

PSCBC

*Address: Collective Bargaining:
20th Anniversary Roundtables
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THE IMPORTANCE OF PROTECTING THE PRINCIPLE OF CENTRALISED COLLECTIVE BARGAINING:

Collective bargaining in the Public Service is legislated within the Labour Relations Act, 66 of 1995 as amended. Section 35 of the LRA, designates a bargaining council for the public service as a whole to be called the Public Service Coordinating Bargaining Council. Section 36 determines the agenda for matters to be discussed within the PSCBC as it provides for the Public Service Co-ordinating Bargaining Council to, perform all the functions of a bargaining council in respect of those matters that-

- (a) are regulated by uniform rules, norms and standards that apply across the public service; or
- (b) apply to terms and conditions of service that apply to two or more sectors; or
- (c) Are assigned to the state as employer in respect of the public service which are not assigned to the State as Employer in any sector”

The LRA therefore does not only promote centralised collective bargaining within the Public Service, it protects the concept through legislating the structures and going as far as legislating the “agenda” of matters to be discussed.

It is of utmost importance that we jealously guard this protection.

In countries where this protection is not provided, collective bargaining in the public service has near collapsed. Very few countries, allows the public service to engage in collective bargaining at the extent that we enjoy that right within our country.

It may be worth mentioning that our “BRICS” partners, Brazil, Russia, China and India don’t have these provisions or protections. In India as an example, wage agreements is negotiated every 10 years.

In Germany they have selectively divided the state in to two categories the public service and the civil services. Where within the civil services, no negotiations on matters of mutual interest or conditions of service is allowed. Within the German public service concept, that is diluted to real non-core functions, limited collective bargaining is allowed for.

In our neighbouring country of Botswana, similar structures such as the PSCBC has been established and collapsed sooner than it was established. Public servants in Botswana, went on a strike for a 6% salary increase, they were on the streets for 6 weeks, they returned to work (those that were not dismissed) with a 3% settlement.

The other world-wide tendency that threatens centralised collective bargaining is the non-unionization by young/ new workers that enters the employment market.

This phenomena we experienced first-hand on a recent International Labour Organization development course in the Netherlands.

In the Netherlands round 2007, 80% of the public service were unionised.

The average age of the working class then was 47 years. In 2017, the unionisation has reduced to 30% amongst public servants and the average age reduced to the late twenties early thirties. Trade Union membership has reduced to the level where business co-funds union federations as to be operative or functional.

Studies has shown that the recent worldwide trend in union decline has had two consequences in employment relations:

- (i) Decentralisation of collective bargaining, i.e. a movement from centralised collective bargaining to plant or local level collective bargaining;
- (ii) Individualisation of employment relations at the expense of collective bargaining, i.e. a system where conditions of employment are determined by the employer and individual employees.

The standard explanations for the general decline of unions are the following:

- (i) Changes in the industrial structure resulting in a decline of "big, mass production, predominantly blue collar factories", and an increase in the number of much smaller and less capital intensive enterprises;
- (ii) an increase in the number of atypical employees ("peripheral, non-permanent workforce, including women");

- (iii) a move toward individualism as a result of improved education and higher living standards amongst workers, "combined with strong tendencies towards the individualization of work leading to increased emphasis on employees as individuals and employee mobility as well as lower levels of employee identification with the enterprise";
- (iv) the belief that unions have "fulfilled their mission";
- (iv) difficulties in unionising employees at small and medium sized enterprises inter alia because of employer resistance and lack of union interest; and
- (v) the general rise in living standards and "secured full and stable" employment in industrialised economies in the post-war period.

In short, trade unions have generally declined as a result of the changing world of work.

Monitoring collective bargaining within our scope, of the public service have shown the following tendencies;

1997- 2000: Realignment of policies as to remove discriminatory practices within the Public Service;

2000--2002: Restructuring and Transformation of the Public Service;

2003-2007: No significant impact made by collective bargaining;

2007 onwards- multi term agreements focusing more on the enhancement of conditions of service of employees such as the introduction of OSD's and bettering of service delivery with the signing of the service charter.

Militancy has also reduced over the years and workers have become more service orientated than "street wise".

South Africa is also subjected to the world wide tendencies in the decline in trade union membership. Through natural attrition of workers and due to the growth of the scope of the Public Service, more employment was created. This employment by default bring younger workers or what we refer to as the "born free" into the employment market.

We note that year on year, we have a decline in trade union membership. Maybe more prevalent in the private sector but most definitely on a smaller scale within the Public Service. According to our stats close to 200 000 public servants opt not to belong to a trade union. These numbers are deduced from agency fee payer's year on year and considering that 95% of SMS members, counted within the scope of the PSCBC, do not belong to a trade union.

We can identify with the following worldwide trends as reasons for lesser unionization;

- (vi) a move toward individualism as a result of improved education and higher living standards amongst workers, "combined with strong tendencies towards the individualization of work leading to increased emphasis on employees as individuals and employee mobility as well as lower levels of employee identification with the enterprise";
- (iv) the belief that unions have "fulfilled their mission";

Maybe the compulsory payment of agency fees, is what is withholding a more drastic reduction in trade union membership in the public service.

The first consequence identified, in the world wide study, of this, is the decline in centralised collective bargaining.

We need to jealously guard what we have and ensure that our structures is geared in delivering a democratised workplace through effective collective bargaining ensuring economic development, social justice and labour peace.

Inputs from these sessions has to guide us in achieving this.

I thank you.

Frikkie De Bruin

General Secretary: PSCBC