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Increasing Public Sector Trade Union Power & its Implication on Labour & Employee Relations

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BIOGRAPHY

Theophilus T. Tshukudu is Doctor of Human Resource Management and lecturer in the University of Botswana. He received his doctoral degree in Human Resource Management from Nelson Mandela Metropolitan University in Port Elizabeth, South Africa. He has served in the following capacities, Secretary of the Department of Political and Administrative Studies in the Faculty of Social Sciences, University of Botswana. He served as a Special Advisory Committee Member and also a Member of Institute of Human Resources Management in Botswana. He has taught undergraduate and graduate courses in Human Resource Management and Public Administration for six years. He has served as Acting Head of Department, Political and Administrative Studies and also played a role in both undergraduate and graduate programmatic assessment and quality control. His international experiences include serving as Senior Human Resource Officer United Nations Mission in Mozambique. His academic leadership include the following: a regular review for several journals. He has supervised 54 treatises, 6 research essays, 3 dissertations and 5 theses and eternalised 27 treatises, 12 dissertations and 4 theses.

ABSTRACT

This article advocates for moderation of power for unions as the increase of the power for trade unions may create an atmosphere of ungovernable on the part of unions (difficult situation for both organisations and the government of the day). According to McGinnis and Schanzenbach (2010), public employee unions came to be largely in the shadow of the powerful case that industrial unions had already made themselves. But the recent events have shown up the way public employee unions exploit the powerless citizenry, depriving them of the moral high ground. Even though it is difficult to balanced power between the employer and public sector trade unions, increasing union power in this relationship may defeat the purposes of equality In terms of bargaining power. Too much power to any party will erode the mutual sense of responsibility and the obligations of bargaining with the interest of the relationship will then be threaten by the powerful partner's attitude and treating of the less powerful partner in spiteful manner. Parties need each other; more than ever before, given the complicated issues surrounding socio-economic challenges faced by employers and public service sectors employees around the world. It is therefore, ideal not increase trade union power as this as highlighted earlier may change the complexity of the bargaining arrangement

for three reasons. This article recommends a model for equilibrium model for power balance between the two parties (employer & trade unions) with conflicting interests.

1. Introduction

According to (Khama, 1971), Trade unions are essential instrument of participatory democracy. It is through such unions that the workers can not only defend their interest but also make a positive contribution to the national development. And if this contribution is to be effective, instruments of participation trade unions must be free. They will not be effective instrument of participatory democracy if they are manipulated by government or by a political party or external agency. Trade union is a voluntary organization of workers pertaining to a particular trade, industry or a company and formed to promote and protect their interests and welfare by collective action. They are the most suitable organisations for balancing and improving the relations between the employer and the employees. They are formed not only to cater to the workers' demand, but also for inculcating in them the sense of discipline and responsibility. They aim to:-

- Secure fair wages for workers and improve their opportunities for promotion and training.
- Safeguard security of tenure and improve their conditions of service.
- Improve working and living conditions of workers.
- Provide them educational, cultural and recreational facilities.
- Facilitate technological advancement by broadening the understanding of the workers.
- Help them in improving levels of production, productivity, discipline and high standard of living.
- Promote individual and collective welfare and thus correlate the workers' interests with that of their industry.

Industrial relations have its roots in the industrial revolution which created the modern employment relationship by spawning free labour markets and large-scale industrial organizations with thousands of wage workers. As society wrestled with these massive economic and social changes, labour problems arose. Low wages, long working hours, monotonous and dangerous work, and abusive supervisory practices led to high employee turnover, violent strikes, and the threat of social instability. Intellectually, industrial relations was formed at the end of the 19th century as a middle ground between classical economics and Marxism, with Sidney Webb and Beatrice Webb's *Industrial Democracy* (1897) being the key intellectual work. Industrial relations thus rejected the classical econ.

Institutionally, industrial relations were founded by John R. Commons when he created the first academic industrial relations program at the University of Wisconsin in 1920. Early financial support for the field came from John D. Rockefeller, Jr. who supported progressive labour-management relations in the aftermath of the bloody strike at a Rockefeller-owned coal mine in Colorado. In Britain, another progressive industrialist, Montague Burton, endowed chairs in industrial relations at Leeds, Cardiff and Cambridge in 1930, and the discipline was formalized in the 1950s with the formation of the Oxford School by Allan Flanders and Hugh Clegg.

Industrial relations was formed with a strong problem-solving orientation that rejected both the classical economists' laissez faire solutions to labour problems and the Marxist solution of class revolution. It is this approach that underlies the New Deal legislation in the United States, such as the National Labour Relations Act and the Fair Labour Standards Act.

