Policies, procedures and practices contributing to tensions between labour and management.

by

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In the Faculty of Business and Economic Sciences at the Nelson Mandela Metropolitan University

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Date: February 2010
DECLARATION

"I, Jerome Godfrey Basson, hereby declare that:

• The work in this dissertation is my own original work;

• All sources used or referred to have been documented and recognised and

• This dissertation has not been previously submitted in full or partial fulfillment of the requirements for any equivalent or higher qualification at any other recognized education institution.

__________________      _______
JEROME GODFREY BASSON      DATE
ABSTRACT

The Constitution of the Republic of South Africa guarantees the right of education to all citizens of the country. The Eastern Cape Department of Education went a step further by adopting a vision to ensure quality public education that will result in the positive transformation of all schools.

Education is therefore a very important part of the life of any society and needs to be protected at all costs. It is therefore important that all obstacles in the way of providing quality public education be removed.

It is no secret that the Eastern Cape Department of Education has had a number of battles with some of its social partners. These battles have negatively impacted on the education system. This Department also received the largest slice of the taxpayers’ money. It is time to take serious steps to halt the waste of time and resources.

It is against this background that this study wanted to consider policies, procedures and practices that generated tension between the management and labour in the Eastern Cape Department of Education. It is my belief that if tension between the different social partners can be reduced, we would have gone a long way in achieving the vision of the Department of Education.

The research methodology that was followed for this study comprised the following:

- Literature was reviewed that dealt with labour relations and human resources.
- A questionnaire was designed to collect information from the different participants.
- The information in the questionnaire was incorporated into the main study where findings were identified and recommendations were formulated.
ACKNOWLEDGEMENTS

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Chapter 1
Introduction, Problem Statement and outline of the Research Project

1.1 Introduction.

Quality education is not only a constitutional right, but a human right issue as well and thus conditions under which effective learning and teaching are supposed to take place can no longer be confined to political speeches at ceremonial gatherings, (South African Democratic Teacher’s Union (SADTU), Eastern Cape Province, submission to the Medium Term Expenditure Framework Consultation process 2006: 1).

The mandate for education in the Eastern Cape Province is enshrined in the legislation of the country. The Department of Education must deliver on providing quality education that can easily be accessed by all citizens for the duration of their lifetime. It must ensure that citizens are equipped with relevant skills that are needed for development. It must deliver services to its clients in an effective and reliable manner and must be a contributing and productive partner in the efforts of the nation to deal with the developmental and transformational challenges that are now faced by the new developmental state, (Annual Performance Plan 2006/07 of the Eastern Cape Department of Education (ECDoe) 2006: 1).

The following values are aspired to by the ECDoe:

- Excellence in the standards of performance and professionalism through work ethos.
- Mutual trust and respect that promotes human dignity.
- Staff development and sharing of information and expertise.

The Premier of the Eastern Cape Province acknowledged in her State of the Province address of 2006, that the ECDoe is the custodian of all human resource development. She stated that good basic education is essential for skills formation which is necessary to sustain the growing economy. It therefore is important for her that the ECDoe is managed well. She committed her administration to work alongside their social partners, especially organized labour, to realize the fundamental human rights for all people, especially the children.

All key role-players in education must respond to the challenges posed by educational and societal change (Loock, Grobler and Mestry 2006: v).
The focus of this research is on the policies, procedures and practices that generate tensions between management and labour in the Eastern Cape Department of Education. Human resource management in education is defined as those activities through which teaching staff can be hired, facilitated and improved by means of management strategies in order to bring about an increased effectiveness in education training, (Loock, Grobler and Mestry 2006: 11).

Human resource management in education has expanded and moved beyond mere administration of traditional activities. Today, in education, it is more involved and integrated with both management and strategic planning processes of the Education Department, (Loock, Grobler and Mestry 2006: 14).

The primary task of the human resource department is to ensure that the organisation’s human resources are utilized and managed as effectively as possible. Human Resource administrators help to design and implement policies and programmes that enhance human abilities and improve the organisation’s overall effectiveness, (Grobler, Warnich, Carrell, Elbert and Hatfield 2002: 13).

The primary function of all the human resource departments in education is to provide support to schools on human resource matters according to Loock, Grobler and Mestry (2006: 9). Thus, most human resource departments fulfill a traditional role of staffing, acting mostly in an advisory capacity. In addition to advising operating managers, a human resource department customarily:

- Organizes and coordinates employment and training
- Maintains personnel records
- Acts as a liaison between governing bodies, labour and government
- Coordinates safety programmes.

People make education work, according to Loock, Grobler and Mestry (2006: 23). It is the support staff, educators, principals, school governors, policy makers and administrators that deal with the changes in education on a daily basis and sometimes have to make those changes possible.
The different employees of the Department belong to different labour formations. Management is compelled to negotiate with trade unions when they want to make changes to the system that will affect the membership of the unions. It is labour and management that determine whether their relationship will be adversarial or cooperative.

The labour relations function is integrated with the human resource management function and the achievement of a healthy labour relationship within an organisation will greatly depend on the manner in which the total Human Resource function is executed. The labour relationship commences when the prospective employee is recruited by the human resource department, (Bendix 2006: 302 – 303).

Labour relations have a direct influence on the utilization and management of employees and can influence the organizational culture, human resource and staff policies, working conditions and inter–relationships according to Loock, Grobler and Mestry (2006: v).

Bendix (2006: 303) argues that it is the task of human resource management to look after employees, to integrate them into the organisation and provide them with the opportunity to grow. It has been stated that managers should learn to take care of their subordinates. If these managers fail to do so, dissatisfaction will grow and result in labour problems.

This dissertation looks at the human resource policies, procedures and practices that generate tensions between labour and management in the Eastern Cape Department of Education. The researcher wants to identify the policies and procedures that cause tension between labour and management and to develop a plan to resolve these tensions.

The Department of Education in the Eastern Cape is based in Zwelitsha. It has a fully fledged Human Resource Department whose task is to assist the entire Department in achieving its core objective of providing quality teaching and learning in the province.

The following diagram demonstrates what the researcher intends to address in the study:
**HR Functional Areas**

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Table 1.1: Policy, procedures and practices with HRM functional areas

1.2. Motivation or rationale for the study.

According to Babbie and Mouton (2001: 73), there must be reasons for doing research. The research might aim to fill a gap in the literature or wish to address a very practical and urgent problem in society or a company.

Loock, Grobler and Mestry, (2006:23) believe that the dramatic changes in the educational landscape since 1994 have inevitably produced major challenges for school leaders and managers. It is generally accepted that school managers are expected to assume greater responsibility for the management of all those who work in their schools, under difficult circumstances. In order to do so, it is necessary for school managers to understand the dynamics of the individual organization such as schools.

The purpose of the study is to expose the challenges that some of the HR policies, procedures and practices generate between labour and management in the Eastern Cape Department of Education. It is also the purpose of the study to develop solutions for the tensions.
1.3. **Statement of the problem and its practical relevance**

The vision of the Eastern Cape Department of Education is to offer a quality public education and training system that transforms schools into centres of community life and promotes shared moral values, good governance and sustainable development, (Eastern Cape Five-Year Strategic Plan 2005/06 to 2009/10: 2).

The mission of the Eastern Cape Department of Education strives to provide quality education for sustainable development by:

- Providing socially relevant and economically responsive programmes that address the human resource need of the province and the country.
- Enhancing the skills base for agrarian transformation, manufacturing diversification and tourism in order to meet the needs of the economy.
- Providing quality programmes to build the capacity of all employees.
- Encouraging participatory decision-making processes which strive to empower the whole community at all levels.

