

**Trade union density and its implications for collective bargaining  
in South Africa**

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## **Declaration**

I declare that this article is my own work. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration at the Gordon Institute of Business Science, University of Pretoria. It has not been submitted before for any degree or examination in any other University. I further declare that I have obtained the necessary authorisation and consent to carry out this research.

**X Msila**

A handwritten signature in black ink, appearing to read 'Msila', written in a cursive style.

**7 November 2018**

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## **Motivation for publication**

### **Relevance to Journal of Industrial Relations (JIR)**

This article is written in accordance with the guidelines of the targeted JIR. The JIR publishes articles in the subject area: Organisation Behaviour/Studies, Human Resource Management, Industrial Relations (OB/OS, HRM/IR). JIR is rated 13<sup>th</sup> of the 27 Journals in the IR and Labour categories. It is abstracted and indexed in Scopus and the Social Sciences with the impact factor of 1.392. The Danish Ministry ranked the journal as low quality in 2017 but the Association of Business Schools Academic ranked the journal as intermediate quality in 2018.

### **Significance of the study**

Is decentralisation of collective bargaining an answer to the declining trade union density across the world as Katz (1993) began to argue more than two decades ago? Or should the employers be exploring new ways of employee relations in non-union environment as Britain and the United States of America have begun doing (Gollan & Lewin, 2013)? This is an ongoing IR debate as trade unions appear to experience a decline in membership. This case study investigates the experiences of the South African sectorial bargaining, in the context of the 2014 amendments to the Labour Regulations Act of 1995 (LRA) and the proposed amendments contained in the LRA Bill (2017). The views of the South African business, labour and government leadership on the declining trade union membership are explored as well as how the decline impacts on collective bargaining. The study aims to contribute to the theory on trade union density and collective bargaining.

## Chapter 2: Literature Review

### 2.1 Introduction

This study set out to analyse the impact of trade union density on South African sectorial collective bargaining as a societal phenomenon. The study explored the perceptions of the key participants in sectorial collective bargaining on: firstly, the state of trade union density in South Africa; secondly, what the factors that determine trade union density are and lastly their views on the implications of trade union density for collective bargaining in South Africa. The 2014 amendments to the South African Labour Relations Act 66 of 1995 provide for the extension of bargaining council agreements to non-parties on discretion of the Minister of Labour; the extension of funding agreements of bargaining councils; picketing through collective agreement or through prescribed picketing rules; and the requirements of a ballot for a strike or lock-out to include a secret vote and the establishment of an advisory arbitration panel. Whilst the labour legislation is designed to support collective bargaining, these amendments were aimed at further embedding sectorial collective bargaining, the impact of trade union density on collective bargaining is questioned in this study. This chapter introduces collective bargaining and the theories of union density underpinning collective bargaining, thereafter it analyses the status of collective bargaining in South Africa, towards a literary conclusion.

### 2.2 Extension of collective agreements

Section 32 of the Labour Relation Act 66 of 1995 was amended in 2014. The amendments brought about lowered requirements for the extension of collective agreements reached at the bargaining councils (Labour Relations Act 66, 1995). Prior to the 2014 amendment, the bargaining council parties, who requested the extension of collective agreements, were required to demonstrate that they represented or employed the majority of the workers in the bargaining council's jurisdiction. The Act refers to this as representativeness of the parties. The 2014 amendment of the LRA requires that the parties must be sufficiently representative at the discretion of the Minister of Labour. Prior and after these amendments South Africa experienced several disputes in the Labour court, (*NEASA v Minister of Labour* (2012)2 BLLR 198 (LC), *Valuline CC v*

Minister of Labour (2013)34ILJ 1404 (KZP) and the Free Market Foundation v Minister of Labour & Others (2016)8 BLLR 805 (GP) 1) which challenged the extension of collective bargaining on the basis of the lack of representativeness of the bargaining parties. The challenges on the extension of collective agreements on the basis of the lack of representativeness of the bargaining council parties signifies a problem with the trade union density in South Africa. Trade union density refers to the ratio of trade union membership to the total sectorial work force (Lesch, 2004).

Further amendment to section 32 of the LRA contained in the 2017 LRA Bill, aimed at embedding collective bargaining at sectorial level, and specifically addresses the extension of collective agreements out of the bargaining councils to non-parties. In circumstances where the parties to the collective agreements are not in the majority but on discretion of the authorities are sufficiently representative, the collective agreements may be extended (LRA Bill, 2017). The authority for extending the collective bargaining agreements is proposed to change from the Minister of Labour to the Registrar of Labour Relations.