The relationship between the employer or employer representative and employee as individual or a collective in form of trade union or federation cannot be overlooked in the current volatile global business environment cannot be overlooked. Firstly Political interests may crib into the whole employer –trade union relationship, as result hijacking the main agenda before the two very important parties. Secondly, reckless use of power is eminent if absolute power lands into the hands of the trade union and the abuse thereof. Thirdly, trade unions are generally prone to internal wrinkling and as such too much power to unions will cloud the leadership of these unions to an extent that they hold the entire public service delivery at ransom while still squabbling and fighting amongst them. Lastly, even though power can never be balanced, it is advisable to have equitable power when it comes to employers and trade unions lest there is abusive of power by the other party. The concept of co-existence is premised on the notion of equality and interdependence. Employers need employees as much as employees need employment that is regulated and managed by employers. The balancing act in respect of this relationship is the labour laws that can bring justice to the world of work and guide both parties on the various aspects of the relationship. In some instance, even the law does not help much as employers particularly governments in the African continents turn to ignore the various provision of the labour laws and as if that is not enough, they go to extend of been in contempt of court or fail to implement court decision particularly when the court outcomes are less favourably. Court orders are not taken seriously.

2. Historical background of labour in Sub-Saharan African

According to Deacon (2013), when labour markets are seen as imperfect, and when the employment relationship includes conflicts of interest, then one cannot rely on markets or

managers to always serve workers' interests, and in extreme cases to prevent worker exploitation. Industrial relations scholars and practitioners therefore support institutional interventions to improve the workings of the employment relationship and to protect workers' rights. Mogalakwe (1997) states that, the nature of these institutional interventions differ between two camps within industrial relations. The pluralist camp sees the employment relationship as a mixture of shared interests and conflicts of interests that are largely limited to the employment relationship. In the workplace, pluralists therefore champion grievance procedures, employee voice mechanisms such as works councils and labour unions, collective bargaining, and labour-management partnerships. In the policy arena, pluralists advocate for minimum wage laws, occupational health and safety standards, international labour standards, and other employment and labour laws and public policies. Mandiyanike (2013) and Motshegwa and Tshukudu(2012) agree that these institutional interventions are all seen as methods for balancing the employment relationship to generate not only economic efficiency, but also employee equity and voice. In contrast, the Marxist-inspired critical camp sees employer-employee conflicts of interest as sharply antagonistic and deeply embedded in the socio-political-economic system. From this perspective, the pursuit of a balanced employment relationship gives too much weight to employers' interests, and instead deep-seated structural reforms are needed to change the sharply antagonistic employment relationship that is inherent within capitalism. Militant trade unions are thus frequently supported.

In majority of cases, the colonial masters did not encourage unionisation in pre-independent states. Khama (19171) explains that their fears were that allowing few uneducated Africans to have a common voice would encourage rebelliousness and ungovernable situation amongst Africans. The departure of the colonial masters saw the incoming of a new breed of African leaders to whom most critics perceived them to be the worst leaders of all times. Most of these leaders were totalitarians who ruled their countries with iron-hand and they looted their economies to a point where some of these leaders were richer than their countries. Countries such as Congo, the now (Democratic Republic Congo), Uganda, and others had serious mismanagement of resources. Employee's interests were the least of these leaders' priority. Interestingly, to date this day, most governments in SSA do not value the contribution made by labour in their respective economies, let alone respect of the rule of law. Most of these countries have in majority of cases have ratified International Labour Conventions yet these governments have deliberately ignored these conventions. South Africa has been a shining example of effective labour practices in the African continent.

3. Industrial relation today

By many accounts, industrial relations today is in crisis. In academia, its traditional positions are threatened on one side by the dominance of mainstream economics and organizational behaviour, and on the other by postmodernism. In policy-making circles, the industrial relations emphasis on institutional intervention is trumped by a neoliberal emphasis on the laissez faire promotion of free markets. In practice, labour unions are declining and fewer companies have industrial relations functions. The number of academic programs in industrial relations is therefore shrinking, and scholars are leaving the field for other areas, especially human resource management and organizational behaviour. The importance of work, however, is stronger than ever, and the lessons of industrial relations remain vital. The challenge for industrial relations is to re-establish these connections with the broader academic, policy, and business worlds (Mandiyani 2013).

