiv).

1.7.3           **Arbitration**

This involves the calling in of a third party either to encourage a settlement between the parties or to decide on such settlement (Bendix, 1992. p.96).

1.7.4           **Agreement**

A negotiated written contract between the employer and a union setting out some of the personnel policies, practices and working conditions (Vacino and Rabin, 1981. p.454).

1.7.5           **Collective Bargaining**

The method by which unions and associations attempt to improve the economic position of their members and to regulate their terms and conditions of employment (Bendix, 1992. p.65).

1.7.6           **Centralised Bargaining**

Negotiations for system-wide matters such as pay, fringe benefits and the basic conditions of service (Vacino and Rabin, 1981. p.456).

1.7.7           **Consultation**

The process in collective bargaining by which management secures the views of the union on proposed changes in personnel policies, practices and service conditions prior to their implementation (Vacino and Rabin, 1981. p.458).

1.7.8           **Conciliation**

Efforts by an impartial third party to persuade management and labour unions to resume stalled negotiations, but without suggesting terms of settlement (Vacino and Rabin, 1981. p.458).

1.7.9           **Deliberation**

A formal means of liaison through the medium of interviews or written communication between the employer and a recognised association or union on matters where recognition has been granted with the view to reaching a specific goal, and includes the submission of representations by the association (Cameron, 1987. p.1).

1.7.10          **Employee Organisations**

Employee associations and unions in the Government that are engaged in collective bargaining for their members (Vacino and Rabin, 1981. p.459).

1.7.11          **Fact - finding**

The review by an impartial third party or panel of the position of labour and management, so as to determine facts in dispute and recommend a settlement (Vacino and Rabin, 1981, p.460).

1.7.12 **Freedom of association**

It is the right of an employee to associate with other employees of his choice and to organise in an association with a view to recognition by and to negotiate with the employer.

1.7.13 **Good faith bargaining**

Sincere negotiations by labour unions and employer by meeting at reasonable times in a genuine effort to arrive at an agreement (Vacino and Rabin, 1981. p.461).

1.7.14 **Informal Organisations**

Social relations of an organisation's members that develop outside of and sometimes in conflict with the formal organisation prescribed by the organisational charts and management directives (Vacino and Rabin, 1981. p.462).

1.7.15 **Interest Disputes**

The disputes between the employer and the unions or associations during the collective bargaining process (Vacino and Rabin, 1981. p.463).

1.7.16 **Intervention**

This is the means by which a desired change is induced within an institution (Vacino and Rabin, 1981. p.463).



1.7.17 **Job Actions**

Action by workers who seek to resolve disputes with the employer on the terms favourable to themselves. They include actions such as strikes, informational picketing, demonstrations, mass actions, slow-downs or refusal to work overtime (Vacino and Rabin, 1981. p.463).

1.7.18 **Labour Force**

The percentage of the economically active population of working age (Barker, 1992. p.xvi).

1.7.19 **Labour Productivity**

The number of units of output that can be obtained per unit of labour input (Barker, 1992. p.xvi).

1.7.20 **Labour Union**

A labour union is any organisation whose membership consists of employees who seek to organise and represent their interest both in the workplace and society and in particular, seek to regulate their employment relationship through the direct process of collective bargaining with the management or the employer (Bendix, 1992. p.55).

1.7.21      **Mediation**

It can be described as the active intervention of a third party for the purpose of inducing a settlement. The mediator plays an active part in the process in that he attempts by all means possible to bring about a settlement. To this end he advises both sides, acts as intermediary and suggests possible solutions (Bendix, 1992. p.234).

1.7.22      **Strike**

A strike may be defined as a temporary, collective withholding of labour; its objective being to stop production and thereby to oblige the employer to take cognisance of the demands of employees. The fact that a strike is of a temporary nature is of importance. Employees engaged in strike action do not intend to withhold their labour permanently from their employer, but merely to oblige him to negotiate and to persuade him to adopt a different stance regarding the demands of the employees (Bendix, 1992. p.240).

1.8

**HYPOTHESIS**

The labour unions and associations in the South African Public Service are playing an important role in the improvement of public personnel administration. Through their efforts and participation in labour matters there were many changes which the Government introduced in the Public Service. The Government agreed to promulgate legislation specifically dealing with labour relations and to this end, the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) was passed in Parliament during the year 1993. The objective of this new Public Service Labour Relations Act is to provide for labour relations arrangements for the Public Service including the regulation of collective bargaining, the recognition of employee organisations, and the prevention and settlement of disputes between the state as employer and its employees.

Through the role of labour unions and associations in public personnel administration, there is no longer job reservation, discrimination on the basis of colour and salary disparities according to population groups in the Public Service. The unions and associations have succeeded in securing benefits for their members including

group life insurance schemes, discounts,  
bursaries, old-age facilities, holiday  
accommodation, welfare funds and representation.

The unions and associations are rendering  
necessary and vital functions for the promotion  
of sound labour relations in the Public Service  
by promoting and protecting the rights and  
interests of their members.

1.9

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## CHAPTER 2

### HISTORICAL DEVELOPMENT OF LABOUR UNIONS AND PERSONNEL ASSOCIATIONS IN THE SOUTH AFRICAN PUBLIC SERVICE

#### 2.1 INTRODUCTION

In South Africa, as in most countries of the western world, a considerable section of its non-agricultural workforce is employed by the Public Service. The history of labour relations in every country is unique because there are many factors which influence its development. The constitutional development of the South African Government also affected the development and establishment of labour unions and personnel associations in the Public Service.

The organisation of workers in the Public Service is contemporary and differs from the industrial workers organisations in the private sector. The South African Government has affected considerable changes to the labour relations of the Public Service.

In this chapter, the historical development of labour unions and staff associations in the Public Service will be discussed. In order to give a proper account of the historical events

of the Public Service unions and staff associations a brief reference will be made to the development of public administration in the four provinces.

The discussion on the historical developments of labour relations is divided into four categories, firstly, the period before 1910, secondly the period between 1910 and 1961, thirdly from 1961 until 1983, and fourthly the period from 1983 until now.

## 2.2 THE PERIOD BEFORE 1910

After the British annexation of the Cape of Good Hope in 1806, British subjects were appointed in the Public Service. Those officials were recruited in Britain and some of them were employed in British Government departments and they retained their contacts with Britain. Officials in the Cape colony were thus always well-informed about what was happening in Britain (Cloete, 1990, p.230).

Therefore the South African officials also became aware that workers in Britain obtained the right to establish associations in terms of legislation passed, e.g. the Trade Union Acts of 1871 and 1875. The effects of the legislation

did not stop in Great Britain alone, but spread further to the British Colonies resulting in trade unions and associations being established in South Africa (Grimbeek, 1988, p.11).

The South African economy relied initially on agriculture. A paternalistic relationship existed between employers and employees. Many job-seekers streamed into South Africa after the discovery of gold and diamonds and this caused a considerable effect on the population growth and the social structure of the country. The towns became overpopulated. Working conditions were bad, labour relations were totally ignored, and a general dissatisfaction prevailed (Andrews, 1988, p.344).

Since 1881 there was a shifting of emphasis in the South African economy from that of agriculture to mining and as a result, a demand for skilled labour developed. The trained workers especially from Great Britain, arrived in an increasing number in South Africa in order to look for work. The knowledge and experience of these workers from abroad (Great Britain) concerning trade union activities and functions became popular here in South Africa where trade unions like the local branch of the British "Amalgamated Society of Carpenters and Joiners



(1881) and the "Durban Typographical Society" were established (Grimbeek, 1988, p.12).

2.2.1 **The development of public administration in the Cape : 1806 - 1910**

The Cape Public Service started off with a small infra-structure and ended with a fully developed departmental structure in 1910. There were 24 different functions that were performed by 40 officials who were, inter alia, the Governor, ministers of the church, landdrosts, gardeners, postal officials, messengers and the porters of the slave lodge (Marais, 1989, p.87).

Taking into account the nature of functions and the officials who performed them, it would appear that state departments, as known today, were at that time non-existent. The only officials who were employed were two and they were working for the Office of the Governor. Those officials were the Secretary of the Colony and the Receiver-General for the Governor (Marais, 1989, p.88).

All the correspondence was addressed to the Colonial Secretary and he, pending the approval of the Governor, appointed all public officials. The Advisory Council which consisted of the Colonial Secretary, his adjunct, the Treasurer,

the Quartermaster-General and the Auditor-General, were appointed to advise the Governor as from 1825 until 1834. In 1834, the Advisory Council was replaced by the Executive Council (Marais, 1989, p.89).

During the period 1853 to 1872, the representative Government consisting of the Legislative Council and the House of Assembly was established and that caused the authority of the Colonial Secretary to be diminished.

Responsible Government was established as from 1872 to 1910 following the second British occupation of the Cape in 1806 (Marais, 1989, p.89).

Following a Commission's Report of the Select Committee on the Civil Service in 1904, the South African Civil Service Commission was established in 1906 (Marais, 1989, p.95).

### 2.2.2 **The establishment of the Post and Telegraph Unions**

The Post Office personnel who were mainly clerks, were the first public officials who took steps as from 1898, to try and establish their

own association in South Africa. This attempt of establishing a union was given up after the Postmaster-General of the Cape Colony refused to become the President of this contemplated post office union (Grimbeek, 1988, p.12).

During the Anglo-Boer War from 1899 until 1902, the British post office officials who were looking for appointments in the colonial postal services, were enticed to come to South Africa with promises of favourable conditions of service. Just after their arrival in South Africa, it was clear that the conditions of service were not as good as they were initially promised. These officials also had the knowledge and experience of trade unionism in Great Britain and they did not waste time in taking the initiative to establish their own union (Grimbeek, 1989, p.12).

In 1902, the Cape Postal and Telegraph Clerks' Association was established as the first staff association for public officials in South Africa. The formation of this staff association was a result of the dissatisfaction of postal personnel in 1902, when sergeant-major Romilly from the ranks of the "Army Post Office Corps" was appointed as an Assistant Superintendent of the sorting department for the Cape Town Post Office. In an attempt to stop this appointment,

the officials formed a committee to present their objections to the Prime Minister of the Cape Colony, sir Gordon Sprigg. Their attempts were unsuccessful (Grimbeek, 1989, p.13).

On 9 August 1902, after a meeting for all post office staff members was called by two telegraph operators known as Ross and Eaton, the Cape Postal and Telegraph Association was founded, and opened its membership to all officers of the administrative and clerical divisions of the Post Office (Gitsham and Trembath, 1926, p.86).

The Cape Postal and Telegraph Association was the pioneer service institution and it had a long series of achievements to its credit since its establishment. This staff association had always played an important part in assisting other organisations in the Public Service and it also exercised a prominent influence in establishing and setting up committees as communication channels in the post office (Gitsham and Trembath, 1926, p.86).

Until the Union of South Africa in 1910, the membership of the Cape Postal and Telegraph Association was limited to the officials in the Cape Colony. After the four colonial post

office departments were united in 1910, the constitution of this staff union was changed to accommodate all post and telegraph clerks throughout the country (Grimbeek, 1989, p.13).

### 2.2.3 **The development of public administration in Natal : 1836 to 1910**

The majority of the Voortrekkers initially settled in Natal because they wanted a way open to the sea. After the Battle of Blood River in 1836, the Voortrekkers established a republic which became known as the Republic of Natalia (Marais, 1989, p.104).

The Natal Voortrekkers did not want a head of state. The "Het Volk" was considered to be the ultimate authority and the Volksraad was the executive institution and the voice of the people. The Secretary of the Volksraad was the link between the Volksraad and the civil servants. The number of civil servants was kept to a minimum and the civil service was very small (Marais, 1989, p.105).

On 12 May 1843, Henry Cloete, a Cape Town advocate, was sent by Britain to annex Natal. Port Natal became part of the Cape Colony on 31 May 1844 after annexation. The public services that were rendered to the Voortrekker community

of Natal were based on safe-guarding personal interests (Marais, 1989, p.108).

After the British annexation of Natal in 1843, the British Government established separate legal and educational systems, separate health care institutions, and separate occupational areas for the different races. The fragmented nature of public administration in Natal was characterised by the development of separate institutions for Whites, Blacks and Indians (Marais, 1989, p.108).

2.2.4 **The development of public administration in the Transvaal : 1836 to 1910**

The Transvaal settlers, unlike their Natal counterparts, did not have a harbour directly at their disposal. The settlement of people in the Transvaal was extensive and economic life as reduced to a subsistence economy. Until the year 1860, cattle was the main medium of trade. Shopkeepers in Pretoria accepted cattle as payment for goods and they used to drive the cattle in herds of up to 600 to the harbour of Durban (Marais, 1989, p.121).

The civil war between the followers of M W Pretorius and S Schoeman resulted in a severe disruption of the civil service. The civil war

had an adverse effect on the country because it went bankrupt and the civil servants were unsure and confused as to whose orders to obey. They were also left stranded and were unsure whether their salaries would be paid or not (Marais, 1989, p.122).

Because of the shortage of public funds, public personnel practices of the Transvaal Republic were not good at all (Marais, 1989, p.125).

Paul Kruger became State President of the Transvaal Republic on 9 May 1883 and was immediately confronted with the total inadequacy of the civil service. As a result of the lack of funds, local people could not receive the necessary education and they were therefore unsuitable to be appointed to the civil service. As a result thereof, Paul Kruger resorted to the importation of officials from the Netherlands to come and fill senior positions in the Public Service (Marais, 1989, p.125).

President Paul Kruger maintained good labour relations with the Transvaal Public Trade Union from 1894 until 1898. This was an indication of an early example of good labour relations. On numerous occasions President Paul Kruger had

successful negotiations with the Transvaal Public Trade Union (Andrews, 1988, p.344-345).

The Zuid Afrikaansche Republiek (Transvaal) which regained independence in 1881 was annexed by Field Marshal Baron Roberts in terms of a Royal Commission dated 4 July 1900. On 8 November 1900 Lord Milner was appointed as the Administrator of Transvaal and on 2 August 1901, he was appointed Governor and Commander-in-Chief of the Transvaal (Marais, 1989, p.130).

Lord Milner did much to improve conditions in the Transvaal after the war in 1899 until 1902. His efforts were rewarded when the Solomon Commission of Enquiry was appointed to investigate the public service of the Transvaal. After its investigation into the public service, the Solomon Commission of Enquiry tabled the following recommendations which were accepted by the Government :-

- (a) The Civil Service Commission should be appointed permanently and that its functions should be extended to include promotions, control of transfers of personnel and also have insight into the personnel files.



(b) The proposed Civil Service Commission was to consist of three members, namely the Secretary of Justice, the Superintendent of Education and the Secretary of the the Treasury.

These recommendations were accepted by the Transvaal Government and resulted in the establishment of the Civil Service Board. The Civil Service Board consisted of three members (Marais, 1989, p.133).

#### 2.2.5 **The development of public administration in the Orange Free State : 1848 to 1910**

The southern parts of the area between the Orange and the Vaal rivers were formally annexed by Britain in 1848 and was called the Orange River Sovereignty. It was under British rule until 1854 when the Republic of the Orange Free State was established as an independent state. The Republic of the Orange Free State was once more annexed by Britain in 1900 and remained under British rule until its incorporation into the Union of South Africa in 1910 (Marais, 1989, p.134).

The Republic of Orange Free State was fortunate in that its Presidents were excellent administrators who paid attention to the

development of the Public Service. Presidents Hoffman, Boshof and Brand proved that an efficient and well-trained Public Service was indispensable for a good Government. Under successive Presidents, the Public Service went a long way to develop the country economically, culturally and educationally (Marais, 1989, p.150).

With the exception of M W Pretorius, the Presidents of the Orange Free State were well qualified for Government and public administration. In the early days of the existence of the Orange Free State, attention was given to the training of civil servants, both prior to entering the civil service as well as in-service training (Marais, 1989, p.150).

There was no definite organisation of public servants in the Orange Free State before 1910. The historical development of public administration in the Orange Free State indicated that few people were appointed in the posts of the Public Service. A Commission of Enquiry was appointed on 27 January 1907 to investigate all aspects of the civil service (Marais, 1989, p.149).

2.2.6 **The struggle for official recognition of staff associations and unions by the Government for the period before 1910**

After the establishment of the first association of civil servants in South Africa, the association did not receive official acknowledgment from the Government authorities because there was no provision in the personnel statutes and regulations for official recognition of associations and unions for civil servants (Grimbeek, 1988, p.17).

Collective bargaining can only be successful if the associations and unions involved are officially recognised by the Government of the day. The official recognition of associations and unions by the Government enables them to bargain in the interests of their members (Cloete, 1990, p.231).

The office-bearers of the Cape Postal and Telegraph Clerks Association realised that the existence and survival of their association could only be assured if they were allowed to make representations to the Postmaster-General, the Minister of Posts and Telecommunications or the Government of the Cape Colony, on behalf of their members. The informal talks and discussions that were held by the delegates of

the Cape Postal and Telegraph Clerks' Association in March 1904 with the Postmaster-General, were followed in April by a formal application for official recognition to the Minister of Posts and Telecommunication. The Minister did not agree to official recognition (Grimbeek, 1988, p.17).

In 1905, the office-bearers of the Cape Postal and Telegraph Clerks' Association were afforded an opportunity to put their case before a Commission of Enquiry known as the Graham Commission, under the chairmanship of Judge T L Graham. In their representations to the Commission, the delegates of the association requested that the office-bearers of the Cape Postal and Telegraph Clerks Association be allowed to submit their representations to the Postmaster-General and the Minister of Posts and Telecommunication on behalf of their members (Grimbeek, 1988, p.17).

The Postmaster-General and the top officials in the department opposed the official recognition of this association because the Graham Commission, inter alia, found that the representatives of the association did not have sufficient facts to prove that there was an existing need for a mediator or middleman to resolve disputes between the employer and the

employees or the necessity for the staff association to play the role the representatives had claimed it would do (Grimbeek, 1988, p.18).

In the light of these findings, the Graham Commission concluded that a staff association cannot dictate terms regarding the internal discipline of a Government department and that all grievances could be brought up for attention by the affected personnel. The recommendation of the Graham Commission was that staff associations should not be recognised officially and as a result of thereof it's application for official recognition was turned down (Grimbeek, 1988, p.18).

During those days, the Cape Postal and Telegraph Clerks' Association was not only viewed as a threat to the effective and efficient administration of the department of Posts and Telegraph, but was also seen as an unnecessary institution. The office-bearers of the association were not discouraged by the turn of events in view of the fact that the British Postmaster-General, in 1906, officially recognized similar associations in Great Britain (Grimbeek, 1988, p.18).

The representatives of the association started to look for support from members of Parliament.

This matter was discussed at length in 1908 in Parliament during the budget debate of the Post Office, but official recognition of the association was not accepted, although the association enjoyed support from some of the members of Parliament (Cloete, 1990, p.231).

All attempts and efforts before 1910 for official recognition of the Cape Postal and Telegraph Clerks' Association by the Government failed (Cloete, 1990, p.231).

### 2.3

#### **THE PERIOD BETWEEN 1910 AND 1961**

The Union of South Africa was established on 31 May 1910 when the four British colonies became united into one state. The establishment of a union resulted in the civil services of the four colonies becoming a single civil service of South Africa. A new departmental infrastructure had to be created and, the personnel of the colonial civil services had to be appointed to the newly created posts. Some posts became redundant, personnel had to be retrenched and the united civil service came under the authority of a newly elected Government. The main objective of the new Government was to unite the Afrikaans and English speaking inhabitants of the country in

terms of its policy of conciliation (Marais, 1989, p.190).

### 2.3.1 **The South African Postal Union/Association**

During 1913 the postal officials in the Transvaal, Orange Free State and Natal eventually joined the Cape Association and it became known as the Postal and Telegraph Association. Membership of this association was open to clerical and administrative officials of the post office (Cloete, 1990, p.231).

The Postal and Telegraph Association of South Africa's membership was limited to the clerical and administrative staff only and this resulted in other staff members of the department of posts and telecommunication establishing their own staff unions (Grimbeek, 1988, p13).

The postmen in Cape Town and surrounding areas had already before 1913 established two staff unions, namely the Cape Town Postmen's Association and the Cape Peninsula Postmen's Association. More or less at the same time, their colleagues in Johannesburg had formed the Johannesburg Postmen's club which was originally created to organise sport and outings for its members. The Johannesburg Postmen's Club was

transformed into becoming the Transvaal Postmen's Association in order to satisfy the need for a staff union (Grimbeek, 1988, p.14).

Attempts to organise these organisations on the grounds of making them country-wide associations failed at first because the Cape Town association also allowed the Coloured people to become members. In 1917, the Cape and Transvaal associations managed to settle their differences and the South African Postmen's Association was established for the uniformed staff members. This name was changed at the beginning of February 1937 and became the South African Postal Association. Following the first Afrikaans publication of the Association's written constitution in 1948, the new name known as the "Suid Afrikaanse Posvereniging" was accepted and remained so until now (Grimbeek, 1988, p.14).

### 2.3.2 **The South African Telecommunication Association**

After the establishment of the Post and Telegraph unions and the South African Postal Association for the post office staff, the need arose among the telephone and telegraph staff in the Transvaal, for the establishment of their own staff association that would look after



their specific needs and interests. A meeting was held on 27 February 1918 in Johannesburg for all affected staff members and resulted in all members deciding to establish the Telegraph and Telephone Employees Association. On 21 March 1918, the name was changed to the South African Telephone and Telegraph Association (Grimbeek, 1988, p.14).

Simultaneously, a similar association was established in Cape Town and was known as the Union of South Africa Telephone and Telegraph Workers' Association. During 1919, these two associations amalgamated and became known as the South African Telephone and Telegraph Association. The branches of this association were established in the Orange Free State and Natal. In 1955, the name was changed to the South African Telecommunication Association (Grimbeek, 1988, p.15).

In 1912, the Public Service Union was established in Pretoria. The underlying differences in the South African Telecommunication Association led to the civil servants of the Cape Province forming their own association which was called the Civil Service Association. The office-bearers of the Public Service Union and the Civil Service Association quickly realised that their separate

associations would be powerless if they operated separately. A conference was held in Pretoria by the representatives of the two associations on 11 and 12 June 1920 and they all agreed to amalgamate to form one association (Cloete, 1990, p.231).

At a meeting on 7 July 1920, the two associations were dissolved and one association was established which was called the Public Servants Association of the Union of South Africa. When the Union of South Africa became a Republic in 1961, the association's name was changed to the Public Servants Association of South Africa (Grimbeek, 1988, p.15).

The Public Servants Association was given written notification by the Secretary of the Public Service Commission for official recognition in 1922. Since its establishment in 1920, the association had its own magazine known as the Public Servants' Magazine and from the beginning of June 1929, this monthly newsletter's name was changed to The Public Servant / Die Staatsamptenaar. The head office of this association is in Pretoria (Grimbeek, 1988, p.16).

The immediate objective of the Public Servants Association was to promote and protect the

rights and interests of public servants and to obtain uniformity in the Public Services, but not to secure advantages for officers by the exercise of political or undue influence.

Initially its membership was open only to European officers in the administrative, technical, professional, clerical and general divisions of the Public Service (Gitsham and Trembath, 1926, p.83). This association is presently open to all South African public servants of all races.

The first annual general meeting of the Association took place on Monday 13 June 1921 in Pretoria. At its inception the Association's membership was 4079. Initially it looked as if public servants were not interested in becoming members mainly because the Association was viewed as a subversive institution. Public servants in top positions did not want to be associated with the Association (Grimbeek, 1988, p.16).

None of the public servants associations in South Africa have ever adopted the militant attitudes and activities which the traditional trade unions exhibited in their negotiations with the Government. The role of these associations were characterised mainly by

collective representation (Andrews, 1988, p.345).

The staff associations and unions in South Africa unfortunately did not include all the population groups of the Public Service and therefore were not representative of the whole Public Service before 1910.

### 2.3.3 The struggle for official recognition of staff associations and unions by the Government for the period between 1910 and 1961

After the Union of South Africa was established on 31 May 1910, the Postal and Telegraph Clerks' Association continued in its efforts to acquire official recognition. This association was helped greatly by a member of Parliament for Cape Town, Morris Alexandra to pursue the matter further in Parliament (Cloete, 1990, p.232).

After Sir David Graaff, who was the Minister of Posts and Telecommunications in 1910 refused to see a delegate of the association, this association succeeded in receiving support from 74 members of Parliament for official recognition. The minister met the delegation of the association together with 11 members of Parliament, but again refused to give the

association official recognition. The publicity given to this matter as well as the support of the members of Parliament, encouraged the leaders of this association to continue tirelessly with the struggle for official recognition. To highlight their plight and to increase publicity of this matter, the members of the association held protest meetings in Cape Town and at other towns in the Cape Province during 1912 (Grimbeek, 1988, p.19).

In 1913, the new minister of Posts and Telecommunications, Sir Thomas Watt, agreed to meet a delegation of the Posts and Telegraph Association. After the discussions which came to an end on 7 August 1913, the minister promised to announce his decision as soon as possible, but he failed to do so. On 24 September 1913, during an annual general meeting of the association, the members decided on the possibility of staging a protest march because of the delay by the minister to give an answer to the matter. The vote on the motion was supposed to take place on 19 October 1913 and the minister's answer came just before the ballot papers were distributed. But once again the minister rejected the official recognition of this association (Grimbeek, 1988, p.20).

With the outbreak of the First World War in 1914, the plea of Posts and Telegraph Association for official recognition was temporarily shifted to the background. After the general election in 1915, the minister, Sir Meiring Beck informed the delegation of the staff association that he did not think that the official recognition of the staff association was necessary (Grimbeek, 1988, p.20).

During the war period the prejudice towards the staff association decreased. The office-bearers of the association eventually asked the members of Parliament who supported their cause to raise the matter for discussion in the 1917 session of Parliament. During this parliamentary session, the motion was accepted and the investigating committee under the chairmanship of Sir Thomas Watt was appointed to look into the matter. After the committee listened to arguments for and against official recognition, they eventually decided against the official recognition of the association (Grimbeek, 1988, p.20).

In the meantime, it was obvious that the majority of the members of Parliament were in favour of the official recognition of the Post and Telegraph Association. During the Parliamentary session of the House of Assembly

in 1918, a motion was accepted that the minister should give the matter more attention, but he refused to attend to the matter and even a plea made to him after the end of the session could not make him change his mind (Grimbeek, 1988, p.21).

In 1919, a motion was handed in at the House of Assembly by a member of Parliament, Morris Alexandra, to pursue the official recognition of the association. On 25 February 1919, the House of Assembly decided that the official recognition of the Post and Telegraph Association could no longer be withheld despite the opposition from the minister. After this parliamentary decision, it indirectly and by implication granted official recognition to all public servants' associations. The long battle for official recognition of staff associations in the Public Service was finally settled (Grimbeek, 1988, p.21).

#### 2.3.4 **Joint consultation in the Public Service**

When the staff associations received official recognition in 1919, there was no clarity as to what should be done in order to make the recognition more significant and meaningful. The idea of creating an advisory council came into being. The advisory council would

handle matters pertaining to the conditions of service for civil servants (Cloete, 1985, p.233).

#### 2.3.4.1 **The Advisory Council for Public Servants**

On 9 April 1919, a motion was moved in the House of Assembly that consideration should be given to the establishment of advisory councils for civil servants similar to the National Whitley Councils in Great Britain. The functions of the Council would be to advise the Government on salaries, hours of work, conditions of service, recruitment and personnel utilisation. This matter was referred to the Graham Commission of Enquiry into the Public Service (Cloete, 1985, p.233).

After the Graham Commission had investigated the British system of Whitley Councils, it advised that a National Advisory Council of the Civil Service be established. The Advisory Council would consist of twelve members of which six would represent the Government and six would represent the staff associations. The Graham Commission further recommended the functions and duties, composition, recognition of staff associations and the relationship between the Council, Public Service Commission and the Minister of Interior. These recommendations of



the Commission were not accepted by the Government (Cloete, 1985, p.235).

In 1922 the Public Service Commission introduced regulations which only allowed representatives of staff associations on the Advisory Council and this was rejected by staff associations who insisted that a Joint Advisory Council consisting of official representatives and staff associations' representatives be allowed. The staff associations furthermore demanded that the decisions of the Joint Advisory Council be carried out by the Public Service Commission and Government departments. The Public Service Commission did not accept this idea (Grimbeek, 1988, p.22).

When the Public Service and Pensions' draft bill was submitted to the House of Assembly in 1923, it was referred to the Select Committee of Parliament. The staff associations grabbed this opportunity once again to press for the creation of the Joint Advisory Council, but their efforts were in vain although the Government agreed in principle to the establishment of the Advisory Council whose structure differed considerably from the one which was proposed by the Graham Commission (Grimbeek, 1988, p.22).

Provision was made in the Public Service and Pension Act, 1923 (Act No. 27 of 1923) for the promulgation of regulations regarding the creation, structuring and functioning of the Advisory Council to advise the Public Service. Following Government Notice No. 1513 of 1923, the Advisory Council consisted of eight members from the staff associations. The first meeting of the Advisory Council was held on 9 January 1924. During the third meeting of the Council, a memorandum was submitted which requested the establishment of the Joint Advisory Council, but the Public Service Commission objected to the creation of such a Council (Grimbeek, 1988, p.23).

In 1925 the creation of a Joint Advisory Council was rejected by the Government. Because of this decision, the Advisory Council decided in April 1926 to adjourn for an indefinite period.

Following this decision, the Government agreed in 1927 to nominate three officials representing the Public Service Commission and the Treasury to attend the Advisory Council's meetings. These representatives were to take part in the discussions only and were not allowed to vote (Grimbeek, 1988, p.23).

After numerous discussions and consultations on the question of the composition of the Public Service Advisory Council, the Government decided as from 24 July 1944 to make a comprehensive enquiry into the Public Service.

The Centlivres Commission of Enquiry into the Public Service was appointed under the chairmanship of Judge Centlivres. The Centlivres Commission, after an intensive investigation, recommended the establishment of a Joint Public Service Advisory Council consisting of the representatives of the Government and those of the staff associations. The Government accepted the recommendations of the Centlivres Commission as well as the staff associations. Government Notice No. 2508 of 28 November 1947 abolished the Public Service Advisory Council and replaced it with the new Public Service Joint Advisory Council as from 1 December 1947 (Cloete, 1985, p.238).

#### 2.3.4.2 **The Public Service Joint Advisory Council**

After the establishment of the Public Service Joint Advisory Council, it was agreed that five members should represent the Public Servants Association, three members should represent the Post Office Associations, five members should represent the Government and that one female

member be appointed to represent the female public servants in the Public Service (Grimbeek, 1988, p.25). The Public Service Joint Advisory Council unfortunately did not include black, indian and coloured representatives. The composition changed when the Council added a second female member. Furthermore, the Council changed drastically when the post office was removed from the control of the Public Service Commission (Cloete, 1985, p.240).