It is against this legislative and industrial relations background that the question arises as to what the status of trade union density in South Africa is?

Indications are that trade union density in South Africa is declining. Trade union density in South Africa was estimated to be around 27.4% in 2015, indicating a decline from a low base of 29.3% in 2013 (Stats SA, 2015). Bhorat, Naidoo & Yu (2014) showed that trade union density in South Africa, declined by eleven percent (11%) in the private sector, from 35.6% in 1997 to 24.4% in 2013 whereas a lower level of decline is noted in the public sector for the same period - 74.6% to 69.2%. Although the exact figures differ, Stats SA (2015) reported similar trends for union density, indicating a decline. Stats SA (2015) reported a union density decline of 1.9% from 29.3% in 2011 to 27.4% in 2015. The analysis of trade union membership per sector reveals that of the 10 industries analyzed, only the mining and utilities industries showed an increase in membership of trade union during this period (Stats SA, 2015). Recently it has been reported that the membership of the largest trade union federation, Congress of South African Trade

Unions (COSATU), has declined by over 400 000 over the last two years (Theto, 2018). The decline in trade union density may not be unique to South Africa, but legislative changes in the country center around the principle.

The lower the trade union density, the more challenging it is for the trade unions to be representative as a party to a bargaining council. The LRA 66 of 1995, as amended in 2014 is in support of sectorial collective bargaining and the 2017 LRA Bill appears to shift the focus from representativity of trade unions to trade union density/ or the coverage of the collective bargaining agreement, requiring an accurate assessment of trade union membership. Should the Bill be passed by parliament, the employee coverage of collective agreements is expected to widen.

### **2.3 The classical principles of collective bargaining as a societal phenomenon**

Dunlop (1958) described collective bargaining as more than the management of industrial relations, but as a societal phenomenon, and viewed collective bargaining as a process of making rules of interactions between societal role players that included workers, employers and governments. Flanders (1965) supported Dunlop's view of collective bargaining as a rule making process, pertaining to the interactions between management and workers. The collectivism was the means of balancing power for the workers. The views of Webb and Webb (1965) were narrower as they regarded collective bargaining as an economic process in which workers extracted the most favourable conditions from the employers (Webb & Webb, 1965). Chamberlain and Kuhn (1965) built on Webb and Webb's economic process theory and defined three principles of collective bargaining. First, the Marketing theory, which described collective bargaining as the means of selling labour to employers. Second, the Governmental theory, which went further than the Marketing theory by suggesting that collective bargaining afforded trade unions with opportunities to share power with management in joint decision making in matters of interest to the trade union members, and thirdly the Managerial theory which considered collective bargaining as a process where unions and management reached functional decisions jointly on matters relating to labour. The historic evolution of trade unions saw the development of Mobilisation theories toward sustaining union density.

## 2.4 Collective bargaining theories and union density

Kelly (1998) developed the mobilisation theory, which proposed the requirements for workers to act collectively. The mobilisation theory explains that employee in order to active collectively they must believe:

“...that their conditions of employment are in some way unjust or unfair; fellow workers share their sense of grievance; the employer is either the cause of their employment problems or is responsible for their alleviation; union action against the employer will be effective and at minimal cost; and these beliefs are combined into a coherent narrative or ‘collective action frame’ that explains their predicament and legitimates their protest” (Kelly, 2015: p 533).

The objective for this theory was, in the context of declining trade union density during the 1990s, firstly to radicalize thinking about the employment relationship away from the conventional Dunlop and Flanders thinking of institutionalized bargaining towards the intellectual debate of how workers mobilise to build-up capacity in order to confront the employer (Kelly, 2018) ; and secondly highlight the vital of the role of trade unions which in Kelly’s view had been downplayed by scholars, in the labour–capital conflict. Kelly envisaged that mobilisation theory would be a useful tool to be used by trade union leadership.

Atzeni (2009) developed the mobilisation theory further, by questioning the intrinsic subjective nature the spontaneous mobilisation. He proposed a re-formulated mobilisation theory not focussed on the mechanical sequence, but on the contradictions of the capitalist labour system. Atzeni (2009) reinforced Kelly’s mobilisation theory as that which is influenced by Marxist logic of society and economy. Atzeni (2009) regarded the Marxist paradigm, as class conflict arises in capitalist societies due to conflicting material interests of the working class and those of the bourgeoisie.