4. Labour Laws and employee relations SSA

Most countries in SSA adopted their laws from their colonial Masters and this influence led to a continuation of non-recognition of trade unions in the region. Most if not all the countries struggled to come up with suitable labour laws and those who did so were under immense pressure from the ILO. Clearly, employment laws provide for the review of statutes and other regulation and it is the responsibility of the government of the day to ensure that there is harmony between labour and the employers. The establishment of industrial courts in SSA became daunting tasks for most governments, not because of lack of resources, but rather due to unwillingness and because of fear of losing control of control and that unions may unduly benefit from the decisions of these courts.

5. Challenges faced by governments in dealing with influential Unions/Federations

Influential unions have negative impacts on the public service labour relations. These challenges include amongst others the following: it puts pressure on the employer, discourages foreign investors, bargaining becomes a lengthy process and regular and lengthy strikes.

5.1 Puts pressure on employers

An influential public sector trade union in majority of cases puts employers under tremendous pressure because of their ability to dictate issues and withdrawal of labour. Labour relations are a collective arrangement that have to be natured by both parties. The volatile state of the relationship dictates that there is power balance between the interested parties. Having too much influence on the part of trade unions leads to a strain in the relationship resulting in mistrust and dishonesty demonstrated by the other party. Motshegwa and Tshukudu (2012)

reiterate that as much as power play in the relationship is the name of the game, an importance of balanced approach to negotiating issues is premised on how influential the other party is. Pressure on the employer may lead to a number of undesirable consequences such as lock, out, litigations, total withdrawal of management from the collective bargaining agreement. In the case of public sector, the government will have no alternative but to approach for intervention. Government policy implementation and service delivery at large will be compromised. When the government feels the heat, they may embark on a number of strategies to get back at the union or federation by. One way strategy the government maybe adopt is taking away trade unions privileges, such as deduction of membership subscriptions, recalling seconded union members (Deacon 2013).

5.2 They can disrupt work-flow and service delivery compromised

Deacon (2013) states that public sector trade union by virtue of its influence in the relationship with government, can disrupt work flow at will. Issues of withdrawal of labour in form of strike or picketing affect work flow in the public service. And in the event that the public employee union is influential may leave members of the public who are taxpayers at the same time stranded without service from the striking public servants. Even though they could be agreements in place, that regulates, the withdrawal of labour by public employee unions, when there is one-sided power and influence, there is likelihood for the public employee union may decide to ignore the agreement simple because they have the power to. When work is disrupted, it is the sponsor, taxpayers who suffer the most. It is only proper for power to be exercised with caution to avoid public disgust in terms of service delivery. When the public is denied service, they turn to politicians for help and coincidentally, this move brings yet another complication in that politicians like associating themselves with organised groups such as unions hoping to get votes when the need arises. Service delivery is compromised due to public employee withdrawal of labour, the government remains handicapped and they have to account to electorates, public on the reinstatement of services. Therefore, the need for a balance approach to public employee unions and the government is of utmost importance for the sake their existence and most importantly for the sake of the taxpayers and the public. Decision to ignore this fact by both parties will alienate them from the public sympathy in future.

5.3 Trade Union may make many demands

Due to public employee union influence in its relationship with government, more often than not, public employees union may make unreasonable demands knowing that if government does not address their demands, they the union will get back at the government by other mean. The world is still recovering from the impact of economic meltdown and the tendency for

power unions is that regardless of economic situations, trade unions are fond of making demands particularly raise in salary. Most governments in developing countries particularly in Sub Saharan Africa are busy reasoning with public employee unions that the economic situation of their respective countries have not yet stabilised enough to warrant pay rise.

5.4 Trade union leaders may use power as a stepping stone to get political office

In many sub-Saharan countries, trade unions are used as stepping stone for political office. Differently put, politician in most Africa states started their political ambitions during their tenures as trade union leaders. They privilege position to negotiate with government gives them the insight of critical issues in the areas of social, economic, and political spheres. In the event that a public employee union is influential, chances are that union leaders may aspire for political office knowing that it will be easy for them to canvas for votes with their respective trade union or federation. Mogalakwe (1997) emphasis that these leaders will be gathering sensitive information from government during their interactions, knowing that the information gather will come handy at the time when they join active politics. Either way, members may approach a popular unionist to represent their political interest against the government of the day there are many instances whereby active unionist left their position to campaign for a political office under the opposition umbrella. This move on the part of trade union members and their leader will further affect the relation negatively in that going forward government will lose trust on its important partner (trade union).

5.5 Discourages foreign direct investment

Public servitor trade unions have a direct influence in the economy of the country and they have influence on whether the economy of country is seen a viable when it comes to investment or not. Foreign investors study closely the political and economic stability of a potential business partner country in order to determine the risks of opening business in such as country. Khama (1971) is of the view that countries with a volatile labour movement are likely to be unattractive due to possibilities of loss of business through strikes and ligations. Therefore a too influential public service union may become a deterrent to many foreign investors. When investors decide to open businesses elsewhere, the initially targeted country's economy will be under a great pressure to create employment and high unemployment is too costly for any country. It is therefore ideal for moderation of public sector trade union power so that its relationship with government may blossom.