It was agreed by the Council that all members including the chairman would have one vote and that all decisions of the Council would be accepted by a majority vote. The Public Service Commission undertook to make provision in the Public Service regulations that any decision of the Council would be submitted by the Commission for Administration to the Government (Grimbeek, 1988, p.25).

The Public Service Act, 1957 (Act No. 54 of 1957), provided for the establishment of the Public Service Joint Advisory Council and for regulations to be made for the composition or structure, goals and functions of the Council.

The rights of public servants for joint consultation with the Government was indeed confirmed by law. The establishment of the

Public Service Joint Advisory Council was a responsibility of the Government. In addition, the Public Service Act, 1957 (Act No. 54 of 1957), made provision that the Public Service Commission in its annual report to Parliament, should also include the decisions of the Council which were accepted as well as those which were rejected by the Government (Cloete, 1985, p.240).

The Public Service Joint Advisory Council paved the way for both the Government and the staff associations to attend to personnel matters together and to reach a joint decision and consensus.

#### 2.3.5 The formation of other staff associations between 1910 and 1961

The South African Transport Services' staff members also established their own staff associations and registered them under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), which was later changed to the Labour Relations Act, 1956 (Act No. 28 of 1956).

The other staff associations for public servants which were established under the Labour Relations Act, 1956 (Act No. 28 of 1956) were

the following :-

- Provincial Domestic Staff Association
- OFS Provincial Official Association
- South African Public Service and Provincial Workers Association (Cloete, 1985, p.251).

The South African Nursing Association was established in terms of the provision of section 30 of the Nursing Act, 1957 (Act No. 69 of 1957). According to the Act, all the nurses in the country are compelled to join this association as a requirement for them for the purpose of registration (Cloete, 1985, p.252).

The idea of the Government to recognise staff associations for public servants in the Public Service contributed substantially to the stability of labour relations and effective personnel administration for the period 1910 to 1961. Although the staff associations could not always get all they wanted from the Government, they were at least afforded the opportunity to present their needs and aspirations in a formal way.

#### 2.4

#### THE PERIOD FROM 1961 UNTIL 1983

Personnel associations continued to expand and to hold consultative discussions with the

Government on labour relations and conditions of service. Since 1 April 1969, the Public Servants' Association of South Africa was the only recognised personnel association for public servants in South Africa (Andrews, 1989, p.345).

In 1962, the Hospital Non-European Staff Association was established in Natal and it later changed its name to the Natal Provincial Staff Association. All public servants holding posts in all divisions of the Public Service and such other persons employed in the Public Service and public services pensioners in the Natal Provincial Administration became members (NPSA Information Brochure, 1991, p.2).

In 1970, the Post Office Staff Relations Council was established. Section 43 of the Post Office Service Act, 1968 (Act No. 67 of 1968) provided for the Council to consist of a number of officials of the Department nominated by the Post Office Staff Management Board and an equal number of officials nominated by the recognised personnel associations. The Post Office Staff Relations Council advises the Minister and the Postmaster-General on personnel matters (Cloete, 1985, p.240).

The basic purpose of a personnel association is to negotiate with the employers. Although a satisfactory informal system of negotiation was developed over the years in South Africa, the Central Government and the Commission for Administration provided for good relations between them and the Public Servants Association (Andrews, 1988, p.346).

The Wiehahn Commission Report, which together with the Riekert Commission's Report led to the gradual introduction of a new labour dispensation from 1979 onward, removed the restrictions on Black Trade Unions and admitted them to the formal system of industrial relations. Although the public sector was excluded from the formal system of industrial relations in terms of the Labour Relations Act, 1956 (Act 28 of 1956), labour unions and staff associations were formed in the public sector during this period (South Africa 1988/1989, p.392).

The main thrust of the recommendations of the Wiehahn Commission was full labour union rights for workers of all population groups, freedom of association for individuals to join any labour union of their choice, apprentice training for workers of all races, a new industrial court to



handle all labour disputes, the abolition of statutory work reservation, desegregation of facilities in shops and factories, and the creation of a permanent manpower commission (Dynamic change in South Africa, 1980, p.55).

In its Fifth Report, the Wiehahn Commission added that at the end of 1979 the numbers of registered trade unions in the public sector were eighteen for the central Government, seventeen in the divisional councils and municipal services, and one in the broadcasting service industry. There were two employers organisations in the public sector and five Industrial Councils. From these statistics, the Commission concluded, it was clear that although only part of the public sector was covered by the Industrial Conciliation Act, 1956 (Act 28 of 1956) the principle of extending general industrial legislation to the public sector remained a reality in South Africa (SAIPA, Vol 2, June 1985, p.85).

Public interest requires that cordial relations should exist between the Government as employer and the public officials. It was thus in the interests of the Republic of South Africa that the representatives of the Government as an employer and the personnel associations should

make concerted efforts to ensure the success of joint consultation (Cloete, 1985, p.242).

The Wichahn Commission was of the opinion that all workers whether they were in the public sector or private sector, should be eligible for trade union membership (SAIPA, Vol 2, June 1985, p.86).

## 2.5 THE PERIOD FROM 1983 UNTIL THE PRESENT TIME

The Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), resulted in far-reaching and fundamental changes in the administration and Government of the Republic and gave rise to extensive changes, amendments and revised accents in intergovernmental, intra-governmental and extra-governmental relations throughout the entire public sector (Hattingh, 1986, p.122).

In 1984, with the establishment of the tricameral Parliament, in terms of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983) the concept of "general" and "own" affairs was introduced. General affairs were dealt with by all three Houses, whereas own affairs were handled separately by each House on its own. This resulted in the establishment of

departments dealing with general and own affairs (Marais, 1989, p.294).

In order to enable the Commission for Administration to perform its leadership, co-ordinating and directing functions in the Public Service, the Commission for Administration Act, 1984 (Act No. 65 of 1984), and the Public Service Act, 1984 (Act 111 of 1984), were promulgated. The existence of the Commission for Administration to provide leadership in and supervise the personnel administration of state departments and other public institutions, demonstrates that the legislators have bound themselves to respect reasonableness, fairness and efficiency as fundamental guidelines in public personnel administration (Cloete, 1988, p.64).

For the purpose of maintaining relations between the employers and employees, section 33 of the Public Service Act, 1984 (Act No. 114 of 1984) provided for the establishment of the Public Service Joint Advisory Council which consists of officers nominated by the Commission for Administration and officers representing the officers in the Public Service. Through the Public Service Joint Advisory Council, the Commission for Administration has recognised personnel associations such as the Public

Servants Union, Institute of Public Servants, Public Servants League, Hospital Personnel Association of SA, Natal Provincial Staff Association, Public Servants' Association of South Africa and S A Nursing Association (CFA Letter dated 15 January 1991).

A major breakthrough during this period was achieved when the National Education, Health and Allied Workers' Union (Nehawu), a union which represents approximately 18900 workers in health and educational services in the Witwatersrand region was recognised by the Transvaal Provincial Administration and held meetings with the Commission for Administration (SA Labour Bulletin, June 1990, p.37).

During 1990, the Government instructed the Commission for Administration to liaise widely with interested parties who represent Public Service Act personnel in order to establish, through a process of negotiation, suitable and acceptable labour relations arrangements for the Public Service. Between 26 and 28 November 1990, the representatives of the Commission for Administration held meetings with representatives of personnel associations and labour unions in the public sector in order to discuss labour legislation, collective

bargaining mechanisms and labour relations in general (The Star, 30 November 1990).

The Commission for Administration continued to hold meetings with the representatives of staff associations and labour unions in order to achieve acceptable labour relations and collective bargaining in the Public Service. The result of these negotiations was the promulgation of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), which came into operation on 2 August 1993.

## 2.6

### CONCLUSION

The origin and establishment of labour unions and personnel associations in the South African Public Service is of recent time. Public servants were never prevented from forming personnel associations and unions or becoming members of the unions though they were not recognised by the Government. The first recognised personnel association was the Postal and Telegraph Association in 1919.

With the passing of time, the Public Servants' Association of South Africa which was established on 7 July 1920 for white civil servants only, gained recognition from the

Government as from 1 April 1969. Although there were constitutional changes in the Republic of South Africa, those changes never brought or accelerated the development and growth of many personnel associations and unions.

The introduction of apartheid laws in South Africa also had negatively affected Public Service labour relations because of job reservation and separate public institutions for different population groups. These discriminatory laws divided the civil servants which gave rise to the formation of racially-based personnel associations.

Meaningful changes in South Africa came after the Government appointed the Riekert and Wiehann Commissions to investigate the question of labour relations. The two commissions of inquiry spent many months of in-depth investigation of the country's labour relations and legislation. The Government accepted most of the recommendations of these commissions.

Many unions in the Public Service such as National Education, Health and Allied Workers Union, Health Workers Union, National Medical and Dental Association, South African Health Workers Congress, Public Servants League, Institute of Public Servants, Public Servants

Union, South African Nursing Association, Hospital Personnel Association of S.A., Natal Provincial Staff Association and Public Service Artisan and Allied Workers Association only attained recognition during the period from 1983 until the present.

During 1988 the Commission for Administration gave further impetus to the promotion of sound employer-employee relations in the Public Service by creating a directorate to deal exclusively with labour relations in the Public Service, liaise with staff-associations in order to constitute bargaining and consultative bodies and to provide advice on the administration of labour relations.

2.7

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## CHAPTER 3

### THE EXISTING POLICIES OF LABOUR RELATIONS IN THE SOUTH AFRICAN PUBLIC SERVICE

#### 3.1 INTRODUCTION

Personnel associations and labour unions play a vital role in public personnel administration. It is indeed imperative that there should be cordial relations between the Government and its employees in order to enhance and uphold the primary purpose of the Government, which is to promote the general well-being of the public. The Government must have labour relations policies which indicate how personnel associations and labour unions should operate as representatives of public officials.

In the South African Public Service, personnel associations and unions started in a unique way. Following the history of personnel associations and unions in the Public Service, they have been racially organised with their method of operation dictated unilaterally by the Government. Personnel associations and unions mainly represented the white public servants and the Government concentrated on their interests even though there was no bargaining policy.

A clear policy on labour relations is essential for the whole Public Service in view of developments and changes regarding the demise of the apartheid policy in favour of the non-racial democratic South Africa. The labour relations policy should facilitate changes and promote cordial and frank relations between the Government and its employees. The growth of trade unionism and collective bargaining in the private sector had a big effect on the whole personnel administration of the Public Service. The Government should provide for organisational structures and policy guidelines which accommodate suitable labour relations between the Government and its employees.

Through appropriate labour relations policies, the Government was in a position to recognise associations and unions, provide collective bargaining mechanisms and promote uniformity and standard procedures for handling labour and personnel disputes.

Public servants have the same aspirations, expectations, perceptions and needs in the work context that workers in other sectors have. Therefore the Government should design overall guidelines and administrative techniques with a view to promoting a competent and contented Public Service.

3.2                   **CHANGES TO PUBLIC PERSONNEL ADMINISTRATION IN  
SOUTH AFRICA**

According to Hans Olivier, the General Manager of the Public Servants Association of South Africa, the following changes took place in the Public Service :

- " (a) There is no longer job reservation for whites;
  
- (b) The Public Service Act, 1984 (Act No.111 of 1984) is neutral in respect of colour;
  
- (c) Discrimination against the recognition of non-white employee organisations has disappeared;
  
- (d) The Public Servants Association and other employee organisations have opened their membership to all population groups;
  
- (e) The only criteria for employment are the principles of merit and competence;
  
- (f) Salary disparities according to population group have been eliminated " (The Public Servant, April 1991, p.2).

privatised, there was the rationalisation of the Public Service and the increased managerial independence of departments. In this process of change, the public servants were instrumental in the determination and the execution of policy, but they were also the persons affected (The Public Servant, April 1991, p.2).

Public servants must be equipped in order to cope with whatever changes and development they may face. Public servants should be loyal and competent to serve the government of the day and to serve all the population groups without any prejudice, discrimination against colour, creed, sex and age. They must face the challenges of change.

### 3.3

#### **PERSONNEL COMPOSITION IN THE PUBLIC SERVICE**

It is necessary to give an indication of how the Public Service is composed so that one can understand the role and functions of personnel associations and unions. The Public Service in South Africa is large and consists of the following :

- (a) The total number of public servants in 1992 was 751 267

(b) The personnel groups were as follows :

(i)	General assistants	=	154 196
(ii)	Education personnel	=	179 890
(iii)	Nursing personnel	=	76 373
(iv)	Services personnel	=	170 083
(v)	Other officials	=	<u>171 525</u>
	<b>Total</b>	<b>=</b>	<b>751 267</b>

(Commission for Administration, Annual Report,  
1992. p.2).

The present and future government will always have to rely heavily on these categories of personnel in order to have a stable, competent, and purposeful Public Service. Public servants are functional instruments that can successfully be used to achieve a government's political ideologies and aspirations. It is vital that any successful government should communicate with associations and unions which represent the Public Service.

The success of political office-bearers also depends largely on the specialised knowledge and experience of officials. Sensible and wise politicians will therefore ensure that the Public Service is characterized by stability, continuity and neutrality. Unions and associations could play an important role

towards this objective (The Public Servant, April 1991, p.2).

In South Africa, as a whole the white and black personnel ratio is about one to five. The same balance does not exist in the Public Service as is evident from the following facts :

- (a) For every white labourer, there are 146 black labourers;
- (b) Only 27per cent of all clerical posts are held by blacks;
- (c) In respect of the rest of the Public Service there are more than two whites for every black.

It could be argued that there is an "imbalance" of whites against blacks and this could be unacceptable for a future balanced multinational government dispensation which might wish to enforce a more realistic balance of all population groups in the Public Service over the short term (The Public Servant, April 1991, p.3).

A sound labour relations policy is necessary in order to enable personnel associations and unions to present their feelings and opinions

regarding the composition of the Public Service which will willingly carry out the objectives and aims of the government-of-the-day. Negotiations on the conditions of service and other personnel matters between the government and the unions are essential.

In order to accomplish the effective dissemination of policy, the government must provide for effective internal communication channels. Effective communication is essential in the Public Service (Public Employee Relations Library, 1971, p.7).

#### 3.4 **DEVELOPMENT OF A SYSTEM OF A LABOUR RELATIONS FOR THE PUBLIC SERVICE**

In 1979 the Wiehahn Commission on labour matters recommended that public servants should be included in the Labour Relations Act, 1956 (Act No.28 of 1956). The Government, however, did not accept the Wiehahn Commission's recommendations regarding the public servants' inclusion in and the matter was referred to the Commission for Administration for further investigation (The Public Servant, September 1991, p.16).



In 1990 and after a number of fruitless investigations by the Office of the Commission for Administration, talks between the representatives of the state as an employer and representatives of all the identified staff associations and labour unions took place on a number of occasions. The focus was primarily on the reaching of agreement on the criteria for participation in the future negotiation process as well as the agenda and procedural framework for such negotiations (The Public Servant, September 1991, p.16).

An official forum for the negotiation process was established for the sole purpose of determining a labour policy for the Public Service. This forum appointed a technical committee to prepare a draft bill for negotiation purposes. This process advanced rapidly and was soon finalised.

#### 3.4.1 **The Wiehahn Commission's report on labour relations in the Public Service**

The Report by the Wiehahn Commission on labour was the foundation for most of the changes and developments in personnel administration for the Public Service. The Wiehahn Commission's report clearly and categorically called for the

government to extend collective bargaining rights to all public servants either by general or specific legislation. The Wiehahn Commission's report highlighted the following advantages for giving public servants bargaining rights :

- "(a) It will give such personnel a greater degree of involvement in decisions affecting their terms and conditions of service, which in turn affects their daily lives and those of their families;
  
- (b) Decisions by the state on such matters will be more readily accepted by the public servants if they have some sense of participation however limited it is;
  
- (c) It will contribute to reducing the existing disparities in the salaries and conditions of employment of workers in the public and private sectors, and could have a decelerating effect on salaries and other benefits in the private sector. This could serve to promote coordination between the two sectors, enabling better overall control of inflation and cost-of-living increases;
  
- (d) Productivity bargaining could be introduced as an important element in the regulation of

labour relations in the public sector, with direct and indirect long-term benefits for taxpayers and the country as a whole;

- (e) The image of the Public Service in the eyes of the private sector and the country as a whole could be enhanced;
- (f) It would assist in keeping South Africa in line with international development in labour relations and the country could benefit from the scientific research and progress in this field found in other foreign countries ..."

(SAIPA, June 1985, p.85-86).

The recommendations of the Wiehahn Commission's report are practical and relevant. Public servants are human beings with their own expectations, values and aspirations and therefore like their counterparts in the private sector would like to have a say in the compilation and decision-making regarding their conditions of employment and participation in public personnel administration activities.

Professor Wiehahn indicated that the recognition and introduction of collective bargaining rights into the civil service will necessitate the total restructuring of the decision-making

mechanism. He went on and said that the possibility of a strike action should not deter the public sector from introducing collective bargaining. On the contrary, collective bargaining could assist in preventing future labour unrest and strikes (Human Resource Management, Year Book 1988, p.71).

The enactment of the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) was a result of these negotiations.

#### 3.4.2 **Establishment of sound labour relations in the Public Service**

The introduction of sound labour relations policy in the Public Service is important. The work stoppages and strikes at hospitals and prisons in South Africa in 1990 affected the Public Service's functioning. Even the Government realised that it needs to consult widely with interested personnel associations and unions in order to build up strong and suitable labour relations policies for the Public Service.

Cabinet ministers E. Louw and Dr. W.J. de Villiers issued a joint statement on 28 August 1990 to the press indicating that the government has started deliberating on suitable labour

relations for the Public Service. They indicated that the Government in principle endorsed the basic rights of employees and employers in all sectors of the economy, in particular the basic rights of freedom of association, and collective bargaining (Government Press statement, Embargoed 28 August 1990, p.1).

The Government requested the Office of the Commission for Administration to undertake in research and investigate the possibility of a suitable and acceptable system of collective bargaining in the Public Service. In executing this task, the Commission for Administration invited the recognised associations and unions to submit their inputs towards designing a suitable labour relations policy for Public Service workers (Commission for Administration official letter dated 5/19/B of 1991).

As a result of negotiations between the Commission for Administration and the recognised personnel associations and unions, the Commission decided to recommend the amendment of the Public Service Act, 1984 (Act No. 111 of 1984). The amendment could however not be promulgated in Parliament due to a shortened parliamentary session in 1990. The Government

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however once more requested the Commission for Administration to contact and consult widely with interested parties in the Public Service in order to establish a suitable labour relations policy (Commission for Administration official letter dated 5/19/B dated 15 January 1991).

Because of the need for sound labour relations in the Public Service, meetings were held between the Commission for Administration and the recognised personnel associations and unions during 1990 in Pretoria. From 26 to 28 November 1990, the Commission for Administration and the recognised personnel associations and unions met and discussed the following matters :

- (a) The criteria for recognising unions and associations;
- (b) The procedures for negotiations;
- (c) The arrangements for stop-order facilities;
- (d) Access to personnel information;
- (e) Access to departments;
- (f) Interim collective bargaining rights.

(Minutes of the meeting between the Commission for Administration and the identified staff associations and unions, 26-28 November 1990, p.4-9).

#### 3.4.2.1 **Collective bargaining policy for the Public Service**

Collective bargaining is a mechanism used by employers and the unions to discuss labour matters.

The purpose of such a discussion is to reach an agreement by talking and negotiating with each other. In fact, it is the main objective of labour unions and associations to obtain the best dispensation for their members (Andrews, 1988, p.341).

The South African Government received praise from unions in the Public Service for the approval in Parliament of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), following more than two years of serious and protracted representations by the Government and employee organisations.

The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), is the policy for collective bargaining in the Public Service. This policy brought new provisions in Public Service labour relations. The new Public Service Labour Relations Act, 1993, was passed

by Parliament specifically to cater for all matters pertaining to labour relations in the Public Service.

3.4.3 **The Public Service Labour Relations Act, 1993**  
**(Act No. 102 of 1993)**

The main objectives of the Act are the following:

- To regulate labour relations in the Public Service;
- To provide for collective bargaining at central and departmental level;
- To provide for registration, recognition and admission of employee organisations;
- To prevent and settle the disputes of a collective and individual nature between the state as an employer, its employees and employee organisations (Preamble, Public Service Labour Relations Act, 1993, p.3).

3.4.3.1 **The fundamental principles of the Act**

The following are the fundamental principles of this Act :

- All employees and employers are allowed to establish and join organisations of their choice or refrain from establishing and



- joining such organisations.
- Employer and employee organisations are allowed to establish and join or not to establish and join employer and employee federations.
  - In exercising their rights to establish and join employee and employer organisations and federations, employer and employees must not act against the provisions of the Public Service Labour Relations Act, 1993.
  - Employees on the management level are not allowed to represent or assist employee organisations or employees on behalf of such organisations.
  - Heads of departments, administrations and offices as indicated in Column II of Schedules to the Public Service Act, 1984, and employees in the Commission for Administration who are rendering managerial or policy-making functions are not allowed to become members of an employee organisation or to take part in any matters of such organisation.
  - Employers and employees must not be intimidated to join or not to join or to resign or to refrain from resigning such organisations.
  - No employee should be victimised or be discriminated against on the grounds of race, colour, sex, religion, political

opinion, membership or non-membership or participation in matters of such organisation.

- A member of an employee organisation which is recognised, may request in writing for the deduction of membership fees from his salary provided that the employer may retain an amount not exceeding five per cent of the amount deducted as a collection fee.
- A recognised employee association should be allowed access to its members, premises and facilities of a department during official hours on condition that prior approval has been obtained from the head of the department concerned for conducting its lawful business activities.
- The employer should provide a recognised employee organisation with all the relevant information concerning conditions of service, remuneration, policy frameworks, employment practices and negotiation processes in the Public Service.
- If the employer unreasonably refuses to provide a recognised employee organisation with the required information, such an organisation should take the matter to the arbitrator within 14 days, whose decision will be binding.

- An employer should not refuse to negotiate with a recognised employee organisation within the relevant chamber of the Council.
- An employer is allowed to exercise his managerial rights and prerogatives following the provisions of all official applicable laws including agreements concluded in terms of this Act.
- All the parties should at all times ensure that they do not compromise the provision of a neutral, non-political and impartial Public Service.
- Unfair labour practice should not be done by any person (Section 4 of the Public Service Labour Relations Act, 1993, p. 8-12).

#### 3.4.3.2 **The Public Service bargaining council**

This is the negotiation council where the employer and the employee organisations meet to discuss matters of personnel administration in the Public Service. The Public Service Bargain Council consists of two chambers, namely the central chamber and the departmental chamber (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.12)

### 3.4.3.3 **Chambers of Public Service Bargaining Council**

In terms of Section 6 of the Public Service Labour Relations Act, 1993, each chamber of the council is a body corporate and could sue or be sued and is capable of acquiring property. However, no member of any chamber is liable for the obligations of a chamber of council by reason of the fact that it is a member.

In terms of Section 7 of the Act, the duties and functions of chambers of the council are as follows:

- Each chamber of council should try to negotiate agreements on matters of mutual interest to the employer and employee organisations.
- Each chamber of the council should try to prevent disputes from arising and to settle disputes that have arisen between employers and employee organisations.
- A chamber of the council should not attend to individual matters.
- The central chamber of the council should from time to time, if necessary, make recommendations to the relevant Minister in connection with labour relations arrangements for the Public Service.

- The central chamber of the council should also advise the relevant Minister about legislation and proposed legislation regarding labour relations, before its submission to Parliament.
- Each chamber of the council is charged with the responsibility of admitting employee organisations as members and to terminate such membership following provision of this Act and the relevant Constitution.
- Each chamber of the council at departmental level should submit annually its report to the chairman of the chamber at central level, who should compile an annual report on the activities of the chambers of the council. Such an annual report should be submitted to the responsible Minister after approval by the Central chamber.

The establishment of various chambers at different levels is a good arrangement because it provides for close co-operation and communication between the various employers and employee organisations in the Public Service. Departments will have opportunities to meet with employee organisations which have members in such departments.

3.4.3.4 **Constitutions of chambers of council**

The constitution of the central chambers of the Council provides for the following matters in terms of Section (9)(1) of the Act :

- "(a) The admission of employee organisations and the recording of information;
- (b) the appointment of the representatives and alternates of the parties admitted in the chambers;
- (c) the determination, in terms of section 12(5) of the basis of the voting rights of the admitted employee organisations;
- (d) the appointment, termination of service; duties and powers of the Registrar, Chairman, acting Chairman, secretary and other additional personnel and, where applicable, the determination of their salaries and other conditions of employment;
- (e) the times when or the circumstances in which representatives of the employee organisations shall vacate their seats;
- (f) the quorum of a meeting;
- (g) the calling and conduct of meetings;
- (h) the keeping of minutes of the meetings;
- (i) the procedure for dealing with disputes arising within or outside the chamber between the parties to the chamber,

- including mediation and voluntary arbitration;
- (j) the establishment of and functioning of committees;
  - (k) the keeping of proper accounting records and the auditing thereof at least once every calendar year by a registered public accountant and auditor, and the making available to the parties or their representatives of copies of such records and the auditor's reports thereon;
  - (l) the purposes to which the funds of the chamber may be applied and the manner of dealing with such funds, including the investment thereof;
  - (m) the amendment of the constitution; and
  - (n) the winding up of the chamber ..."

According to section 9(3) (4) of this Act, the constitution of the chamber at the central level should mutatis mutandis serve as the constitution of a chamber of the council at departmental level until the relevant amendments are made and each chamber of the council should make its constitution available to all parties concerned (Public Service Labour Relations Act, 1993, p.16).

3.4.3.5 **Admission of employee organisations to chambers of council**

The decision for admission of an employee organisation in order to participate in the chamber of the council rests with the relevant chamber. The employee organisations need to comply with the following requirements if they need to be admitted :

- If they have sufficient representatives of employees in the chamber. Stop orders should serve to confirm such a representation;
- If the employee organisation is registered and recognised officially in terms of this Act;
- If the constitution of an employee organisation is consistent with this Act and is not contrary to any other law.

3.4.3.6 **Registration of employee organisations**

Registration of employee organisations is essential for the conduct of orderly collective bargaining. In this Act, provision has been made for unions and staff associations to register with the Registrar as employee



organisations operating in the Public Service. In terms of Section 11(2) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), an application for registration by an employee organisation should be submitted to the Registrar with the following information :-

- the constitution;
- the number of members;
- the full names of the chief executive officer and the officials of the union or association;
- the street and postal address of its head office; and
- the telephone and facsimile numbers.

The changes and amendments to the abovementioned information should be sent to the Registrar for notification within one month after such changes and amendments have taken place.

It is necessary for unions and associations in the Public Service to register and to comply with the requirements as stipulated in the Act so as to conduct their labour matters lawfully and freely.

#### 3.4.3.7 **Agreements in chambers of council**

Normally the collective bargaining process ends

in a collective agreement. Section 13(1) of the Act provides that all matters of mutual interest to the employer and employee organisations handled in any chamber of council should be negotiated in order to reach an agreement if such matters are within the powers of such an employer (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993, p.22)).

The Act also provides that all written agreements reached in the chambers of council should be signed by all the parties involved and thereafter such agreements become binding on all admitted employee organisations and the employer with effect from the date agreed upon by both parties (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993, p.22)).

A vital provision in this Act is that if a dispute to the interpretation of any agreement cannot be settled within the relevant chamber of the council, then it can be referred to arbitration with the consent of all parties. The decision of the arbitrator then becomes final and binding on all the parties involved. This is vital because unions and associations in the Public Service did not enjoy this benefit of taking matters to arbitration in the past. It was indeed one of the demands in the past by employee organisations in the Public Service

that they should be allowed to use arbitration as one of the collective bargaining mechanisms. Arbitration is now one of the bargaining rights available to employee organisations in the Public Service and it will be a challenge for unions and associations to use this right.

#### 3.4.3.8 Administration of chambers of council

Section 15 of the Act provides that each chamber of council should have its accommodation and facilities as well as all the necessary staff members for the purpose of rendering its administration. A minister or head of department is allowed if requested by the chamber of the council to provide facilities and accommodation for the administration and operation of the chamber. Furthermore, the Minister or head of department may also direct one of the staff members in the department to assist on a temporary basis in rendering services for the administration of the chamber (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.24).

If the chamber of council gets its own accommodation facilities and employees other than those offered by the minister or head of department, then the expenditure involved is

shared between the employee organisations and the employer (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), p.24).

It would be economical and beneficial to both the Government and the employee organisations if they made use of public facilities and public officials already in the service in administering the affairs of the chamber of council. This will also facilitate closer cooperation and effective communication between the Government as an employer and the unions as representatives of the employees.

On the one hand the Government should be genuine and act in good faith when it offers its facilities and its employees to the administration of the chambers of council. It would be improper for the Government to dictate and to secure advantages in the negotiation process simply because negotiations and discussions are being held at its premises. The objective should be to help promote cordial relations and effective administration for labour relations in the Public Service.

#### 3.4.3.9

#### **Recognition of employee organisations**

Recognition of unions and staff associations is a crucial matter which needs thorough attention

and consideration. Unions and associations in the Public Service cannot function effectively and officially if they are not recognised. It is imperative for all unions and associations to apply for recognition so that they can enjoy all the benefits of the collective bargaining process in the Public Service.

In terms of section 17 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), an employee organisation should apply for recognition to the relevant head of department where its members are employed. An application for recognition by unions and associations to the relevant head of department should be accompanied by the following :

- the constitution of the employee organisation;
- the name of its chief executive officer;
- the permanent street and postal address;
- the telephone and facsimile numbers of its head office;
- a list of employees of the relevant department who are members of such an employee organisation;
- indication of the institution where members are working, their

- occupational classes as well as their head office; and
- the registration certificate of the union or association (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), p.24).

The abovementioned criteria are all essential for official recognition of unions and associations in the Public Service. Every head of department is required by the Act to ensure that all the criteria are met by employee organisations before recognition is given.

This head of the relevant department should also ensure that there is a sufficient number of members of such an employee organisation and that its constitution is not contrary to other laws (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), p.26).

After being recognised by the relevant head of department, unions and associations can represent their members in the following matters:

- grievances;
- disciplinary process;
- general personnel matters in the department;

- consultation at departmental level; and
- matters of mutual interest to the department (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.26).

It is necessary for labour unions and associations to apply for recognition and observe the required information so that they can prove their support and establish their position in labour relations in the Public Service. When employee organisations meet all the criteria for recognition, they also uplift the status and integrity of their interests in the labour relations field of the Public Service.