It would seem plausible that in a country like South Africa, ravaged by high levels of unemployment, unfavourable working conditions, high levels of non-permanent employment contracts and huge wages gaps between the rich and the poor (Bhorat, Naidoo, Oosthuizen & Pillay, 2016) that workers would find enough injustice and unfairness to mobilise for collective action as Kelly and Atzeni suggested (Kelly, 1998; Atzeni, 2009; Kelly, 2015; Kelly, 2018). Unfavourable employment conditions and the apparent decline in trade union density beg the



question as to how lower levels of representation and mobilisation impact on the very role of collective bargaining as an inherent function of trade unions.

## 2.5 Contemporary challenges to South African sectorial collective bargaining

Collective bargaining and collective agreements reached at bargaining councils, registered for a specific sector, should be understood against the discussion of collective bargaining theoretical development. The extension of such collective agreements to non-parties on request of the bargaining councils and on the discretion of the Minister of labour have to meet the current requirements in Section 32 of the Labour Relations Act 66 of 1995. Criteria for the extension of collective agreements include the requirement that the members of the trade union that is party to the collective agreement represents the majority of all the employees in the sector of the bargaining council's jurisdiction.

Viewed from a Dunlop “societal phenomenon” perspective that collective bargaining is a process of making rules of interactions between societal role players that include workers, employers and governments, the number of court challenges to the extension of collective agreements on the basis of this majoritarian rule is significant.

In the case of National Employers Association of South Africa (NEASA) v Minister of Labour (2012), NEASA successfully challenged an extension of the Metal and Engineering Industry Bargaining Council (MEIBC) collective agreement by the Minister of Labour alleging that the parties to the agreement had not met all the statutory requirements. Overturning the Minister's decision, Judge van Niekerk held that the statutory requirements of representativity upon extension of the agreement, were not met and therefore ruling the extension illegal and invalid (NEASA v Minister of Labour (2012)2 BLLR 198 (LC)). Similar allegations of non representativity upon extension were made in the case of Valuline CC v Minister of Labour, where it was alleged that the Minister extended a collective agreement of the National Bargaining Council for the Clothing Manufacturing Industry (NBCCI) despite evidence to the lack of representivity of the of one of the parties in the bargaining council (Valuline CC v Minister of Labour (2013)34ILJ 1404 (KZP)). The applicants (NEASA) in this case were also awarded the costs of litigation.

The principles associated with the level of collective bargaining by the participants, and the impact of the “rules made at sector level” as extended to others, came into question in the Casual

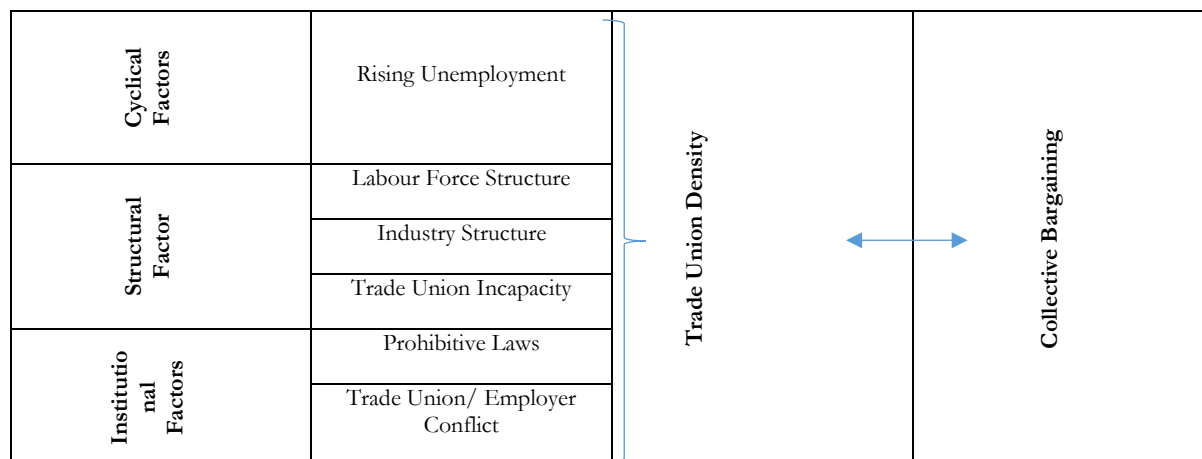
Workers' Advice Office v Commission for Conciliation, Mediation and Arbitration (CWAO v CCMA (2017) JR2177/16). CWAO claimed that the workforce in South Africa that were not the members of registered trade unions was as large as 73% and similarly that the trade union federations at National Economic Development and Labour Council did not enjoy the support they previously did, which could be considered from the perspective of Kelly's Mobilisation Theory as "collectivisation as a set of individuals which requires of them to adopt a particular set of beliefs and that these beliefs are combined into a coherent narrative or 'collective action frame' that explains their predicament and legitimates their protest" (Kelly, 2018). Recently, the notorious incident of Marikana in 2014 whereby unprecedented violence erupted during a strike in the mining industry, organised independently of the two main trade union, Association of Mineworkers and Construction Union (AMCU) and the National Union of Mineworkers (NUM), by Rock Driller Operators (RDO), whereby workers demanded recognition and direct engagement by the employer (Hayem, 2016).