5.6 Bargaining becomes lengthy process

Deacon (2013) explains that many African countries have put in place sound labour relations Acts that governs the relationship between employer and trade union or federation. Part of these provisions, procedures and regulations provide guidelines on how to bargain with trade unions. Too much power on the part of trade unions may result in disruptive behaviour during bargaining delaying critical government decision in respect of issues to be bargained according to the collective agreement. This delay may result in deprivation of critical services to the public and stoppage of other developmental projects due to implemented by government. Influence as power ought to be reasonable so that the other part may continue doing their part in the relation, in this instance government will be held accountable where it fails in the bargaining process and similarly, a strong public union has a responsibility to ensure that the bargaining process is concluded without delays and endless postponement of rounds in the bargaining sessions.

5.7 Regular and lengthy strike

When trade union is too influential, chances are there will be stoppages due to strikes. Public sector unions may use its dominance to call for strike action as and when they feel like. Strike is counterproductive and expensive to both parties in the bargaining agreement. Provision of services by the government through public servants will be halted for the duration of the strike. Mogalakwe (1997) and Motshegwa and Tshukudu (2012) concur that there is need for a balance of power in order for parties to keep each other in check. Due to public service union dominance in the relationship, there will be frequent strike that are generally prolonged as a result of disagreements that may not necessarily be serious in nature, but simply because the union is dominating they may abuse this position for their own selfish reasons such as withdrawal of labour. On the same token, should government in retaliation impose the no-work-pay clause, the very same union will be running to the public for sympathy and showing their disgust on how government is impoverishing them and their families. Many at times, the public finds in itself in a tricky situation. During standoff between government and public trade unions, the public turn to be sympathetic to union members without necessarily knowing the root cause of the standoff and the behaviour of the public employee union(s). It is therefore imperative that union powered be regulated through the adherence of existing labour relations provisions and regulations. Lest the union hold both the government and its citizens at ransom endlessly.

6. Implications of powerful trade unions

As indicated in the foregoing sections 4.1 to 4.7, an influential public employee union has serious implication to its relationship with government. The above mentioned scenarios represent an unhealthy employer –trade union relationship. All the above situations have far reaching implications to the relationship in both short term and long term. In short term it brings discomfort to the relationship and in the long term it destroys the trust that was built over the years in the relationship. And once trust is destroyed, there is no basis for engagement in a civil manner for the benefit of both parties (government & trade unions). The following are some of the implications of destroyed relationship to government, to the relationship, productivity, and to the economy.

6.1 Impact on government

Public employees union impose even more substantial costs on the government beyond the unjustified direct benefits their workers receive. Their worst consequence is the distortions they create in the public policy arena, turning the public against government, stoppage to work-flow, unreasonableness in the relationship are some of the grave implications of a power public employee union to government. Because their concentrated influence, they are able to substantially direct-indeed dictate-the shape of public policy in the arena in which they are employed. Mandiyanike (2013) observes that a power public employee union does not sit well with government, because there are mechanisms in place that regulate t5he relationship with employer and therefore any act that compromises the legal agreement in form Labour Relations Act of any labour brings a serious strain to government. Public sector unions have the right to strike but this withdrawal of labour have to be within the confines of the labour laws. The modest thing to do will be for government to become accommodative of the union in some instances in terms of reviewing certain policies and or to come up with amendment to create room for future engagement with public employee unions. And in the event that this particular approach fails, government then would have not any alternative but to approach courts or do everything within its means to weaken the public sector union power, creating a more hostile environment for public employee union.

6.2 Impact on labour relations

A power public employee union brings about undesirable consequences some of which impact directly on the labour relations of the country. When public employee union opt to ignore the regulatory framework under which they ought to operate under, it deliberately defeats the very

purpose of collective bargaining and thus putting a strain on the labour relations. According to Mandiyanike (2013), labour relations is a written agreement between government and public employee union and guides the relationship through the provision the framework on how the parties should engage on issues of mutual interest. An influential public employee union brings the labour relations into disarray and confusion. Critically, this relation must be natured without the other party playing superior over the other. For the parties to work harmonally, the spirit of fostering peace must prevail at all-time regardless of challenges faced by the two parties. As observed under section 4, the imperative of a sound relation is premised on abiding by the labour relations Act or legislation. When any one party decides to go against the provision of the Act, this brings about a strained and mistrust as alluded to earlier.