3.4.3.10 **Termination of recognition of employee organisation**

Section 17(7) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) provides that recognition of an employee organisation could be terminated on the following grounds :-

- if it is dissolved or wound up constitutionally;

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- if the relevant head of department is of the opinion that such an organisation no longer has sufficient representatives of employees in the department concerned; and
- if the registration has been cancelled.

An employee organisation can appeal to the Industrial Court against termination of recognition or take the matter to arbitration if it is in disagreement with the department.

#### 3.4.3.11 Conciliation boards

The establishment of conciliation boards for the purpose of settling disputes in the Public Service is a new arrangement. The unions and associations in the Public Service did not enjoy this mechanism in the past. Section 18 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), stipulates that public servants can make use of conciliation boards if they feel that their grievances and disputes were not handled or attended to fairly by the head of the department. The Commission for Administration has prescribed a form which should be completed by the employee concerned or his employee organisation and such a form should



also include an explanation of the dispute at hand.

The head of a department is charged with the responsibility of appointing a conciliation board in conjunction with the aggrieved employee or his employee association. A conciliation board should consist of not more than three persons nominated by the employee concerned or by his employee organisation. The head of department is also allowed to nominate an equal number of persons as that nominated by an aggrieved employee. (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993, p.28).

A settlement reached by both the head of the department and the aggrieved employee or his employee organisation through the conciliation board should be written down and it is binding on both parties. A settlement by the conciliation board should be written by the chairman of the conciliation board on a form prescribed by the Commission for Administration and all the parties should be provided with a copy of such a settlement (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.28).

Through this method of settling disputes, public officials are now afforded more opportunities to

have their disputes settled. However, this mechanism must be used in addition to the grievance procedures which are used by officials in their respective departments. The use of a conciliation board gives each party a fair and equal chance.

**3.4.3.12 The right to strike or lock-outs by Public officials**

It has been the wish of unions and associations for public servants to have the right to strike and for the employer to have the right to lock-out. This right has now been given to public officials by way of Section 19 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), which provides that employees have the right to strike and the employers have the right to lock-out, except for those who are rendering essential services. Before commencing with the strike however, the employee organisations should give notice of ten days to the employer, and the employer should also give notice of ten days on a lock-out.

**3.4.3.13 Public servants rendering essential services**

Public Servants serve the members of the public in various ways and some render essential services. Section 19 of the Public Service

Labour Relations Act, 1993 (Act No. 102 of 1993) prohibits all public officials who are rendering essential services from striking. The reason for this prohibition is that if essential services are disrupted, inhabitants or citizens would suffer a great deal. So, the Act excludes specifically all public officials who are rendering essential services from striking.

Section 20 of the Act provides that

"... (1) Essential services are services the interruption of which could cause serious hardship to the whole or a part of the community or could endanger the life, safety or health of the members of the community and include -

- (a) provision of water, power and sanitation;
- (b) regulation and control of air traffic;
- (c) emergency health services, and provision of emergency health facilities to the community or a part thereof;
- (d) fire-fighting services;
- (e) key-point computer services;
- (f) services essential for the functioning of the courts;
- (g) nursing services;
- (h) medical and paramedical services;
- (i) services by employees in the management echelon;

- (j) services by employees in the South African Defence Force, the South African Police and the Department of Correctional Services;
- (k) services by employees responsible for the payment of social pensions;
- (l) any service declared by the Industrial Court to be an essential service;
- (m) services which the employer and employees or employee organisations agree to be essential services, as far as they are concerned; and
- (n) support services essential to the rendering of any service contemplated in this sub-section ..."

**3.4.3.14 Compulsory arbitration for employees who are rendering essential services**

Employees who render essential services are not left stranded in as far as dispute resolution mechanisms are concerned. Section 21 of the Act provides for the procedures to be used by them to present their disputes.

The Act provides that if disputes cannot be handled by the relevant chambers of council, they should be referred to the Arbitrator (for all disputes with financial implications) and to the Industrial Court (for all disputes without

financial implications) (The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.36).

#### 3.4.3.15 Powers and functions of Industrial Court

Section 22(2) gives the powers and functions of the Industrial Court in terms of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) "... The functions of the Industrial Court in terms of this act shall be -

- (a) to grant urgent interim relief until an order has been made by it in terms of section 23(9);
- (b) to consider and give a decision on any application made to it for an order under section 23(9);
- (c) to make determinations in terms of section 24;
- (d) to decide appeals in terms of sections 10(3)(b), 10(5)(d)(ii), 11(7), 17(4)(b), 17(8) and 18(1)(b);
- (e) to adjudicate disputes referred to it in terms of sections 18(10), 21(1)(b) and sub-sections (5) and (6)(a) of this section;
- (f) to make awards in terms of sections 21(10) and 21(14)(c);

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- (g) to grant an interdict in terms of section (19)(6);
- (h) to make an order in terms of sub-sections (3) and (4);
- (i) to conduct arbitration in terms of section 21(8);
- (j) to submit a report and findings in terms of section 21(14)(a) and forward it to the Secretary to Parliament; and
- (k) to deal with any other matter which it is required or permitted to deal with under this Act ..."

The Industrial Court also has the power in terms of section 23 of the Act, to reinstate, restore terms and conditions of employment and unfair labour practices (The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p.42).

The inclusion of an Industrial Court in the Public Service Labour Relations Act is a giant step towards sound labour relations practices for the Public Service. For many years, this mechanism was only used by the private sector and unions and associations were dissatisfied about this arrangement.

3.4.3.16 **The benefits to the employer and unions in the Public Service**

The passing of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), has really brought remarkable changes to the South African Public Service. This Act has brought the Government, as an employer, closer to the unions and staff associations. Through this Act, the Government and unions can now communicate regularly on matters of mutual interest for the maintenance and promotion of sound labour relations for the Public Service.

The following are the benefits to the employer and the employees as a result of the passing of the Act :-

- The existence of parameters for the handling of sound labour relations;
- The protection of the employer and the employees;
- The provision of a framework for the handling of collective labour relations;
- The provision for freedom of association, freedom from victimisation and the right to be involved in industrial action;
- The promotion and maintenance of labour harmony;

- The provision of dispute settlement procedures and mechanisms;
- The protection of employees and employers from unfair labour practices  
(Bendix, 1992, p.437).

#### 3.4.4 **The role of The Commission for Administration in labour relations in the Public Service**

The Office of the Commission for Administration is the central personnel authority for the whole Public Service and plays a significant role in making policies for personnel administration. The functions, powers, aims and objectives of the Commission for Administration will therefore now be described.

##### 3.4.4.1 **Functions and powers**

The Commission for Administration's responsibilities lie mainly in two areas, viz. that of government organisation and public personnel administration. In discharging its responsibilities, the Commission is guided by two principles, viz. merit and efficiency. The actions of the Commission for Administration usually take one of three forms: giving advice, making recommendations and giving direction (Commission for Administration, Annual Report, 1990, p.3).



3.4.4.2 Aims and objectives

The Commission for Administration's main objectives are to :-

(a) establish efficient structures and processes for the execution of Government functions through :-

(i) the rational division of functions between different levels of Government and between institutions;

(ii) effective organisational design;

(iii) efficient control of the establishment;

(iv) ensuring that the governmental sector manages only those functions which cannot be handled equally well or better by the private sector; and

(v) design of rational work procedures and promotion of the efficient utilisation of computers and other aids.

- (b) establish sound management practices for departments and other governmental institutions;
- (c) acquire, retain and optimally utilise Government personnel by :-
  - (i) developing personnel policy and efficient personnel management practices;
  - (ii) determining bases for the employment of personnel;
  - (iii) co-ordinating the conditions of service of the various public service personnel corps;
  - (iv) publicising career opportunities;
  - (v) promoting the training and development of personnel;
  - (vi) protecting public servants from nepotism and other subjective treatment;
  - (vii) objectively evaluating performance and rewarding outstanding achievements in suitable ways; and

(viii) promoting the esteem and morale of public servants.

(d) promote sound relations in public management between :-

- (i) independent and self-governing states in Southern Africa;
- (ii) various sectors of the national economy;
- (iii) institutions within the Public Service;
- (iv) the state as an employer and its employees;
- (v) political office-bearers and officials;
- (vi) officials from different population groups; and
- (vii) Government institutions and the public.

(Commission for Administration, Annual Report, 1990, p.4).

In order to promote sound labour relations between the state and its employees, the Office of the Commission for Administration in 1988 created a special Directorate to deal exclusively with labour matters in the Public Service.

The following are the main functions of the Labour Relations Directorate :-

- (i) To undertake research on labour relations in order to develop policy and practices for the effective management of labour relations in state departments;
- (ii) To continuously evaluate the state of labour relations in state departments, to pin-point shortcomings and needs and to find solutions;
- (iii) To liaise formally with staff associations and unions, to constitute bargaining and consulting bodies and to provide supportive services for them;
- (iv) To provide advice on the management of labour relations.  
(Commission for Administration, Annual Report, 1988, p.34-35).

It is without a doubt that the Office of the Commission for Administration plays a decisive role in labour relations in the Public Service. It negotiates with personnel associations and unions on behalf of the Government for all personnel matters in the Public Service. The officials dealing with labour matters must be

competent, capable and knowledgeable. The Commission for Administration must develop the skills and knowledge of officials dealing with labour matters in order to promote good labour relations.

3.4.5 The Public Service Act, 1984 (Act No. 111 of 1984) as a policy guideline for Public Service personnel administration

The Public Service Act, 1984 (Act No. 111 of 1984), is presently the personnel policy for the Public Service in South Africa. It provides for the organisation and administration of the Public Service, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the Public Service and other matters (Public Service Act, 1984 (Act No. 111 of 1984), short title, p.401).

Chapter II of the Public Service Act, 1984 (Act No. 111 of 1984), provides for the Commission for Administration as the only authority to decide on public personnel administration. The Commission for Administration is not obliged by law to first consult or negotiate with personnel associations and unions regarding conditions of service for public servants. In practice and at the request of the Government and unions, the

Commission for Administration does consult with associations and unions (Chapter II of the Public Service Act, 1984 (Act No. 111 of 1984)).

With the passing of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), the Public Service Act, 1984 (Act No. 111 of 1984), was amended as follows in order to accommodate the new Act :-

- The amendments of sections 4, 16 and 20;
- The repeal of section 33;
- The repeal of paragraphs (k) and (l) of subsection (1) of section 35.

(Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), p. 54 - 55).

The amendments and repeal of the abovementioned sections were necessary in view of the fact that new measures and procedures of labour relations in the Public Service have been introduced through the Public Service Labour Relations Act, 1993.

It should be the government's fundamental responsibility to ensure that a better society is realised by giving the men and women in the Public Service a greater measure of choice, power and freedom. A wider spirit of

participation and employee involvement in the workplace should be encouraged so that employees and the Government should cooperate to improve industrial safety, working conditions, job satisfaction and productivity (McCallum, 1984, p.366).

#### 3.4.6 Measures for labour relations

Because of constant strikes, labour unrest, sit-ins and work stoppages in some of the departments and the provincial administrations, the Commission for Administration launched an investigation in 1991 which resulted in a policy framework in the form of a Public Service Staff Code C L/I that was recommended by the Commission for Administration for:-

- (i) the possible establishment of a labour relations function in those departments where it currently does not exist, or
- (ii) the possible expansion or rearrangement thereof in those departments where the labour relations function does not exist (The Public Servant, July 1991, p.7).

3.4.6.1 General policy statement and organisational measures

The purpose of these measures is to establish a policy framework within which departments or administrations can, according to their unique needs and circumstances, develop or expand labour relations in a functional context. This was being revised to suit the new provisions of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).

The function "labour relations" has as its main focus the analysis of and intervention in the dynamic relationship which a staff member has with his occupational environment, with the view of promoting the relationship and preventing those factors, circumstances or events that may harm the relationship as such and to rectify the relationship where it has been harmed, if it is within the ability of the employer or supervisor.

Labour relations in the Public Service therefore have as a basis the contract that exists between the department as employer and its staff members. It is aimed at creating an atmosphere of labour peace on a pro-active, reactive and remedial basis by means of certain structures,



processes and practices in order to reconcile the needs of the institution as far as possible with the needs of its staff members (The Public Servant, July 1991, p.7).

3.4.6.2 **Approaches and measures with regard to labour relations**

The following are approaches and measures which the Commission has provided for departments :-

- (i) Labour relations are the responsibility of management and as such form part of the managerial task of every head of department, manager and supervisor. Every manager or supervisor must also equip himself for this task.
- (ii) Labour relations in the Public Service are practised on a personnel management basis which provide on the one hand, for the pro-active promotion of sound labour relations and the prevention of labour unrest and, on the other hand for the reactive handling of labour unrest. It is the policy of the Commission for Administration that departments should also, as far as labour relations are concerned, enjoy the highest degree of managerial autonomy.

The Commission therefore only creates the broad policy framework within which departments can determine their own departmental operational policies. It also initiates and coordinates collective bargaining with regard to matters within its sphere of authority at central level. Maximum decentralisation is pursued throughout by using the approach that only that which for a good reason should be done at central level, will be done at departmental level. The same principle applies in regard to departmental heads, regional and other offices or institutions  
(The Public Servant, July 1991, p.6).

- (iii) These procedures apply to all departments mentioned in schedule 1 to the Public Service Act, 1984 (Act No. 111 of 1984), as well as organisational components mentioned in schedule 2 of the Act, with regard to persons who are appointed in terms of the Act (The Public Servant, July 1991, p.7).

#### 3.4.6.3 Organisational establishment of the labour relations function in departments

Depending on the unique circumstances and needs

of each department and in terms of the Public Service Staff Code 91, the labour relations function can be established in departments or administrations as part of the personnel services to:-

- (i) advise management on the determination and maintenance of a broad overall departmental labour relations policy; and
- (ii) train or equip line managers and supervisors at all levels with regard to labour relations to enable them to independently cope with the labour relations function taking into account the broad overall departmental policy and with due observance of local circumstances (The Public Servant, July 1991, p.7).

Taking into account local circumstances and needs, each department or administration can furthermore man the labour relations function by utilising:-

- (i) the personnel practitioner; or
- (ii) the role-playing post; or
- (iii) a combination of the personnel practitioner or officer and role-playing

post dispensations (The Public Servant, July 1991, p.7).

The extent and level of the labour relations function in a department or administration can be determined by taking into account factors such as the number, level, schooling, diversity and morale of staff, the incidence of labour unrest, the essentiality and vulnerability of services, the geographical distribution of offices and institutions, the intensity of union activities and negotiations, the incidence of grievances, the skills and training of line managers and supervisors and the role of external factors (The Public Servant, July 1991, p.7).

The labour relations function in a department or administration should be established by means of a fully-fledged work study investigation and should be fully motivated on the basis of organisation and work study principles (The Public Servant, July 1991, p.8).

3.4.6.4 **Departmental functions with regard to labour relations**

The line management of a department or administration is responsible for:-

- (i) determining or maintaining an overall departmental labour relations policy within the broad policy framework laid down by the Commission for Administration;
- (ii) determining and maintaining specific operational policy objectives with regard to both the promotion of sound labour relations and the handling of labour unrest;
- (iii) the execution of the operational policy within their own organisational component or institution by each manager and supervisor;
- (iv) the liaison and negotiation with staff associations or trade unions with their own organisational component or institution with regard to matters within their ambit of authority and the management and administration of agreements with such associations and labour unions; and
- (v) the handling of grievances within their own organisational component or

institution of each manager and supervisor (The Public Servant, July 1991, p.8).

In support and facilitation of the responsibilities of line management, the staff function of a department is also responsible for:-

- (i) advice or assistance to line management with regard to labour relations, without taking over the responsibilities of line management;
  - (ii) the overall monitoring of the success and effectiveness of the departmental labour relations policy;
  - (iii) the training and equipping of all role-players concerned with the labour relations function to enable them to independently implement the labour relations function in their organisational component or institution.
- (The Public Servant, July 1991, p.8).

#### 3.4.7 **The recognised staff associations and labour unions in the Public Service**

There are at present eleven staff associations

and labour unions which are engaged in talks with the Commission for Administration in order to establish effective and suitable labour relations arrangements for the Public Service. All other staff associations and unions have been encouraged to apply for recognition provided they meet the requirements as indicated in the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993). The following are unions and associations which are recognised :

- (i) Public Servants Association;
- (ii) Public Servants Union;
- (iii) Public Servants League;
- (iv) Institute of Public Servants;
- (v) Natal Provincial Staff Association;
- (vi) Hospital Personnel Association of South Africa;
- (vii) Natal Provincial Administration Personnel Association;
- (viii) National Education, Health and Allied Workers Union;
- (ix) Health Workers Union;
- (x) South African Nursing Association;
- (xi) Public Service Artisan and Allied Workers Association;
- (xii) Medical Association of South Africa.

The abovementioned unions are also members of the Public Service Caucus which negotiates with the Government with regard to various matters of mutual interest in public personnel administration.

### 3.5 CONCLUSION

A clear and effective policy for labour relations in the Public Service is necessary.

The changes and events that took place in South Africa especially in the labour relations field called for the Government to have a clear guideline and direction. The public servants in South Africa should adapt to and accommodate the demands and needs of a changing society if they want to render effective services.

The Government since 1987 realised that the provisions of the existing legislation regarding labour relations in the Public Service were inadequate. It therefore requested the Commission for Administration to investigate and research in consultation with the recognised staff associations and labour unions and to come with proposals which are suitable for labour relations policy in the Public Service.

The involvement of staff associations and labour unions in the negotiating process to bring about



sound labour relations arrangements for the Public Service is highly commended. Joint deliberations and discussions between the staff associations and unions and the Commission for Administration for the purpose of establishing sound collective bargaining mechanisms in the Public Service are vital.

The policies of labour relations in the Public Service are continually reviewed by the staff associations and labour unions. An agreement was reached in 1990 that there should be interim labour relations measures to deal with various matters until such time as the formal labour relations dispensation has been promulgated. The interim arrangements allowed unions and staff associations to hold talks directly with the Commission for Administration on any personnel matter.

The staff associations and labour unions are central to the labour relations system of all countries. They are the results of workers' needs for collective interaction with the employer and play a vital role in bargaining for workers' remuneration and service benefits. The participation of unions and staff associations in the drafting of the new labour relations policy was a step in the right direction.

The role of line management and supervisors in the formulation and implementation of labour policies in the Public Service need to be emphasised. Line management and supervisors are significant role-players in labour relations because of the government's decision to allow each and every department to enter into negotiations with any union or staff association representing members of staff in that department.

The passing of the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), by Parliament is a great victory for all unions and associations. This new policy should be welcomed by public servants because they have been provided with the following bargaining measures and mechanisms:-

- Public Service Bargaining Council;
- Conciliation Board;
- Compulsory Arbitration; and
- Industrial Council.

3.6

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## CHAPTER 4

### THE INFLUENCE OF LABOUR UNIONS ON PUBLIC PERSONNEL ADMINISTRATION

#### 4.1 INTRODUCTION

The existence of personnel associations and labour unions and their influence in the Public Service's personnel administration will be discussed in this chapter. Both the Government and personnel associations and unions have responsibilities to perform in order to promote the general welfare of the people. Furthermore, the personnel associations and unions must maintain good relations with the Government in order to maintain effective and efficient public personnel administration which is the pillar of strength for the whole Public Service.

For the sound promotion of labour relations in the Public Service, associations and unions should effectively participate in public personnel administration. In other words, these unions and associations should be involved in policy-making, financing, organising, staffing, determination of work procedures and methods and control so that they may make their inputs to the advantage of the whole Public Service.

The staff associations and unions should also play a role in the auxiliary processes of personnel administration, for example, decision-making, planning, communication, public relations, data-processing and programming, in order to promote efficiency and productivity in the Public Service. Effective personnel administration should ensure the provision and utilisation of personnel with a suitable educational background and preparation for their work. The staff associations and unions should assist and influence the Government in appointing candidates with relevant and suitable academic qualifications, training and experience and of good character in order to contribute towards the enhancement of the status of Public Service institutions.

In the Public Service, it will be shown that the endeavour should always be for action which will lead to the rational and dynamic rendering of services. The demands and claims by various societies in South Africa should challenge staff associations and unions to assist the Government in utilising only admirable brainpower for good Government and administration.

In this chapter, the influence of staff unions and associations on the four phases of personnel administration, namely personnel provision,



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maintenance, training and development and utilisation, will be discussed. Furthermore, an analysis of staff unions and associations and their attempts to improve and promote productivity, affirmative action, equal employment opportunities and stability in the Public Service, will be discussed.

#### 4.2 **THE MAIN OBJECTIVES OF LABOUR UNIONS AND ASSOCIATIONS**

According to the Public Servants Association's Memorandum of Association, a staff association in the Public Service strives to protect the well being of its members in order to promote and encourage a competent Public Service administration, without being influenced by political affiliation and/or other means (Memorandum of Association, p.1).

Following the constitutions of recognised staff associations and unions in the Public Service, their aims and objectives in personnel administration are identified as follows :

- (a) Promoting and protecting their members' rights and interests.

- (b) Improving service conditions of their members.
- (c) Giving inputs regarding legislation changes and improvement in public administration.
- (d) Improving and enhancing the quality of study and application of public administration.
- (e) Advising the Government on any matter as requested.
- (f) Assisting and cooperating with the Government regarding the organisation of labour relations structures in the Public Service.
- (g) Maintaining effective communication between the Government and the members of the associations on any public administration matters.
- (h) Securing benefits and special advantages for their members in a lawful manner including establishment of funds or schemes to provide group insurance schemes and discount facilities for their members. (Natal Provincial Staff Association Constitution, p.4).

Bendix (1989, p.48) indicated that the overall objective of a union and staff association is to represent the interests of its members. The emphasis which a staff association or union places on particular objectives depends on the type of society in which the union and staff association operate, the position of its members within society and their attitude towards the society. In a society where union members share the same ideology with the Government, their attention will be on individual and financial objectives. Alternatively, in a society where union or association members regard themselves as oppressed, much of their attention is directed towards the socio-political objectives.

It is essential for unions and associations in the Public Service to look seriously at the following aims as advocated by Bendix (1989, p.47) :

- The improvement of conditions of employment.
- The improvement of facilities at work.
- The securing of a voice in the Government.
- The improvement of social and welfare services.
- The rendering of public control over state activities.

Any association or union in the Public Service should strive to maintain an effective communication channel with its members so that each and every member is afforded an opportunity to put his views across. Furthermore, unions and associations should not solely focus their attention on individual problems, but should ensure that they are representing collective interests which are based on the real practical issues affecting their members (The Public Servant, March 1988, p.6).

Broadly speaking, unions and associations exist to promote the following objectives :-

- (a) Economic objectives which look at the maintenance or improvement of the economic status of members such as increased wages and benefits.
- (b) Job security is essential for each and every worker and therefore all unions and associations should ensure that all members do keep their jobs. Unions and associations should guard against unfair dismissal and discrimination.
- (c) Social welfare objectives take into consideration the welfare of union or association members. It is concerned with

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the welfare of members in matters such as sicknesses, accidents, death and pension benefits. This also includes measures to protect workers at work, health, housing and education.

- (d) Job regulation includes mutual agreement on matters such as working hours, overtime, work on public holidays, vacation leave, sick leave and notice periods. So, unions and associations need to be involved in rule-making concerning dismissal, grievances, retrenchments, technological innovation, privatisation, health and safety measures.
  
- (e) Individual development involves the promotion of the moral, physical and intellectual wellbeing of each member. The unions and associations should ensure that their members' dignity, recognition and status as human beings who form an essential part of the Public Service, are respected and considered. Unions and associations should offer their members facilities such as social gatherings, lessons in practical affairs and opportunities for education and training (Bendix, 1989, p.48-51).

The personnel unions and staff associations in the Public Service have many objectives to achieve and they should continually review these objectives depending on the circumstances and factors prevailing at that particular time. The worker is not a product, but a person - a human being who has feelings and attitudes. The principles of fairness and humanity are essential in the field of labour relations. It is vital for unions and associations to execute their aims and objectives with zeal, integrity and faithfulness.

#### 4.3

#### **LABOUR UNIONS AND PUBLIC PERSONNEL PROVISION**

Labour unions in the Public Service of South Africa should ensure that they are well acquainted with the legislation governing the provision of personnel. In other words, all unions and associations should study and analyze the Public Service Act, 1984 (Act No. 111 of 1984), which is the personnel policy for the South African Public Service and the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), which is a labour relations policy in the Public Service.

The unions and associations continually submit their inputs to the Commission for Administration for any changes or improvement.

The Commission for Administration as a central personnel authority together with all other departments play an important role in personnel provision functions. The Commission for Administration's responsibilities lie mainly in two categories - that of governmental organisation and public personnel administration. In the field of Government organisation, the Commission looks at the structural aspects of the executive branch and also on the efficient functioning of departments. In discharging its responsibilities, the Commission for Administration looks at two principles, namely merit and efficiency. These two principles, are vital in public personnel administration in view of the political environment of the Public Service and the absence of a profit motive (Commission for Administration, Annual Report, 1988, p. 5-6).

As a result of the erstwhile policy of apartheid in South Africa, many labour market inequalities and discrimination existed in the Public Service. This resulted in many whites getting better employment opportunities than other population groups. This state of affairs calls for staff associations and unions in the Public Service to ensure that all people in South

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Africa irrespective of race, colour, gender and creed, should be given equal chances to enter into the Public Service.

Therefore, personnel associations and unions in the Public Service should strive for equal employment opportunities as well as affirmative action which will promote harmony and understanding among all population groups of South Africa. This will make the South African Public Service representative of all people and aloof to practising discrimination in the provision of public officials. A stable Public Service should be a pre-condition for a successful transitional period as well as for the future. Quality management should be the approach (The Public Servant, May 1992, p.4).

According to the editor of the Public Servant (Official magazine of the Public Servants Association) Mr Hans Olivier, appointing persons to posts beyond their ability as well as uncontrolled political influence in the selection and promotion of personnel in the Public Service could be detrimental (The Public Servant, May 1992, p.5).



#### 4.3.1 Affirmative action in the Public Service

"Affirmative action refers to the advancement of persons who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or the implementation of policies and programmes aimed at redressing social, economic or educational imbalances arising out of past discriminatory laws or practices" (Barker, 1992, p.xiv).

The staff unions and associations in the Public Service should assist the Government in ensuring that the affirmative action promotes efficiency and stability. Positive steps should be taken to bridge the racial gap between all South Africans and for the promotion of harmony and peace among all public servants in all categories of occupations.

The South African Government has however, in the past years removed job reservation, discrimination in employment and the freedom of association has been allowed for all public servants. Even salary disparities according to population groups have been eliminated (The Public Servant, May 1992, p.3).

One principle behind affirmative action is that non-discrimination alone may not be able to undo

the damage done by past discrimination. More instrumental, positive actions are needed to correct past abuses and to follow equal employment opportunities for the establishment of a representative civil service of all population groups in South Africa (The Public Servant, June 1991, p.3).

According to Barker, a simple removal of discriminatory legislation and the elimination of discrimination is not insufficient for the South African situation. There is a serious need for special programmes of affirmative action and black advancement which will involve literacy training, quality education, accelerated training, mentorship, university courses and a restructuring of training courses. Unions and associations should not be left out, but should be part of the whole process (Barker, 1992, p.173).

The Public Servants Association of South Africa organised a conference in Pretoria during May 1992 about the future of the South African Public Service. Affirmative action was one of the topics dealt with by speakers from the Government, the Conservative Party, African National Congress and Inkatha Freedom Party. This was a step in the right direction (The Public Servant, May 1992, p.5).

#### 4.3.2 Recruitment

Recruitment in the Public Service entails that suitable candidates for vacant posts be obtained in order to select the right candidates for the right positions. The staff unions and associations do check whether the system of recruitment is followed correctly or not. The supply and demand of labour dictates the extent of publicity and recruitment programmes. The unions and associations in the Government should watch closely how the recruitment programme is applied so that they can submit their inputs where necessary (Andrews, 1988, p.19).

Successful publicity of the Public Service's recruitment programme increases the chances of the Public Service to compete in the labour market for scarce labour and to recruit candidates to fill vacancies (Andrews, 1988, p.19).

Recruitment in the Public Service is undertaken jointly by the Commission for Administration and the state departments. The Commission for Administration is chiefly responsible for recruitment which needs to be carried out on central level in a co-ordinated manner. The involvement of the Commission for Administration in this recruitment process includes organised

visits to educational institutions, military bases, participation in career exhibitions and recruitment through the media (Commission for Administration, Annual Report, 1988, p.46).

The labour unions and associations need to participate in the recruitment process by advising their members about vacant posts in the departments through their magazines or newsletters or sending out circulars. Although the unions and associations are not entrusted with the final responsibility of selecting the candidates, they should continually be allowed to give their advice and recommendations.

The Commission for Administration has regional offices for recruitment which are found in Pretoria, Johannesburg, Durban, Bloemfontein, Port Elizabeth and Cape Town. Recruitment outside South Africa for the Public Service is done through the Immigration Offices of the Department of Home Affairs. All these regional offices assist the head office of the Commission for Administration in its recruitment process (Commission for Administration, Annual Report, 1988, p.46).

The involvement and participation of unions and staff associations in the personnel administration field was further elucidated in

the 38th ordinary meeting of the Public Service Joint Advisory Council wherein it was resolved that the Commission for Administration should try to bring to the attention of all state departments and administrations the role, functions, place and status of the recognised staff associations and unions in the Public Service. The main aim was to positively influence the perception of recognised staff associations and unions held by officers and employees so as to counter the influence of undesirable organisations which do not have the interests of the Public Service at heart. The Commission for Administration accepted this recommendation (Commission for Administration, Annual Report, 1988, p.57).

Although the associations and unions in the South African Public Service are not actively involved in the recruitment of candidates for the Public Service, they need to offer advice and proposals to the Commission for Administration in order to have a recruitment policy which will promote a professional Public Service which is accountable, efficient and representative of all citizens of the country and which serves a democratically elected Government of the day.

In fulfilling their functions effectively, associations and unions should ensure that all citizens who are suitable and well qualified should be recruited on merit for all public institutions. However, in practice, the supply of candidates for employment in the Public Service has been influenced by the following factors:-

- (a) The attitudes towards public employment - the image projected by public institutions in general.
- (b) The service conditions of the Public Service.
- (c) The qualifications required for appointment.
- (d) The reservation of particular posts or classes of posts for particular population groups (own and general affairs categories).
- (e) The employment and recruitment policies and the implementation of such policies (Cloete, 1991, p.163).