These cases brought the challenge of traditional sectorial bargaining in South Africa into sharp focus and specifically the representativity requirement of Section 32 of the LRA 66 of 1995. The low representativity experienced in these case cannot be viewed outside the context of trade union density at the macro level.

Bhorat et al. (2014), showed that trade union density in South Africa, declined by eleven percent (11%) in the private sector, from 35.6% in 1997 to 24.4% in 2013 whereas a lower level of decline is noted in the public sector for the same period: 74.6% to 69.2%. Although the exact figures differ, Stats SA (2015) reported similar trends for union density, indicating a decline. Stats SA (2015) reported a union density declined of 1.9% from 29.3% in 2011 to 27.4% in 2015. The analysis of trade union membership per sector reveals that of the 10 industries analysed, only the mining and utilities industries showed an increase in membership of trade union during this period. The decline in trade union density is not unique to South Africa. There is considerable amount of research that has been dedicated to this phenomenon and attempts to understand the factors that lead to trade union density decline.

## 2.6 Factors affecting trade union density

Factors that determine trade union density into three broad categories i.e. Cyclical, Structural and Institutional (International Labour Organization, 2002; Lesch, 2004). Figure 2 depicts the factors that determine trade union density according to these three categories and their general relationship with collective bargaining.



**Figure 1: Factors that affect sectorial collective bargaining**

### 2.6.1 Cyclical factors:

Lesch (2004) defined cyclical factors as the pressure on trade union membership caused by temporary conditions such as rising unemployment.

#### Rising unemployment:

Visser, Booth, Burda, Calmfors and Chechi (2000) argued that unemployment is the number one factor leading to low trade union density. A view supported by Du Toit (2007), who pointed out that workers are unlikely to remain as members of trade union after they have lost their jobs. Besides this seemingly obvious point, Lesch (2004) argued that during the periods of high unemployment, workers are vulnerable and are less likely to join trade unions for fear of losing their jobs. In South Africa the unemployment rate is reported to be around 27% (Stats SA, 2017 - Q1) and increasing. It should be expected therefore as argued by Visser et al. (2000); Lesch (2004) and Du Toit (2007) that trade union density should be declining in South Africa. Unemployment is not only cyclical. They may be structural unemployment that also impacts on trade union membership.

## 2.6.2 Structural factors

Lesch (2004) refers to structural unemployment as conditions where employment shifts from sectors with high rates of union membership to sectors that are less unionized. Cooper and Patmore (2002) in their review commented about the linkages in literature between the falling trade union densities to the propensity of workers to unionize. They further draw a correlation between increased part-time employment and a weak presence of trade unions. These authors concluded that there is a direct correlation between job-security for workers with their likelihood to join trade unions and hence the trend towards short-term contracts and the casual forms of employment are partly to blame for declining trade union density in some countries, they argued (Cooper and Patmore 2002).

### Labour force structure:

Cooper and Patmore (2002) argue that increases in forms of what they term ‘precarious’ employment hampered union efforts to recruit new members. These forms of employment contacts would as well hamper the trade unions’ efforts to attract and to retain membership. An increase in non-permanent employment contracts in South Africa is evident from the data in Table 1. The ratio of employees with limited duration contracts has increased from 12% in 2009 to 15% in 2015. These forms of employment contacts would as well hamper the trade unions’ efforts to retain membership.