6.3 Impact on productivity

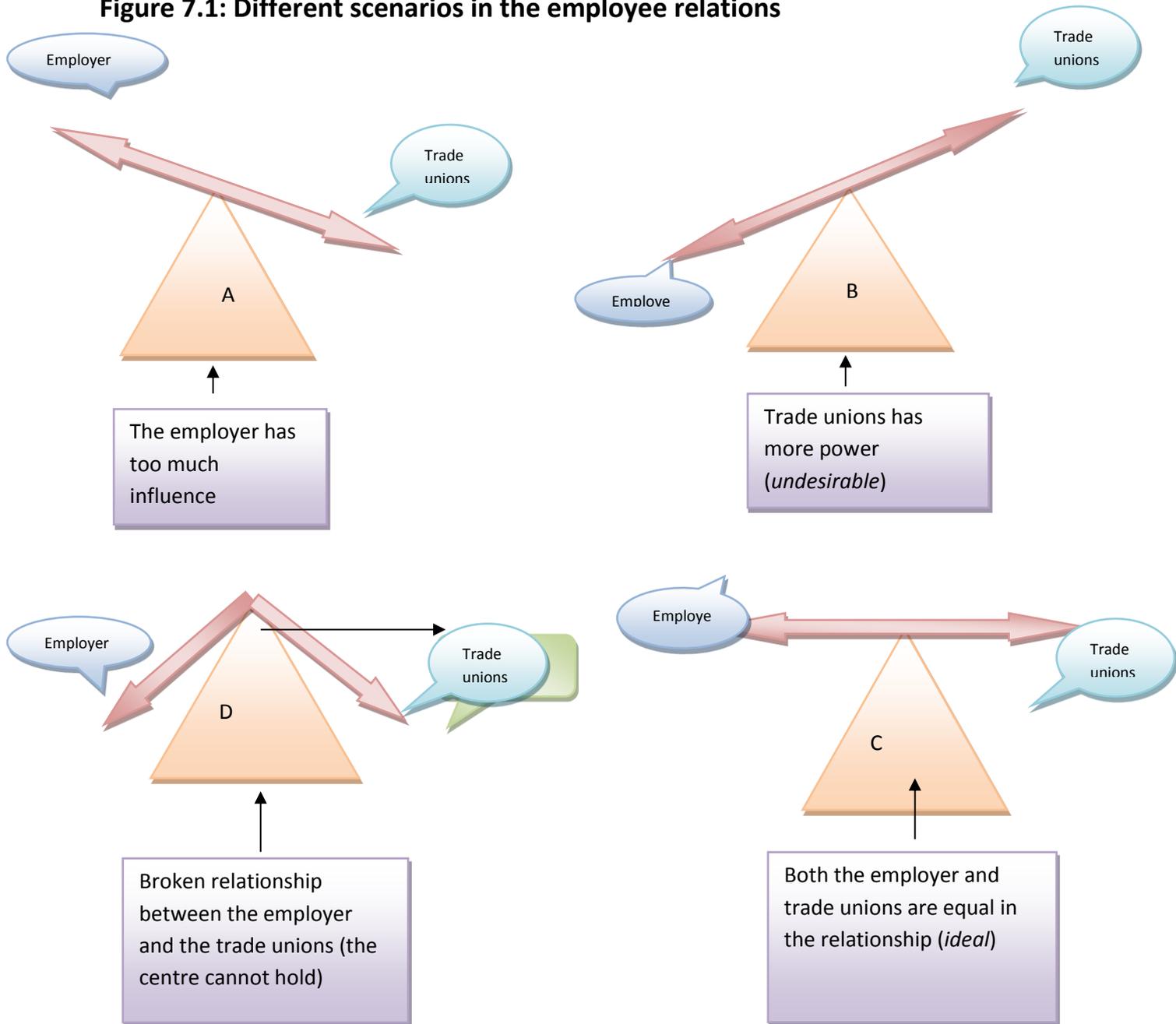
The power of public employee union turns to affect the quality of service and goods provision to the public. If public employee unions are to be taken seriously by the public they serve, they should note that unionism is not about being in competition with employer (government in terms of power). Time lost during strike and other forms of withdrawal of labour cost government a fortune. This translates to say the taxpayers who fund government project including employee salaries are the once that suffer in the event that there is a halt in productivity. Even though it is difficult to determine the cost of public sector strikes in terms of productivity loss, it is apparent that the loss is great. Any stoppage in provision of services by public employees renders the government policies irrelevant. Siegel (2002) observes that even at point where public employee unions are supposed to appreciate role played by government in securing their members' jobs during difficult economic conditions, public sector unions are not conciliatory. They seem to ignore the fact that they have not only to be productive, but to preserve jobs for their members.