It is people who will ensure that the vision and mission of the Department becomes a reality. It is the support staff, educators, principals, school governors, policy makers and administrators that make education work. It is for this reason that a better understanding of human resource management is of utmost importance.

In attempt to allow the vision and mission to become a reality, the researcher wishes to ascertain what impact certain areas of labour relations and human resource functions has had on the relationship between the Department of Education and Labour, whether improvements in the selected areas would change how these two units view each other.

1.4. **General aims of the study**

The general aim of the study was to identify the policies, procedures and practices that generate tensions between labour and management and develop a plan to resolve these tensions in future.
The policies, procedures and practices were identified with the help of the stakeholders and suggestions were requested from stakeholders on how to resolve the tensions.

1.5. **Specific objectives**

The study has the following major objectives:

- To briefly describe the labour relations and human resource management system in the education sector with specific reference to the Eastern Cape. Information was obtained from reports and other policy documents.

- To establish what are the current tensions arising from human resource policies, procedures and practices in the Eastern Cape Department of Education. Issues that generate tension are prioritized for problem solving purposes in future. Written reports and other policy documents were analyzed and stakeholders interviewed to obtain their views.

- To elicit proposals from stakeholders as to what labour and management should do to improve labour relations in future. A survey was conducted among stakeholders to elicit proposals.

1.6. **Research methodology**

Bailey (1987: 34) views methodology as the philosophy of the research process. This includes the assumptions and values that serve as a rationale for research and the standards or criteria the researcher uses for interpreting data and reaching conclusions. A researcher’s methodology determines such factors as how he or she writes hypotheses and what level of evidence is necessary to make the decision whether or not to reject a hypothesis.

According to Brynard and Hanekom (2006: 28), research methodology is also referred to as the strategy for research where the researcher indicates the methodology that will be used and how data will be collected. A research instrument was developed to collect the information from the stakeholders. Once the findings were analyzed, suggestions and recommendations were considered to establish possible solutions.

Welman, Kruger and Mithscell, (2008: 8 – 9) distinguish between two methodologies – quantitative and qualitative, that allow for the exploration of unexplained phenomenon as well as those which were previously explained but misunderstood. Through the use of methods and
techniques that are scientifically defendable, the conclusions arrived at will be valid and reliable.

Welman, Kruger and Mithscell, (2008: 8 – 9) believe that the purpose of both quantitative and qualitative research is to try to understand the subject’s point of view. Quantitative researchers do so by means of controlling the situation and using remote empirical and inferential methods. Qualitative research entails using interviewing and detailed observation processes to gain better information about the views of a subject. Qualitative research uses structured methods to evaluate objective data, whereas quantitative research uses more flexible methods to investigate subjective data.

Qualitative methodology was employed to conduct the research. A questionnaire was constructed to assist the stakeholders to answer the questions.

1.6.1 General approach

According to Babbie and Mouton (2001: 75), research design is described as the systematic, methodical and accurate execution of research. A research design is a plan or blueprint of how the researcher intends conducting research.

Data was collected by means of a questionnaire. The following stakeholders were contacted.

- Member of the Executive Council (MEC).
- Superintendent–General (SG).
- Chief Director of Human Resources in the Eastern Cape Department of Education.
- Director of Human Resources in the Eastern Cape Department of Education.
- Provincial Chairpersons and General Secretaries of the labour unions that deal with the Department of Education.

1.6.2 Test samples

The study will be confined to the above mentioned-stakeholders. Most of whom represent views at lower levels in the respective hierarchies. This study will be confined to the Eastern Cape Province. The data collected will be analyzed to identify problems and establish solutions.
1.6.3 Instrumentation and data collection

A questionnaire was used to collect the information. The stakeholders were requested to complete the questionnaire and return it to the researcher.

According to Welman, Kruger and Mithscell (2008: 8 – 9) all measuring and data collecting procedures are based on systematic observation, which means that it should be replicable that independent observers should also be able to observe and report whatever was observed and reported by particular researchers.

1.7. Preliminary literature review.

This section deals with the review of literature that is relevant to the research topic. The literature review provides readers with a background to the actual research.

Welman, Kruger and Mithscell, (2008: 8 – 9) reason that any research should be preceded by a thorough review of literature to ensure, as far as possible, that the proposed research has not already been done elsewhere.

A review of literature is aimed at contributing towards a clearer understanding of the nature and meaning of the problem that has been identified according to de Vos, Strydom, Fouche & Delport,(2002: 127).

This research deals with certain functional areas of Human Resource Management. (Loock, Grobler and Mestry (2006: 1) consider human resource management as a modern term for what has traditionally been referred to as personnel administration or personnel management.

Because the human resource function within each organization is unique to that organization, the activities included in the human resource department will vary from organization to organization according to Grobler Warnich, Carrel, Elbert and Hatfield, (2002: 9).

Six major functions of Human Resources were noted by Loock, Grobler and Mestry (2006) namely:

(i) Human resource planning, recruitment and selection
In view of the above-mentioned information, labour relations are noted as one of the major functions of human resource management. The field of labour relations deals with the relationship between management and workers, particularly workers who are unionized.

According to Bendix (2006: 4 - 5), labour relations deal essentially with people who, because of their mutual involvement in the work situation, have been placed in a specific relationship with one another. She argues that the relationship is a human one and will contain all elements common to other relationships. The major distinguishing feature of this relationship is that it arises from the need for economic activity within society and from man’s need to work and to earn a living. However, its uniqueness is to be found in the societal and individual importance of the relationship, the often negative attitude of parties involved and in the depersonalized and mostly collective nature of the relationship itself.

Nel, Gerber, van Dyk, Schultz, Sono Werner & Haasbroek, (2001: 133) are of the view that the parties involved in the employment relationship are the employee, the employer and indirectly the State. Workers sell their labour to the producers of goods and services. Employers are compelled to ensure an acceptable return on investment for shareholders. The State is both the master and servant of the other two participants.

Management and workers have different interests, objectives and needs. Sometimes the stakeholders also employ different strategies to achieve some of their common objectives. The relationship between the employer and trade union entails an acknowledgement of their conflicting interests and an appreciation of the need to compromise. It is important for the organization and the union to develop a working arrangement whereby their respective goals can be best achieved according to Nel, et. al. (2001: 140 & 145).

The researcher would like to support the theory that conflict is an inherent feature of the labour relationship and cannot be avoided but needs to be managed.
1.8. **Outline of Study**

The study has been divided into the following chapters:

Chapter 1: Introduction and problem statement  
Chapter 2: Labour relations in the Eastern Cape Department of Education  
Chapter 3: Human Resources in the Eastern Cape Department of Education  
Chapter 4: Research Methodology  
Chapter 5: Analysis and interpretation of results  
Chapter 6: Conclusion

1.9. **Assumptions**

1.9.1 **The first assumption**

It is assumed by the researcher that there is sufficient information and resources available to complete the research.

1.9.2 **The second assumption**

Solutions to the tensions between management and labour in the Eastern Cape Department of Education will contribute to the achievement of the vision of the Department.

1.10. **Ethics in research**

It is important that ethics be observed when conducting research for the protection of the people who will be participating in that particular research.

Welman, Kruger and Mithscell, (2008: 181) consider ethical behaviour to be as important in research, as in any other field of human activity. Certain ethical considerations concerned with such matters as plagiarism and honesty in reporting of results, arise in all research, but additional issues arise when the research involves human subjects in both biological and social sciences. The principles underlying research ethics are universal and concern issues such as honesty and respect for the right of individuals.
Brynard and Hanekom (2006: 84) are of the view that ethics refers to that which is morally justifiable. Research ethics relates to what is right and wrong when conducting research. The right and wrong of research should conform to generally accepted norms and values. The conduct of research activities should be morally acceptable. Ethical issues arise from one’s interaction with other beings and the environment. This is especially true when there is a conflict of interest. Such conflict begs the question as to who the beneficiary of such research will be.