**Table 1: Nature of employment in South Africa adapted from (Stats SA, 2015; A2 29)**

Nature of employment	2009	2010	2011	2012	2013	2014	2015
Limited duration (‘000)	1 418	1 391	1 448	1 615	1 975	1 993	1 989
Permanent nature (‘000)	7 719	7 586	7 747	7 917	8 010	8 185	8 233
Unspecified duration (‘000)	2 893	2 674	2 707	2 708	2 908	2 886	3 276
% Limited duration	12%	12%	12%	13%	15%	15%	15%

Workers that are either in the informal economy or working for themselves are not included in these statistics in Table 2. Horn (2005) pointed out what he called a legislative shortcoming in dealing with these non-standard workers. These workers are neither recognized by labour legislation nor by the trade unions. Trade unions therefore do not mobilize them. As a solution Horn (2005) called for innovation of collective bargaining structure pointing out that there are very few examples of what she called “tried and tested” collective bargaining mechanisms in the informal sectors. In these examples the existing structures were extended to include informal

economy; new bargaining councils were created and decentralised tripartite board were formed to regulate the welfare and social security in certain types of informal work (Horn, 2005; p222).

Moreover a different type of worker is emerging with change in the world of work. World Economic Forum (WEF, 2018) referred these atypical workers replacing the traditional workforce that is likely to join trade unions that are characterized by technological skill that allow them for instance to work remotely from their place of work. WEF (2018) predicted the erosion of the traditional membership base of trade unions as the 4<sup>th</sup> industrial evolution takes on the world of work.

#### **Industry structure:**

New technologies associated with the 4<sup>th</sup> industrial revolution have presented new options for the organisation of work i.e. where and how work is performed. This will limit the workforce interaction that is necessary for mass mobilisation. Hayter et al. (2014) viewed the mobility of capital that is brought about by the new technologies as weakening to the bargaining power of trade unions and therefore their mobilisation capacity.

#### **Trade union incapacity:**

Hayter et al. (2014) recognized multilevel (factory – enterprise level) coordinated implementation of collective agreements as a prerequisite for the collective bargaining. For this coordination to be effective the capacity of the collective bargaining partners such as the capacity of the trade unions to organise is required. Conversely, inadequate capacity of the trade union impedes collective bargaining. There are several factors that may in turn incapacitate a trade union: These are: previous impediments to worker's rights (Hayter, et al., 2014), fragmentation of trade unions (Hayter et al., 2014) and the lack of financial resources (Fitzenberger et al., 2006; Waddington, 2015). The inability to mobilise or service members leads to high membership turnover and therefore declining trade union densities.

#### **2.6.3 Institutional factors:**

Lesch (2004) referred to institutional factors as regulatory provisions that weaken the workers power to bargain. The weakening of bargaining power hampers the trade unions' ability to recruit and retain membership.

**Prohibitive laws:**

Relates to, on one hand, regulatory barriers to joining the trade unions such as for example, compulsory arbitration in Australia (Cooper & Patmore, 2002); taxation of trade union deductions (Lesch, 2004) or the publication and the publication and the proposed regulation of time and cost associated with trade union representative activities in the United Kingdom (Lane, 2017). Lane (2017) argued that the impact of these amendments will be devastating to the ability of trade unions to organise effectively. The LRA 66 of 1995 institutionalises the right trade union organization and the amendments to Section 32 of this Act further facilitates sectorial collective bargaining.

**Ghent withdrawal:**

On the other hand, policies create favourable conditions for unionisation. An observation of the trade union density increase with unemployment and the decline with Ghent system withdrawal is a demonstration of such policy influence (Lesch, 2004; Hogedahl & Kongshoj, 2017).

**Union / Employer conflict:**

Studies emphasize employer opposition to trade unionism as the greatest obstacle to unionization and the abilities of trade unions to attract and retain membership (Freeman & Medoff, 1984; Kleiner, 2001). These authors argue further that the hostility towards trade unions combined with lack lustre organizing by the trade unions are the biggest factors in union decline. Cooper and Patmore (2002) in their review listed a few tactics utilized by employers in this regard as:

“the dismissal and harassment of union activists and members; relocation of operations; antiunion publicity campaigns in the workplace and community; the use of a range of sophisticated human resources management techniques to quell the desire for unionisation; as well as a range of union ‘substitution’ activities such as employee involvement schemes and the promotion of in-house unions” (Cooper and Patmore, 2002).