The staff associations and unions in the Public Service need to play a vital role in the recruitment process in order to build up a strong, competent and efficient Public Service staffed by suitably qualified men and women who render good services to the whole population of

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South Africa irrespective of colour, creed and gender. The Wiehahn Commission on labour gave the following advantages to the employer if unions and associations are involved in personnel administration of the Public Service:-

- (a) It will give such personnel members a greater degree of participation in decisions which affect their employment terms and conditions of service, which have a direct influence and effect on their daily lives and that of their families.
- (b) The decisions which are taken by the Government on personnel matters will be more readily accepted and supported by public servants as they will become part and parcel of such decisions.
- (c) It will improve the image of the Public Service in the eyes of the private sector and the whole country as such.
- (d) The South African Public Service would be kept in line and in touch with the international community in labour matters and the country could enjoy the benefits and facilities of other foreign countries in all fields especially scientific

research projects (SAIPA, Vol 20, No.2 of June 1985, p.86-88).

The Commission for Administration as a central personnel authority for the Government should retain its role as the watchdog of the merit system, as the developer of general personnel policies, and as the prime mover of recruitment and examination of candidates for the Public Service. All these roles should be undertaken with equality and fairness in mind and without any favour or prejudice to any population group. (Levine, 1985, p.35).

The recruitment process is normally related to people who are to be appointed to the Public Service. Typically, personnel associations and unions have been perfectly willing to leave pre-employment matters to the Commission and the departments. Indeed, the unions and associations are credited with being instrumental in the creation of the positive climate within which the Commission could handle such matters and responsibilities effectively. (Levine, 1985, p.35).

#### 4.3.3 **Personnel placement**

According to Andrews (1988, p.125), personnel placement requires that the right person is



placed in the correct position. The placing of an individual correctly or incorrectly affects the productivity and personnel retention in any institution. Placement of personnel members in their posts is the last step in the employment process, but not a final one because it affords the supervisor the opportunity to evaluate new staff members in the work situation. Placement is therefore an experimental step which can be retained or reconsidered if it is found that the recruit has been correctly or incorrectly placed.

The personnel associations and unions are charged with the responsibility of ensuring that the new recruits understand their role and status and assist the departments where possible to create a positive atmosphere within which an individual is placed. Both the unions and departments should monitor closely the placement of recruits and assist them to settle down in the Public Service.

The placement of recruits should be done in accordance with the knowledge, experience and skills required for that particular post. The principle of equal employment opportunities plays a significant role in the placement of an individual because it ensures that no discrimination is practised. The staff

associations and unions should give their input consistently in order to improve the system of placement in the Public Service.

#### 4.3.4 **Personnel transfers**

"Personnel transfer implies the moving of an officer from one position to another with the same salary, status and responsibility as those of the position from which he was moved. A transfer implies a horizontal movement from one position to another and can take place with or without geographical implications" (Andrews, 1988, p.195).

Personnel associations and unions do play an important role in checking whether transfers of their members are done subjectively or objectively. The unions and staff associations do check whether the transfers of public officials have been effected with or without the full knowledge of the affected person. According to Cloete (1985, p.123), personnel transfers of individuals should not be done on an ad hoc basis just for the mere sake of moving individuals from one place of employment to another. Such transfers should be done as part of placement and development programmes.

During 1988, the recognised staff associations and unions requested the Commission for Administration through the Public Service Joint Advisory Council to ask the departments that in decentralising their functions and the transfer of officials, they should consider or use essential needs and facts for such activities and transfers. The unions further requested that the officials concerned should be informed well in advance about such arrangements. This shows that unions and associations are concerned with the transfer of officials (Commission for Administration, Annual Report, 1989, p.77).

#### 4.3.5 **Personnel promotions**

"Promotion can be defined as a movement from a position in one class to another ranked higher in the salary plan. It implies the moving of a personnel member to a rank higher than his current rank; greater responsibility, more status, greater ability, higher salary and the possibility of better service benefits" (Andrews, 1988, p.200).

In the Public Service of South Africa, the general practice is to appoint new employees in the entry grades and to fill higher posts by means of promotion. The Commission for Administration should take steps to ensure that

there will always be sufficient promotable officials and that reliable methods are devised to identify such suitable officials who are due for promotion (Cloete, 1985, p.125).

In South Africa, it is necessary to use an affirmative action programme in the promotion of officials especially taking into account the application of discriminatory laws in public personnel administration which did not cater for the promotion of blacks in higher posts of the Government. As part of the affirmative action programme, the previously disadvantaged population groups should be afforded an opportunity to be promoted in higher posts of the Government if they meet promotion criteria.

The unions and staff associations in the Public Service should ensure that all competent and qualified public officials of all groups are given equal opportunities of promotion especially the black population which was exclusively discriminated against and was until recently given no opportunities to occupy senior positions in the Public Service. Therefore in South Africa, the preferential promotion of blacks who qualify for higher posts will enhance the image of the whole Public Service.

Personnel associations and unions should always strive for justice and equality of their members in all respects and should always check that promotions are done in accordance with the provisions of the Public Service Act, 1984 (Act No. 111 of 1984). Injustice, favouritism and discrimination in the Public Service promotional system should be totally eliminated.

The unions and associations should always monitor and evaluate regularly whether the criteria for promotion, namely seniority and merit are followed by all departments. Furthermore, the unions and associations should ensure that the merit system is applied equally among all members of the Public Service irrespective of colour, race, creed or gender. The main objective should be to build a professional Public Service geared and ready to serve all the citizens of South Africa. The values of seniority and merit should be redefined as part of an affirmative action programme and for a just personnel system (Vacino and Rabin, 1981, p.358).

In showing their concern for the promotion of officials, the Public Service Joint Advisory Council in 1988, requested the Commission for Administration to investigate the problems which were being experienced by public servants with

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regard to the determination of seniority of public servants. The Commission agreed to undertake the investigation (Commission for Administration, Annual Report, 1989, p.71).

Furthermore, the concern regarding the promotion of public officials was expressed by the Public Servants Union to the Administration of the House of Delegates which resulted in the Administration (House of Delegates) allowing a representative of the Union to attend efficiency rating committee meetings as an observer. This was done to involve the unions in ensuring that deliberations and decisions which are taken are in accordance with the standard procedures and are fair and objective (Public Servants Union Bulletin, Vol 6, No. 4 of December 1988, p.8).

Because of the request by officials to be promoted, the Public Servants Union held a meeting with the Minister of Education and Culture (House of Delegates) in which the Union asked for the creation of 67 posts of Chief Clerk despite the background of financial constraints and lack of funds. This was done because of the request from School Clerks that they have nothing to aspire for at schools because the highest post available was that of a Senior Clerk (Public Servants Bulletin, Vol 8, No. 3 of October 1990, p.6).

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Personnel associations and unions are established to ensure that suitable and competent candidates in the Public Service are merit-rated and promoted. Promotions cannot be dealt with in total isolation from the selection process because they are directly linked to human resource planning, job design and classification, performance evaluation, and counselling as well as training and development (Moore, 1985, p.100).

In order to have a more representative Public Service, the unions and associations should prepare their members well in order to make them more promotable especially women and the black population group. In the Public Service, the determination of who is promotable is a management right that is non-negotiable (Moore, 1985, p. 101).

The unions and associations should guard against nepotism, corruption and unfair labour practices on all promotions in the Public Service. Attitudes which conform to good labour relations should be fostered at all levels of the Public Service and the promotion of equal employment opportunities for all groups (Public Servants Union, Bulletin, Vol 8, No. 4 of December 1990, p.2).

Every state department faces a fundamental issue regarding potential candidates for promotion, that is whether it is better to promote from within or to allow people from outside to apply for the post. Arguments can be submitted for both options. Employees and their unions generally press for promotion from within for the very reason that appointments from outside have a negative impact on employee morale. On the one hand, promotions from within provide career ladders for employees and increase their job satisfaction and loyalty to the departments whereas, on the other hand, promotions from within may harm the merit principle, in that the best available candidate is not sought elsewhere. (Moore, 1985, p.99).

During the year 1990, the Commission for Administration recommended the appointment of ten candidates from outside the Public Service and the promotion of one hundred and sixty nine officers in the management echelon. Because of the necessity of personnel evaluation in the promotion of officers in the Public Service, the Commission gave departments more management autonomy by allowing heads of departments the authority to accept final promotability ratings in the upper structure (Commission for Administration, Annual Report, 1990, p.30-31).



Following the provisions of section 31(2)(c) of the Public Service Act, 1984 (Act No. 111 of 1984), the Commission is also allowed to recommend officers to receive special recognition through the adjustment to higher grades or promotion to higher ranks because of excellent service and exceptional ability (Commission for Administration, Annual Report, 1990, p.31). This practice can be defended only if the "excellent service and exceptional ability" can be proved beyond doubt.

#### 4.3.6 **Termination of services and job security**

In South Africa it is accepted that public officials who are permanently appointed will remain in the Public Service until their services are terminated in accordance with prescribed reasons and through the application of specified procedures. The commonly accepted reasons for the termination of services of public officials are, inter alia, the reaching of the prescribed pensionable age, physical or mental ill-health, misconduct, the abolition of posts, reorganisation, promotion of efficiency and economy as well as incompetence and privatisation. However any official can decide to terminate his services by way of resignation or abscondment (Cloete, 1985, p.256).

It is one of the major functions of unions and associations to protect their members against unfair dismissals and termination of services. The unions and associations are charged with the responsibility of promoting and protecting the rights and interests of their members and to promote equal rights for all South African citizens through the upholding and protection of fundamental human rights and freedom in the Public Service.

It is important for a staff association or union to maintain the job security of its members in the same manner as it is to achieve economic and financial benefits. The concern of personnel associations and unions with the job security of their members, is further displayed by their involvement in dismissals and retrenchments and their attempts to prevent dismissals and retrenchment from occurring. Furthermore, the desire of staff associations and unions to protect the jobs of their members leads to ongoing conflict with the Government about rationalisation, commercialisation and the introduction of administrative technology for work improvement (Bendix, 1989, p.48).

During 1989 the Public Servants Association requested the Commission for Administration to try by all means to communicate with all

recognised staff associations and unions about any agreement entered into between the Government and any institution which usurps governmental functions and activities through the process of privatisation (The Public Servant, September 1989, p.22).

Staff associations and unions should always ensure that the termination of services of public servants are applied procedurally in accordance with the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), and other related personnel legislation (Bendix, 1989, p.480).

The Commission for Administration dealt with 90 cases of misconduct during 1992 year. 24 out of 90 officers were discharged. The rest were cautioned, reprimanded, demoted and fined. This is an indication that public officials should be disciplined in all respects and should not commit deliberate offences banking on the support of their unions and associations (Commission for Administration, Annual Report, 1990, p.33).

#### 4.3.7 **Unfair labour practice**

"An unfair labour practice was originally defined in the Labour Relations Amendment Act,

1979 as any practice which in the opinion of the industrial court constitutes and unfair labour practice" (Bendix, 1989, p.478).

Unfair labour practice according to Bendix (1989, p.480-481) includes, inter alia, the following :

- "(a) The dismissal of an employee, for disciplinary reasons without furnishing a valid reason and without adopting a fair procedure.
- (b) The dismissal of employees for other reasons besides disciplinary action, i.e. the entrenchment of employees, unless certain rules have been applied, inter alia, giving notice to employees, representation of employees by a staff association or union.
- (c) Unfair discrimination because of race, gender, creed and colour.
- (d) The unfair suspension of an employee unilaterally.
- (e) The amendments of terms or conditions of service unfairly and unilaterally.
- (f) Any action to intimidate an employer or any employee.
- (g) The failure or refusal to honour or fulfill the terms of the agreement.

- (h) Interference with the basic human right of freedom of association.
- (i) The fact that the dismissed employee did not know of the rule broken by him which led to his dismissal.
- (j) The punishment given to the employee is inconsistent with the treatment of other employees who committed the same or an equal offence.
- (k) After the imposition of the punishment, there was no consideration of the special circumstances, such as the previous record of the employee.
- (l) There was insufficient proof of misconduct.
- (m) The severity of the punishment for the offence committed.
- (n) The dismissal constitutes victimization of the employee.
- (o) The dismissal contravenes a law or service contract.
- (p) There was not sufficient warning given to the employee.
- (q) The employee was not given the opportunity to state his case.
- (r) The employee was not allowed representation.
- (s) The expectations of the employer were unreasonable or unlawful.

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- (t) The employee's case has been prejudiced or the chairman has shown partiality.
- (u) The employee is not fully informed of the reason for the decision given" (Bendix, 1989, p.486).

The above categories of unfair labour practice are true guides and principles which unions and associations in the Public Service should follow when they advance the interests of their members. The unions and associations should insist upon uniformity of treatment of all employees so as to promote the 'equality before the law' principle for all public servants. Both the unions and staff associations together with the Government should always endeavour to obtain better and sound relations in labour matters so as to promote an effective and efficient Public Service.

According to Bendix (1989, p.486) the International Labour Organisation's recommendation No. 119 of 1963, section 2, states that "... termination of employment should not take place unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service". The following reasons, according to the International Labour

Organisation's recommendation, do not constitute termination of employment :

- "(a) Union membership or participation in union activities.
- (b) Seeking office, acting as or having acted as worker representative.
- (c) The filing, in good faith, of a complaint against an employer for violation of a law or regulation.
- (d) Race, colour, gender, marital status, religion, political opinion, national extraction or social origin" (Bendix, 1989, p.486).

#### 4.4

#### **PERSONNEL MAINTENANCE**

Personnel associations and unions play an effective role in maintaining and striving for better conditions of service for their members. When the employees of an establishment are represented by a union, policies and practices affecting the employment relationship that were unilaterally determined by management alone become the subject for joint determination. Salaries, service, hours and other terms of employment should be bargained jointly between union representatives and employer representatives (Beach, 1985, p.387).

When the Government contemplates taking personnel decisions and actions, it should really give consideration to the attitude and position of personnel associations and unions of such matters. The actions that had been conducted between the Government and the public servants before the entrance of unions and associations, are now carried on through personnel associations and unions (Beach, 1985, p.387).

Personnel associations and unions with the cooperation of the Government have achieved many benefits for their members including market-related salaries, annual service bonuses, housing loans and allowance schemes, pension schemes, medical aid schemes, leave benefits, maternity leave for women, competitive long and short term insurance schemes, welfare funds, bursary funds and friendly societies (Public Servants Association, Information Brochure, January 1992, p.4-6).

#### 4.4.1 **Conditions of service**

The expenditure on personnel takes up the greatest part of the operating budget of many public institutions. Furthermore, the expenditure on salaries, allowances, and fringe benefits is a contentious matter which can give



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rise to misunderstandings and lead to conflict. It is essential, therefore, that the determination of remuneration and other conditions of service should be done with insight and skill (Cloete, 1991, p.167).

Labour relations stem directly from the conditions of service contract between an employer and his employees, i.e. the fact that an employer provides benefits to his employees in exchange for their services. The conditions of service strongly influence the relations between an employer and an employee, i.e. the feelings and attitudes between the two parties. Normally, satisfactory conditions of service will have a positive effect while unsatisfactory conditions will have a negative effect (Marx, 1986, p.223).

In the Public Service, conditions of service are determined by the Government on the advice the Office of the Commission for Administration and by means of agreements between the Government and the staff associations and unions (Marx, 1986, p.223).

According to Marx (1986, p.223) in determining the conditions of service, the Government and unions should take into account the economic,

social, political, international and financial position of the country.

#### 4.4.1.1 **Remuneration policy of the Public Service**

On its meeting held on 26 April 1990, the Public Service Joint Advisory Council passed a resolution on the remuneration policy of the Public Service. The Commission for Administration launched a project to review and rationalise the existing approach to remuneration. Such a remuneration policy is aimed at obtaining the following objectives :-

- "(a) Maintaining dispensations and preserving peaceful labour relations by means of general salary adjustments, improvements in service benefits, occupational specific adjustments on a selective basis and structural adjustments.
- (b) Reducing the number of salary scales, occupational classes and occupational families.
- (c) Establishing core salary structures per occupational family.
- (d) Handling deviations from core salary structures by way of allowances.
- (e) Eliminating disparities among related occupational classes within the same occupational family.

- (f) Restoring and maintaining relative positions among occupational classes.
- (g) Standardising and simplifying measures.
- (h) Transferring the focus from individual occupational classes to the salary structure as a whole.
- (i) The flexible utilisation of funds by individual departments for rewarding excellent achievers and addressing departmentally unique problem areas.
- (j) To continuously and timeously provide for salary and service benefits improvements in the budgetary process."

(Commission for Administration, Annual Report, 1990, p.5-6).

These objectives of the salary policy were adjusted and implemented during the 1991/1992 financial year (Commission for Administration, Annual Report, 1990, p.6). On 27 and 28 March 1991, eleven personnel associations and unions held discussions with the representatives of the Commission for Administration in order to divide an amount of R3 735 million which was made available by the Government for the improved conditions of service for the 1991/1992 financial year. This was the first time that such discussions on improved salary conditions were held (The Public Servant, May 1991, p.3).

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The issues of salary dispensation are vital for all unions and associations in the Public Service. On 20 March 1992, the Public Servants League of South Africa announced a mass stay-away and demonstration meetings by its thirteen regions representing about 50 000 public servants country-wide. This took place because of the League's total rejection of the government's proposed 8.82 per cent general salary increase from 1 July instead of 15,3 per cent increase and a minimum salary of not less than R850,00 a month (The Citizen, 20 March 1992, p.3).

The Government and the National Education, Health and Allied Workers' Union (NEHAWU) reached a deadlock in Pretoria on 3 July 1992 on the issue of wage disputes. Members of the National Education, Health and Allied Workers Union were on strike throughout the whole country demanding a minimum wage of R724,00 a month, a 15 per cent salary increase, permanent status for all part-time employees and the establishment of an interim dispute-settling mechanism. On the one hand, the Government had offered a minimum wage of R708,00 and a minimum salary increase of 9,2 per cent (The Star, 3 July 1992, p.5).

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These two cases clearly show the importance of salary negotiations between the Government and its employees' representatives. Salary and wage issues are so important that they need full cooperation and understanding by both the Government as an employer and the unions as representatives of the workers. All possible means should be employed not to allow the strikes and boycotts by public servants to take place.

On 28 April 1989, in the meeting of the Public Service Joint Advisory Council, the Council resolved that employees in the Public Service should receive their salaries on the 25th of each month, should the 25th fall on a Saturday or Sunday, the Friday before the weekend should be established as a pay day. Furthermore, it was resolved that the pay date during December should be established as the 20th in order to enable employees to do Christmas purchases in good time (Commission for Administration, Annual Report, 1989, p.7).

The press statements released by the Minister for Administration and Economic Co-ordination on 11 April 1990 concerning structural adjustments relating to the service conditions of lowly remunerated workers in the Public Service, was

the result of continued negotiations by staff associations and unions for better salaries (Institute for Public Servants News, July 1990, p.1).

The Commission for Administration is the central personnel authority which is charged with the responsibility of co-ordinating conditions of service as well as budgeting for the improvement of conditions of the Public Service. The total personnel employed in the Public Service was 1 022 385 on 30 September 1991 (Commission for Administration, Annual Report, 1991, p.4) and in 1992 it was 751 267 (Commission for Administration, Annual Report, 1992, p.2).

#### 4.4.1.2 Leave of absence

The personnel unions and associations held discussions on 16 and 17 August 1990 with the Commission for Administration on leave matters. The following amendments to leave of absence in the Public Service were accepted :-

- (a) Maternity leave was instituted on the basis of 12 weeks paid special leave per confinement to all female staff members (married or single). The provision is applicable after twelve months' continuous

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service and is limited to three confinements.

- (b) Necessary steps were taken to give effect to the new measures as from 1 November 1990.
- (c) Special leave for religious purposes be granted.
- (d) Leave for participation in sport from inter-provincial level be granted.
- (e) Leave to supervise the loading and packing of personnel effects during transfer or change of residence be granted.
- (f) Sick leave during the first 30 days of service be granted.
- (g) Study leave be granted.
- (h) Leave for non-teaching personnel at certain educational and training institutions be granted.
- (i) Leave gratuities for officers and employees who resign voluntarily be paid.
- (j) The Rules of the Public Service Medical Aid Association be amended to provide for maternity benefits to all female members (The Public Servant, June 1991, p.6).

#### 4.4.1.3 Pensions for Public Servants

The unions and associations held a meeting with the Commission for Administration with regard to

the improvements and amendments of conditions of service on 16 and 17 August 1991. The following agreements were made :-

- (a) A uniform retirement age for all public servants.
- (b) An optional retirement age for all public servants.
- (c) The Government be requested to finalise its initiatives regarding the Government service pension fund as soon as possible.
- (d) Consultation with staff associations and unions be made before binding and final decisions are taken (The Public Servant, October 1990, p.3).

#### 4.4.1.4 **Subsistence, camp and special allowance**

Personnel associations and unions should always ensure that their members receive allowances to cater for the unexpected expenditure when performing official duties outside their normal place of employment. Allowances are paid to personnel in the public institutions as part of improved service conditions. Although allowances are not incentives, they are there to supplement and assist the public servants to meet the unexpected expenses while on official duties (Andrews, 1988, p.184).



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The unions and the Commission for Administration agreed on 17 August, 1990 to adjust allowances with effect from the 1990/1991 financial year on the following basis :-

- (a) Relief staff - R80 per day for the first 30 days at the same centre and thereafter R24 per day.
- (b) Campers - A uniform allowance of at least R16 per day plus the normal camp accessories.
- (c) Public servants who perform official duties away from headquarters as well as persons who attend courses.
- (d) A more equitable and practical compensation system was implemented on the basis of either adjustments of the existing fixed daily rates of the subsistence allowances or on the one hand compensation for reasonable actual expenses necessarily incurred for accommodation (The Public Servant, October 1990, p.3).

The revised measures of subsistence, camp and special allowances have been implemented with effect from 1 January 1991. This shows clearly that unions and associations are playing vital roles in public personnel administration.

4.4.1.5 **Overtime remuneration**

An acceptable (or fair and reasonable) compensation plan for workers attracts competent employees, encourages skilled energetic performance, promotes employees' commitment to the employer, and reduces staff turnover and absenteeism. Fringe benefits are no longer regarded as extras. Most public employees view these benefits as essential and as a major portion of their compensation hence the involvement of unions and associations in pushing for continuous changes on compensation packages (Moore, 1985, p.171).

A written agreement on overtime payment was signed on 17 August 1990 between the Commission for Administration and personnel unions and associations as follows :-

- (a) That overtime remuneration should be based on an official's actual basic salary (excluding any allowances), irrespective of the rank or grading of such an official. Officials in the management echelon should in principle be excluded from the system of overtime remuneration.

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- (b) That the date and basis for implementation be determined after the financial implications are addressed (The Public Servant, October 1990, p.3).

The personnel unions and associations should ensure that timeous adjustments are made to conditions of service and working conditions in order to prevent dissatisfaction and disputes as far as possible. These associations and unions have to keep abreast of the latest developments in public personnel administration. With enough and accurate information at their disposal, they should take initiative in determining to what extent the Government is in a position and prepared to bring about improvements (Marx, 1986, p.251).

#### 4.4.1.6 Official hours of attendance

Sound labour relations are largely dependent on the quality of service and working conditions. Efficient performance by public servants is a prerequisite for the achievement of objectives. Such performance will not materialise when relations between senior officials and employees are bad. Office hours should be used fruitfully and this calls for unions and associations to encourage their members to utilise official hours to the maximum (Marx, 1986, p.250).

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During the 28th annual general meeting of the Natal Provincial Staff Association, the chairman of the Commission for Administration, Dr P J van der Merwe, said that Public Service personnel associations and unions should also strive to improve overall managerial efficiency in the Public Service (Natal Provincial Staff Association News, October 1990, p.10).

According to the newsletter of the Natal Provincial Staff Association (October 1990, p.14), negotiations were held between officials of the personnel associations and the the Natal Provincial Administration where it was agreed that a 40 hour working week for all public servants employed by the Natal Provincial Administration should be implemented.

Delivering his presidential address at the Eastern Cape Regional conference of the Institute for Public Servants in Port Elizabeth in July 1990, Dr Matseke said that the public servants should not exploit the Government by being disloyal and by giving poor performance at work in return for good wages (Institute for Public Servants, News, July 1990, p.4).

4.4.1.7 **Housing subsidy**

The Government provides for a housing loan scheme and house owner allowance scheme for all public servants who qualify. The main objective of the housing loan scheme is to enable public servants to obtain a loan from an approved financial institution for the purchase of a house or a flat without a deposit. On the one hand, the objective of the house owner allowance scheme is to provide financial assistance for the repayment of housing loans (The Public Servants Association, Information Brochure, 1992, p.18-19).

The staff associations and unions should negotiate fair deals for their members especially for the low income groups who cannot afford to buy a house. It would be good if a housing allowance is paid to interested public servants in order to assist them in paying their rent while they are preparing themselves to buy their own houses.

This is necessary because not all public servants in the lower positions can afford to buy a house.

The unions and associations discussed with the Commission for Administration and agreed that

the housing subsidy limit for all public servants be increased from R50 000 to R70 000 as from 1 January 1991. This is a clear indication that unions and associations are really pressing for improved conditions of service for their members (The Public Servant, April 1991, p.15).

#### 4.4.1.8 Grievance procedure

A grievance procedure is an instrument whereby grievances are handled in order to solve internal problems between the employer and the employees. The associations and unions should always review the grievance procedures so that their members' grievances and complaints could be speedily handled and attended to by their departments. It is necessary to channel complaints and grievances by means of procedures before they accumulate and are expressed through high turnover, resignations, tardiness and a weakening team spirit. A well-functioning grievance procedure allows management to give attention to problems or complaints more rapidly and appropriately (Institute for Public Servants, July 1990, p.4).

Both the unions and associations agree with the Commission for Administration that public servants should exhaust internal remedies for

the handling of grievances before they direct their grievances beyond the scope of those remedies (The Public Servant, April 1991, p.15).

The grievance procedure provides for the presentation and resolution of conflicts in the work place, to protect the interests of both the department and its employees and to recognise the right of the worker to appeal to and to be given a fair hearing. A revised grievance procedure has been drawn up by the Commission for Administration after considering inputs from staff associations and unions (The Public Servant, April 1991, p.15).

#### 4.4.1.9 Subsidised motor transport

The unions and associations held talks with the Commission for Administration and the Department of Finance regarding subsidised motor transport for public servants. It was agreed that the Department of Finance in cooperation with the Department of Transport and Provincial Administration should investigate a suitable system of subsidised motor transport for all public servants. The Department of Justice and the Office of the Auditor-General were also involved in the investigation (The Public Servant, April 1991, p.15).

4.4.1.10 **Disciplinary procedure**

The main aim of the staff associations and unions is to protect the interests of their members in all aspects of personnel administration. The disciplinary procedure in the Public Service is one of the prominent aspects of union and association activities. They should always check that their members are treated fairly and equally in disciplinary issues.

The Commission for Administration and unions agreed in a meeting on 16 and 17 August 1990 that a standardised disciplinary procedure for public servants should be established by the Commission for Administration in consultation with them (unions and staff associations) (Public Servants Union Bulletin, October 1990, p.3).

Only 34 cases of misconduct were submitted to the Commission for disciplinary action during 1991 (Commission for Administration, Annual Report, 1991, p.17).

4.4.1.11 **Recognition of long service**

As a result of inputs and proposals made by unions and associations to the Commission for



Administration, the Government finally approved that the following new system of long service recognition be put into operation in the Public Service :-

- (a) Recognition for 20 years uninterrupted and sustained satisfactory and dedicated service - the award of an appropriate certificate and the choice to discount ten days available vacation leave.
  
- (b) Recognition for 30 years uninterrupted and sustained satisfactory and dedicated service - the award of an appropriate certificate and a wrist watch as well as the choice to discount 15 days available vacation leave (Institute for Public Servants, News, July 1990, p.2).

Members who qualify for consideration for long service recognition should contact their immediate supervisors who in turn will contact the heads of their respective departments for participation in the scheme (IPS News, July 1990, p.2).

#### 4.4.1.12 **Transfer costs**

It was agreed by the Commission for Administration, Department of Finance and unions

and staff associations following their negotiations on 16 and 17 August 1990 that the existing system of compensation for transfer costs be improved and implemented before the end of 1990. This shows clearly that unions and associations in the Public Service are seriously promoting the interests of their members (The Public Servant, October 1990, p.3).

#### 4.4.2 **Record-keeping**

The unions and associations keep a variety of records of their members and they do have this information available. It is indeed imperative that proper and effective record-keeping is done in order to render effective service to the Government as an employer and to their respective members. The major expenses of unions and associations include travelling expenses, office equipment and supplies, telephones, telegrams and postage charges. Effective record-keeping enables associations and unions to minimise their expenses (Sloane, 1983, p.448).

#### 4.4.3 **Research**

In order to ensure that personnel work keeps pace with the latest developments and to prevent

crisis adjustments having to be made, the unions and associations should continually undertake research on all personnel matters (Cloete, 1991, p.170). The research will enable unions and associations to bargain intelligently and effectively because they will have all the necessary information at hand.

#### 4.4.4 **Health, safety and welfare**

It is one of the objectives of associations and unions to provide welfare services to their members and to ensure that their members are working in a healthy and safe environment. To this end, unions and associations have established medical aid schemes, insurance schemes and safety schemes. The Government also took steps to safeguard the health, safety and welfare of all public servants (Cloete, 1991, p.171).

#### 4.5 **PERSONNEL TRAINING AND DEVELOPMENT**

The present and future Government of South Africa will always rely heavily on competent officials in a stable, competent and purposeful Public Service because it is the only functional instrument that can successfully implement a government's political ideologies and achieve

its aspirations. The success of political office-bearers also depends largely on the specialised knowledge and experience of public officials. It is the responsibility of unions and associations to ensure that their members are well trained to serve all the people of South Africa (The Public Servant, April 1991, p.2).

The unions and associations should always contribute effectively to the training and development of their members. The unions and associations' members are in a better position to identify training needs and to bring such needs to the attention of all departments concerned as well as encouraging their members to participate in training programmes and courses (NPSA News, October 1990, p.11).

The economic, political and social changes and challenges in South Africa call for all unions and associations to assist their members to adapt to these changes and to face these challenges with zeal and positive attitudes. The unions and associations should indicate to their members that they can improve their positions to a point of indispensability through hard work, knowledge, expertise and dedication to serve all people and to participate in

various training programmes (The Public Servant, April 1991, p.3).

#### 4.5.1 **Annual general meetings and conferences**

At their annual general meetings and conferences the unions and associations should allow their members to participate effectively and to bring forth proposals and suggestions that would improve the quality of service in the Public Service. It is in these meetings where strategies and policies are reviewed and designed so as to equip all members to be more competent and suitable.

At their general meetings and conferences, unions and associations should strive to include training programmes and development strategies for all their members in various occupational classes. Competent and motivated staff members could be considered to be one of the most important assets of an institution and one of the main pre-requisites for achieving the objectives of the Government (Marx, 1986, p.142).