Brynard and Hanekom (2006: 84) believe that the study of research ethics helps to prevent research abuses and assists investigators in understanding their responsibilities as ethical academics. Research ethics places emphasis on the humane and sensitive treatment of research participants who may be placed at different levels of risk by research procedures. Ethical standards attempt to strike a balance between supporting freedom of scientific inquiry on the one hand and protecting the welfare of participants on the other. In other words the researchers have the right to search for truth and knowledge, but not at the expense of rights of other individuals in society.

Principles such as non-malfeasance, beneficence, autonomy, justice, fidelity and respect for the participant’s rights and dignity are extremely important for Brynard and Hanekom (2006: 84).

The following ethical guidelines are identified by de Vos et. al. (2002: 65):

- **Harm**: This refers to harm that will mainly be of an emotional nature, although physical injury cannot be ruled out.

  The researcher is ethically obliged to rather change the nature of his research than expose his respondents to the faintest possibility of physical and/or emotional harm of which he/she may be aware.

- **Informed consent**: Obtaining informed consent implies that all possible or adequate information on the goal of the investigation, procedures that will be followed during the investigation, the possible advantages, disadvantages and dangers to which respondents may be exposed, as well as the credibility of the researcher be rendered to potential subjects or their legal representatives. It is argued that emphasis be
placed on accurate and complete information so that subjects fully comprehend the investigation and consequently be able to make a voluntary, thoroughly reasoned decision about their possible participation.

Bailey (1994) confirmed that, informed consent entails making the subject fully aware of the purpose of study, its possible dangers and the credentials of the researchers.

- **Deception**: de Vos, Strydom, Fouche and Delport, (2005: 61), are of the opinion that no form of deception should ever be inflicted on respondents. If this occurs inadvertently, it must be rectified immediately after or during the debriefing interview.

There are three reasons noted why subjects may be deceived which are:

(i) To disguise the real goal of the study.
(ii) To hide the real function of the actions of the subjects.
(iii) To hide the experiences that subjects will go through.

- **Invasion of privacy**: What constitutes invasion of privacy according to Baily (1987: 413) is obviously subjective. He is of the opinion that any question that arouses feelings of anxiety or guilt in a respondent amounts to the invasion of privacy.

- **Actions and competence of researchers**: de Vos, Strydom, Fouche & Delport (2002: 65) believe that researchers are ethically obliged to ensure that they are competent and adequately skilled to undertake the proposed investigation.

Ethical considerations according to, (Welman, Kruger and Mithscell, 2008: 181), come into play at three stages of the research project namely:

(i) when participants are recruited
(ii) during the intervention and/or the measurement procedure to which they are subjected.
(iii) in the release of the results obtained

- **Cooperation with contributors**: Careful attention paid to the cooperation and assistance of others is very important in order to make sure that each project is conducted in an ethically correct manner.
The following should be noted:

(i) When a researcher has to rely on a sponsor, both parties need to clarify ethical issues beforehand. For instance, that the sponsor should not act prescriptively towards the researcher; that the identity of the sponsor will not remain undisclosed; that the real findings will not remain undisclosed in order to concur with the expectations of the sponsor; or that the real goal of the investigation will not be camouflaged.

(ii) When colleagues are involved, formally or informally, a clear contract between the parties is preferable, because everyone then knows what everyone else’s share comprises. A formal contract avoids any misunderstandings, (de Vos, Strydom, Fouche & Delport 2005: 65).

The entire research must run its course in an ethically correct manner. An obligation rests on the researcher towards all colleagues in the scientific community to report correctly on the analysis of data and the results of study. In the initial reasoned proposal for the investigation, the researcher should clarify the reasons for the study and indicate in what manner he will be able to honour ethical guidelines, (de Vos, Strydom, Fouche & Delport 2002: 69).

The researcher must ensure the participants that all ethics relevant to research projects will be observed. Confidentiality of the participants will be guaranteed. Permission must be obtained from participants before information can be released. The individuals that participated in the research must be informed about the aims and the objectives of the research. They should not be forced to be part of the research and they should be allowed to withdraw from the process if they wish to do so. If there are potential dangers then the participants should be informed. The identity of the individuals must be kept secret unless they give permission to be named.

1.11. Conclusion

This Chapter stated the broad framework of the research. It deals amongst other things with the following:

- the problem statement
• the objectives of the research
• and how the research process will unfold.

The following Chapter focuses on labour relations related issues. It will assist the reader to understand labour relations issues and provide an overview of the labour relations arrangement in the Eastern Cape Department of Education.
Chapter 2
Overview of Labour Relations

2.1. Introduction

The White Paper on the Transformation of the Public Service of the 15th November 1995 gives a clear indication of the Government’s intention regarding labour relations in the public service. In this White Paper, the government recognizes that the relations between the public service as employer and public service employees will be characterised by divergent views and interests. If these are not managed and negotiated effectively, the levels of labour conflict may grow out of proportion to the nature of the issues in dispute with serious and disruptive effects for service users.

It was for this reason that the Government moved towards a model for collective bargaining with employee organisations based on effective negotiating structures and practices. They also made it clear in the White Paper on Transformation of the Public Service of 1995 that it will respect the Constitutional right of workers to strike if and when negotiations break down. Government will, however expect unions and associations to exercise this right responsibly.

An important step towards improving the cooperation between employers and employees was the introduction of the Labour Relations Act (LRA) 55 of 1996. It was anticipated by the White Paper on the Transformation of the Public Service (1995) that the LRA will play an important role in promoting more effective labour relations within the public service, particularly by speeding up decisions and avoiding backlogs and delays. The main provisions of the LRA with respect to the public service, according to the White Paper on the Transformation of the Public Service (1995), are the following:

- The establishment of a Public Service Coordinating Bargaining Council: Once established, this new body will deal with all matters relating to pay and employment conditions that are uniform across sectors.
- The establishment of Sectoral Bargaining Councils: These bargaining councils will normally be formed by agreement between the Government and trade unions and staff associations.
- Essential Services: The designation of those parts of the public service deemed to be essential services will be the responsibility of the essential service committee to be established in consultation with of the Minister of Public Service and Administration.
- Workplace Forums: It was anticipated by the White Paper on the Transformation of the Public Service that such forums will play an important role in improving efficiency and effectiveness by providing workers with a say in the day-to-day matters which affect them.

One of the approaches that was adopted in the past was known as the Traditional Approach. Farnham and Pimlott, (1995: 71 – 73), argue that this approach of management gave little attention to the managing of labour relations. It has been characterised by inconsistency, informality and the lack of structure. Managers had a tendency to be reactive to labour relations situations rather than proactive. This led to unofficial strikes in the past, because of insufficient attention given to labour relations. Presently, senior management of organisations are now taking labour relations much more seriously than they did.

An article in the, Daily Dispatch, October 20, 2008: 17, highlighted some of the roles a person in charge of labour relations has to play in an organisation. It implied that people in charge of labour relations must be aware of the laws governing this field. This is important, because people become optimally productive if they operate in a conducive environment.

It becomes important to see from where labour relations in South Africa developed and the conditions that were a catalyst in the development of labour relations. This will allow us to draw our own conclusions about labour relations and allow us to anticipate where we might be moving to in future depending on changing conditions.