The significance of trade union oppositions is disputed in the study Baraghoshi & Bilginsoy (2013). These researchers identified both the employer opposition to trade unions and the capacity of trade unions to organize as important factors in determining the level of unionization but in analysing the impact of a set of variables on the union density concluded that the two variables cannot be single out for attribution of trade union density decline as previously done by other researchers. South Africa has a history of this conflict between the employer and trade unions (Du Toit, 2007). The animosity appears to have disappeared at the level of sectorial bargain as the

length of collective agreement getting to as long as three years. The stability is attributed to the innovation from bargaining councils acting as a platform for trust relationship building between the parties in-between wage negotiations. The participant believe that more innovation is needed in the bargaining council as the response to the structural factors that are causing the decline in trade union density.

## 2.7 Conclusions

Workers' rights are institutionalised in South Africa. The right of workers to unionisation is enshrined in the Bill of Right's freedom of association. The workers' rights are regulated through the LRA 66 of 1995. The majoritarian principle that the sectorial collective bargaining has always been largely based on has been under the spotlight in recent times in South Africa.

The increase in the Labour courts challenges of the extension of collective agreements reached at the sectorial level has brought a sharp spotlight to the representativity of the social partners. The recent amendment to the LRA 66 of 1995, and the proposed further amendments in the 2018 LRA Bill are aimed at further embedding sectorial collective bargaining, yet there is an indication of declining trade union density. The implications of the trade union density on the coverage in declining trade union density is not well researched in the South African context.

Factors that may affect trade union density are known to vary from cyclical, to structural and even institutional. If the bargaining councils are to re-invent themselves as Horn (2005) suggests and reduce the labour court challenges to the extension of their agreement, the nature of the factors that determine trade union density in South Africa is critical to understand and perhaps reverse.

## **Chapter 3: Research methodology and design**

### **3.1 Introduction**

The objective of this study was to understand the implications of trade union density for collective bargaining in South Africa. The study aimed at exploring the perceptions of the key sectorial bargaining parties: on the levels of trade union density in South Africa; their views on what the determinants of trade union density are in South Africa; and what their views are of the implication of trade union density on collective bargaining.

This chapter describes the method of research followed in this study. The rationale for a qualitative case study approach is motivated and the methods of data collection to address the objectives of the research are explained. The chapter deals with how the data was interpreted and analysed, whereupon the limitations and ethical considerations are discussed, followed by the concluding remarks.

### **3.2 Motivation for a qualitative case study approach**

Trade union density has been declining in South Africa over the last few years (Wocke, 2014; Bhorat, et al., 2014; Statistics South Africa, 2015) as well as in other parts of the world such as in Israel (Mundlak, et al., 2013), the United States of America (Baraghoshi & Bilginsoy, 2013). In South Africa it has been reported that the largest trade union federation, i.e. the Congress of South African Trade Unions (COSATU) membership has declined by over 400 000 over the last two years (Theto, 2018). While trade union density is reported to be declining, South African labour legislation has been amended (LRA 66 of 1995). The amendments to section 32 of the Labour Relations Act 66 of 1995 further support centralised collective bargaining, based on the number of members represented by the negotiating parties. The objective of this study was to investigate, in order to gain insight into, the implication of trade union density for collective bargaining in South Africa. The research problem and aim of this study was to explore the perceptions of the social-labour bargaining partners with regard to:

- (a) the factors that determine trade union density in South Africa as well as,
- (b) the implication of trade union density for collective bargaining.



It was expected that participants may have different experiences and perspectives to the research questions posed in this study. In the light of this expectation of a possibility of many realities, as suggested by (Creswell, 2002), that a qualitative study with an ontological approach was considered appropriate. The lived realities of the participants were captured through in-depth interviews of approximately an hour per participant. In-depth interviews were considered to be the most appropriate form of data gathering for this study since as Nueman (2003) puts it they are sensitive to context, and enable rich and detailed description of social phenomena by encouraging the participants to speak freely and understand the investigator's quest for insight into a phenomenon that the participants have experienced.