6.4 Impact on the economy

Motshegwa and Tshukudu (2012) note that there is a notion that private sector unions impact the economy of a country more than public sector during strikes and other forms of withdrawal of labour. The inability to quantify the impact of public sector trike on the economy is not in any way, a justification for endless strike by public servants and the government should not protect consumers of government service, but also guide against a detrimental impact of strike on the economy. Siegel (2002) points out that there is fear of strikes of featherbedding and goldbricking, of losing control the work place. When the employer losses control, chances are the economy will be under threat from the persisting strikes as a result of power used by the public employee union. In sum, it is clear that strikes

unproductivity behaviours on the part of public sector unions would affect the economy through lack of service to the public of unions with which the government will deal with and to take steps to reduce union control over communication and consultative structures and to increase management control of both (Deacon 2014)..

Figure 7.1: Different scenarios in the employee relations



Source: the researcher's construct 2015

7. The balancing factor in the public sector trade unions and employers

Given the foregoing challenges caused by an influential public sector union to its relationship with government, there is a need to come up with a balancing act in terms of power and its usage in the relationship. And this can only be achieved through striking a balance through the Labour relations Act and other regulatory frameworks. Figure 6.1 below illustrates four scenarios in the public sector trade union and government with A and B been the same in terms of power usage in the relationship.

Under C, a perfect example will be drawn from the Labour Relations Act of 1995. The act covers a whole host of issues regarding government and the various trade unions/federations in the South African context. For example the right to strike in South Africa is clearly enshrined in the Labour Relations Act and the interpretation and implementation of the Act is as per its intended purpose. Unlike in Botswana and Lesotho, issues of essential services are less interpreted differently by the employer when it benefits the state. The weak labour movement in the two countries owing to historical background of the political influence made matters worse. Labour is seen as a pain to the government and its existence is to the detriment of the public. According to the LRA public officers in South Africa have the right to strike, provided that the provision of the LRA has been complied with and provided that they do not constitute an essential service. The protection extends not only to strike action conducted for the purposes of collective bargaining, but also to protest action for purposes of pursuing socio economic interests of workers (Cohen & Matee 2014).

Under D, the relationship takes such a strained that it breaks and when the relationship breaks, there is no way that any agreement would be implemented by any party. The reason for this could be as a result of dominance on the part of the other party over a long period, either government or public sector employee union. This situation leads to frequenting of courts by the aggrieved party and it is the most expensive and painful part of the relationship. At this stage, parties cannot engage in civil manner and are making use of a third party to address the conflict .e.g. courts. Quite a number of countries in the Sub Saharan Africa have in recent times considered and attempted to amend the essential service schedule to include education among other sector. This development is clear indication that governments including the South African have a hidden agenda in weaken labour movement (Deacon 2014).

One classical example of the scenario under Figure 1 A and D is the single handily revisiting of essential services in the Botswana public service by the government in retaliation of the 2011 Public Sector Strike. The Minister of Labour and Home affairs passed a statutory Instrument 49, amending the TDA and designating certain services as essential. The newly designated services were veterinary, teaching, transport, telecommunications, diamond sorting, cutting and selling services and all support services in connection therewith (Cohen & Matee 2014). These amendment sought to ensure that those employees engaged in services, regarded as anchors of the economy did not engage in strike action. The National Assembly annulled the Statutory Instrument 49 on 7 July 2011 yet shortly thereafter, on the 14 July 2011; Statutory Instrument 57 was issued that re-enacted Statutory Instrument 49 verbatim. The ILO committee of experts on Application of Conventions and Recommendations responded to such re-enactment as follows:

The committee once again recalls that essentials services are only those the interruption of which would endanger the lives, personal safety or health of the whole or part of the population. The committee considers that the new categories added to the Schedule do not constitute essential services in the strict sense of the term and therefore request the Government to amend the schedule accordingly (Cohen & Matee 2014).

The next section advocates for a state of equilibrium in terms of the illustration of the relationship between public employee union and government, hence it is referred to as an ideal position terms of parties. Even though there is never a perfect balance in terms of power play between the two parties, there is no other operating scenario that gives the other party absolute control over the other and yet claims to be considerate in the relationship. It is therefore encourage that both government and public sector employee union(s) adopt the balance approach in their endeavour to render services to the public.