2.2 Overview of Labour Relations

Bendix (2006: 57) noted that the discovery of diamonds and gold resulted in an influx of labour to the Witwatersrand and to the mushrooming of other businesses to support the mining community. Industrialisation was gradually taking place in the rest of country and railways and the engineering and building industries, developed as a consequence. European (mostly British) immigrants were employed because South Africa did not have a large enough labour force in this field.
Nel, Swanepoel, Kirsten, Erasmus and Tsabadi, (2007: 85) are in agreement with the points raised by Bendix (2006) regarding the effect the discovery of diamonds and gold had. They observe that the discovery of diamonds and gold during the mid–19th century catapulted South Africa into the era of mining, manufacturing and business. It was only after this period that significant worker representation from outside the enterprise developed in South Africa,

According to Rossouw, (2006: 4 – 9), the following phases are evident in the History of labour relations in South Africa as the state, business and organized labour tried to promote their respective interests.

- **1870 - 1924**
  Exploitation: The discovery of diamonds and gold resulted in industrialization. There were almost no labour laws in existence. The government and employers’, especially in the mining industry, conduct was characterised by exploitation, the use of power and force. This led to a long period of industrial turmoil, increasing racial discrimination and political unrest that stretched over five decades.

- **1925 - 1980**
  Paternalism/colonialism.
  This period saw the protection of white labour through regulation. This then resulted in direct racial discrimination against black labour.

  During this era amendments to the industrial or labour legislation were implemented on a regular basis. This era was characterized by the polarization of those unions representing contrasting views on black inclusion in collective labour relations. Political developments in the 1940s resulted in further polarization of racial groups because of legislation furthering white interests. This culminated in more strike action and increasing black awareness of the necessity of becoming better organized.

- **1981 - 1996**
  Adversarialism
  Struggle for worker rights.

  The Industrial Court, introduced in 1979, became more influential when the 1956 Labour Relations Act empowered the presiding judges to give meaning to the concept
of fair and unfair labour practices. This resulted in the court being used by both employees and employers.

- 1996 and beyond
  Co-determination/cooperation
  Economic efficiencies, social justice
  And democratization of the workplace

This period saw government becoming more lenient towards labour, the promulgation of the Labour Relations Act 66 of 1995 and the replacement of the Basic Conditions of Employment Act of 1983. It was predicted that in the medium-to long-term future, that there will be more consultation and codetermination in the practice of labour relations than there was in the past. South African society and the dictates of global competitiveness make cooperative labour relations a necessity for survival and economic growth.

Nel, Swanepoel, Kirsten, Erasmus and Tsabadi, (2007: 85), argue that employment relations started with the arrival of Jan van Riebeeck at the Cape in 1652. They note that initially, South Africa was primarily an agricultural economy where mainly domestic servants and agricultural workers interacted with employers. The most important legislation of that time with regard to employer-employee relations was the Masters and Servants Act No. 15 of 1856. This Act was individual in nature.

Finnemore, (2006: 21), also notes that with the arrival of the first Dutch settlers in 1652, the need for labour was a pressing issue. The indigenous population was subordinated to provide labour for the settlers, and in 1658 when the Cape Colony participated in the East African and East Indies Slave Trade, they were exported as slaves. Slavery had become an integral part of the Cape Colony by the end of the 18th century. The Afrikaner farmers moved with these ideas into the interior, where blacks were expected to do manual labour. They provided their services to the farmer in return for squatting rights. This directing of blacks into the unskilled and semi-skilled labour force is thus seen as examples of some of the earliest labour practices recorded in the history of South Africa.
Blacks that defaulted in their work were severely punished, which was made possible by the Master and Servants Act which was amended for that purpose according to Bendix, (2006: 56). During this period the Black African employee was only seen fit for unskilled tasks. Blacks, meaning the indigenous Africans, were confined to the positions of servants and labourers on farms and in towns. The complicated work was undertaken by Whites or by the Slaves who came from the East. The labour force ended up consisting of black Africans who constituted the majority of the unskilled labour force and Whites, Coloured and Indians who made up the skilled workforce.

Bendix, (2006: 71) took note of the relative labour peace that the country experienced during the late 1950’s and throughout the next decade, which did not last for long. The bannings and stricter pass laws enforced by the Nationalist government did not prevent workers from becoming more aware of their rights. Furthermore, with the economy growing, the position of the black worker became more firmly entrenched. Blacks filled all the positions, which were left vacant by Whites who moved up in the employment hierarchy. Given that this section of the population was now in the majority of the economically active population, it was unlikely that the situation of Blacks in industry and in the labour relationship, as decreed by the 1956 Industrial Conciliation Act, could be maintained.

Nel, Swanepoel, Kirsten, Erasmus and Tsabadi, (2007: 85), observe that the late 1960’s and 1970’s saw dramatic changes in the relationship between the peoples of South Africa that led to ongoing worsening in employment relations. It thus became obvious that there was a need to update South Africa’s labour legislation. The government responded with the appointment of the Wiehahn Commission, to investigate and advise on the existing labour legislation. This investigation made it possible for the government to formulate an alternative policy and promulgate amended labour legislation in 1980.

During the 1960’s the only bodies representing black Africans, which were prominent on the labour scene were those working under the auspices of or in conjunction with the Trade Union Council of South Africa (TUCSA), but the beginning of the 1970s saw renewed attempts to organize Blacks into independent unions. By the beginning of the 1970s black workers were no longer prepared to accept their secondary status in industry. This was marked by the fact that in 1972 altogether 9 000 black employees engaged in strike actions. Yet the 1972 strikes were insignificant compared to those in 1973, (Bendix 2006: 71).
In 1973 widespread strikes were staged by black workers over wages which were declining rapidly in the face of rising inflation. These strikes erupted in Durban and spread to other centres. Industry was brought to a near standstill. For the first time, the real power of black workers was demonstrated and it was shown that even without the backing of any formal organisation, worker action was able to bring pressure to bear on a labour issue, (Finnemore 2006:28).

The strikes had no immediate effect or obvious cause and the strikers made no fixed demands, but the actions were indicative of general dissatisfaction among black employees. More importantly, they highlighted the joint power of those employees and the necessity to accommodate their interests within the industrial relations system, (Bendix 2006: 72).

These events also dramatically underline the shortcomings of the existing legislation for blacks. It became apparent that a dangerous vacuum existed because of a lack of formal and acceptable negotiating structures and procedures. The government then promulgated the Bantu Labour Relations Act. However, during this period the power of unregistered trade unions grew steadily and it became clear that the formal system was increasingly bypassed as employers recognized and bargained with these unions, (Finnemore 2006: 29).

By 1976 it became clear that the provision of the Black Labour Relations Act of 1973 had not solved the problem of black worker militancy. The threat of sanctions and disinvestment had increased and various codes of employment (notably the European Economic Community Code, the Sullivan Code and the British Code of Employment Practice) had been issued to multinational companies in South Africa. An improved image was sorely needed, and it was in this climate that the government in 1977 appointed a Commission of inquiry into Labour Legislation, commonly known as the Wiehahn Commission, (Bendix 2006: 75).

The major recommendations of this Commission according to Finnemore (2006: 29) were the following:

- Granting freedom of association to all workers irrespective of race and status as migrants or commuters.
- Autonomy of unions in deciding membership criteria (as a consequence mixed unions would be allowed).
- Apprenticeships to be open to all races.
• Appointment of a National Manpower Commission to serve as an ongoing monitor and study group of the changing labour processes.
• Restructuring of the previous Industrial Tribunal into an industrial Court to adjudicate on disputes of rights and interests and to create a body of case law.
• Access to the court was to be easy and its process simple and inexpensive to parties.

The point of departure of the Wiehahn Commission was the start of the then government’s new labour policy, which set the scene for employment relations practice right up to the coming to power of the ANC–led government, (Nel, Swanepoel, Kirsten, Erasmus and Tsabadi, 2007: 77).