Qualitative case study strategy is used to investigate a particular contemporary phenomenon in its real-life context (Yin 2009). The case study strategies can be grouped into four distinct strategies: single case, multiple case, holistic case and embedded case (Yin, 2009). An in-depth study of the impact of trade union density on industry level collective bargaining is required to meet the objectives of this study. To gain understanding of the multifaceted phenomenon, a case study approach was relevant as the number of participants are narrowed down to specific individuals directly involved with industry level collective bargaining just as in the case of a study of the electronics industry in Malaysia that was carried out by Wad (2012).

### **3.3 Research method**

#### **3.3.1 Secondary data**

Independent sources of data were consulted as needed to compliment the views or data extracted provided by the social partners during the interviews. Statistics South Africa (Stats SA) publications (Stats SA, 2015) was used to triangulate the information on trade union membership and Department of Labour reports provided data to determine the number of registered bargaining councils (Department of Labour, 2018),

#### **3.3.2 Primary data: Sampling Method and Data Collection**

##### **Population and sampling method:**

There are twenty registered national bargaining councils, which bargain at industry level. A number of large employer's organisations and Trade Unions are party to these bargaining councils.

Representatives of Industry bargaining for Organised Labour, Organised Employers and Government representatives responsible for Collective Bargaining were identified for in-depth interviews. The number of targeted individuals was limited since a number of the Union and industry representatives engage in collective bargaining across bargaining councils. Participants included in this study were General Secretaries of Bargaining Councils, Unions and Employers organisations as well as Government officials tasked with collective bargaining.

The unit of analysis for the study was therefore the specific individuals directly involved in sectorial collective bargaining in South Africa.

**Data collection: In-depth interviews:**

A six-step process of plan, design, prepare, collect, analyse and share, described in detail by Yin (2009) as depicted in Figure 4 was followed. This process was done in the interactive manner of simultaneous data analysis while capturing was continuing so as to refocus the interviews on emerging themes as Maxwell (2013) recommends. Interviews of approximately one hour were arranged with participants and the venues for the interviews were selected so that the interviews were informal but appropriate for audio recording. Appointments were confirmed with participants, and a list of themes to be covered during the interview were emailed to the participants prior to the interview. The themes included in the in-depth interview were generated from the literature review (Emmel, 2015). Communication of the themes before the interview was used to build trust and transparency as suggested by Saunders et al. (2016).

Participants were informed that the interviews were recorded for research purposes only. Confidentiality within the context of the study was conferred on the participants. Anonymity exists in that the identities of participants in specific industries were protected to ensure individual responses could not be identified. The data was transcribed for analysis.

To address issues of data reliability, the interviewer preparation was done through content reading, mock interviews with peers to ensure credibility was earned from the participants through the demonstration of content knowledge.

### **3.4 Data analysis and interpretation**

Maxwell (2013) (Maxwell, 2013) divided strategies for qualitative analysis into three main clusters: i.e. memos; categorising strategies – such as codes and thematic analysis; and connecting strategies

– such as narrative analysis. Maxwell (2013) further suggests that contrary to the literature that tends to emphasise coding as the main activity in data analysis, the writing of memos, and strategies should be used in combination for greater analysis of data gathering during interviews. Although the combined use of the three strategies is not a standard requirement for research, Rowe (2017) followed this method in her study of the perspective of the tripartite partner's socio-economic inequalities in South Africa. A similar approach was adopted for this study.

Saunders, Lewis & Thornhill (2016) and Saunders et al. (2016) defined inductive data analysis as one that involves the search for patterns from data and the development of explanations for those patterns through a series of hypotheses. An inductive approach to data analysis was followed in this study. Computer-aided data analysis software, AtlasTI, was used for the interpretation of the data to analyse and detect common trends and construct a framework of the outcomes. The insights from the participants gained from the interviews was used to develop themes of the current thinking of the key leadership in sectorial collective bargaining relating to trade union density and its implication for collective bargaining in South Africa. The process followed is depicted in Figure 3. The reiterative approach suggested by Maxwell (2013) and Yin's (2009) model was followed by conducting data analysis simultaneously with the data collection in order to refocus the interviews on emerging themes.