The annual general meetings and conferences should serve as fruitful forums for the promotion of training and development of

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members. All the delegates to the meeting should be encouraged to participate effectively in order to bring progress and success in the unions' activities and functions.

The unions and associations should indicate to their members that reform in South Africa is about progress and survival and that nobody need to be afraid of new and innovative thinking. Public servants should be informed in these meetings that they are facing tremendous challenges especially with the elimination of discrimination and that they should all look forward to serving a non-racial democratic South Africa (Public Servants Union, Official letter, 1990, p.4).

#### 4.5.2 Use of magazines, bulletins and newsletters

The unions and associations communicate with their members through the publication of magazines, bulletins and newsletters. Articles and subjects of interest are published in these publications to keep members continually informed of changes and developments in their areas of employment in the Public Service. The unions and associations' publications should contribute widely to training and developing its members.

These publications should contain the necessary information, statements and news. They should review the activities of the Government and its decisions as well as making more in-depth reports and research available to all members (SA Bulletin, May 1990, p.iv).

#### 4.5.3 **Seminars, symposia and workshops**

The unions and associations should continue to organise seminars on topics of interest to all their members. By organising the seminars, symposia and workshops for their members, associations and unions are fostering and enhancing the learning of job-related behaviour of their members (Moore, 1985, p.182).

As South Africa is changing from an apartheid state to a non-racial democratic state, it is necessary to bring all the public servants in line with all the changes. This is a challenge to all unions and associations to continually bring their members up to date through seminars and workshops.

#### 4.5.4 **Personnel development**

Personnel development, according to Moore (1985, p.182), "refers to attempts to improve the decision making abilities, interpersonal skills,

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self awareness and motivation of employees. Development programmes have broad, long term, organisation related goals".

All personnel associations and unions do have educational assistance funds for their members and their children. The Government also provides bursaries to all public servants to study part-time or full-time at universities and technikons for degrees and diplomas respectively. The unions and associations also provide bursary awards to their members and children in order to study at universities and technikons. This is necessary to the development of all public servants (NPSA News, October 1990, p.20).

The unions and associations should always be in close contact with universities and technikons in order to inform their members about new courses and curricula changes as well as arranging development programmes for their members. The changing technologies such as micro computers and word processors demand more extensive training and development (Moore, 1985, p.182).

The techniques of development such as lectures, discussions, reading assignments, films,



demonstrations, cases, role-play, managerial games, closed circuit television and recordings should be used by associations and unions in their mission of developing their members (French, 1987, p.380).

#### 4.6

#### PERSONNEL UTILISATION FUNCTIONS

The unions and associations should always ensure that their members are utilised to the maximum benefit of all the people of South Africa. All public servants should be encouraged to use their knowledge and skills to achieve excellence and competence. During his meeting with unions and associations on 12 June 1990 in Cape Town, the State President F W de Klerk said that the Public Service formed the backbone of a state system of Government and was indispensable for the establishment of a stable South Africa. The State President gave the assurance that during the period of constitutional change, the vested interests and job security of civil servants would be well looked after. He expressed his government's appreciation for the professional manner in which the respective staff associations and unions were looking after the interests of their members. (IPS News, July 1990, p.2).

#### 4.6.1 Leadership

"Leading is the process of influencing others to act to accomplish specified objectives" (Beach, 1985, p.332).

The unions and associations should always lead their members and guide them towards successful careers in the Public Service and to be good and responsible leaders and followers. In order to transmit feelings and aspirations to their members, the unions and associations should always keep their communication channels open and accessible to all their members (Beach, 1985, p.333).

#### 4.6.2 Counselling

"Counselling is the discussion of a problem with an employee, with the general objective of helping the worker to cope with it. The purpose is to help employees either resolve or cope with the situation so that they can become more effective persons..." (Werther and Davis, 1989, p. 482). This is the function of unions and associations.

It is imperative for unions and associations to render counselling services to their members in

order to reduce employee problems and emotional upsets, improve organisational performance, and to make them more humane and considerate toward their members (Werther and Davis, 1989, p. 484).

The unions and associations make use of part-time and full-time liaison officers in rendering counselling services. These officers should give advice to members, re-assurance, release of emotional tension, clarified thinking and re-orientation (IPS News, July 1990, p.485).

Although formal counselling programmes which are aimed at assisting employees with emotional problems may be considered an aspect of health maintenance, such counselling may also be considered an integral part of the process of developing the employees. Any insight, knowledge or emotional maturity gained through counselling that increases the employee's ability to perform constructive work, is part of the broad process of the employee's development (French, 1970, p.511).

The subjects of counselling mostly include grievances, absenteeism, retirement, finances, family problems and alcoholism (French, 1970, p.511).

#### 4.6.3 **The promotion of productivity**

"Productivity refers to what employees accomplish most often measured in output per employee" (Sloane, 1983, p.554). The unions and associations should encourage their members to achieve results and to work more productively so that they can bargain well for them with the Government.

According to Andrews (1988, p.348)"...Rautenbach concludes that the bringing up to strength and optimal utilisation of public servants, is one of the key objectives of associations and unions...". A dedicated union and association should aim at convincing their members to increase their productivity in consideration of service benefits. Members should be made to realise that by increasing their productivity, they are also improving their service benefits.

Human factors are of particular importance in examining how inputs are used to achieve results. Employee or staff motivation, the degree of staff development, participation, and consensus processes are all crucial to maximising organisational effectiveness. Incentive mechanisms do not just reward employees for increased output, but provide

recognition to a valuable person and encouragement of further self-development and respect (Kelly, 1988, p.23).

Factors which can be used to increase productivity are, inter alia, an effective merit system, training programmes, bursaries, work study investigations, and regular work inspections and personnel evaluation (Andrews, 1988, p.348).

#### 4.6.4 **The members' participation**

According to Beach, (1985, p.311)

"... participation means the physical and mental involvement of people in an activity. In the field of public personnel administration, participation means the involvement of employees in decision-making...". The unions and associations in the Public Service should involve their members in decision-making and encourage them to take an active part in all their activities and functions.

The unions and associations also make use of shop stewards where applicable in the Public Service. The shop stewards represent the employees in the processing of their grievances to the management. The shop stewards represent

the interests of the employees and negotiate on their behalf if they feel that they have a justifiable grievance (Beach, 1985, p398).

According to the South African Journal of Labour Relations (March 1984, Vol.8 No. 1) De Villiers defines "the concept participation to mean that workers functioning within and affected by the activities of an enterprise in particular should have a say in the decisions regarding those activities. This implies mutuality, communication, consultation and advising between the workers and the employers".

The unions and associations should always encourage participation by their members in all the unions' activities as well as their various official duties and functions.

#### 4.7

#### **CONCLUSION**

The unions and associations in the South African Public Service play vital roles and functions in shaping public personnel administration. Although there are presently only eleven recognised unions and associations in the Public Service, they are without doubt fulfilling the objectives of their constitutions and indeed serving the wishes and interests of

their members. The unions and associations of the Public Service in South Africa have basically the same objectives and pursue the same goals, inter alia, to protect and promote the rights and interests of their members, to promote, secure and encourage efficient and competent public administration, as well as establishing fringe benefits for their members.

All the South African Public Service unions and associations have now opened their membership to all public servants irrespective of colour, gender, creed and race. Their influence and impact on public personnel administration is great and is fast gaining momentum. They have given more inputs and submissions to the Commission for Administration through the Public Service Joint Advisory Council which has been replaced by the Public Service Bargaining Council in terms of the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).

In the field of personnel provision, unions have given their inputs on improved systems of recruitment, proper placement of candidates, just and fair criteria for promotions, joint consultation on rationalisation and privatisation, as well as guarding against

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unfair and unjust dismissals and termination of service.

The unions and associations have succeeded in negotiating improved conditions of service which included participation in remuneration policy, better salary increases, adjustment of service hours, reviewing of leave, housing subsidies, grievance and disciplinary procedures. They have also succeeded in securing interim measures for collective bargaining and union recognition.

The unions and associations also encourage their members to move with changes and reforms which are taking place. The South African unions and associations in the Public Service also promote efficiency and productivity in the Government through the training and development programmes for their members.

In securing an efficient and effective Public Service for the future South Africa, the unions and associations are continually holding seminars and conferences for their members as well as inviting the various representatives of political groups to share their views on the future Public Service.



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Indeed, the unions and associations of the South African Public Service all support the idea of a non-racial, democratic, future South Africa. The unions and associations in the Public Service are vital and play a significant role in public personnel administration in South Africa.

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CHAPTER 5

THE FINANCIAL ADMINISTRATION OF LABOUR UNIONS IN  
THE PUBLIC SERVICE

5.1 INTRODUCTION

Finance is concerned with money. Money should be available when needed, for the period needed and on the best terms available. Staff associations and labour unions cannot achieve their objectives and aims without the necessary finance and therefore they need to keep proper records of their accounts and undertake effective financial administration. In the same way that an individual needs money to buy goods and services, labour unions and staff associations also need money to perform services.

Labour unions and staff associations need money to recruit, maintain, train and utilise the necessary personnel, to acquire buildings, to buy machines and equipment with which to provide services, and to pay for services rendered to them by other institutions and individuals. No expenditure is possible without an income. The procurement, preservation and utilisation of money are vital activities of labour unions and staff associations. For every financial

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transaction, accountability must be maintained. All financial activities which are undertaken should be subject to policies and be clearly accounted for.

Financial accounting is vital to unions and staff associations because it classifies and records transactions usually in monetary terms in accordance with established concepts, principles, accounting standards and legal requirements. It then aims to present a true and fair reflection of the overall results of those transactions. For labour unions and staff associations as non-profit organisations, the end result of financial accounting is a profit and loss account, a funds flow statement covering a period of time, and a balance sheet at the end of the period.

The members of unions and staff associations need to see and understand how their financial contributions are handled and utilised. The management of the unions and staff associations should do their utmost in order to give members value for their membership by keeping their financial records under effective control and good internal systems.

So, in this chapter, the financial administration of unions and staff associations

will be discussed. Since labour unions and staff associations are non-profit institutions, the effective use of management accounting techniques should enable them to achieve greater success in meeting their primary aims, viz. that of achieving better value-for-money.

5.2           **LABOUR UNIONS AND STAFF ASSOCIATIONS ARE NOT FOR GAIN**

In terms of section 21(1) of the Companies Act, 1973 (Act No. 61 of 1973), the following definition gives an explanation of associations established not for gain :

- "(a) any association formed or to be formed for any lawful purpose;
  
- (b) any association having the main objective of promoting religion, arts, sciences, education, charity, recreation, or any other cultural or social activity or communal or group interests;
  
- (c) any association which intends to apply its profits or other income in promoting its said main object;
  
- (d) any association which prohibits the payment of any dividend to its members; and



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(e) any association which complies with the requirements of section 21 in respect to the above information and registration, may be incorporated as a company by guarantee."

The above implies that in handling their financial administration, all labour unions and staff associations should take cognisance of section 21 of the Companies Act, 1973 (Act No. 61 of 1973).

Sub-section 2 of section 21 of this Act, states that "... the memorandum of such an association shall comply with the requirements of the Companies Act and shall, in addition, contain the following provisions :

(a) the income and property of the association whensoever derived shall be applied solely toward the promotion of its main object and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividends, bonus, or otherwise howsoever, to the members of the association or to its holding company or subsidiary : Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any officer or servant of the association or to any member thereof in

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return for any services actually rendered to the association.

- (b) upon its winding-up, deregistration or dissolution the assets of the association remaining after the satisfaction of all its liabilities shall be given or transferred to some other association or institution having objects similar to its main object, to be determined by the members of the association at or before the time of its dissolution or, failing such determination, by court."

5.3 **INCORPORATION OF CERTAIN BRANCHES OF FOREIGN COMPANIES AND ASSOCIATIONS NOT FOR GAIN**

Section 21A(1) of the Companies Act, 1973 (Act No. 61 of 1973), provides that "... notwithstanding anything to the contrary in this Act contained, a branch established in the Republic, of -

- (a) a company or other association of persons, incorporated outside the Republic; or
- (b) an association of persons which is not incorporated and has its head-office in a foreign country, may be incorporated under section 21 if -

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- (i) the main object in the Republic of that branch corresponds with the main object of the company or association concerned;
- (ii) the said branch complies with the requirements of section 21; and
- (iii) the whole of the business and all the property, rights and obligations in the Republic of the company or association concerned will, on incorporation under section 21 of the said branch, be transferred in due form to, vest in and be binding upon the company so incorporated."

Sub-section (2) provides that "... notwithstanding anything to the contrary contained in any law -

- (a) no transfer or stamp duty shall be payable in respect of the transfer of property contemplated in sub-section (1)(iii); and
- (b) any licence, exemption, permit, certificate or authority held in terms of any law by the company or association concerned in respect of its business or property in the Republic, shall with effect from the date of incorporation of the branch concerned as a

company by virtue of the provisions of sub-section (1), for the purposes of any such law be deemed to be held by the company so incorporated ;in respect of that business or property."

As non-profit institutions, labour unions and staff associations must follow the provisions of this Act. Their main objective is to advance the needs and the aspirations of their members; viz. that of promoting and protecting the rights and interest of workers.

#### 5.4 **THE ADMINISTRATION OF FINANCE FOR LABOUR UNIONS AND STAFF ASSOCIATIONS**

In order to have a clear picture of financial administration of unions and staff associations, the six generic administrative processes of public administration will be used as the basis for discussion (See Cloete, 1991 in toto).

##### 5.4.1 **Financial policy**

All labour unions and staff associations in the Public Service have their own constitutions and articles of association to serve as a policy directives on all their activities including the financial activities. What does the union or staff association do with its money? This

question is answered through the financial policy. Each union or association has different things for which it uses its money, but the following are the principal ones :

- (a) Money to build the union or association :  
office rent, telephones, stationery, vehicles, salaries and allowances to officials, transport for officials, congresses, conferences, administration, publications, furniture and fittings, housing and maintenance services.
  
- (b) Benefits to be paid to members : study bursaries, subsistence allowance, stabilisation fund, price stabilisation fund, pension contingency fund, welfare fund, group life assurance scheme, legal services, retirement resorts (The Institute for Industrial Action, June 1975, p.114).

#### 5.4.1.1 **Financial year, accounts and records**

The financial and official year of the associations and unions differ. Some start from 1 April in the one year to 31 March the following year (Articles of Association, Public Servants Association of South Africa, p.10). The financial year for the Natal Provincial Staff Association starts from 1 January until 31

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December each year (Natal Provincial Staff Association, Constitution, p.18).

The General Manager (Public Servants Association), Chairman (Institute of Public Servants), and Treasurer (Natal Provincial Staff Association, Public Servants Union) ensure that such accounts, books, registers and records are kept as may be necessary for the proper functioning of the association and in such a manner as will facilitate the drafting of audited financial statements (Articles of Association, Public Servants Association of South Africa, p.10).

All payments to the unions are duly acknowledged by the Executive Officer on proper forms provided for the purpose provided that the receipts are not to be issued for membership fees paid through stop orders (Institute of Public Servants, Constitution, p.7).

Management accounting is vital for running any institution effectively and efficiently. A clear financial policy will enable the labour unions and the staff associations to provide a framework for solving problems, making decisions, planning and controlling the unions and associations on good principles and foundations (Allen and Myddelton, 1987, p.10).

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Management accounting could also help union leaders to run their unions' finances well. Accounting alone is not nearly enough for union leaders. They also need administrative knowledge, technical production data, market research on members' wants and acptions, information about the labour market, the use of scarce resources and personnel administration and management as a whole.

#### 5.4.1.2 **Membership fees**

Labour unions and staff associations derive most of their funds from subscriptions of their members. Mambership fees are payable monthly in advance by stop order or annually in cash. Should there be any increase in subscription, stop orders in force are deemed to be valid for such increases. All stop orders are made payable to the unions or associations and membership fees paid in cash are remitted to the treasurer (Public Servants Union, Constitution, p.10).

If a member is on sick leave without pay or is suspended from the Public Service without salary, he is exempted from paying membership fees for the months during which he is not receiving any salary (Institute of Public Servants, Constitution, p.4).

Every member is obliged to ensure that his membership fees are paid to the association and to stop payment when he is no longer entitled to membership. No membership fees are refunded to a member for any period during which he did not qualify for membership and failed to resign in terms of the provisions of the constitution (Articles of Association, Public Servants Association of South Africa, p.3).

It is a union or association's policy to review membership fees annually and where possible, to plan increases to coincide with salary adjustments. The associations are subject to the same price increases in operating expenses as other institutions (The Public Servant, May 1991, p.5).

#### 5.4.1.3 **Banking accounts**

All monies received are deposited in the name of the association or union in a banking account or accounts at a registered commercial bank or banks as the executive committee may decide (Natal Provincial Staff Association, Constitution, p.18).

The executive committee of the union or association may from time to time direct that monies not required for immediate use be



deposited in savings or fixed deposit accounts with the Post Office or a registered bank or any other financial institution (Institute of Public Servants, Constitution, p.7). This means that any excess amounts can, by being invested for a fixed period, earn interest at a higher rate than that of any daily operated banking account.

#### 5.4.1.4 **Payments and withdrawals**

All payments are made by cheques and all such cheques and withdrawals from savings or fixed deposit accounts should be signed by both the treasurer and the president or the general secretary (Public Servants Union, Constitution, p.24). This is a control measure to safeguard proper financial administration.

#### 5.4.1.5 **Powers of attorney**

All documents relating to the purchase, sale, mortgage, letting, investment, withdrawal of any dealing whatsoever concerning the assets of the association are deemed to be duly executed if signed by one or more persons appointed for the purpose by resolution of the board of directors (Articles of Association, Public Servants Association of South Africa, p.10).

This provision is vital because the assets of the association or union form an integral part of the financial administration.

#### 5.4.1.6 **Auditors**

The accounts of the associations are audited and certified by a firm of auditors registered in terms of the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951), appointed by an annual general meeting. Should such firm terminate its services for any reason whatsoever before the normal date of the annual general meeting, the executive committee should appoint a firm for the unexpired period until the annual general meeting (Natal Provincial Staff Association, Constitution, p.19).

#### 5.4.1.7 **Indemnity**

The unions or associations indemnify each director and every official of the association free of charge against any law suits and expenses resulting from claims against the association provided that such claims are not the result of their own dishonesty or fraud (Articles of Association, Public Servants Association of South Africa, p.10).

5.4.1.8 **Fidelity guarantee**

Members of the head office staff or office bearers take out a fidelity guarantee policy for such sum as may be directed by the executive committee and the premiums thereon are paid from the association funds (Natal Provincial Staff Association, Constitution, p.19).

5.4.1.9 **Travelling and subsistence expenses**

If in the opinion of the executive committee it is necessary to request the attendance of a delegate from any region, district or branch or any other member at any meeting, conference or deputation, reasonable transport expenses and also subsistence expenses not exceeding such amount as may be determined by the executive committee from time to time, are payable from the funds of the Institute to such delegate or member (Institute of Public Servants, Constitution, p.8).

5.4.1.10 **Honoraria**

Such honoraria as the executive committee may decide upon from time to time is paid monthly to the directors, and as determined from time to time by the board of directors, to honorary

office-bearers annually (Articles of Association, Public Servants Association of South Africa, p.10).

5.4.1.11 **Donations, grants and awards**

The executive committee has the power to make reasonable contributions and grants to charitable and other similar purposes, and to award study bursaries subject to any limitation imposed by an annual general meeting (Public Servants Union, Constitution, p.25).

The executive committee makes annual grants from the Institute funds to each region, and each region to districts and branches (Institute of Public Servants, Constitution, p.8).

5.4.1.12 **Financial statements**

All regions, districts and branches keep satisfactory record of all monies received and expended. Financial statements are audited or examined annually and copies of such audited or examined financial statements are submitted to the general secretary not later than 31 March each year, together with an inventory of all association equipment in their possession (Institute of Public Servants, Constitution, p.8).

Funds are deposited in a banking account or a savings bank account of the Post Office, a building society or other financial institution. Provision is made that a least two signatories of members of a district committee are required for withdrawal of funds (Institute of Public Servants, Constitution, p.8).

It is no use collecting the money carefully from the members if it is kept badly by unions or associations. The most essential requirement for keeping the money safely is that everything must be in writing. If everything is in writing it is much more difficult for money to be lost or stolen (The Institute for Industrial Education, 1975, p.123).

The money cannot be easily lost in the bank. The bank keeps careful records of the money and these help the union or associations to keep their own records. At the end of each month, the bank sends a bank statement which indicates when and how money has been paid into the bank by the union (The Institute for Industrial Education, 1975, p.123).

#### 5.4.2 **Organisational arrangements**

In order to have effective and good financial administration, organisational arrangements for

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finance are essential. It is necessary that the members and officials of the unions and associations know their respective responsibilities and functions. Duties must be assigned to people so that their efforts are co-ordinated toward achieving the objectives and realising the aims of the unions and associations to which they belong and work (Whitmore, 1985, p.74).

"Organising consists of classifying and grouping functions as well as allocating the groups of functions to institutions and workers in an orderly pattern so that everything the workers do will be aimed at achieving predetermined objectives" (Cloete, 1991, p.112).

There are no hard and fast rules for designing an organisation, since widely differing situations and conditions apply in different concerns. Each union and association should consider the facts and construct an organisational structure that best suits its needs. The basic organisational principles include division of work, allocation of duties, creation of posts, co-ordination, channels of communication, power and authority, interpersonal relations, delegation, responsibility and authority (Whitmore, 1985, p.75).

A union or an association's organisational structure promotes unity and a feeling of solidarity amongst all workers. It speaks with one voice, provides training for workers, communicates with workers and provides better benefits to workers. The bigger the union becomes, the stronger it becomes (Institute for Industrial Education, 1975, p.20).

**5.4.2.1 The board of directors and management committee**

The general affairs and business of associations and unions are handled by the board of directors who are entitled to exercise all powers and pursue the achievement of all objectives of the association unless such business has been expressly entrusted to the executive committee of the union or association.

Should the association have to control any trust monies, wholly or in part, and the constitution of such funds stipulates that they be controlled by trustees, the board of directors of the association acts as the board of trustees of such funds (Articles of Association, Public Servants Association of South Africa, p.9).

The management committee is charged with the responsibility of managing all the affairs of



the association including financial matters (Natal Provincial Staff Association, Constitution, p.10).

The board of directors and the management committee are in charge of the whole financial administration of their respective unions and associations. In other words, they formulate financial policies, organise and design the organisational structures, approve the budget, appoint the personnel members, provide for procedures and methods and control all the activities of their union or association. Union management is a complex and difficult task (Bendix, 1989, p.56).

#### 5.4.2.2 **Executive committee**

The executive committee is the supreme executive institution with powers to carry out its objects, to direct its policy and in doing so to take all such steps as it may deem necessary or will be conducive towards the attainment of such objects but subject always to the provisions of the Constitution (Institute of Public Servants, Constitution, p.10).

The executive committee should table a written report at each annual general meeting on the control, management and administration of the



executive committee (Articles of Association, Public Servants Association of South Africa, p.3).

Section 29 of the Articles of Association for the Public Servants Association provides that the Board of Directors should, according to its discretion make annual grants from Association funds to each branch and committee for petty cash and other Association purposes.

The regional, district, branch, local and occupational committees also handle financial transactions of their associations or unions, but they are subject to strict scrutiny by the executive committee.

#### 5.4.2.4 **The Finance committee**

The Institute of Public Servants provides in their Constitution for the appointment of a finance committee with its chairman. The chairman of this committee is in charge of all the duties in connection with the accounting and financial aspects of the Institute (Institute of Public Servants, Constitution, p.9).

The chairman of the finance committee also serves on the regional, district and branch

committees (Institute of Public Servants, Constitution, p.9).

#### 5.4.3 **Budgeting**

"Budgets are formal business plans comprising quantitative statements usually expressed in financial terms covering a specific period of time for all or part of an institution's operations agreed in advance..." (Allen and Myddelton, 1987, p.165).

Leaders of unions and associations should budget every year. The executive committee should decide at the beginning of each year how much money it expects to receive during the year and what it will need for the year and how the money is to be spent for the year. One of the most important jobs of the treasurer is to prepare the budget, but it is the executive committee as a whole which finally decides exactly what should or should not go into the budget (The Institute for Industrial Education, 1975, p.137).

The budget is only a motivated estimate. During the year there could be changes in the costs of items, and also it could be found that some things which were not budgeted for are needed,

and that some things which were budgeted for are not needed. All the members of the union or association should understand the whole budget for that particular year (The Institute for Industrial Education, 1975, p.137).

The aim of the budget is to provide information for decision-making. The need for detailed budget information required for the allocation of means differs at various levels of decision making.

#### 5.4.3.1 **The preparation of the budget**

It is the responsibility of the executive committee to table a written report at each annual general meeting on the control, management and administration of the affairs of the union during the previous financial year, together with audited financial statements reflecting the financial position at the end of the financial year (Public Servants Union, Constitution, p.22).

According to The Public Servant (September 1990, p.20), the board of directors of the Public Servants Association of South Africa should submit the annual report, together with the audited annual statement reflecting the financial position of the association and the

results of its operations for the year ended on that date.

The unions and associations should comply with generally accepted accounting practices and the financial statements should be prepared on an historical cost basis, consistent with previous years (The Public Servant, September 1990, p.22).

The annual financial report includes the balance sheet, the income statement, cash flow statement, notes to the cash flow statement and notes to the annual financial statements. The income sources and the expenditure incurred should be clearly indicated. The fixed assets, current assets, current liabilities, capital employed, stock, investments, and reserves should be reflected (The Public Servant, September 1990, p.22 - 29).

#### 5.4.3.2 Consideration of the budget

The approved budget authorises the collection of income and the expending of specified sums of money. The approved budget also reflects the programme of work which is to be undertaken during a specified financial year (Cloete, 1991, p.145).

The annual general meeting of the association or union is charged with the task of considering the report of the board of directors and the executive committee in connection with the annual financial statements which have been audited (Institute of Public Servants, Constitution, p.6).

#### 5.4.3.3 **The approval and implementation of the budget**

After the annual general meeting has accepted and approved the annual financial statements of the association, then a start can be made in implementing the programme of work embodied in the statements. The money voted for this purpose can then also be used to finance the work being done. It should be borne in mind that the sums of money voted are, in fact, only estimated amounts and that they CANNOT be spent without good reason (Cloete, 1991, p.146).

Something interesting about the annual financial statements of the associations or unions is that the approval of such statements comes after they have been spent and audited. In other words, the budget is first implemented and then forwarded to the Annual General meeting to be approved and accepted.

#### 5.4.3.4 **The budgetary control**

It is well established that the top management of a company should determine the long-term objectives and programmes how these are to be achieved. As money is the common factor in all aspects of the operations and activities, the programmes should be expressed in financial as well as physical terms. Programmes should be made in advance of events and after they have been drafted, approved, and implementation has begun, then comes a need for progress to be continually monitored (Ogley, 1981, p.139).

Budgetary control is a major technique developed so that all who have responsibility for all or part of the administration of the budget can be closely and realistically involved in the formulation of control measures. In this case, all members of the union or association should be involved in the control of their budget so that it can cater for their needs to their satisfaction (Ogley, 1981, p.140).

#### 5.4.3.5 **Some difficulties of budgetary control**

The setting up and operating of budgetary control systems involve overcoming difficulties that may be organisational and behavioural. Significant management time will be involved,

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especially until a system has been well established and teething troubles overcome. A comprehensive system may be expensive to install, but an efficient and rapid information system is necessary. The availability of low cost data processing equipment and low cost high speed communications make efficient information systems more easily and economically attainable. There will be costs, but experience indicates that the benefits of an efficient system should substantially exceed the costs (Ogley, 1981, p.151).

The behavioural problems include, inter alia managers resenting budgetary control and always doing their best to undermine and discredit it. There are also difficulties in securing cooperation between the different interests. Tensions can arise because of the need for flexibility on the one hand and the constraints imposed by the budget on the other (Ogley, 1981, p.152).

Whatever the difficulties, the fact is indisputable that in many institutions, budgetary control systems certainly can work efficiently. Important factors are the climate in the institution itself, the calibre of its managers and supervisors, and the quality of internal communications and training.

Accounting systems should always be directed towards fulfilling the needs of management and members and the association or union as a whole (Ogley, 1981, p.152-153).

#### 5.4.4 Personnel for finance

The staff associations and unions should appoint suitable and competent staff members to handle their financial matters. A section dealing with accounts should be created as a vital part of the institution. The functions of the accounts section entail: the preparation of financial statements, the payment of accounts, and the keeping of all financial records and accounts. Every transaction entails documentation which includes invoices, debit notes, credit notes, cheques, statements of account, receipts and petty cash vouchers. All these documents are used to compile the balance sheet and income statement of the institution (Steenkamp and Bekker, 1987, p.60).

Rapid technological advances have had a major impact on the finance section in particular. Computers are increasingly being used in the accounts section to keep the financial records and to do the required calculations. The computer can, inter alia, be programmed to draw up pay-sheets, issuing of cheques, controlling



statements and accounts (Steenkamp and Bekker 1987, p.60).

5.4.4.1 **General manager and other personnel**

The general manager of the Public Servants Association is appointed by the board of directors (together with other staff members) and he is responsible for the efficient administration of the business of the association, including the secretarial, organisational, accounting, editorial and financial aspects of the Association's activities. The general manager is responsible directly to the board of directors (Articles of Association, Public Servants Association of South Africa, p.9).

5.4.4.2 **The chairman of the finance committee**

The chairman of the finance committee is responsible for the carrying out of all duties in connection with the accounting and financial aspects of the Institute (Institute of Public Servants, Constitution, p.9).

5.4.4.3 **The treasurer**

The treasurer is responsible for the carrying out of all duties in connection with the

Servants Union, Constitution, p.17).

5.4.4.4      **The general secretary**

The general secretary is responsible for the efficient administration of the association, including the secretarial, organisational, and editorial aspects of the work of the association for which he is directly responsible to the executive committee. He is also responsible for the efficient functioning of other staff employed by the Association in its offices (Natal Provincial Staff Association, Constitution, p.12).

The general secretary or the general manager (Public Servants Association) are the accounting officers for their associations and unions.

5.4.4.5      **Personnel policy and procedures**

In order to ensure that all staff members and all divisions of the unions and the staff associations co-operate in achieving their objectives as best as they can, the existence of guidelines for the execution of the work is essential. It is imperative that objectives, policies, procedures, rules and regulations are formulated and made known. Objectives represent

the aims which have to be pursued, policies provide directions for taking decisions, procedures see to the methods and aids to be used, and rules and regulations provide the stipulations which have to be complied with (Marx, 1986, p.68).

Training and development of officials in labour relations, human relations, and communication skills could facilitate a sound understanding between union officials and union members. In order to have efficient financial administration, the staff members should be continually trained and developed. Development helps the individual to handle future responsibilities (Werther and Davis, 1989, p.243).