With the unbanning of previously banned organisations and the release of Nelson Mandela, it was evident that a new sociopolitical era had begun and that the process towards the institution of a democratically elected government was irreversible. The government of the time, having already adopted a more corporatist approach, increasingly opened itself up to the major stakeholders in the labour sphere as well as that of community interest. This led in 1993 and 1994 to the inclusion of agricultural and domestic employees under the Basic Conditions of Employment Act and in the same year to the Agricultural Labour Act, which effectively incorporated farm workers under the Labour Relations Act. As regards the public sector, a change of direction occurred, proved by the passage of the Education Labour Act of 1993 and the Public Service Act of 1994. For the first time the scope of labour relations was expanding to include hitherto unrepresented and often exploited workers and acknowledged the role of the State as yet another employer, (Bendix 2006: 81).

After the first democratic elections in 1994 the labour scene changed dramatically and Labour Relations Act No. 66 of 1995 was promulgated. This was followed by the Basic Conditions of Employment Act No. 75 of 1997 and then the Employment Equity Act No. 55 of 1998. Various other amendments to the major Acts have also taken place that further entrenched workers rights, (Nel et.al. 2007: 85)

Although most of the authors differ in some of their views regarding labour relations, they are certainly united around the fact that labour relations go back a long time in South Africa. It has certainly undergone a number of changes in the process.
2.3 The development of education labour relations in South Africa.

To determine the development of labour relations in education, the changes in the legislation over the years serve as an indicator. Prior to the introduction of the Public Service Labour Relations Act 105 of 1994 and the Education Labour Relations Act 146 of 1994, all persons employed by the state did not have access to the Labour Court or statutory bargaining mechanisms. Since 1994, these acts have provided bargaining forums and conciliation boards for the resolution of grievances for the first time. Both acts extended the unfair practice jurisdiction to public servants and education workers and gave them access to the industrial and labour appeal courts, as well as freedom to strike. The Education Labour Relations Act was replaced soon after its promulgation by the Labour Relations Act, 66 of 1995, (JP Rossouw 2005: 9).


The public school system in South Africa was one of the main arenas in the struggle for political freedom, although it may be said that the development of labour relations in the education sector was less controversial than that of the mining or commercial spheres. In spite of the struggle, educators were not striking on a large scale for long periods, and the reasons for strike action were not so much linked to labour matters as to political issues. In the 1980s and the early 1990s, some of the teacher unions were very active in numerous campaigns to bring about the abolition of apartheid. The struggle slogan “Liberation before education” had a severely negative impact upon the education process in many schools, (JP Rossouw 2006: 9).

2.4. Definition of Labour Relations

Finnemore and van Rensburg (1999: 4) believe that there is no simple definition of labour relations, because the term has come to include many things in both public and private sectors and wherever people are employed to do work. Labour relations according to the learned professor, can be a simple, interpersonal process involving only two people or it may
occur between groups at a workplace, such as between management and a group of employees. Or a much broader interaction may develop between formalized groups such as between an association of employers and trade unions which bargain collectively within a specific sector of the economy.

The subject of labour relations is a relatively wide and a complex one. By way of a definition, labour relations refers to a system of work–inspired social relations that primarily deals with inter–relationships that exist between employees, employers and the state. Even though there may be other stakeholders, it is essentially a tripartite relationship that underlies the concept of labour relations (University of Fort Hare Manual on Public Administration and Management 2006: 25).

Labour relations in present day society prescribe what is generally regarded as healthy reciprocal behaviour between different parties who are involved in working relationships of which the employee is the epicenter. The presence of good labour relations in the workplace is a prerequisite for the achievement of goals of an establishment in both the private and public sectors. The foundation for labour relations lies in the belief that good personal relationships provide the breeding ground for co–operation and commitment that ultimately aids the progress of the organisation. Most nations subscribe to this hypothesis and so have developed labour relations legislation (acts) that aim to establish and promote better working relationships (University of Fort Hare Manual on Public Administration and Management 2006: 25).

This is exactly the case in South Africa where the Labour Relations Act 55 of 1996 was passed. This also saw the establishment of labour relations departments in many organisations.

The term ‘labour relations’, according to Bendix (2001), refers to the relationships between people who work and those for whom they work, labour or work relationships have therefore, existed since the first individual approached another to perform a task for him against the promise of payment.

Labour relations as a topic in management science can be viewed as being concerned with relations (primarily collective but also to a far lesser extent individual) between employer(s) (and/or manager(s) as the representatives of the employer) and workers (and/or their
representatives such as trade unions) which develop from employment relationships and which are essentially concerned with balancing the various interests of and regulating the levels of cooperation and conflict between, the parties involved. In all of this, the government and its relevant representatives, institutions, structures, systems and laws play an important role, (Swanepoel, Erasmus, van Wyk, Schenk. 2003: 616 – 617).

Labour Relations deal essentially with people, who because of their mutual involvement in the work situation, are placed in a specific relationship with one another. Just like all other relationships, the labour relationship has its unique characteristics and problems. The major distinguishing feature of this relationship is that it arises from the need for economic activity within society and from man’s need to work and to earn a living, (Bendix 2006: 5).

From the comments of the abovementioned authors one can deduce that labour relations is concerned with the relationships between people in the workplace. The parties involved in this relationship are the employer, employee and the state. The relationship is not always peaceful. Some of the tensions are caused by the Human Resource policies that exist within a particular organisation. The researcher wants to establish the Human Resource policies, procedures and practices that generate tension between labour and management in the ECDOE.

People are the building blocks of any organization, but the cement that keeps them together is labour relations. Dr Tim Rametse, Deputy Managing Director of Medscheme Health, who is in charge of keeping industrial relations within the company running smoothly. This includes team-building and ensuring that all workers have the skills they need to carry out duties effectively. His role requires him to ensure that Medscheme has effective strategies, infrastructure, systems, capable human resources and an environment that makes it possible for the organisation to meet the contractual obligations to which Medscheme Health has committed itself to deliver to its medical scheme client base, (Daily Dispatch, October 20, 2008).

Dr Tim Rametse noticed that often people’s issues influence productivity, which requires an understanding of the dynamics of industrial relations legislation to direct his team on how to tackle staff related issues correctly within the legislative framework, (Daily Dispatch, October 20, 2008: 17).
2.5. **Sources of the labour relations**

Rossouw, (2004: 11) identified some of the important sources of labour relations which are the following:

- Individual contract of employment
- Legislation
- Sectoral determinants
- Collective agreements
- Guidelines laid down by the labour courts
- International labour standards (e.g. conventions)
- Jurisprudence of foreign labour courts
- Custom and practice
- Constitutional provisions
- The common law

The Constitution of the Republic of South Africa forms the basis of the labour legislation of the country. There are a number of fundamental rights that are enshrined in the Constitution (more specifically in the Bill of Rights, which is the second chapter of the Constitution) that have implications for labour relations.

Section 23 stipulates the following basic prominent labour rights:

- The right to strike.
- The right of employees to form or join a union, and to participate in its activities.
- The right of employers to form or join employers’ organisations and to participate in its activities.
- The right of unions and employers’ organisation to engage in collective bargaining, (JP Rossouw 2004: 12 – 14).