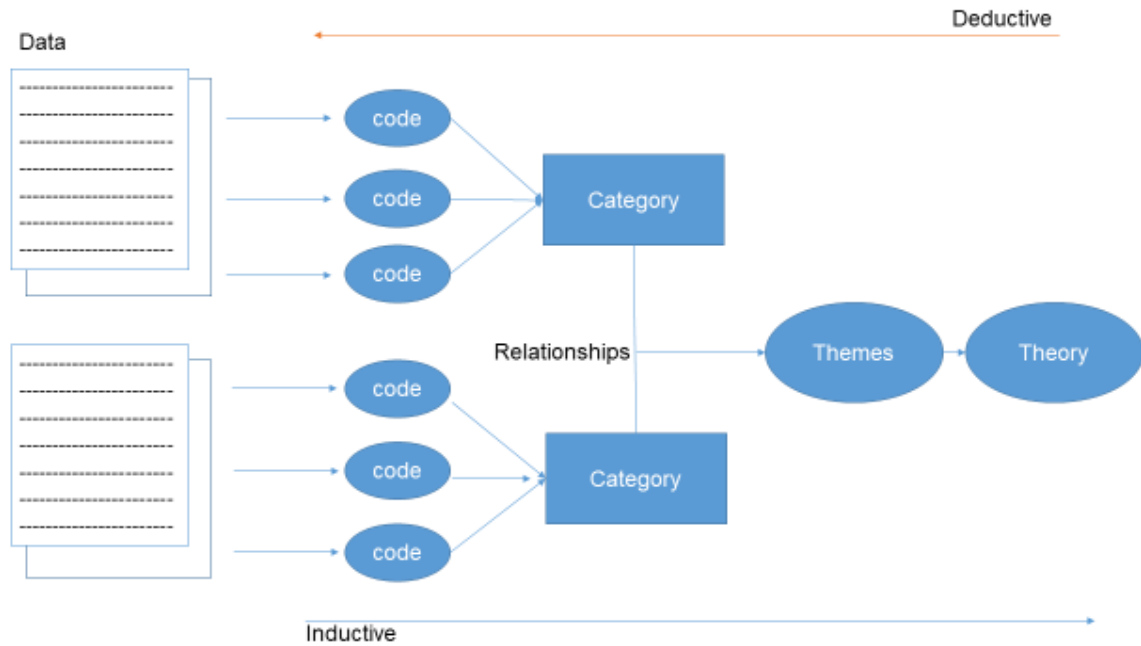


Figure 2: Adapted from (Saldana, 2009)

A code is described by Saldana as a word or phrase that captures the essence of a piece of written or visual data (Saldana, 2009).

### 3.5 Research limitations

Three of the six limitations of case studies as identified by Baskarade (2014) were inadequate interpretation resulting from inadequate amount of data presented and the overgeneralisation of the results. As per encouragement from Baskarade (2014) direct quotes of all relevant statements to generate the themes and integrated with themes from literature. The results from this study are to be used for theory building rather than making generalisation of the findings.

While the participants provided general insights into the challenges facing central collective bargaining as a whole, they appeared to be reluctant to provide in-depth critical data or analysis of their own specific bargaining fora. It was therefore important to ensure that the elements of individual bias was avoided during the data collection and analysis. Representatives of trade union federations were the less keen to participate in the study than representatives of organized business and government. Ensuring a balanced survey of response from the possible number of case study participants was a challenge.

The unwillingness of labour representatives to participate in this study makes it difficult to generalise the findings to all three interest groups.

Similarly the reliability of data might be affected by the participants' bias due to the perception they have on the interviewer. The trust was established upfront by the good interview preparation and the provision, to the participants, of the list of themes uncovered in the literature review and to be covered prior to the interview.

### **3.6 Ethical considerations**

Due to the delicate nature of some of the relationships between the bargaining partners, the participants or the industry in this study have not been identified. In order to encourage participation an informed consent letter was given to each participant which made them aware of the following rights:

The use of any written, audio and video recordings was brought to the attention of the participants before the start of each interview. The participants were afforded the right to decline the use of the data gathering tools.

The assurance was given that all responses collected would be secured by the researcher.

All personal information collected would be used solely for this research and would not under any circumstance be shared with anyone who may request the information.

Data will be reported without identifiers and the participants will be referred to as "participants" in any publication(s) that may come out of this research.

Finally, that the participation was voluntary and free and could be withdrawn at any time during the research process without penalty.

### **3.7 Conclusions**

Due to the semi-structured interviews, this method was neither meant to be repeatable nor was it meant for the generalisation of findings. However, all the notes made during the interviews were retained, and the research design and choice of method can be referred to by other researchers in order to understand the process towards reaching the conclusion or if need be to reanalyse the data.

## Case Law

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