Training and development of their employees could benefit associations and unions in many ways which include, inter alia, improved efficiency, improved knowledge and skills, improved morale of the work force, creation of a better corporate image, and fostering of authenticity and competence (Werther and Davis, 1989, p.246).

Finance needs to be handled with care, honesty, economically and with accuracy. The staff members dealing with finance should always be

#### 5.4.5 Control of finance

" Control can be defined as the process of monitoring activities to determine whether individual units and the institution itself are obtaining and utilising their resources effectively and efficiently so as to accomplish their objectives. It is a function of corrective action based on the past trends and the current situation which are compared with the desired situation and tested for any variance" (Whitmore, 1985, p.27).

The desired situation is usually stated in the form of standards which may be forecasts, planned output, operator performances, quality levels, budgets and standard costs. All have one thing in common, viz. a target to be achieved. Essential ingredients for control are monitoring of results and feedback of information (Whitmore, 1985, p.27).

Strict control of financial matters is vital. Every cent must be accounted for. Books should balance, policies and procedures must be followed, and records must be accurate and be readily available.

#### 5.4.5.1 Internal control

Internal control covers not only internal checks and internal audit, but the whole system of control, financial and otherwise, established by management in order to continue a business undertaking in an orderly manner, safeguard the assets, and ensure as far as possible accurate and reliable records and timely financial reporting. Control in the context of management accounting is the process by which managers seek to ensure that companies obtain and use resources effectively and efficiently in the achievement of their goals. Effectiveness means how well a unit contributes to the organisation's objectives, whereas efficiency means optimising the ratio of outputs to inputs (Allen and Myddelton, 1987, p.11 ).

#### 5.4.5.2 Essential characteristics of internal control

The responsibility of establishing and maintaining an adequate system of internal control rests with the board of directors, management committee or executive committee of the unions and the associations. A sound system of internal control should observe the following basic principles :

- (a) The duties of the various members of staff

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and the limit of authority should be set out in writing. The procedure laid down for carrying out duties and discharging responsibilities should be provided for there should be clear evidence as to who has done the work or made the decision.

- (b) Precise instructions should be laid down for the re-arrangement or delegation of duties in the event of the staff being absent.
- (c) The accounting section should keep, or have control over, all accounting records; persons having custody or control of assets should not also be responsible for the accounting in respect of those assets.
- (d) Records and forms should be as simple as possible and properly designed for the purpose for which they are being used. This reduces the possibility of errors.
- (e) Payments should be made only on the authority of properly authenticated vouchers.
- (f) Books should be kept properly and written up to date in permanent form (ink).

- (g) Books should be balanced at regular intervals, normally at least once a month.
- (h) The staff must understand, and be competent to carry out, the work entrusted to them, particularly where control depends on inspection and certification by a second party, that party must understand the importance of carrying out checks as opposed to merely signing or initialling as a formality.
- (i) There should be a well-defined division of responsibilities between sections and individuals, so that no one person handles a transaction from beginning to end. Whenever possible, there should be a rotation of duties particularly for persons involved in cash and negotiable instrument transactions and payroll functions.
- (j) All the staff should take their holidays according to a settled arrangement. Failure by any member to take holidays, particularly staff who deal with receipt or payment of cash, should be subject to immediate enquiry to discover or prevent irregularities. (Paper delivered to a meeting of Executive Council and Secretaries of State Departments, Venda, 29 January 1981, p.2).

Unions and staff associations the Public Service should adhere to the internal control measures if they wish to enjoy the confidence and support of their members. Financial control must be seen to be done.

#### 5.4.5.3 Internal checks

" Internal checks are necessary in the financial administration of unions and staff associations. Internal checks are not the same as internal control, but form part of internal control. Internal checks are the allocation of work and authority in such a manner as to afford checks on the routine transactions of day to day work by means of the work of one person being approved independently by another, or the work of a person being complementary to that of another. One of the main objects of internal check is to increase the difficulties of a person who plans to carry out fraud insofar as he would not have all the relevant matters under his control and would need to seek the collusion of one or more people to share in his criminal activities, if he wished to persist in his plans" (Ogley, 1981, p.496-497).



5.4.5.4 Internal and external audit

Auditing is an essential part of financial control. "... Auditing is defined as the independent examination and investigation of the books, accounts and vouchers of a business with a view to enabling the auditor to report whether the balance sheet and profit and loss account are properly drawn up so as to show a true and fair view of the profits of the business according to the best of the information and explanations obtained by the auditor. An audit involves an investigation and a report" (Ogley, 1981, p. 498).

A thorough audit must be done for all accounts of the unions and the staff associations.

The accounts of the unions and staff associations registered are required by law to be audited and certified by a firm of auditors registered in terms of the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951). This is vital for financial control. Auditors report to members and not to directors or executive committee. An auditor's duties cannot be restricted by a company's directors or officers, but they can be extended by mutual agreement (Ogley, 1981, p.498).

To ensure that labour unions and staff associations are acting legally, it is necessary to have some record of their actions. Financial records are in the form of accounts and the examination of such records is an audit. The auditor must satisfy himself that:

- (a) all reasonable precautions have been taken to safeguard the proper collection of monies and that the laws relating thereto have been duly observed;
- (b) all reasonable precautions have been taken in connection with the receipt, custody and issue of, and accounting for, stores, equipment, stamps and securities;
- (c) all payments are made in accordance with the appropriate authority and are supported by adequate vouchers or other proof of payment. In order to enable him to do his work properly, the auditor can summon any employee or office-bearer to appear before him for questioning and explanations. To ensure that a proper, efficient audit is carried out, it is a pre-requisite that the auditor is acquainted with all the details of the unions and associations' operations (Paper delivered at a meeting of Executive

Council and Secretaries of State Departments  
of Venda, 29 January 1981, p.6).

#### 5.4.6 Revenue for unions and associations

Labour unions and staff associations in the Public Service derive most of their income from monthly subscriptions paid by members by means of stop orders or annually by means of cash (Hospersa, Official Letter dated 31.1.91, p.2).

The following methods are also used to increase income :

- (a) Investments on any excess funds.
- (b) Rentals on offices/buildings owned by the union or association.
- (c) Profits from their own restaurants and holiday resorts.
- (d) Commissions on housing schemes available to members.
- (e) Profits from their housing development projects.
- (f) The sales of union or association's products such as T-shirts, ties, books and journals.
- (g) Commission on group life insurance schemes (The Public Servant, September 1990, p.23).

Union and staff association's subscriptions vary from association to association. The unions and associations should appoint appropriately qualified organisers and effective recruitment committees in order to increase membership. The unions and staff associations should communicate effectively with all state departments and publicise themselves. The greater the membership, the more income they are able to generate. Members should effectively be involved in the maintenance of their unions and associations (IPS News, July 1990, p.3).

5.4.7 **Financial benefits available to members**

Unions and staff associations should do everything in their power to give their members value for their membership fees. The following are the benefits that unions and staff associations offer to their members :

- (a) Improved conditions of service.
- (b) Better service dispensation.
- (c) Group buying power scheme.
- (d) Group educational aid schemes.
- (e) Bursary schemes.
- (f) Group assurance schemes.
- (g) Group holiday resort facilities.
- (h) Discount benefits.
- (i) Group hotel facilities.

- (j) Group legal representation scheme.
- (k) Group identity as public servants.
- (l) Bereavement fund.
- (m) Group provident fund scheme.
- (n) Group short term schemes.
- (o) Group car hire schemes.
- (p) Free magazines, newsletters and journals.
- (q) Scholarship achievement awards.
- (r) Death benefit fund.
- (s) Housing schemes.
- (t) Medical aid schemes.

The unions and associations should also be responsible for the individual growth of their members, especially those from under-privileged communities. They should institute general education and social programmes on personal hygiene, health, good housekeeping and motherhood, and offer courses on social and economic development (Bendix, 1989, p.53).

## 5.5

### **CONCLUSION**

It is a fact that no labour union and staff association can survive without funds. Financing is an essential generic administrative process which enables other processes such as policy-making, organising, personnel, procedures and methods and control to take place. Without

the necessary funds, labour unions would find it difficult to achieve their objectives and goals. It is imperative that effective and proper financial administration be undertaken by all labour unions and staff associations for the benefit of their members.

Labour unions and staff associations in the Public Service are regarded as institutions established not for gain in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973). Their financial activities and administration must comply with the provisions of section 21 of the Companies Act, 1973 (Act No. 61 of 1973). The main objective of labour unions and staff associations is to cater for the needs and interests of the workers and not to compete with the business sector for making a profit.

All the labour unions and staff associations use their constitutions and the articles of association as policy documents to regulate their financial administration. The constitution and the articles of association provides for payment of membership fees by members, the opening of the banking accounts, the preparation of the financial statements, the financial year, the handling of financial accounts, and the provision of financial records.

The use of the constitution and the articles of association as a financial policy of the labour union and association call for effective financial management and accounting. The leaders of unions and associations must ensure that financial accounting of their associations and unions effective and proper.

In order to undertake financial administration, the creation of appropriate organisational structures is necessary. Each labour union and association has its own organisational structure which shows the hierarchical structure of its office-bearers and employees involved in financial administration starting with the board of directors, management or executive committee, finance committee and staff members like the general manager or general secretary, the treasurer, chairman of the finance committee and personnel members working in the finance section.

A budget forms an essential part of the whole financial administration process. The officers of the unions and associations should know how to compile a budget. Each union and association should prepare, approve and implement its yearly budget and present audited financial statements to the annual general

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meeting attended by members. The budgetary control is essential in good financial administration of unions and associations.

Control of finance is a pre-requisite in all the labour unions and associations. Members of the unions and associations become contented and satisfied if they see that their monies are safeguarded and well looked after. This necessitates the employment of effective internal control measures over financial records, accounts, securities, stock, and other valuable assets. Internal control and checks must be done by the management and supervisors in the unions and associations.

The Companies Act, 1973 (Act No. 61 of 1973) requires that all financial statements of labour unions and associations registered as companies not for gain must be audited by a qualified auditing firm in terms of the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951). For the purpose of effective control over finances, the use of both the internal and external auditors by the unions and associations is necessary.



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However, despite limited financial sources of unions and associations, they are trying their best in giving financial benefits to their members. These benefits are necessary despite the fact that the majority of labour unions and associations derive most of their income from membership fees. Only a few old and big unions do own holiday resorts, retirement houses, restaurants and housing development projects.

The labour unions and staff associations spend most of their income on general administration which includes salaries of staff members, equipment, stationery, office rentals, travelling and subsistence allowances, vehicles, and correspondence with members. Financial administration of unions and associations must be proved to be economic, efficient and effective.

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CHAPTER 6

**THE CONTROL OF PUBLIC SERVANTS AND UNIONS BY THE GOVERNMENT**

6.1 INTRODUCTION

The process of control forms an essential part of public administration activities. The Government and the labour unions should co-operate and assist each other in controlling the activities of public officials in order to enable the Public Service to render effective and satisfactory service to the public. In this chapter, it will be explained how both the Government and unions exercise control over their members ultimately aiming at promoting the general welfare of the people.

One of the objectives of labour unions and staff associations in the Public Service is to promote, secure and encourage efficient and competent public administration as well as to secure a well paid and contented public service. In order to achieve this objective, attention should be given to the control process and how it interrelates with the other generic functions of public administration.

The public expect each and every public servant to provide efficient and effective services because public servants are remunerated from public monies. The primary objective of any Government is to promote the general welfare of the people and therefore control over public servants should be undertaken to demonstrate this objective. Account should be given in public for everything the public officials do or neglect to do. Officials of unions and associations could contribute to the performance of the control functions by the public institutions and their functionaries.

## 6.2

### THE MEANING OF CONTROL

Control is the process of monitoring activities to determine whether individual units and the institution itself are obtaining and utilising their resources effectively and efficiently so as to comply with set standards and accomplish their objectives, and, where this is not being achieved, implement corrective action.

According to Gortner, "... the controlling function refers to that part of a manager's job in which he checks up on assignments, sees what is being done, and does something about it, if he finds discrepancies" (Andrews, 1988, p.15).

Mondy (1986, p.416) writes "... that control is the process of comparing actual performance with standards and taking any necessary corrective action. The control process has three steps, namely establishing standards, evaluating performance and taking corrective action".

According to Stemmet (1989, p.1), control can be described as the process whereby an institution ensures that its work-force carries out the actions of its identified policy in accordance with its defined objectives and in the most economical and efficient way.

A fundamental requirement of public administration in any state is that the population comprises the highest authority and that everything which the political office-bearers and public officials do should be to the highest benefit of the citizens individually and collectively (Cloete, 1990, p.15).

### 6.3

#### **PUBLIC ACCOUNTABILITY AS A GUIDING PRINCIPLE OF PUBLIC ADMINISTRATION IN SOUTH AFRICA**

Cloete (1990, p.62) states that every political office-bearer and every public official should display a sense of responsibility when performing his official duties, in other words,

his conduct should be above reproach so that he will be able to give account in public of his action.

Public officials and their labour unions should observe this guideline to obtain effective performance. Whatever actions and decisions are taken by labour unions and staff associations, in the end, they must account for their actions (to their members). When public officials belong to labour unions and staff associations, they need to realise that every action the institutions take should be of value to the public at large.

Hanekom and Thornhill (1983, p.185). identify public accountability as one of the prominent characteristics of public administration and point out that the public and elected representatives need assurance that public services are under control and are carried out within the framework of the policies laid down by Parliament.

The labour unions and staff associations should enforce accountability when exercising control over their members. Irrespective of whether the public servants are members of the unions or not, they should always serve the public with



respect and dignity. The public remain the masters of public servants. Labour unions should uphold this principle all the time.

6.4

**THE CONTROL OF GOVERNMENT OVER PUBLIC SERVANTS**

"The Commission for Administration is aware of the need for quality of service, and in the White Paper on the Rationalisation of the Public Service of 1980, stressed, inter alia, two significant guidelines namely, the service needs of the public and the fact that the government's claim on the available means of production be limited to the minimum consonant with effective need satisfaction" (Publico, February, 1992, p.4).

"The above guidelines appear to be fully in line with the fundamental principles underlying the concept of Total Quality Management which is customer satisfaction, continuous improvement and work-force involvement" (Publico, February 1992, p.4).

The Government should ensure that public monies are used sparingly and economically through good conduct and effective actions of public officials. The political office-bearers and the heads of executive institutions have the responsibility of maintaining responsible and

qualitative guidelines and control measures that will promote the general welfare of the people.

Seeing that phenomena such as strikes, stayaways, sit-ins and collective labour discontent are increasingly experienced in the Public Service, the labour relations function requires pertinent attention. This calls for sound control measures by the Government in order to promote healthy labour relations in the Public Service.

6.4.1 **Policy framework for the development of the Public Sector**

In its annual report of 1989, the Commission for Administration accepted a policy to put the public sector as a whole on a more efficient foundation. The policy is :

- "(a) The public sector must be made as small as possible. Deregulation and privatisation are possible options for achieving this policy.
  
- (b) The public sector must be organised in a manner that will promote effective management.

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- (c) Good management of the public sector requires that the right people be appointed to managerial positions; that clear management goals be formulated and that an environment be created that will be conducive to good management.
- (d) Every head of a Government institution and every manager who manages a function in the public service must be given as much direct authority as possible over the resources that are necessary for the execution of the functions. Managers must be given the greatest degree of managerial autonomy.
- (e) The other side of managerial independence is responsibility and accountability which must apply to all levels of management.
- (f) The principle that managers of institutions should be directly responsible and accountable for managerial effectiveness should be followed explicitly and consistently.
- (g) Staff and control institutions with broad public sector responsibility must determine a framework, rules and

guidelines within which departments can act with managerial autonomy in their own right.

- (h) Definite acknowledgment must be given to the fact that the public sector is not a single organisation in its own right.
- (j) Co-ordination and managerial systems outside the normal systems of state management must be eliminated as far as possible. It must be the direct and explicit responsibility of an institutional head to liaise with other interested parties and to ensure co-ordinated actions.
- (k) Where specific actions, e.g. to save, to privatise or to deregulate, have to be carried out, the primary responsibility should be placed in the hands of ministers and institutional heads or managers.
- (l) Measures relating to recruitment, retention and utilisation of personnel must be aimed at ensuring that the public sector gets and keeps its rightful share of quality personnel, that personnel are properly trained and utilised, and when

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filling posts the really suitable candidates are appointed.

- (m) When determining the place and time for rendering of services, apart from economic considerations, the needs of the client must play an important role too.
- (n) Cost and productivity consciousness must be inculcated throughout the public sector and especially the managerial echelon".

(Annual Report, Commission for Administration, 1989, p.15-16).

The abovementioned points are continuously updated and refined to eventually constitute a complete and generally accepted basis for the development and shaping of the structure and management of the public sector. The vital fact is that the measures taken should be implemented to the satisfaction of the public. It is indeed imperative that such structures be made available to all interested parties and groups for their inputs and suggestions especially labour unions and staff associations.

The Government has indicated that it endorses the universally accepted worker rights of public servants as well as employer rights of Public

Service departments. As a result of this endorsement and the continuing emergence of labour unions in the Public Service, all identified employee organisations were involved in the discussions on sound labour relations for the Public Service (Annual Report, Commission for Administration, 1990, p.1).

"What is required for quality service, according to Dr. van der Merwe, the chairman of the Commission for Administration, is to keep high quality people in Government posts at all levels. The public service like any other institution, is effective in almost direct proportion to the degree to which public servants take pride in their work, identify personally with the goals of their departments, and are treated with the respect they deserve by all citizens" (Publico, February 1992, p.6).

#### 6.4.2 **Establishment of greater managerial autonomy**

Since 1989, a start has been made in building a "new" public service. Bottle-necks in the efficient management of departments were identified and the role of the Commission for Administration as a staff and control institution redefined. With the establishment of greater managerial autonomy, the role of the

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staff and control institutions such as the Commission is limited to :

- "(a) formulating an umbrella policy framework for conditions of service and the general administration of the public service;
- (b) designing broad frameworks for decentralised management;
- (c) monitoring the results of managerial autonomy;
- (d) gathering information and reporting to the Cabinet and Parliament;
- (e) executing effective inspections and evaluations, on its own or in cooperation with the Department of Finance and the Auditor-General, in order to ensure that administration is practised in accordance with the established policy, practices and bases and that discipline is being maintained in personnel administration;
- (f) advice, guidance, technical and professional assistance to departments"

(Annual Report, Commission for Administration, 1990, p.5).

The Public Service Act, 1984 (Act No. 111 of 1984), the Public Service and the Public Service Staff Code are the source of all the rights, privileges and legal expectations that the public servants may desire (The Public Servant, April 1991, p.3).

#### 6.4.3 **Devolution of responsibilities to departments**

"According to the chairman of the Commission for Administration, the Commission has since 1990 gone out of its way to promote the devolution of responsibilities to departments and within departments to line managers and further down. For this purpose, the Public Service Act, 1984 (Act No. 111 of 1984), was amended during the 1990 Parliamentary session in order to enable the Commission to further the managerial self-sufficiency of departments" (Publico, February 1992, p.7).

This has led to the stage where departments can, within the parameters of broad frameworks handed down by the Commission, inter alia :

"(a) create, abolish and grade 99,6 per cent of all posts up to sub-directorate level;



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- (b) fill 91,5 per cent of all posts;
- (c) allocate bursaries;
- (d) introduce incentive schemes;
- (e) recognise and negotiate with personnel associations and unions at departmental level on departmental issues; and
- (f) reward efficiency" (Publico, February 1992, p.7).

This delegation of authority will enable the departments to identify problems in their areas of competence, to gather facts and to develop appropriate strategies and programmes to perform the functions involved. This will enable departments to have initiative cordial relations with unions and staff associations as well as assisting each other in resolving personnel issues.

#### 6.4.4 **Control measures on labour relations in the Public Service**

"The industrial relations environment in the Public Service as a whole and in individual departments is associated with the quality of

services that are rendered. Poor industrial relations have a damaging effect on morale, quality and productivity in any institution. Recognised personnel associations and labour unions are continuously meeting the Commission for Administration to participate in negotiations in regard to a suitable labour relations system for public servants, taking into account the particular circumstances relevant to the Public Service" (Publico, February 1992, p.7).

Because of labour unrest and other grievances found in the Public Service, the Commission for Administration launched an investigation into the state of labour relations in the Public Service in 1990 and found that every state department in the Public Service would have to expand or adapt its activities to cope successfully and adequately with the increased demands in the labour relations field (The Public Servant, July 1991, p.6).

The measures on labour relations are aimed at controlling the departments and guiding them regarding the handling of matters and conflict.

The main objective of the Commission is to give a policy framework within which departments or administrations can, according to their unique

needs and circumstances, develop or expand labour relations in a functional context.

#### 6.4.4.1 **Departmental functions with regard to labour relations**

No line manager should develop the mental stance that, since the Commission for Administration exists, no one else needs to be concerned with labour relations. Labour relations are the business of everybody who is part of management.

##### 6.4.4.1.1 **Responsibilities of line management**

The line management of a department or administration is responsible for :

- (a) determining and maintaining a general or overall departmental labour relations policy, within which the broad policy framework so laid down by the Commission for Administration;
- (b) determining and maintaining specific operational policy objectives as derived from the abovementioned policy;
- (c) the execution of the abovementioned policy objectives, namely the active promotion of sound labour relations and the handling and

defusing of labour unrest within the own organisational component or institution of each manager and supervisor;

(d) the liaison and negotiation with staff associations and labour unions within their matters within their power of authority and the management and administration of agreements with such associations and labour unions; and

(e) the handling of grievances within the own organisational component or institution of each manager and supervisor (The Public Servant, July 1991, p.8).

Labour relations involvement by the line manager is an essential part of his role as a supervisor over union members. He and lower echelons of management within his department supervise, directly or indirectly, a large number of employees, many or all of whom are members of a recognised union or association which represents the workers. Particularly at the lower levels of supervision, daily contact with unionised employees is inevitable (Public Personnel Association, No. 31, 1971, p.6).

The role of line management in the labour union relationship can be compared to its role in

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other facets of personnel administration. Where the Commission for Administration formulates the broad policy, the line department carries it out. The line department applies each policy to the facts of a given situation. Through the grievance procedure, it defends and explains the application of the labour relations policy. The application of policy extends beyond mere interpretation of the collective agreement. Line management should seek a reasonable, harmonious relationship with labour unions and staff associations. However, it is difficult to build a harmonious relationship if line management sabotages it through creating an atmosphere of hostility with unions and staff associations.

#### 6.4.4.1.2 **Responsibilities of the staff function**

In support and facilitation of line management responsibilities, the staff function of a department includes :

- (a) advice or assistance to line management with regard to labour relations without usurping the responsibilities of line management;
- (b) the overall monitoring of the success and effectiveness of departmental labour

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relations policy with a view to advice and training;

(c) the training and equipping of all role-players concerned with the labour relations function to enable them to independently organisational component or institution (The Public Servant, July 1991, p.8).

#### 6.4.5 **Discipline of public officials**

John Garnett (SAIPA on 28 September 1988, p.2-31) explains that where people live or work together in a community, there must be rules of behaviour. One of the required activities of a leader is to get people to co-operate within these rules (A paper on discipline, delivered at a seminar of the Northern Transvaal Branch of SAIPA).

Discipline in the public service is essential. Whether officials belong to unions and staff associations or not, they should maintain discipline in order to render effective and satisfactory services to the public. Both the Government and the unions and staff associations should co-operate in order to have a competent and capable Public Service. Disciplining employees and officials, whether or

not they are organised, is one of the most difficult tasks of supervision. Fairness to the employee as well as management's investment in the employee, requires that disciplinary action be taken with care (Public Personnel Association, No. 31, 1971, p.16).

Evaluation and control is of major concern to higher level managers, political office-bearers and tax paying citizens. Control and evaluation are closely tied to feedback on organisational performance. A simplified view of this process involves three elements, namely the establishment of a specific set of standards for the organisation's actual performance against set standards, corrective actions to improve performance as it relates to the standard, and to rectify any deviations that have occurred (Crane and Jones, 1982, p.187).

#### 6.4.5.1 **Disciplinary measures in the Public Service**

Chapter Six of the Public Service Act, 1984 (Act No. 111 of 1984), provides for the actions and procedures that must be taken against officers and employees who are inefficient and those who are found guilty of misconduct. It is clear from the Public Service Act, 1984 (Act No. 111 of 1984), that the Government should indeed

exercise discipline over all public officials and employees irrespective of whether they belong to labour unions and staff associations or not.

In addition to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984) regarding disciplinary measures, the Government has also made regulations in terms of sections 35(1) of the Public Service Act, 1984 (Act No. 111 of 1984), to control public officials and employees in the form of Public Service Regulations and the Staff Code (Public Service Act, 1984 (Act No. 111 of 1984) p.445-446).

A Government exists for the people and not the people for the Government. The actions of public officials should, therefore, be designed to serve the needs of the South African population without discrimination relating to gender, colour or creed. Legislative control, is, therefore, essential to ensure that the people are receiving satisfactory services.

#### 6.4.5.2 **Ethical conduct of Public Servants**

Like any social group, public servants have a specific pattern of behaviour which distinguishes them from other social groups. A



specific behavioural pattern implies conformity to a specific set of rules, guidelines, principles or codes. In the Public Service, ethical norms are found in acts, personnel regulations and staff codes (Hanekom, 1987, p.162).

#### 6.4.5.2.1 Definition of ethics

"Ethics refers to the standards which guide the behaviour and actions of personnel in public institutions, and which may be referred to as moral laws" (Andrews, 1988, p.35).

Robbins (1984, p.222) defines "... ethics as a practical, normative philosophical science that studies and evaluates the rightness or wrongness of voluntary human acts"

Hanekom (1987, p.152) defines "... ethics as the basic principles of the right action and to rules of conduct"

It is essential for the Government to ensure that the public servants are behaving ethically. Since public officials occupy positions of trust, it is understandable that the public should be interested in their ethical behaviour and official conduct. Ethical behaviour and

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professional competence cannot be divorced. Adhering to higher ethical standards of behaviour, but conducting the public's business in an incompetent manner, will not satisfy the public (Hanekom, 1987, p.153).

#### 6.4.5.2.2. Codes of ethics for Public Servants

"A code of ethics is a set of rules by a higher authority to a specific homogeneous group of employees, with a view to eliciting from them a specific behaviour under specific circumstances" (Hanekom, 1987, p.162).

It is imperative for the Government to have a code of ethics for officials. The labour unions and staff associations should be involved in the making and implementation of the code of ethics. People are proud of something that they have helped to produce because they feel part and parcel of it.

According to Hanekom (1987, p.163), codes of ethics have the following objectives :

"(a) promoting and maintaining responsible conduct of public officials;

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- (b) promoting public confidence in the integrity of public officials;
- (c) providing guidelines to public officials in their relationship with fellow public officials, elected public office bearers, and with members of the public; and
- (d) providing guidelines to public officials in the exercise of the discretionary powers they may have".

If public officials do not have a code of ethics according to which their actions are led, directed and guided, the result would probably be as catastrophic as when power and authority are delegated without enforcing accountability (Andrews, 1988, p.41).

The United States of America's Congress passed a Code of Ethics for Government Service on 27 June 1980 which all public servants should adhere to. The code is significant and if public servants, their unions and staff associations here in South Africa could adopt this Code of Ethics this would be of substantial benefit to the citizens of this country. The American Code of Ethics provides that any person in Government service should :

- "1) put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government Department;
- 2) uphold the Constitution, laws and regulations of the United States and of all governments therein and never be a party to their evasion;
- 3) give a full day's labour for a full day's pay; giving earnest effort and best thought to the performance of duties;
- 4) seek to find and employ more efficient and economical ways of getting tasks accomplished;
- 5) never discriminate unfairly by the dispensing of special favours or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favours or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties;
- 6) make no private promises of any kind binding upon the duties of any office, since a Government employee has no private word which can be binding upon a public body;
- 7) engage in no business with the Government either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties;

- 8) never use any information gained confidentially in the performance of governmental duties as a means of making private profit;
- 9) expose corruption wherever discovered;
- 10) uphold these principles, ever conscious that public office is a public trust" (Crane & Jones, 1982, p.220).

If public servants in South Africa could adopt with adaptations the American example of a code of ethics, public interest and the general welfare of the public will be enhanced and the Government will not have difficulties in controlling the activities of public officials.

It is imperative that the Government together with unions and staff associations provide the necessary training in ethical norms and standards time and again. The training programme should, inter alia, include specific legislation, regulations and procedures which govern the actions of public officials, power and authority attached to specific positions, and values and norms of the community (Andrews, 1988, p.40).

The public has the right to know, examine and evaluate how Government performs its functions (Vacino, 1981, p.399).

#### 6.4.5.3 **Role of line management in discipline**

The Government uses line managers to instill discipline. Line managers bear a great burden in maintaining discipline within the workforce. Management acts and the unions react. Until management decides to act, the unions and staff associations will remain silent, for they will not perform management's role (Public Personnel Association, 1971, p.19)

Line managers set the standards. It makes rules governing the conduct of employees. Line managers also have the obligation to communicate the standards to the work-force, otherwise it is assumed that standards do not exist. A sound policy dictates that, when a new rule or regulation is to be issued, the union should be notified even though the subject is not negotiable (Public Personnel Association, 1971, p.19).

The practice of notifying unions and staff associations of personnel matters help in disseminating the information to the officials. It also keeps the unions and staff associations informed, in case a member should seek assistance directly from a union or staff association office. The unions and staff associations may have constructive suggestions

for improving the rules in the interests of clarity and effectiveness. Most important, the courtesy shown to the union and staff associations' officers through such information helps to build a good union-management relationship (Public Personnel Association, 1971, p.19).

#### 6.4.6 The handling of grievances in the Public Service

The necessity of a standard, clear-out grievance procedure is well recognised in Government today, just as it is in the private sector. The peaceful resolution of employee grievances and collective bargaining to disputes is necessary. To minimise work disruption, an effective grievance procedure would enhance the productivity of the Government (Crane and Jones, 1982, p.152).

Section 29 of the Public Service Act, 1984 (Act No. 111 of 1984), provides that if an officer has a complaint or a grievance concerning an official act or omission, or if an officer in those divisions or an employee wants to address a request or communication to the Commission for Administration, he has the right to lodge that complaint, grievance, request or communication with the authority concerned under prescribed circumstances, on the prescribed conditions and

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in the prescribed manner, and that authority shall submit it to the Commission.

It is the responsibility of all Government institutions to handle grievances and complaints from the officials promptly and fairly before such cases are even submitted to the labour unions and staff associations.