Many provisions in legislation directly or indirectly embody common law principles. Common Law in South Africa can be defined as the uncodified legal tradition as derived from the Roman–Dutch and English law from the seventeenth century. These principles were developed and adapted to the South African background and culture. The rules of natural justice are a typical example of provisions of the common law, (Rossouw 2004: 12 – 14).
2.6. Interactions and processes within the relationship

The employment relationship is the basis of all labour relations dynamics. Without the employment relationship there can be no labour, or industrial relationship. The economic dimension of this relationship derives from the fact that the parties are engaged in a relationship of exchange. The employees give their energy, knowledge, skills, abilities and productive time in return for some sort of reward which includes an economic or financial aspect. The legal dimension derives from the fact that the parties enter into a legally binding agreement and that there are specific laws and formal rules which have an official bearing on the relationship between employer and employee. The social dimension gives the employment relationship its informal character; it revolves around the interaction and behaviour between people associated with the human activity of employment or work (Swanepoel, Erasmus, van Wyk, Schenk. 2003: 616 – 617).

Bendix (2006:5) notes that the relevant stakeholders have a vested interest in the continued profitable existence of the undertaking. The employer, in order to produce certain goods or services and to reap the intended profits, creates work for the employee who in turn accepts the work in order to gain remuneration, status or personal satisfaction. Consequently both are interdependent and both should be interested in advancing the work process to the highest possible level of efficiency since both will (or should) in the long run reap the benefits of continued profitability.

Labour Relations is not mainly concerned with strikes, although these events may be given prominent coverage in the media. It is a stable, ongoing activity at countless workplaces, ranging from factories to farms. Here on a daily basis, informal discussions and formal procedures are used to solve problems and to reach agreements on employee’s conditions of employment, (Finnemore 2006: 1).

However, while labour relations have an orderly and constructive side, it may also be disorderly and destructive. Conflict arising from power struggles can and will be a frequent part of the process. This is because the parties concerned, namely employees and employers, inevitably have divergent interests and objectives. Yet, they also have a strong interdependence. It is this interplay between cooperation and conflict, between the need to work together and the drive to limit each other’s power, which creates the dynamic process of
labour relations. The understanding of the dynamics of power is thus also a critical feature of
labour relations (Finnemore 2006: 1)

It has been noted that the natural conflict between the employer and employee as parties to
the employment relationship forms the basic reason for labour relations dynamics. The parties
have conflicting goals, needs, interests and values. The most basic conflict revolves around
the economics of the exchange relationship – the economics related to the distribution and
the sharing of profits and the value added by the labour process, (Swanepoel, Erasmus, van
Wyk, Schenk 3003: 621).

Another dynamic aspect underlying labour relations is that of control. Due to the conflict, both
parties seek to control the situation so as to ensure that they derive maximum benefit from it
for themselves. The parties try to control not only the way in which the work processes are to
be performed in order to provide the necessary services/products, but also especially the way
in which the wealth created in the process of delivering the goods/services is distributed
among the various stakeholders, (Swanepoel, Erasmus, van Wyk, Schenk 3003: 621).

Along with these dynamics of conflict and control, comes the element of power. Employees
join trade unions particularly because as individuals they lack the power to influence the
employer or to control the work process or the rewards related to the work they perform.
(Swanepoel, Erasmus, van Wyk, Schenk 3003: 621).

The right to manage has always been regarded as a management prerogative and it is at the
centre of labour relations decision making. This right to manage relates to those areas of
corporate and workplace decision-making that management considers exclusively theirs and
hence is not the subject either of collective bargaining with trade union representatives or of
legal regulation. It has been jealously guarded by those managing organisations whether as
owner managers or as professional managers of corporate employers. Such rights were
traditionally taken to include the hiring and firing of employees, promotion, discipline,
manning, production control, overtime allocation and other job related issues. Similarly trade
unions, their representatives and union members have continuously coveted, challenged and
sought to share through collective bargaining those managerial prerogatives most affecting
employee interests at corporate and workplace level, (Farnham and Pimlott 1995: 309).
However, conflict, control and power form only one side of the labour equation. The other side of the equation relates to the fact that there is interdependency and an inherent mutual interest and need to cooperate between the two primary parties. Both conflict and cooperation are created simultaneously in the organisation between people and work. Management (employers) and workers are interdependent: the latter need the former to provide the work opportunities (to be able to earn a living) and to guide and assist them in doing their work; the former needs the latter to perform the work so that the owners can earn a satisfactory return on their investments. Workers thus want to earn money by hiring out their labour potential and management is prepared to pay and reward them for their effort, on behalf of the employer. (Swanepoel, Erasmus, van Wyk, Schenk 2003: 622)

Both the parties, as well as the government as a third party, thus have basic commonality of interest in the continued existence of the organisation, (Swanepoel, Erasmus, van Wyk, Schenk 2003: 622).

However, the commonality of interest is normally not perceived, because of its abstraction from day-to-day realities. Because of their traditionally assigned roles, the negativity permeating the relationship, the polarization between the parties and the perception of unequal rewards, employees in particular do not perceive themselves as having anything in common with the employer or manager. The commonality of interest is often overshadowed by conflict in personal and group goals, values, interests and ideologies and the situation is exacerbated by social and political conflicts which intrude on the work situation. The employer does not view himself as dependent on a particular employee, but on his labour. Finally there had been a lack of emphasis on processes and structures which promote cooperation in the workplace, (Bendix 2001: 13).

Bendix (2001: 13) expresses a concern about insufficient time spent on relationships at work, as one of the factors contributing to conflict. She believes that the society we live in is economically based. The greater part of our activities and institutions centre in the economy according to her. Therefore, she considers work and the relationships established within the work situation as amongst the most important aspects of modern human life. Because of the little emphasis placed on work relationships, man’s attitude to work remains predominantly negative.
The negativities prevalent in the labour relationship arise partly from the almost involuntary and impersonal nature of the relationship. An employee does not seek work with a particular employer because he likes that employer or because he is in any way committed to the undertaking. Essentially he takes a job and enters the relationship merely to fulfill other, more personal needs. There is from the outset not that sense of partnership, closeness and mutual commitment, which is found in other relationships, the relationship has from the outset a negative valence, (Bendix 2001: 5).

Equally, the employer or manager has no personal interest in the employee. He sees the worker as just another factor of production and at best as another replaceable member of the workforce (Bendix 2001: 5).

The interaction between the stakeholders of the labour relationship is summarized as follows in the University of Fort Hare study manual on Public Administration and Management Programme (2006: 25):

- Workers sell their work abilities as a factor of production to employers. Though the production factor is individually owned, the fact that they must be pooled together from different sources to enable the achievement of organizational goals, provides impetus for the bonding of workers under trade union umbrellas.
- Employers purchase the service of the employees. The basis for the employment that employers provide, of course is that the employee would contribute towards the attainment of the goals of the organisation
- The state basically exercises legislative power over the activities of the employer and employee. Such legislative powers not only apply to private sector organisations but also affect the employees of the state who operate in the public sector. The fact that the legislative powers reside with the state increases the responsibility for state–compliance with provisions of any labour relations acts. After all, it is logical for the state to lead by example.

Since the employer and the employee are involved in primary interaction, a relationship commences between them when they reach agreements relating to the conditions of service and remuneration among other employee–specific considerations. Beyond this, group interactions, interrelations, agreements and legislative provisions would then begin to govern
the workplace through labour relations policies or acts, (University of Fort Hare study manual on Public Administration and Management Programme 2006: 26).

### 2.7 Parties to the labour Relationship

Labour relations may vary according to whether a country has a free-market or socialist economy. Whatever the case may be, employees, employers, the state, trade unions and employers’ associations all influence the labour relations system of a nation (University of Fort Hare Manual on Public Administration and Management 2006: 25).

The labour relationship is usually described as a tripartite relationship between employers, employees and the State. This, however, places undue emphasis on the institutionalised aspects of the relationship and places the State in the position of permanent and equal partner and regulator. Because the conduct of the labour relationship is of such importance to society at large, the State most certainly has a role to play in this relationship. In most societies the State will, at the very least, provide minimum legal protection to the parties in the relationship and if necessary, establish a framework for the peaceful conduct of the relationship (Bendix 2001: 9 & 10).