The balancing factor in the relation collective bargaining calls for equality when it comes to common objectives amongst interested parties. Given the above scenario in Figure 6.1 A, B, and C, the question is, how substantial were these partnership relationships in terms of traditional collective bargaining rights? The next section provides strategies that can be used for the attainment of equilibrium in the relationship between government and public sector employee trade union through partnership. These strategies include: Negotiation agreements which explicitly limited union rights and activity in the workplace, secondly, refusing to deal with difficult trade union officials, and thirdly, endeavouring to reduce the number

8. Workplace Partnership Framework

Changes in legal environment, more favourable public attitudes towards public service sector employees' associations, changes in economic conditions that fostered a need for expansion of public services led to rapid growth of the public sector union membership between 1960 and 1970. This need for increased public services was due to growth in income, rapid urbanization, and changes in the age distribution of the population. After 1976, although a number of public sector union members increased due to an overall increase in public sector employment, the percentage of public sector employees that were unionised stabilised about 37% (Blanchflower & Bryson 2004) as cited by (Cohen & Matee 2014).

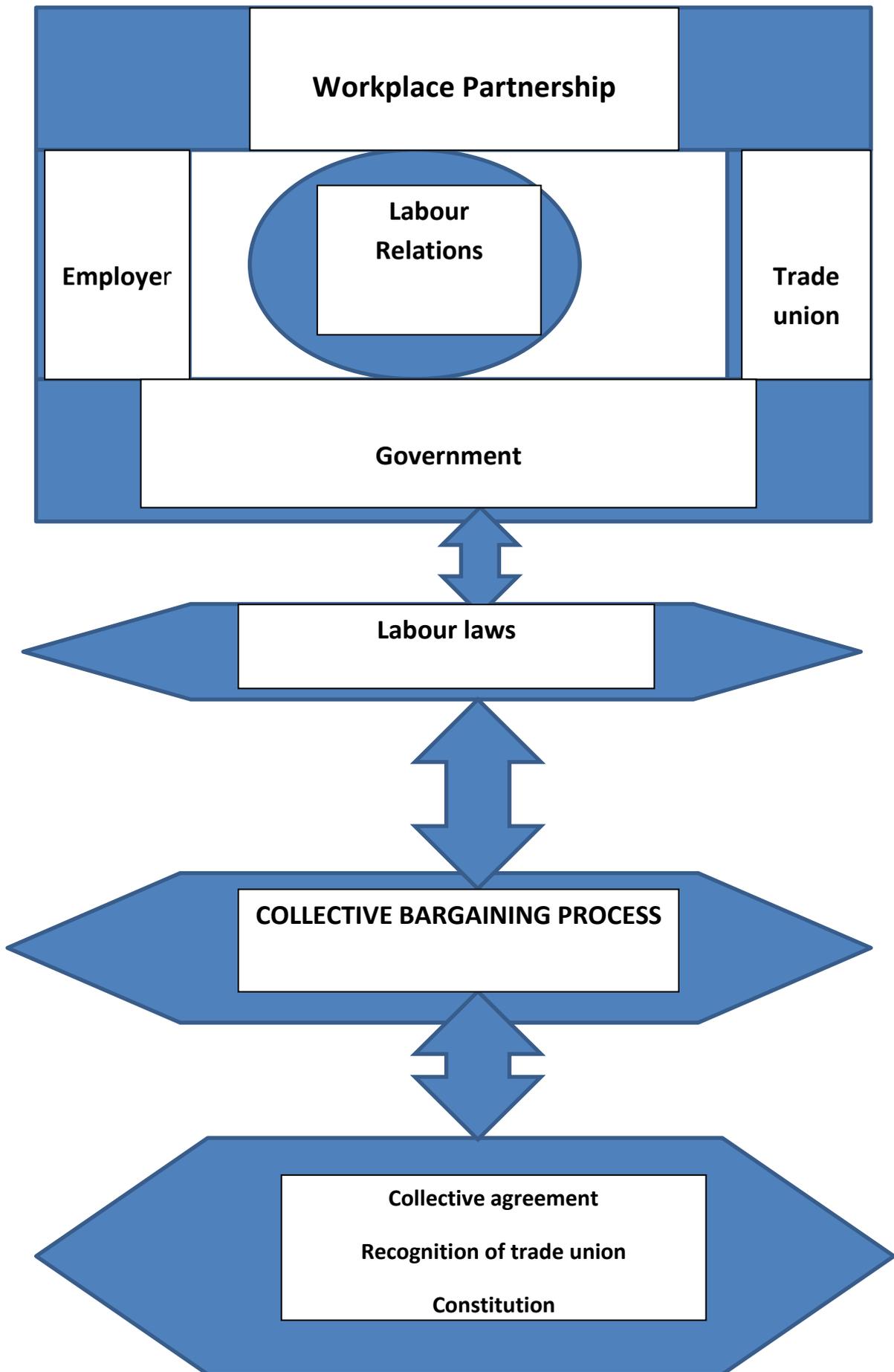
Figure 1 highlighted the equilibrium state of the labour relations in terms of equal opportunities and growth for both government and trade union for homogeneous relationship in the best interest of both service delivery and employees' interest. The figure indicate the value of an equilibrium state in terms of the relationship between them employer (government) and trade union. In figure 2, the author advocates for the realisation of equilibrium through workplace partnership.