After negotiations on 16 and 17 August 1990 between the recognised unions and staff associations and the Commission for Administration, it was agreed that proposals regarding the amendment or substitution of the existing grievance procedure contained in Public Service Regulations A22 and A23 should be submitted to the associations and unions by the Office of the Commission for Administration and that disciplinary measures be instituted. (The Public Servant, September 1991, p.19).

#### 6.4.6.1 **Grievance procedures**

A grievance procedure is a formal system by which employees may channel their grievances through successive echelons of management. Normally a grievance is defined "as an alleged violation of the employment conditions set forth in the labour agreement" (Public Personnel Association, 1971, p.9).



The usual grievance procedure requires that Government and public officials follow the official channels of communication and exhaust them before turning to the Commission for Administration or the unions and staff associations for help. Grievance procedure is essential and are a safety valves in any organisation. Supervisors can be wrong particularly in interpreting complex rules and employment legislation and some are overly authoritarian. An effective grievance procedure is necessary in that it permits employees to appeal, in an orderly manner, if they believe the department is being unfair to them (Public Personnel Association, 1971, p.152).

In order to exercise effective control over public servants, the Government should provide a clear-cut grievance procedure.

#### 6.4.6.2 **Principles of handling grievances**

Grievances at work must be resolved. Most grievances are resolved at the first occurrence. Public managers who follow the following principles may be successful in minimising difficulties arising from employee grievances. Crane (1982, p.152-154) has identified the

following principles in handling grievances:-

**6.4.6.2.1 Take every complaint seriously**

Even though a grievance may appear ridiculous on the surface, it is a serious matter to the employee. Indicating to employees at the outset that their complaints have no merit, or that they are foolish even to think their problems warrant attention, can destroy whatever good relations exist between the agency and its employees. Managers must give full attention to any complaint and try to find the source of trouble, whether it is obvious or hidden. They must try to determine why there is a grievance (Crane, 1982, p.153).

**6.4.6.2.2 Work with officials of unions and associations**

When employees make a justifiable request for the presence of their union representative, the manager should allow the representative to be summoned promptly. Public managers should realise that union and staff association's representatives can assist in solving difficulties and are not adversaries seeking to injure the Government (Crane, 1982, p.153).

6.4.6.2.3 **Check for accuracy**

In written grievances, the managers should ascertain whether the grievance form is completely and correctly filled out or not. Many employees are inarticulate especially in writing, and as a result, grievance statements are often unclear, illegible, incomplete or confusing (Crane, 1982, p.153).

6.4.6.2.4 **Have issues clearly in mind**

When handling a grievance with a staff association or union official, both should stick to the issue of the grievance since emotions and side issues tend to be interjected into the conversation (Crane, 1982, p.153).

6.4.6.2.5 **Gather all available facts**

Unless an answer to the grievance appears obvious, managers should use the time allowed by the agreement to investigate the problem, gathering as much relevant data as possible, such as a policy, previous settlements, facts regarding circumstances of the case and other pertinent information (Crane, 1982, p.154).

6.4.6.2.6 **Keep within the time limits**

Procrastination quickly creates disharmony. The agreement specifies the maximum amount of time for each step of the grievance procedure; special arrangements for extensions can be made by mutual consent. But as a general practice, management should reply within the time limits established by the agreement (Crane, 1982, p.154).

6.4.6.2.7 **Justify decisions**

The Management's answers should state reasons especially when a grievance is denied. The answer may be unacceptable, but the reasoning behind it can help promote understanding and convince the union not to appeal. Whatever the answer, managers should check the following items before making a decision :

- (a) Precedent;
- (b) Directives and statutes;
- (c) Reasons behind the complaint;
- (d) Consequences of the decision (Crane, 1982, p.154).

6.4.6.2.8 **Keep a complete record of facts**

Finally, the department should record all the facts, particularly if the grievance goes beyond the first step. All the proceedings should be neatly recorded for future review and information (Crane, 1982, p.154).

The handling of grievances is an essential dimension of labour relations. Just as a group of staff may feel aggrieved at aspects of the terms and conditions under which they work, an individual worker may have a grievance related to his or her circumstances in the work-place. It is significant, from the viewpoint of harmonious and productive working relationships, for the grievance to be resolved as quickly and as fairly as possible (McCallum, 1985, p.394).

6.4.7 **Requirements of administrative law**

This is a guideline which the Government uses in controlling activities of public officials. The public officials' success in executing Government policy is not determined only by their skills and abilities, but also by their experience and ability to interpret the intentions of Government behind the legal requirements forming their terms of reference.

In this regard, it should be borne in mind that the officials require legal authorisation for every action to prevent their actions from being ultra vires (Hanekom, 1983, p.142).

The legal framework within which the public official operates consists of acts passed by the legislature as well as regulations, rules, orders and instructions to supplement the acts. It can be said that legal rules provide a normative code of conduct for public officials. Legal rules require that :

- "(a) a public official should not exceed his powers under the law, he should act intra vires;
- (b) he should act only if he has the power or authority to do so;
- (c) there should be a justifiable reason for the act or decision i.e. bona fide (good faith) instead of mala fide; and (d) audi alterem partem (listen to the other side) should apply" (Cloete, 1990, p.74).

Public officials should always be guided by these guidelines in their courses of action even if required to do so by their unions or

associations. The administrative law rules ensures that everybody in the community is treated fairly and equally.

#### 6.4.8 **The Government's control over strikes by Public Servants**

Between 1990 and 1991 the Government failed to prevent and control public servants from striking. This is an important issue when an assessment is made of how the Government controls its workers. The health workers, teachers, policemen and prison warders and public officials went on strike to demand, inter alia, a "reasonable" living wage, recognition of privatisation, stop-order facilities for union fees, parity in wages between White and Black, and an end to discrimination in employment (Labour Bulletin, May 1990, p.12-20).

##### 6.4.8.1 **Definition of strike**

"Strike is the cessation, retardation or obstruction of work by employees with the aim of forcing their employer or another employer to settle grievances, to agree to demands about conditions of employment and to employ, suspend or dismiss any person" (The South African Nursing Association Booklet, 1988, p.9).

6.4.8.2 **Legal impediments to strike action by Public Servants**

According to section 19(1) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) public servants, except those who are rendering essential services, have the right to strike and the Government as an employer has a right of lock-out. However, no employee is allowed to incite or instigate a strike (Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) p. 30).

In terms of section 19(4)(b) of public servants or their unions should give written notice of at least ten days before they embark on a strike. Such a decision should be made by a majority vote of the employees concerned through a secret ballot. A date for the commencement of the strike should be communicated to the employer.

An employer is allowed in terms of section (11)(c) of terminate the services of the striking employees if the strike is done unprocedurally and contrary to the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) section 19.



As a result of ongoing strikes and unrest at various hospitals in 1990, the Government started to negotiate with union leaders especially in the Transvaal and Cape Provincial Administrations where agreements were reached on the following matters :

- (a) The working week - reduced from 44 to 40 hours;
- (b) Maternity leave;
- (c) Permanent status for general assistants obtained;
- (d) The provincial administrations would meet unions on a regular basis;
- (e) Stop-order facilities would be granted;
- (f) Shop steward committees were recognised and workers were allowed to choose their representatives in disciplinary hearings;
- (g) Union officials would be granted access to hospitals for meetings;
- (h) Provincial administrations committed themselves to fair labour practices and no victimisation of workers;
- (i) Workers would forfeit from their leave and receive pay for the duration of the strike;
- (j) Provincial administrations would consult with unions about privatisation (S.A. Labour Bulletin, May 1990, p.20).

Because of serious labour unrest and strikes in the Public Service, the Government gave recognition to labour unions who had a large membership of public servants and together with recognised staff associations to sit and negotiate over labour relations in the Public Service. The discussions on the labour relations in the Public Service started in 1990 and they resulted in the promulgation of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).

As some public servants render essential services to the community, it is undesirable that these services be interrupted by strikes. It is therefore essential for the Government to allow a free and frank relationship between itself and the staff associations and unions. The labour force must not be underestimated and be brushed off; they need a fair chance of hearing through their unions and staff associations.

A rational labour relations system requires the following :

- (a) a system for recognition of employee organisations;
- (b) a system of preventing unfair labour practices;

- (c) methods of resolving bargaining impasses;
- (d) a clearly defined bargaining authority for the Government (Manpower Press, 1972, p.6).

#### 6.5 HOW TO IMPROVE LABOUR RELATIONS

Warner (1963, p.58) has given the following factors which could help to improve labour relations in the public service :

- "(a) It is always vital and important to call labour union leaders for discussions before the Government does something which is of paramount importance to them.
- (b) Let the unions get some credit for new benefits and involvement before such benefits are instituted.
- (c) It is necessary to know those things in labour relations that would affect union leaders.
- d) It could be really helpful to find out or try to sense what is really important to a union in its bargaining requests and demands.

- (e) There is an essential need for instituting better training of supervisors and personnel officers in labour relations matters.
- (f) There is a need for patience and tolerance in order to sit for long hours in connection with union discussions and bargaining.
- (g) Each party should avoid giving the impression that its problems are less or more important than others".

Both the Government and the unions should join hands and help build the Public Service that will serve all the citizens of South Africa effectively and efficiently.

#### 6.5.1 **Building cooperation between the unions and the Government**

The Government cannot wait for a disaster to occur before attempting to foster cooperation between unions and staff associations. Cooperation is not automatic, but should be initiated by both the Government and the unions. According to Werther and Davis (1989, p.539), the following methods could help to improve

cooperation :-

- "(a) Prior consultation with union leaders could help defuse the problems before they become formal grievances.
- (b) Management of state departments and union leaders could build strong cooperation through sincere concern for public employees and through prompt settlement of grievances, regardless of who wins.
- (c) The training programmes for both public managers and union leaders on labour relations matters are another way of building cooperation.
- (d) The formation of joint study committees to allow both public service managers and union leaders to find solutions to common problems is another way of building up cooperation.
- (e) The involvement of third parties like consultants to provide guidance and programmes for union leaders and public managers to come closer together to pursue common objectives".

## 6.5.2 Challenges to public personnel management

Public personnel managers are faced with numerous challenges that should be attended to. There is a need for the implementation of sound personnel practices that will create a climate of personnel motivation and job satisfaction.

Werther and Davis (1989, p.543) provide the following tasks that should be performed by public personnel managers in order to promote sound labour relations :

- "(a) Design jobs that bring personal satisfaction to workers.
- (b) Develop plans that maximise individual opportunities and minimise the possible lay-offs.
- (c) Select workers who are suitable and qualified.
- (d) Establish fair, meaningful, objective standards of individual performance.
- (e) Train workers and managers to enable them to achieve expected levels of performance.
- (f) Evaluate and reward behaviour on the basis of actual performance.
- (g) Practice equal employment opportunities for all people.
- (h) Implement sound personnel policies and practices".

### 6.5.3 Principles of labour relations

According to Bendix (1992, p.401), the Department of Manpower issued the following principles which should guide employers and employees :

- "(a) The right to work.
- (b) The right to fair remuneration and conditions of service.
- (c) The right of access to training and re-training.
- (d) The right to organise and to belong to a trade union.
- (e) The right to negotiate and bargain collectively.
- (f) The right to protection of safety and health.
- (g) The right to security against unemployment and the payment of amounts to dependents of deceased contributors.
- (h) The right to security in the event of injury on duty.
- (i) The right to job security and protection against unfair labour practices".

The abovementioned principles are necessary to guide both public managers and labour union leaders in their day to day activities. Public

managers should ensure that these principles are followed and implemented to the fullest in accordance with the existing personnel policies in the Public Service.

#### 6.6 CONCLUSION

Collective bargaining and control of public employees require increasingly pro-active management in Government, just as it has forced more deliberate management of private business and contributed to expanded Government intervention in the nation's economy. Cooperation and healthy relations between the Government and labour unions are essential.

Public managers are key figures in promoting effective labour relations. When a union or association first seeks recognition, the public manager should play a contributory role by encouraging employees to vote in a representative election, by correcting any false or misleading information, and by conveying labour relations policy and procedures to employees. The manner in which public managers treat their employees' dealings with union representatives could help produce an environment of cooperation. By keeping the union informed of developments which may affect employees and by treating union representatives



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with respect, the harmonious union/management relationship can be enhanced.

Discipline is essential for the smooth running of the Public Service and public managers have the responsibility of administering this essential aspect of the labour relations process. Public managers should also answer grievances that may arise. Their manner of handling such grievances ultimately determines how effectively they are resolved. A good bargaining atmosphere in the Public Service will contribute to public service efficiency and effectiveness.

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## CHAPTER 7

# AN EMPIRICAL ANALYSIS OF THE ROLE AND FUNCTIONS OF LABOUR UNIONS AND STAFF ASSOCIATIONS IN THE PUBLIC SERVICE OF SOUTH AFRICA

### 7.1 INTRODUCTION

Questionnaires were sent to 25 state departments, 4 provincial administrations and to 11 recognised unions and staff associations. (See addendum and annexures). The response rate was 62,5 per cent. Of the 40 questionnaires sent out, 25 were returned. The sample was based on one questionnaire per one official in a department and staff association and union.

In this chapter, an analysis of all the returned questionnaires will be done and will be based on the answers as they appear on the questionnaires. Before the questionnaires were sent out, all heads of departments and administrations as well as presidents of unions and staff associations were briefed about the purpose of the questionnaires and were asked to give their comments regarding the role and functions of unions and staff associations in the Public Service.

Most of them asked the Commission for Administration, as the central personnel authority of the Government, to reply on their behalf. Only 6 of the leaders of staff associations and unions responded.

The questions were formulated in such a way as to determine the role and functions of unions and staff associations and other related matters. The respondents were also given the opportunity to make suggestions and recommendations regarding the efficiency and effectiveness of unions and staff associations in the Public Service and how they could contribute to healthy labour relations in the Public Service.

It was, however, clear from the responses to the questionnaires that the majority of public servants supported the idea that they should join unions and staff associations and that unions and associations are vital and necessary for the promotion of good labour relations between themselves and the Government as employer.

Collective bargaining with the Government as an employer is the primary function of the unions and associations. It is the method by which

they attempt to improve the economic positions of their members and to regulate their terms and conditions of employment. Collective bargaining is an ongoing process, and does not necessarily end with salary negotiations.

In the following paragraphs, an analysis of the questionnaires is presented and is based on the answers of the respondents to the related matters of labour relations in the Public Service. The questions focused on what unions and associations are doing in the Public Service.

## 7.2 ANALYSIS OF THE QUESTIONNAIRE

### 7.2.1 Do you think that public servants should join unions/associations? Yes or No.

100 per cent of the respondents of all the respondents indicated that public servants should join unions or staff associations.

Some of the arguments in favour of joining unions and associations were that :-

- it is a basic freedom of association principle that should be respected, i.e. the right to join a union or association;

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- it could bring improved conditions of service;
- collective bargaining takes place;
- there is mutual cooperation between management and workers;
- both management and unions know each others' needs and aspirations;
- Public employees become part of the decision making processes;
- it enables the public employees to have a voice in their place of employment;
- its a process which transforms begging into negotiation;
- it promotes a marriage between public employees and the Government as an employer;
- joint decision making between the employees and the employer promote understanding and cooperation; and
- unions are rational channels and structures to deal with disputes and to maintain a favourable political and social environment.



7.2.2           **In your own opinion, what are the advantages of having unions/associations in the Public Service?**

The following were given as advantages:-

- service conditions can be promoted;
- efficiency and standards can be improved;
- disputes between the employer and employees can be negotiated;
- the employer can be assisted to provide competent and effective administration;
- the changes in South Africa's personnel administration can be influenced;
- benefits for all in the Public Service can be promoted;
- the fundamental right to associate in an organisation for a common purpose can be exercised by all;
- employees can be assisted to counteract the inequality in bargaining skills and expert knowledge;

- through collective bargaining, both management and unions can compromise their own self-interests in order to arrive at mutually agreeable terms;
- freedom of association can be promoted;
- negotiations can take place with organised and representative unions;
- sound labour relations can be promoted;
- the needs and problems of employees can easily be resolved;
- information which is not known to top management can be obtained;
- mutual cooperation and sharing of ideas can be promoted;
- can be used as a mouthpiece of expressing grievances and to promote collective bargaining; and
- can act as watch-dogs.

7.2.3 In your opinion, what are the disadvantages of having unions/associations in the Public Service?

- they organise strikes;
- they mobilise their own members on matters which are unsatisfactory to them as individuals;
- they disrupt essential and emergency services;
- they organise demonstrations and sit-ins;
- they undertake actions which are detrimental to the public interest;
- they encourage unlawful industrial action;
- they strive to be part of management;
- they allow themselves to be misused by other political organisations with political motives;
- they act as pressure groups; and
- they have negative and disruptive attitudes.

7.2.4 What do you regard as the most important function of a union/association in the Public Service? Tick one.

The following, in order of preference, were given

- (d) All functions below (from c to b);
- (c) Job security;
- (a) To establish better service conditions for members; and
- (b) To promote efficiency and productivity.

7.2.5 Do you think that public servants should strike?

- (a) 60 per cent of the respondents indicated that public servants should not strike. The following reasons were given:-
  - because public servants render essential services;
  - because strikes are counter-productive;
  - other methods of settling disputes should be used rather than strikes;

- public servants should continue to work whilst unions are negotiating; and
- arbitration should be the only alternative.

(b) 40 per cent of the respondents indicated that public servants should strike and gave the following reasons:-

- only after all other avenues of negotiation have failed should strikes be resorted to;
- only in departments where management is unwilling to negotiate or compromise;
- freedom to strike is regarded as an integral element of collective bargaining;
- a strike is a powerful weapon to enforce decision-making on management.

7.2.6 **When public servants go on strike, who suffers most?**

- 80 per cent of the respondents indicated that both the Government and the taxpayers suffer most;

- 20 per cent of the respondents indicated that the taxpayers suffer most.

7.2.7 **What should unions/associations do to avoid strikes?**

- 50 per cent of the respondents gave their reasons as follows:-

(i) negotiations should be undertaken at lower levels;

(ii) the internal dispute resolution processes should be utilised to the fullest;

(iii) public servants should have the right to arbitration -

- 20 per cent of the respondents indicated that staff associations and unions should negotiate with the Cabinet and the State President;

- 15 per cent of the respondents said that unions and staff associations should participate in budgetary process;

- 10 per cent of the respondents indicated that unions/associations should mobilise the taxpayers for support;
  
- 5 per cent of the respondents said that unions/associations should involve political parties and organisations in their drive for support.

7.2.8           **What should the Government do to avoid strikes?**

- 80 per cent of the respondents said that the Government should involve unions/associations in decision-making;
  
- 10 per cent of the respondents indicated that the Government should involve unions/associations in budgetary allocations;
  
- 6 per cent of the respondents said that the Government should compromise with the demands of unions/associations;
  
- 4 per cent of the respondents indicated that the Government should consult with the taxpayers before taking a decision.

7.2.9 Are you satisfied with the present labour relations policies in the Public Service? Yes or No.

- 99 per cent of the respondents indicated that they were dissatisfied with the present labour relations policies and gave the following reasons:-

- (i) the Public Service labour relations policies must be revised and be the same as those in the private sector;
- (ii) there is a need for the promulgation of Public Service labour relations legislation;
- (iii) there is presently inadequate provision for acceptable labour relations legislation;
- (iv) there is no bargaining power available;
- (v) the grievance procedure does not include everyone;
- (vi) the employer is not bound by legislation to bargain in good faith and to resolve disputes fairly.



- 1 per cent of the respondents said they were satisfied with the present policies provided the changes and amendments to the Public Service Act were made.

NB. The questionnaires were sent to the respondents before the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), was passed by Parliament.

7.2.10

In your opinion what strategies and tactics should unions/associations use to promote sound labour relations in the Public Service?

The following strategies and tactics were given:-

- there should be well-formulated grievance procedures in the Public Service;
- there should be clear and well organised communication structures;
- unions/associations should always inform the employers of their dissatisfaction;
- unions/associations should have regular meetings with heads of departments to discuss staff problems;

- unions/staff associations should make Public Service managers aware of the employees rights and privileges;
- unions/associations should negotiate with management bona fide;
- unions/associations should not participate in politics and should not associate themselves with a political party or organisation;- unions/associations should enter into agreements with the employers and abide by them;
- unions/associations should always convey correct and accurate information to their members;
- unions/associations should discuss personnel policies with the Government;
- unions/associations should always attend to all the problems of the workers;
- unions/associations should improve the standards of work;
- unions/associations should investigate rumours and allegations thoroughly;

- unions/associations should have sound knowledge of public administration activities;
- unions/associations should keep themselves informed about labour news;
- unions/associations should always advocate improved labour legislation in the Public Service;
- unions/associations should keep the electorate informed and abreast of events;
- unions/associations should ensure that their officials are well trained and representative of all its members;
- unions/associations should always demand legalised collective bargaining rights;
- unions/associations should bring unfair labour practices to the attention of management.

7.2.11 **At which level should unions/associations be represented in the decision-making process?**

- 70 per cent of the respondents indicated that unions/associations should be represented at top management level;

- 15 per cent of the respondents said that they should be represented at senior management level;
- 10 per cent of the respondents said that they should be represented at middle and lower management level;
- 5 per cent of the respondents indicated that they should be represented at Cabinet level.

7.2.12 **Unions/associations in the Public Service are reactive rather than pro-active? Yes or No.**

- 95 per cent of the respondents indicated that unions/associations are reactive rather than pro-active and gave the following reasons:-
  - (i) there is a lack of proper checking of administrative procedures and rules;
  - (ii) there is limited access to information;
  - (iii) there is a limited infrastructure for proper negotiations;
  - (iv) unions/associations take advantage of situations and never approach issues constructively by way of contributing towards progress and development;

- (v) because of the lack of proper labour legislation in the Public Service, unions/associations receive information late;
  - (vi) management does not always involve them when they take decisions because of the lack of legislation;
- 5 per cent of the respondents indicated that unions/associations are not reactive but pro-active. They gave the following reasons:-
- (i) the apartheid system of Government is the major cause;
  - (ii) negotiations between unions and the Government take place in a disciplined manner rather than militantly;
  - (iii) unions/associations always strive for consensus.

7.2.13

**In your opinion, what do you regard as the strengths of unions/associations in the Public Service?**

- their success lies in bargaining for better remuneration benefits and better service

conditions for their members;

- their influence keeps unfair labour practices at bay;
- their strength lies in their power-base of their supporters and membership;
- they have well trained and skilled representatives;
- they strive for well formulated labour relations legislation;
- the existence of a signed recognition agreement;
- the formation of dispute resolution committees;
- the settlement of disputes with management.

7.2.14 **In your opinion, what do you regard as the weaknesses of unions/associations in the Public Service?**

Weaknesses were given as follows:-

- they hide themselves behind apartheid policies;

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- they are unable to discipline their members;
- they maintain a laissez faire attitude to their members;
- they take authority into their own hands;
- they do not have respect for the employer;
- they do not strike legally;
- there is fear of victimisation;
- lack of training of shop stewards;
- lack of competent officials with skills and knowledge;
- they do not have real power;
- lack of consultation with members and associations;
- there is autocracy and intimidation;
- they allow themselves to be used as mouthpieces of political organisations;
- most of their demands are covered by the Public Service Act;

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- most of the decisions and actions are forced on members;
- strikes;
- most of the members do not have a public administration background;
- lack of control of members;
- there is limited support for members;
- there is no coordinated action from all unions/associations;
- they resort to extremes too easily;
- they strive for supreme leadership and control;
- there is too much emphasis on cultural differences;
- lack of knowledge of labour practices.

7.2.15 **Who should determine the conditions of service for public servants?**

- 96 per cent of the respondents said that both the Government and unions/associations should determine the conditions of service;



- 2 per cent of the respondents said that the public servants should determine conditions of service because they know what is best and appropriate for themselves;
- 1 per cent of the respondents said that the Government alone should determine the conditions of service;
- 1 per cent of the respondents said that unions/associations should determine conditions of service.

7.2.16 **What should the Government do to promote sound relations with all its employees?**

- 70 per cent of the respondents said that there should be regular consultation with unions/associations;
- 15 per cent of the respondents indicated that there should be joint decision-making with unions/associations;
- 13 per cent of the respondents said that the disciplinary and grievances procedures should be improved;

- 2 per cent of the respondents said that each department should be allowed to decide on their own.

7.2.17 **Taking into account the present changes in South Africa, what should unions/associations do?**

- 55 per cent of the respondents indicated that the integration and combination of all public servants of all population groups at all governmental levels should be encouraged;
- 25 per cent of the respondents said that there should be representatives in one joint negotiating forum;
- 10 per cent of the respondents indicated that "affirmative action" and "equal employment opportunities" should be encouraged in the Public Service;
- 10 per cent of the respondents said that one big union or federation for all public servants should be established.

7.2.18 **In your opinion, who should negotiate with unions/associations for salary dispensations?**

- 97 per cent of the respondents said that the Commission for Administration and the Treasury

should negotiate salary dispensations with unions/associations;

- 2 per cent of the respondents indicated that heads of departments should have a positive attitude towards unions;

- 1 per cent of the respondents said that the Minister of State Administration should negotiate with unions/associations.

7.2.19 **In order to have a competent Public Service in the RSA, what in your opinion should be done?**

- the Public Service should be more service orientated;

- privatisation of state activities should be stopped;

- there should be competent salary dispensation and conditions of service;

- there should be more delegation of powers of personnel matters to the departments;

- deregulation of state activities should be stopped;

- integration and combination of public servants from all population groups should be done;

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- there should be one union to represent all public servants;
- there should be binding decisions;
- the Public Service should be representative;
- over-staffing in some departments should be attended to;
- there is a need for properly trained personnel;
- there should be good relations with unions;
- there should be appropriate legislation to promote labour relations;
- there should be regular consultation and negotiations on policy issues and substantive matters with employers;
- discipline must be strictly enforced;
- unwarranted expansion of the Public Service should be monitored;
- public servants should be informed of their rights and obligations;

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- there should be one Office of the Commission for Administration for the entire South African Public Service;
- members should be trained in public administration;
- heads of departments should be knowledgeable skillful and have a positive attitude;
- the Government should follow the principles of business economics;
- decentralised decision-making should be practised;
- departments should be trimmed down.

7.2.20

**In conclusion, what in your opinion do you regard as the most vital functions of unions/associations?**

- negotiating for better working conditions for their members;
- protecting the interests of their members;
- negotiating disputes between the employer and the employee;

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- to formulate grievance procedures;
- to improve the standards of work in all departments;
- to be involved in collective bargaining;
- to promote efficiency and productivity in the Public Service;
- to enforce discipline;
- to train their members in labour relations matters;
- to improve the rights of their members;
- to represent members in all aspects of employer/employee relations;
- negotiating as widely as possible for better benefits;
- ensuring fair treatment of their members;
- securing better opportunities for their members like bursaries, discounts on hotel accommodation and other purchases.

7.3 **THE VIEW OF THE COMMISSION FOR ADMINISTRATION  
(RSA) REGARDING THE ROLE AND FUNCTIONS OF  
UNIONS AND ASSOCIATIONS IN THE PUBLIC SERVICE**

In his letter 5/19/B dated 10 June 1992, the Director-General of the Commission for Administration in South Africa indicated that the role and functions of employee organisations in the Public Service, much like those in the private sector, could be broadly divided into two main categories, namely:-

- (a) membership activities relating to the employer-employee relations; and
- (b) the provision of personal benefits and services to the members.

7.3.1 **Membership activities relating to the employer-employee relationship**

Firstly, the more general membership activities of the employee organisations in the Public Service include the following:-

- Recruitment of members;
- Liaison/communication with members (e.g. meetings);

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- Election of shop stewards in accordance with the constitution of the organisation;
- Liaison/communication with management of departments regarding membership matters;
- Representation of members during grievance investigations and disciplinary hearings;
- Assisting members in law-suits against the employer.

Secondly, membership activities also include collective bargaining, negotiation and communication.

As far as collective bargaining is concerned, the employee organisations which are recognised could negotiate with the Government in the Public Service Bargaining Council on the possible improvement of salaries and conditions of service of Public Service personnel.

Apart from the Bargaining Council, inputs are also annually received from the individually recognised staff associations with regard to the improvement of salaries and conditions of service of officers and employees. These inputs together with the inputs of the various departments are then submitted to the Government



who should decide on the improvement to be effected during a specific financial year.

As a result of the negotiations to establish labour legislation for the Public Service, the employee organisations participating in the negotiation process have since 1991, as an interim measure, been granted a forum for collective bargaining, which although it allowed for bargaining, did not at that stage provide for any formal dispute resolution mechanisms. The new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993) has included statutory provisions regarding collective bargaining which provides for dispute settling mechanisms.

### 7.3.2 **Personal Benefits and Services to Members**

The most commonly known benefits and services include the following:-

- Providing for holiday accommodation;
- Providing for old-age facilities;
- Providing for restaurant facilities;
- Granting of study bursaries;
- Obtaining discount for members at various dealers;
- Obtaining special insurance rates from insurance companies for their members;

The Director-General has, however, further indicated through his 5\19\B letter of 11 May 1992 that the Commission for Administration negotiated for the establishment of suitable and acceptable labour relations arrangements for the Public Service with representatives of employee organisations.

The willingness of the Government to improve labour relations in the Public Service is evident from its negotiations with employee organisations which are not even recognised. The mere fact that the Commission for Administration decided to bring about an amendment to the Public Service Act, 1984 (Act No. 111 of 1984), for the creation of the Central Bargaining Council shows a positive step by the Government in fostering good labour relations with unions and associations.

The Commission for Administration should try to remove all the obstacles that would halt or impede the changes for the improvement of better and effective labour relations in the Public Service.

7.4

**CONCLUSION**

From an analysis of all the questionnaires, it has been established that labour unions in the Public Service are regarded as essential. All the respondents indicated that public servants should join personnel associations and unions to promote and protect their interests.

It is vital for the Government to realise that workers form part and parcel of the entire governmental machinery and that they should be involved in decision-making through their unions and associations. The unions and associations represent most of the public servants and they cannot be ignored. They express the needs of the public servants who are their members.

The members of the public as taxpayers need to be treated with respect and dignity. Whatever the Government and the unions do, they should move towards the improvement of the public services. Therefore both the unions and the Government should cooperate and assist each other in order to fulfill the ultimate goal of public administration, viz. that of satisfying the needs of the public and the promotion of the

general welfare thereof.

The unions and associations challenge the government's decisions on personnel matters and they serve as a communication channel between the Government and their members. Unions render an indispensable task of advising the Government about the needs and aspirations of the public servants and how to satisfy such needs and aspirations.

The chief advantage of collective bargaining between the Government and the unions is that each side obtains a better understanding of the actual state of affairs and of the conditions which confront the other and of the motives behind it. Strikes would not occur if each party understood exactly the position of the other. Through collective bargaining, workers are given the opportunity to participate in their own governance.