It is clear for Finnemore and van Rensburg (1999: 195) that the state plays a major role in setting the parameters in which the parties may operate, bargain and reach agreements. In most countries, the state may advance from the periphery of economic life to the centre as the need to provide an environment that facilitates economic growth has become increasingly crucial. Economic, social and political decisions all impact on labour relations.

The state is also an employer, because it administers a vast public sector. Traditionally the State is regarded as a different type of employer from the private sector employer. However there was a recent move to include all employees under the same legislation whether public or private, (Bendix 2001: 11).

The intervention of the state in labour relations is not confined to South Africa. The state intervenes in industrial relations in Britain by four methods: through the law and the courts; through its economic policies; through its industrial relations institutions or agencies; and in the way the State regulates relations with its own employees, (Farnham and Pimlott 1995: 210).
Attitudes to government and State intervention in labour relations depended largely upon differing philosophies of the State. Those favouring minimum State intervention think that the government should create only a few of its own institutions and should employ as few people as possible. The chief functions of the State, it is argued should be confined to ensuring national security from external threat and law and order internally. Less government, by this view, is equated with good government with the state being regarded as largely neutral in the application of its power. This view suggests that government only needs to intervene in labour relations to protect the employment interests of individuals when no other means are available, or to uphold the wider interest of society as a whole when these appear to be threatened by particular labour pressure groups. Those favouring the neutral benevolent–theory of the State see the decisions of the judges as being impartial interpretations of the law (Farnham and Pimlott 1995: 211).

Many people reject such a benevolent view of the State. They argue that the State is the political arm of the ruling class. They believe that State power reflects the political hegemony of the ruling elite, as well as serving its interests. This view holds that State intervention in labour relations is mainly designed to ensure that the interests of private capital and the ruling classes are advanced to the detriment of working people and their representative organisations. Yet regardless which view of the State is acceptable, the aim that the role of the State should be small and minimal has not been achieved. Indeed the size and role of the State have grown ever larger and penetrates almost every aspect of social and economic life. Those regarding the State as an instrument of class hegemony and political coercion see the judges’ decisions on labour matters as an expression of the use of the law by the ruling classes as limiting the power of organized labour (Farnham and Pimlott 1995: 211).

The Eastern Cape Department of Education is both a role player in the labour relations and an employer. In the past, in South Africa, unions’ attitudes were to destroy the State because they felt it was illegitimate. At the present moment they do criticize the State but not with the intention of destroying it.

However, some unions are not entirely happy with the dual role of the state. The majority of educators are still unhappy with the manner in which the State conducted itself in the salary negotiations of 2001. The State was accused by labour as playing delaying tactics, because they knew they had the power to declare policy if negotiations dragged on for too long. After months of negotiations the State took a unilateral decision to implement its position. Labour
felt that this was unfair, because the State was the very same roleplayer that dragged its feet in the negotiation process.

**Figure. 2.1 The Parties to the labour relationship**

Bean (1999) summarises the roles of the state as follows:

- A primary purpose has been to act as third-party regulator promoting a legal framework which establishes general ground rules for union–management interaction, particularly in the procedures for collective bargaining.

- As a means of supporting and underpinning collective bargaining, governments make provisions relating to minimum conditions of employment including health and safety and in some countries, wages and working hours. In South Africa, labour legislation has been developed to deal with the issue raised by this point, i.e. The Basic Conditions of Employment Act of 1998 and the Occupational, Safety and Health Act 1993.

- A well-established function in many countries is the provision of state services for conciliation, mediation and arbitration with a view to facilitating the settlement of industrial disputes.

- The government also serves as an employer in the public service. This is a point to which Bendix (2001) alluded to.
The responsibilities of management include the following according to Swanepoel, Erasmus, Schenk & van Wyk (2003: 620):

- protecting and serving the interests of employers;
- determining objectives;
- arranging for the optimal utilization of the organisation’s resources (including human resources);
- ensuring customer satisfaction;
- ensuring that the necessary standards of product and/or service quality are maintained; and
- ensuring that all operations of the organisation are conducted in a cost-effective and efficient manner, which include the control of labour costs.

Workers duties include the following according to Swanepoel, Erasmus, Schenk & van Wyk (2003: 620):

- behaving in a required manner at work;
- performing their work as required;
- remaining obedient and loyal to the employer (management);
- complying with reasonable rules and instructions; and
- exercising the right to associate, bargain and strike in a responsible manner.

2.8 Collective bargaining

This is the most common form of employee participation in the world. Employees join together in trade unions to enhance their power in bargaining with employers over wages and conditions. They elect their representatives and mandate them to enter into negotiations. Representatives are in turn appointed by the employer to represent its interest. The aim of collective bargaining is to reach a perceived equitable settlement on matters of mutual interest through the process of negotiation. Throughout the world bargaining takes place in various forums and a variety of levels. In most countries collective bargaining is structured through legislation or by agreement between unions and employers, (Finnemore 2006: 174).

Collective bargaining is the central process emanating from the conduct of the traditional collective labour relationship. Having sought their power in the collectivity and having
identified interests and goals divergent from those of the employer, employees, through their unions, will demand from the employer that a bargaining relationship be established so that they may resolve conflicts and regulate their relationship, (S Bendix 2006: 232).

Finnemore (2006: 174) identified the following objectives of collective bargaining:

- the provision of institutionalized structures and processes whereby potential conflicts over matters of mutual interest, for example wages and working conditions, may be channeled and resolved in a controlled manner thus reducing unnecessary disputes.
- the creation of conformity and predictability through the development of and commitment to the collective agreements which establish common substantive conditions and procedural rules.
- the promotion of employee participation in managerial decision-making that concerns the working lives of employees.
- the enhancement of democracy, labour, peace, and economic development at national and international level.

According JP Rossouw (2005: 49) the bargaining councils that serve the public sector are:

- The Public Service Coordinating Bargaining Council (PSCBC)
- The Education Labour Relations Council (ELRC)
- The ELRC provincial bargaining chambers.
- The bargaining councils of each of the provincial administrations that deal with the terms and conditions of employment of non-educators employed by the provincial departments of education.

Finnemore (2006: 175) indicated that in South Africa, centralized bargaining in a national bargaining forum occurs within the National Economic Development and Labour Council (NEDLAC), which is not formally described as a collective bargaining forum, but rather as a consensus seeking body promoting employee participation in socio-economic decision-making. However, in practice NEDLAC provides a forum where peak employer confederations and peak union federations meet and attempt to come to agreement over labour legislation and other social policy matters.
Rossouw, (2005: 51), believes that the negotiations in these councils culminate in collective agreements, which give rise to reciprocal rights and duties that have legal force. They therefore bind the parties as well as the members of each party to the agreement.

Nel, Swanepoel, Kirsten, Erasmus and Tsabadi (2007: 163) are of the view that collective bargaining offers challenges to all participants. Management is challenged to behave reasonably in its dealings with employees. Workers are challenged to try to satisfy their needs within the framework of the dynamics of the organisation. Collective bargaining also influences the income and expenditure ratio, the quality of the product or service, the climate of the organisation and the public image of the organization.

2.9 The labour relations policy

Bendix (2006: 296) reasons that labour relationships are often viewed merely within the framework of collective bargaining with unions. The labour relationship is an employer–employee relationship. Consequently, whether a union presence exists or not, the practice of sound labour or industrial relations is integral to the managerial function within the organisation. It is a function in which all levels of management should be involved, since very few managers are not concerned with or responsible for employees. Thus the establishment of a general labour relations policy, giving effect to organizational objectives and labour relations objectives, is essential for the guidance of management at all levels.