The historical events that led to this approach (partnership) unfolded as follows. It is notable that the beginning of 1990 saw an abrupt and to some extent complementary change occurred in government's attitudes to trade unions. According to Brown & Oxenbridge (2004), there was change in official attitude to co-operative deals between unions and management. There is evidence that this shift ion the part of governments had a catalyst effect on employer attitudes in encouraging a climate that was more sympathetic to trade unions with union. This move saw the begging of workplace partnership between the government (employer and trade unions).

Cohen and Matee (2014) denote that the workplace partnership framework acknowledges the importance of an aligned constitution that provides legal guidance in terms of labour matters in a country. This is a foundation upon which workplace democracy should be enshrined. In the event that the constitution does not address reality in terms of labour relations as a result obsolescence, statutory should be formulated to effectively guide the sensitive to provide some form of framework in workplace partnership. It is through these statutes and labour relations Acts that recognition of trade unions in a particular sector will becoming a guiding principle that has to be followed to the latter in the promotion of labour peace. According to Brown and OxenBridge (2004), the partnership between employer and trade union implies considerable variation in the extent and the nature of recognition of the trade union. This in turn reflects very different strategies of employer control. Consideration of those cases with limited union recognition reveals the extent to which their partnership agreements were, in effect,

instruments of control. Furthermore, both Constitution and Labour Act, governments must provide equitable terms and conditions for collective agreement and it must be followed religiously to afford unnecessary conflict that result in compromising the bigger picture, which the attainment of complete trust and a feeling of worthiness to trade unions (Mogalakwe 1997). Collective bargaining is an endless process that must be guided by the labour relations Act and should be premised on the spirit of equality and partnership between the employer and trade union. Labour laws of country that wants to promote labour peace must be crafted according to the International Labour Organisation's promulgated conventions and recommendation promoting the freedom of association, including the convention on Freedom and Protection of the right to Organise (Convention 87) and the Convention on the Right to Organise and Collective Bargaining, 154 of 1981). The role of government in promoting workplace partnership is arguably the most difficult yet important. Political and economic views regarding the government's approach to the relation with trade unions may appear to may as being soft and been controlled by the union, yet, the militant and autocratic approach on the part of government in its relationship with trade union is a non-starter. It is therefore incumbent on the government of the day to deliberately lead in the creation of labour peace and long lasting peace in the world of work.

Figure 2: A WORKPLACE PARTNERSHIP FRAMEWORK



Recommendations

Based on Figure 2, the author recommends the six fundamental principles of workplace partnership as strategies that can bring about the equilibrium to the issue of influence and power in the labour relations. These principles include the following:

- First, there should be shared commitment to the business goals of the public organisation.
- Second, there should be an acknowledgement that they might be quite legitimate differences of interest and priorities between the employers.
- Third, measures to increase labour flexibility should not be at the cost of increased employee insecurity, which should be protected by investing in transferable skills.
- Fourth, partner arrangements must improve opportunities for personal development of employees.
- Fifth, it must be based on open and well informed consultation, and
- Finally, effective partnership should seek to add value by raising the level of employee motivation

Conclusions

The unique relationship between the government and trade unions calls for special approach to dealing with issues of mutual interest. The world over labour peace is a fundamental tool to economic and political stability. Instability in the world of work normally spells over and affects the well-being of people including the sympathetic public. Similarly, too much power or influential trade union will hijack the collective bargaining process and the consequences may be far reaching to the economy, political, foreign direct investment and other forms of instability to a country. This paper provided six strategies that maybe used to promote labour peace through partnership between employer and trade union. The whole essence of equitable treatment in the relationship is premised on the constitution, recognition of trade unions, collective agreement, and well-crafted labour laws in general, The implementation of these laws must support the both the constitution and the labour relations Act that provide the insight of how parties should engage in a civil and progressive way. Ideally, the employer and trade unions should strive for equilibrium in terms of power and influence in the relationship.

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