Public employee unionism and collective bargaining express views which are fundamental to the public wherein men and women are able to voice their need for acceptable conditions of employment. All the respondents supported the need and existence for unions and personnel associations in the Public Service.

## CHAPTER 8

### CONCLUSION AND RECOMMENDATIONS

#### 8.1 CONCLUSION AND EVALUATION

The history of labour relations in the Public Service of every country is unique since innumerable variables have contributed to its evolution. From the start, South Africa was basically an agrarian community, and for the first two centuries was regarded as an exclusively agricultural economy. Accordingly, the early settlers and other inhabitants were required help to farm the land and to build towns, and servants and agricultural workers constituted the major labour force during the period from 1652 until 1870.

##### 8.1.1 **The historical development of labour unions and personnel associations in the South African Public Service**

This chapter gives an overview of the historical background of unions and associations for the period before 1910 and from 1910 until the present time. These historical developments are based on the constitutional changes and developments of the Republic of South Africa.

After the British annexation of the Cape of Good Hope in 1806, British subjects were appointed in the Public Service. These officials were recruited from Britain and some of them were working in the departments of the British Government. The developments in British labour relations in the Public Service, greatly influenced the developments in South Africa.

The unions and associations in the Public Service did not include the black officials who were mainly labourers. The development of the Public Service in the Cape started from 1806 until 1910. Initially few officials were working in the office of the Governor. The principal officials were the Colonial Secretary, the Treasurer, the Quarter-master-General and the Auditor-General.

The Post Office personnel, who were mainly clerks were the first public officials who took steps from 1898 to establish their own association in South Africa. During 1902, the Cape Postal and Telegraph Clerks Association was established as the first staff association for public servants in South Africa.

After the British annexation of Natal in 1843, the British Government established separate public institutions for different population

groups. The Public Service was kept small and the rendering of public services was based on safeguarding personal interests. The development of public administration in the Transvaal was for a short period adversely affected by the civil war between the followers of Pretorius and Schoeman which seriously disrupted the civil service. When President Paul Kruger became State President of the Transvaal in 1883, he started to import public officials from the Netherlands to occupy higher graded positions in the civil service. President Kruger also maintained good labour relations with the Transvaal Public Trade Union.

The development of public administration in the Orange Free State started in 1848 when Britain annexed the area between the Orange and the Vaal Rivers. The Republic of Orange Free State was fortunate because its Presidents were efficient public administrators who paid attention to the development of the Public Service. There was no definite organisation of public servants in the Orange Free State before 1910.

After 1910, only a few unions and associations were established, inter alia, the South African Postal Union, Postal and Telegraph Association, South African Telephone and Telegraph Workers Association, Public Service Union, the Public

Servants Association of South Africa, and the South African Trained Nurses Association. It took many years of negotiation and deliberations for the South African Government to recognise staff associations and unions. The staff associations were given official recognition on 25 February 1919.

After officially recognising the unions and staff associations, the Government in consultation with the staff associations created the Public Service joint Advisory Council as a forum of consultation between the unions and the Government. This Advisory Council comprised of both the representatives of unions and staff associations and the Government.

The period between 1961 and 1983 also brought some changes and developments to the labour relations of the South African Public Service. The Natal Provincial Staff Association, the South African Nursing Association, the Public Servants Union, Public Service League, Hospital Personnel Association of South Africa, and the Institute for Public Servants were some of the unions and associations which played a significant role in bringing about sound labour relations in the Public Service. Until 1983 the Public Servants Association was the only



recognised staff association for public servants other than the officials employed in the Department of Posts and Telegraphs/Telecommunications.

The major developments during the period 1961 to 1983 were brought about by the recommendations of the Wiehahn and Riekert Commissions on labour relations in South Africa. The main recommendations of these commissions included, inter alia, the extension of full labour rights to workers of all population groups, freedom of association for individuals to join any labour union of their choice, abolition of statutory work reservation, and that all workers, whether in the private or public sectors, should be eligible for trade union membership.

The introduction of the new Republic of South African Constitution Act, 1983 (Act No. 110 of 1983) resulted in far-reaching and fundamental changes in the administration and Government of the country. During 1984, the "general" and "own" affairs administrations were introduced when a Tricameral Parliament for Whites, Coloured and Indians was established in terms of the new Constitution.

From 1983 onwards the Commission for Administration officially recognised many unions

and staff associations for public servants.

Eleven unions and associations were given official recognition by the Commission for Administration and were allowed to advise the Government on personnel matters through the Public Service joint Advisory Council. As from 1990, the Commission for Administration was engaged in discussions and negotiations with unions and associations about acceptable labour relations arrangements for the Public Service. These negotiations resulted in the creation of interim measures for labour relations and the drafting of the public service labour relations bill which was submitted to Parliament for approval. Labour unions and associations in the Public Service contributed to the drafting of this legislation. The Public Service Labour Relations Act, 1993 (Act No. 102 of 1983) was passed by Parliament.

Labour unions and staff associations are now free to negotiate with the Government on various matters of personnel administration, e.g. salary and wage increases, pensions, leave provisions and other matters of concern. The Government has realised that labour unions and associations represent the workers and they cannot be ignored. Both sides have realised that they

need one another for the uninterrupted delivery of public services.

Although there have been strikes by health workers, both the Government and the labour unions have done their level best to communicate

#### 8.1.2 Existing policies of labour relations in the Public Service

The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), is presently the personnel policy for labour relations in the Public Service. The Office of the Commission for Administration is the central personnel authority for the entire Public Service and it is responsible for giving guidance and directions with regard to the handling of labour relations in the Public Service.

The Public Service Act, 1984 (Act No. 111 of 1984), provides for overall personnel matters in the Public Service. It has been amended and some of the sections have been repealed in order to accommodate some of the new provisions regarding labour relations as prescribed by the new Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).

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The Commission for Administration also issued directives, guidelines, regulations and a staff code on how to deal with unions and staff associations, how to handle striking workers, what rights unions and associations have, what rights public servants have, and what role and responsibilities heads of departments have.

From time to time, the Commission for Administration has met the recognised unions and associations in order to negotiate on various matters of public personnel administration. Together with the unions and associations, the Commission has succeeded in some cases in resolving many difficulties confronting public servants brought to the fore by the unions and associations. Agreements were also entered into between some departments and the unions. The unions and associations are free to submit their requests and inputs to the Commission for Administration. On occasion the unions even held talks with President F W de Klerk in connection with salary increases of public servants.

After numerous talks and deliberations with the unions and associations, the Government, through the Commission for Administration, has brought

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about some changes to labour relations systems to allow recognised unions and associations to have stop order facilities, and to have access to members and to information.

The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), was passed by the Parliament after much consultation and contact with recognised unions and associations. The Government allowed representations and inputs to be made by all interested parties before the Act was submitted to Parliament for approval. The Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), was passed in Parliament during July 1993 and came into operation as from 2 August 1993.

The Act provides many new arrangements for which labour unions and staff associations have long been negotiating. Something special about this Act concerns the inclusion of the regulation of collective bargaining, the recognition of employee organisations, and the prevention and settlement of disputes between the state as employer and its employees. This is a victory for labour unions and staff associations because they were campaigning for these arrangements for a long time. It is also a victory for the

Public Service because all interested parties were involved in the drafting of this Act.

A clear and effective labour relations policy for the Public Service is essential. The changes and developments in the field of labour in South Africa call for the Government to have clear guidelines and a direction. The labour unions and associations should also keep themselves abreast of these changes and developments in order to render valuable services both to their members and to the Government.

The staff associations and unions are central to the labour relations systems. The unions and associations exist because of the needs and aspirations of the workers to have collective interaction with the employer and to bargain collectively for their service benefits and a living wage.

The participation of labour unions and staff associations in the drafting of labour relations policy and changes thereof, shows that an acceptable labour relations system will be in force and that is a step in the right direction. The role and functions of line public managers and supervisors in the formulation and

implementation of labour policies in the Public Service cannot be overemphasised. Public managers and supervisors are significant role-players in labour relations because of the government's decision to allow each and every department to enter into negotiations with any union or staff association representing the members in that department.

Both the unions and the Government need to establish effective communication channels to maintain continuous contact, consultation and co-operation. The ultimate goal should be to serve all the population groups of South Africa effectively and efficiently. The Government and the labour unions and staff associations should realise that they need each other in order to have a competent Public Service. They need to move away from the idea that they are in a conflict situation with each other, but should work together for the ultimate benefit of the public who are the taxpayers and the masters of the Public Service.

### **8.1.3 Influence of labour unions on public personnel administration**

The major area of influence and functioning of labour unions and staff associations is in the field of personnel administration. Almost all

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the following objectives, namely:-

- Protection and promotion of the rights and interests of their members.
- Improvement of conditions of service for their members.
- Giving advice to the Government on personnel matters.
- Giving advice, assistance and co-operation to the Government in connection with the organisation of labour relations structures.
- Securing benefits and justifiable advantages for their members in a lawful manner including the establishment of funds or schemes to provide for group insurance schemes and discount facilities for their members.
- Improvement of conditions of employment.
- Improvement of the physical environment at work.
- Creating and establishing a voice in the government's decisions and administration.



- Improvement of social and public services.
- Maintenance of effective communication channels between their members and the Government.

All the abovementioned objectives are promoting the welfare of each and every member serving in the Government. Basically each and every union seeks to achieve the following objectives for their members :-

- Economic Objectives (wages and service benefits);
- Job Security (fair treatment and adjudication);
- Social Welfare (sicknesses, accidents, safety);
- Job Regulation (working hours, overtime, leave); and
- Individual Development (moral and physical well-being).

It is indeed not easy for the personnel associations and unions to achieve these aims especially in the Public Service where there are many different occupational classes serving in different departments. Both the Government and

unions have realised that workers in the Public Service are not just producers or machines but people who have feelings and attitudes. For the past ten years, the South African Government has been trying to keep the salaries of different occupational groups market-related with those of the private sector. The principles of fairness and humanity are also accepted as being imperative in the field of labour relations.

Because of the policy of apartheid, there were many problems of inequality and discrimination among different population groups in South Africa. Unions and associations are still negotiating for the removal of these inequalities and discrimination.

An affirmative action programme has been identified as one of the measures to be used in the personnel administration of the South African Public Service in order to rectify some of the past inequalities and discrimination in the appointment and promotion of civil servants. The Public Service is presently not representative of all population groups especially in the top positions which are still dominated by whites. The labour unions and associations have also suggested and the authorities have agreed that if there are qualified, suitable and competent black

people available, they should be considered for appointment to top and middle level positions.

The labour unions and associations have made inputs on many facets of personnel administration, e.g. personnel provisioning, personnel maintenance, personnel training and development, and personnel utilisation. The main emphasis was to promote a competent and motivated personnel corps which will be able to give their best and be conscious of the needs of all citizens of South Africa irrespective of colour, creed or gender.

The labour unions and associations have suggested to the authorities concerned that they be informed of vacant posts so that they can inform their members. The emphasis from the labour unions was that South Africa needs men and women who will promote and serve a new democratic and non-racial South Africa. All in all, labour unions and associations also make inputs in respect of recruitment, placement, transfers, selection, promotions, termination of services and job security.

The labour unions and associations have also on numerous occasions negotiated with the Government regarding improved service

conditions, salary increases, adjustment of service hours, revision of leave of absence, changes in housing subsidy, grievance and disciplinary procedures. The unions and associations have succeeded in bringing about changes in these areas for their members.

One of the major challenges in public personnel administration is to eliminate unfair labour practices from the Public Service. The unions and associations should promote equal employment opportunities for all South Africans regardless of colour, creed or gender. All public servants should enjoy the same benefits applicable to the level of their appointment.

Participation of Government employees in personnel matters affecting them contributes to the effective practise of public administration. Efficient personnel administration of the Public Service and the well-being of employees require that orderly and constructive relationships be maintained between employee organisations and the Government.

Subject to legislation and the major requirements of the Public Service, employee and management relations within the Government, should be improved on all personnel matters by providing the employees an opportunity for

greater participation in the formulation and implementation of policies and procedures affecting the conditions of their employment.

Effective employee-management co-operation in the Public Service requires a clear statement on the respective rights and obligations of employee organisations and departmental administration and management. Above all, the public interest and the general welfare of the community should be served and maintained.

In order to have an efficient Public Service personnel, corps the unions and associations should continually organise seminars and workshops for their members. Such seminars should include, inter alia, the following topics:-

- What a union is and its functions;
- Salary determination;
- Conditions of service;
- What collective bargaining is;
- Rights, duties and obligations within the union;
- The worker and the law;
- Leadership.

The solution of South African's Public Service labour problems will not be a simple process and it needs the

co-operation of both the unions and the Government.

#### 8.1.4 **Financial administration of labour unions in the Public Service**

The success and failure of labour unions and associations will much depend on how they handle their finances in serving their members.

The proper and accurate handling of finances are vital functions for unions and associations as each and every member would be interested in knowing how their union fees are being spent. The labour unions and associations in the Public Service have succeeded in maintaining and handling their finances well.

The labour unions and associations can register as companies under Section 21(1) of the Companies Act, 1973 (Act No. 61 of 1973), their main objectives are promoting religion, arts, sciences, education, charity, recreation or any cultural or social activity or group interests. The unions and associations registered as non-profit companies are obliged to keep proper books of accounts as well as financial statements.

The unions and associations in the Public Service should all have a financial policy which

serves as a directive on all financial activities. The labour unions expend their monies on the following services :-

- To strengthen the activities of the union or association through the payment of office rentals, telephone and postal expenses, stationery, vehicles, salaries, congresses, administration, maintenance, publications and furniture and fittings;
- Members of the union or association are granted benefits like study bursaries, subsistence allowance, stabilisation fund, price stabilisation fund, pension contingency fund, welfare fund, group life insurance schemes, legal services and retirement resorts. These are necessary services and expenses that face unions and associations.

It is the duty of each and every union to have its own financial year period, books of accounts, and proper financial records. The unions and associations derive most of their income from the payment of membership fees by members. Membership fees are payable monthly in advance by stop-order or annually in cash.

All the monies received by the union and association are deposited in a banking account at a registered commercial bank. The accounts of the unions and associations are audited by a firm of auditors registered in terms of the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951).

A Board of Directors or Management Committees handle the general affairs of the union or association.

The Management Committee is charged with the responsibility of managing all the affairs of the union or association. The Executive Committee is the supreme executive institution with the powers to carry out the union's objectives, policies and the whole administration. The Executive Committee is charged with the responsibility of drawing up an annual report and the preparation of annual financial statements.

Furthermore, the Executive Committee is also responsible for drawing up the budget of the union as well as the implementation thereof. In order to promote a systematic and organised action, membership is divided into regional, district, branch, local, occupational and group committees.



Some unions do have a finance committee to handle all the financial administration.

The Annual General Meeting of the union or association is responsible for the consideration and approval of the annual budget.

The General Manager or General Secretary, together with other appointed officials, is charged with the day to day running of the union or association. They handle the administration of the union and they keep records of their members. The unions and associations should have an effective system of internal checks and control.

The unions and associations in the Public Service derive most of their income from :-

- Monthly subscription fees;
- Interest on investments of any excess funds;
- Rentals of offices / buildings owned by the union or association;
- Commission on housing schemes available to members;
- Profits from their housing development projects;
- The sales of union or association's products e.g. T-shirts, ties, books, etc.;
- Commission on group life insurance schemes;
- Advertisements in their newsletters.

The labour unions and associations use their constitutions' articles of association as a directive for their financial administration. Loyalty and honesty should form part of the whole process of financial administration for unions and associations. The Public Servants are expected to handle public finances well and it could be detrimental if financial records of the unions and associations are badly handled or are inaccurate. It is the responsibility of each and every union or association to ensure a good standard of financial administration through the maintenance of proper books of accounts and by practising sound financial accounting and management.

8.1.5 **Control of public servants and unions by the Government**

Control is the monitoring activities to determine whether individual units and the institution itself are obtaining and utilising their resources effectively and efficiently to accomplish their objectives, and, where this is not being achieved, to implement corrective action. It is essential for the Government to control and promote labour relations in the Public Service through disciplined and correct behaviour by both the Government and the unions or associations.

Control in the Public Service is essential in view of the application of the guiding principle of public accountability which requires that every public servant should display a sense of responsibility when performing his official duties. When public servants become members of the union or association, they should realise that their actions as both members of the union or association and the Government, should be of value to the public at large and should always promote the public interest.

It is the responsibility of the Government to ensure that public monies are used sparingly and economically through good conduct and effective actions of public officials. Recent stay-aways, strikes, sit-ins and collective labour discontent in the Public Service affected the performance and delivery of public services. This is a real challenge to both the Government and the unions. The members of the public should always come first.

When there are strikes and disruption of public services, it calls for quality management and sound control systems and measures. The Public Service consists of many departments, and therefore requires the establishment of greater managerial autonomy in each department.

In the new policy of labour relations which has been passed by Parliament, it has been provided that no employee should instigate a strike or incite any employee to strike. The exclusion of certain public officials who render essential services from striking is necessary and relevant. This is in line with the main objective of the Public Service which is to promote the public interest and the general welfare of the public.

The discipline of public officials is indispensable. The unions and staff associations in the Public Service should help promote discipline by training their members to observe the laws and the regulations of the Government. The South African Public Service should serve the needs of all population groups without discrimination and regardless of gender, colour or creed. Public servants should have a specific pattern of behaviour which distinguishes them from other groups. The Public Service laws which include acts, regulations and staff codes are the ethical norms of control. There is also a code of ethics for public servants which helps to promote and maintain responsible conduct of public officials and the integrity of the Public Service. The unions and associations should

also participate in the shaping of the code of ethics. In their process of control, the Government should improve the morale and the spirit of the public servants so that they become more committed and dedicated in rendering public services.

The handling of grievances from both the public employees and the unions or associations forms an integral part of the control function of the Government. The Government should always show its willingness and commitment to resolving the grievances and disputes that arise from public servants. A clear-cut grievance procedure should be introduced.

The unions and associations should respect the guideline of administrative law by bearing in mind that the officials need legal authorisation for every action in order to prevent their actions from being ultra vires. The legal framework within which the public officials operate consists of acts passed by the legislature as well as regulations, rules, orders and instructions to supplement the acts. The Government is charged with the responsibility of enforcing legal rules upon public officials and unions in order to avoid the abuse of power and the excessive use of

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authority. The unions and associations should know their limits, power and authority so that they do not exceed their power or misuse it.

The collective bargaining and control of Government employees requires increasingly pro-active management from the Government. Both the union leaders and managers in the Public Service have the responsibility of joining hands in order to have a competent Public Service, and this can be achieved through an effective control system which is geared towards the delivery of public services.

The Government cannot delay and wait for disaster to occur before attempting to enhance cooperation with unions and staff associations. This much-needed cooperation between union leaders and public managers should be initiated by both the Government and the respective unions and associations.

There are many challenges that face public managers in executing their control function, inter alia, the creation of jobs that bring personal satisfaction, the development of plans that maximise individual opportunities, and the selection of workers who are suitable and qualified.

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The Government should always try to channel the activities of public employees and unions towards effective service for the public.

## 8.2 **Recommendations**

From the analysis done in the previous paragraphs, the role and functions of unions and associations in the South African Public Service have been clearly indicated in terms of policy, personnel, finance and control. Unions and associations play a vital role in the stability of labour relations in the Public Service by executing many relevant and indispensable functions both to their members and to the Government. The following recommendations are made :

### 8.2.1 **Principles of Collective Bargaining**

Effective labour relations need to be guided by principles. The following principles are essential in promoting sound labour relations :-

- Dedication and determination to serve all the people of South Africa;
- Commitment, vision and zeal for the existence of a non-racial and democratic Public Service;

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- The maintenance of justice and the upholding of the freedoms, rights and obligations of other human beings;
- The creation of a climate of tolerance, humility and compassion;
- Acceptance and trust for one another;
- Bargaining in love, faith and hope;
- The existence of mutual trust and openness;
- The creation of a climate of dignity and value for individuals as human beings;
- The creation and maintenance of a spirit of co-operation, co-ordination and communication;
- To work towards the principle of unity among all public servants of all groups in South Africa;
- The upholding and respect for the fundamental guiding principles of public administration;
- And efficient and effective Public Service;
- The promotion of the spirit of servanthood to community development and Public Service;
- The principle of honesty, faithfulness and bona fide interaction and deliberations
- To promote responsibility, reliability and trustworthiness;
- Effective participation and communication;
- Sacrificial love for South Africa as a country and its people;

- The application of the principles of democracy;
- The acceptance and recognition of Almighty God as the Creator of mankind and all other things in the earth.

#### 8.2.2 Qualities of public managers, union and staff association leaders

The public managers and union leaders who are always engaged in discussions and negotiations should have the following qualities :-

- Understanding, competence and humility;
- Kindness and humanity;
- Intelligence, integrity, tact and respect;
- Frankness and friendliness;
- Credibility, reputation and trustworthiness;
- Courage, adaptability, self-control and confidence;
- Common sense, judgment and discretion;
- Forgiveness and charm;
- Diplomacy and hospitality;
- Creativity, initiative and originality;
- Should be analytical and sensitive;
- Self-sacrificing and self disciplined;
- Loyalty;
- Compassionate and generous;
- Have a sincere and positive attitude;

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- Should be enthusiastic and practical;
- Productive and decisive;
- Goal-oriented;
- Optimistic and willing;
- Self-confident;
- Dependable and stable.

### 8.2.3 Skills and knowledge needed for public managers, union and association leaders

Both the public managers and the labour unions' leaders should have the following skills and knowledge if they desire success in promoting sound labour relations in the Public Service :

- Communication skills;
- Public speaking ability;
- Planning and programming skills;
- Problem-solving abilities;
- Decision-making attributes;
- Budgeting knowledge;
- Training and development skills;
- Conference techniques;
- Listening skills;
- Interpersonal relations skills;
- Counselling skills;
- Public relations skills;
- Time management attributes;

- Interviewing skills;
- Interpretation of statutes knowledge;
- Negotiating skills;
- Personnel administration knowledge;
- Public administration knowledge;
- The knowledge about the nature of the Public Service;
- Language proficiency;
- Research skills;
- Conflict management skills;
- Problem analysis skills
- Consensual decision-making abilities;
- Collective responsibility;
- Managerial skills;
- Leadership skills.

8.2.4 **What labour unions and staff associations should do to be successful**

The unions and associations in the Public Service should always undertake self-examination in order to determine whether they are really successful or not.

The following are recommendations in this regard:

- Always keep contact with their members in all respects;

- Always involve themselves with the activities of the Public Service. They should be well known by both their members and the top management of various departments;
- Keep proper records of all their activities and of all their members;
- Be available and accessible;
- Must have effective communication channels for their members as well as for the Government representatives;
- Always advertise themselves by visiting public institutions, organising seminars and conferences, and issue public statements in the press;
- Challenge all unjust personnel practices in the Public Service, especially nepotism and corruption, even if their members are involved;
- Keep themselves abreast of the latest developments in the Public Service;
- Continually do research in order to initiate valid and necessary changes in public personnel administration;
- Strive to meet the needs and aspirations of their members;
- Keep contact with the leaders of other unions and associations in order to promote unity and understanding;

- Always stand for the truth, justice and fairness;
- Always display their willingness to be the servants of the public;
- Communicate fully and frankly with the Government and their own members
- Abide by the provisions of their constitutions and convictions with courage
- Encourage the expression of opinion;
- Give proper reasons for their decisions;
- Hear the complaints and grievances of their members;

#### 8.2.5 **Role of the unions in the future Public Service of South Africa**

A democratic and non-racial Public Service for South Africa will demand more responsibilities and duties from all unions and associations. The following recommendations are made in this regard :-

- All public servants should be well trained and be committed to serve the elected Government and carry out all their policies with integrity, impartiality and efficiency.
- All unions and associations should uphold

and respect the guiding principles of public administration, viz. political supremacy, for administrative law, public efficiency, maintenance of the principles of democracy, and respect for community values. All public servants should be guided by these guiding principles in their daily execution of administrative functions.

- Unions and associations in the Public Service should encourage ethical conduct from all their members.
- Unions and associations should always display professional standards and should work to enhance the public image of the Public Service.
- All public servants from all population groups should be encouraged to work together in harmony and in unity irrespective of colour, gender or creed. We should have a united and non-racial Public Service which is prepared to serve all the citizens of South Africa with pride and dignity.

Finally, continuous training should be given to all union officials and their members as well as



the management of state departments on the following :-

- General background of labour relations in the Public Service;
- The administration of labour relations
- Labour Relations systems in the Public Service;
- Labour Relations in practice.

The unions and associations in the Public Service of South Africa are effective and play an essential role in promoting stable, better public personnel administration, and in serving the interests of their members. The unions and associations should ensure that their members serve all the people of South Africa effectively and efficiently.

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9.4

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9.5

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9.8 **NEWSPAPERS**

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A N N E X U R E    <sup>00</sup>A<sup>02</sup>

MAJOR LABOUR UNIONS IN THE SOUTH AFRICAN PUBLIC SERVICE

1. Public Servants Association (PSA)
2. National Education, Health and Allied Workers Union  
(NEHAWU)
3. South African Nursing Association (SANA)
4. Public Servants Union (PSU)
5. Public Servants League (PSL)
6. Institute of Public Servants (IPS)
7. Natal Provincial Administration Personnel Association  
(NPAPA)
8. Natal Provincial Staff Association (NPSA)
9. Hospital Personnel Association of South Africa  
(HOSPERSA)
10. Public Service Artisan and Allied Workers Association  
(PSAAWA)
11. Medical Association of South Africa (MASA)

A N N E X U R E "B"

**ADDRESSES OF LABOUR UNIONS IN THE SOUTH AFRICAN  
PUBLIC SERVICE**

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NPAPA

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PIETERMARITZBURG

2017

or

Gavin Moultrie

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Executive Director  
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A N N E X U R E "C"

**PUBLIC SERVICE CAUCUS**

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MASA	Mrs J Dreyer	012-476101	012-471815
NEHAWU	Mr P Dexter	011-3378516	011-3339018
NPAPA	Mr G Moultrie	0331-426847	0331-945768
NPSA	Miss L Ganasen	031-3047563	031-3073306
PSA -102	Mr CHJ v.Rensburg	012-3234481	012-3257434
PSAAWA	Mr J Kruger	012-6645838	012-6658588
PSL	Mr D Wentzel	012-4615950	012-4618216
PSU	Mr V Moodley	031 370925	031-379378
SANA	Mrs S du Preez	012-3232316	012-3440750

A N N E X U R E "D"

RESEARCH QUESTIONNAIRE

AN ANALYSIS OF THE ROLE AND FUNCTIONS OF  
LABOUR UNIONS/STAFF ASSOCIATIONS IN THE SOUTH  
AFRICAN PUBLIC SERVICE

Ph.D DEGREE : VISTA UNIVERSITY

A. PRIVATE AND CONFIDENTIAL

1. Do not write your name on this questionnaire
2. The information required is part of the research project for academic purpose and will be treated as confidential
3. Answer all questions and give reasons where provided for to substantiate your opinion
4. Feel free to add more information in the additional sheet of paper if the space provided is inadequate

B. QUESTIONS

1. Do you think that public servants should join unions/ associations? Yes or No.

Reasons:

.....  
.....  
.....  
.....

2. In your opinion, what are the advantages of having unions/associations in the Public Service?

.....  
.....  
.....  
.....

3. In your opinion what are the disadvantages of having unions/associations in the Public Service?

.....  
.....  
.....

4. What do you regard as the most important function of union/association in the Public Service? Tick one.

- a. To establish better service conditions for members
  - b. To promote efficiency and productivity
  - c. Job Security and elimination of unfair labour practices
  - d. All above
  - e. Other .....
- Please explain .....

5. Do you think that public servants should strike?

Yes or No.

Reasons:

.....  
.....  
.....

6. When public servants go on strike, who suffers most?

- a. Government
- b. Tax-payers
- c. All above

7. What should unions/associations do to avoid strikes?

- a. Negotiate with the Cabinet and State President
- b. Participate in the budgetary process
- c. Call the tax-payers
- d. Involve political parties and organisations?
- e. Other .....

Please explain:

.....  
.....

8. What should the government do to avoid strikes?

- a. Involve unions and associations in budgetary allocations
- b. Compromise with the demands of unions/associations
- c. Consult with the tax-payers
- d. Involving unions/associations in decision-making
- e. Other .....

Please explain: .....

.....  
.....

9. Are you satisfied with the present labour relations policies in the Public Service? Yes or No.

Reasons:.....  
.....  
.....  
.....

10. In your opinion what strategies and tactics should unions/associations use to promote sound labour relations in the Public Service?

- a. ....
- b. ....
- c. ....
- d. ....
- e. ....

11. At which level should unions/associations be represented in decision-making?

- a. Cabinet level
- b. Ministerial level
- c. Top Management level
- d. Senior Management level
- e. Middle and lower management level

12. Unions/associations in the Public Service are reactive rather than pro-active? Yes or No

Reasons:  
.....  
.....

13. In your opinion, what do you regard as the strengths of unions/associations in the Public Service?
- a. ....
  - b. ....
  - c. ....
  - d. ....
  - e. ....
14. In your opinion what do you regard as the weaknesses of unions/associations in the Public Service?
- a. ....
  - b. ....
  - c. ....
  - d. ....
  - e. ....
15. Who should determine the conditions of service for public servants?
- a. Government
  - b. Government and unions/associations
  - c. Unions/associations
  - d. Public Servants
  - e. Other .....
- Please explain: .....

16. **What should the government do to promote sound relations with all its employees?**

- a. Follow what the business sector does
- b. Joint decision-making with unions/associations
- c. Improve the disciplinary and grievance procedures
- d. Allowing each department to decide for its own
- e. Regular consultation with unions/associations

17. **Taking into account the present changes in South Africa, what should unions/associations do?**

- a. Encourage "Affirmative Action" and "Equal Employment Opportunities" in the Public Service
  - b. Establish one big union federation for all public servants
  - c. Representation in one negotiation forum
  - d. Encourage integration and combination of all public servants in all governmental levels
  - e. Other .....
- Please explain: .....

18. **In your opinion, who should negotiate with unions/associations for salary dispensation?**

- a. Commission for Administration and Treasury
  - b. The State President
  - c. Heads of departments
  - d. Minister of State Administration
  - e. Other .....
- Please Explain: .....



19. In order to have a competent Public Service in the RSA, what in your opinion should be done?

- a. ....
- b. ....
- c. ....
- d. ....
- e. ....

20. In conclusion, what in your own opinion do you regard as the most vital functions of unions/associations?

- a. ....
- b. ....
- c. ....
- d. ....
- e. ....

NB. Thank you very much for completing this questionnaire.

Kindly sent this questionnaire back to :

Mr D.R. Thakhathi

9 Barnard Street

LOUIS TRICHARDT

0920

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