Any organisation needs to establish a general policy to reflect its objectives in labour relations and in light of which it will conduct its relationship with its employees. A labour relations policy, preferably in the form of a written document, clarifies management’s industrial relations objectives, established in the light of the overall objectives of the organisation, confirms the relationship with and interest in employees, indicates how this relationship can be maintained and informs of the practices by which this can be affected. Thus, it serves as a framework for managerial behaviour towards employees, that result in the establishment of systems and procedures and is used as a guideline when decisions have to be reached (Bendix 2006: 299).

The labour relations policy of an organisation expresses the corporate philosophy of the organisation as it applies to its human resources. It is obvious that having a labour relations policy and adhering to the labour relations policy can contribute to better
relationships. Practically, the route to the achievement of good working relationships between employer and employee is by the development and implementation of programmes that facilitate the relationship. These programmes must be carefully monitored in order to establish their usefulness and impact on the work environment. (The University of Fort Hare study manual on Public Administration and Management Programme (2006: 33).

The University of Fort Hare study manual (2006: 33) contained the following suggestions of what should appear in an organisation’s labour relations policy:

- A statement indicating the organisation’s disposition towards the protection of the rights of employees and the provision of opportunities to partake in the process of making decisions that affect them.
- A commitment to the principle of freedom of association.
- An acceptance of the rights of workers to collective bargaining in industrial issues and the principle of lawful withholding of labour arising from industrial disputes.
- A statement indicating the organisation’s attitude towards the structure for collective bargaining.

An effective industrial relations policy statement according to Bendix, (2006:300), will contain the following:

- Managerial principles relating, for example to management’s right to manage its business and make operational decisions, its intention not to negotiate under duress or to make concessions without a corresponding gesture from trade unions and its right to communicate directly with its employees on many matters.
- The relationship between management and employees, including the recognition of the value of employees as an asset of the organisation; their right to present grievances to management and join trade unions who may act on their behalf; the basis on which the trade unions are to be recognized for collective bargaining and representing their members’ interests and management’s desire to develop a climate of mutual acceptance trust and cooperation within the organisation.
- The determination of terms and conditions of employment through appropriate, recognized institutions of joint consultation and/or bargaining; the achievement of stable or reducing costs through increased productivity; the maintenance of a fair and equitable payment system which rewards both the value of the job to the organisation
and the efficiency of the individual; and the intention to be bound by agreements reached within any recognized collective bargaining machinery.

- The approach to employment to be adopted in ensuring that the organisation has an adequate level of trained and experienced personnel for its needs consistent with maintaining security of employment for individual employees (recruitment, training, motivation, promotion and termination of employees).

- The role of procedures in resolving problems speedily and in a mutually acceptable manner, in contributing to employee participation and joint decision-making and the extent to which third party processes of conciliation and arbitration may be used,

Minervini, Meyer & Rourke (2003: 194) observed that the two aspects that in practice most commonly come into play are grievance and disciplinary procedures. It is imperative to follow the correct steps when lodging a grievance or instituting disciplinary action.

Bendix (2006: 300) believes that these broad policy statements will reveal management’s attitude towards employees and state how management will treat employees and develop the labour relationship. They will be followed by policies and procedures dealing with particular aspects. The implementation of policy entails the transference of principles into actual practice by, for example, establishing equitable wage and salary scales, job enrichment programmes, communication structures, grievances and disciplinary procedures and organisational development programmes or if a union becomes representative, engaging in collective bargaining.

Managing the relationship between employers and employees by means of well–developed policy not only promotes industrial peace, but also helps to build a productive environment where the contribution of human capital to the attainment of business goals can be optimized according to Minervini, Meyer & Rourke, (2003: 194).

2.10. Grievances and Dispute resolution procedures

Minervini, Meyer & Rourke (2003: 197) are of the view that it does not matter how well a business is run, it will not be without conflict. Their advice is that it is wise to manage conflict because it cannot be avoided.
As with other aspects of labour relations, grievances may be dealt with on an individual or a collective basis. The process in both cases is quite similar. Personnel Administrative Measures (PAM) set out the correct grievance procedures. According to Rossouw (2005: 98) the objectives of this grievance procedure are to:

- seek to resolve a complaint at the personal level as quickly and as close to the source of the complaint as possible
- prevent a grievance from becoming a dispute.

It was reported in the Public Service Commission Report of 2007, Grievance Trends in the Public Service Grievance Rules 2003, that there are grievance mechanisms available for the employees employed in terms of the Public Service Act of 1994. According to these rules a grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or omission which adversely affects him/her.

The Public Service Commission is further stating that while the number of grievances lodged was increasing nationally, it was decreasing substantially in the Eastern Cape departments. The top three causes of grievances in the Eastern Cape departments are dissatisfaction around performance assessments, salary related matters and recruitment and selection. This may require a serious look into current policy and practices in relation to the identified areas to assess the underlying causes of the dissatisfaction expressed. In some instances it may be that a good policy is being implemented badly. Assessing the policies in these areas and their implementation could result in the number of grievances in the province decreasing (Public Service Commission Report, Report on Grievance Trends in the Public Service, 2007:xv).

Despite the fact that information indicating a decrease in numbers of grievances lodged, the Eastern Cape Department of Education was the second highest on the list of grievances lodged according to the Public Service Commission Report of 2007. The diagram below confirms the number of cases.
The Public Service Report also indicated that the Eastern Cape takes time to finalise the grievances. Out of 554 grievances only 265 were finalized. The Department of Education was one of the culprits that could not finalise some of their grievances (Public Service Commission Report, Report on Grievance Trends in the Public Service: 2007).

In a case where a grievance cannot be resolved through this procedure and it is consequently registered as a dispute, such a registered dispute shall be dealt with in terms of the dispute resolution procedure according to Rossouw, (2005: 98).

Finnemore, (2006: 237), argues that recognition and procedural agreements generally provide for remedies to the dispute settlement processes where conflicts arise. Whilst the Labour Relations Act and the Employment Equity Act provide specific processes for the resolution of disputes through the Commission for Conciliation Mediation and Arbitration (CCMA), Bargaining Councils and Labour Court, in many procedural agreements parties have agreed to own dispute resolving processes.
2.11 Industrial Action

Bendix (2006: 592) is of the view that industrial action is normally the result of disputes of interests and not rights. Sometimes it may occur before procedures are utilized and at others after the procedures have been exhausted. Strikes and lockouts make up the most obvious forms of industrial action. Strikes express the ultimate power that employee collectives can apply over employers in an otherwise unequal relationship. This is balanced by the employer's right to lock out in pursuance of a demand.

2.12 The role of the labour relations manager

According to Bendix, (2006: 302) the principal role of the labour relations specialist in the past was that of troubleshooter, facilitator, negotiator, trainer, educator and advisor. This is essentially a staff function and it is not appropriate to place him/her in the forefront of substantive negotiations with the union or for example to require him to chair disciplinary hearings or to handle problem employees (except in a counseling function). Where other persons in the organisation lack the expertise to perform these functions, it may sometimes be necessary for the industrial relations specialist to do so; but this should be only a temporary role, as his purpose should be to equip others with the necessary expertise so that he may adopt the wider perspective of facilitator, counselor and advisor – to all stakeholders.

Bendix (2006: 302) reasons that the role of the industrial relations expert gains its greatest importance in the strategic sphere. He/she is, in essence, the eyes and ears of the organisation and therefore the most important quality is that of awareness. The incumbent will continually monitor the climate, both internal and external. He/she must know what is happening within all spheres of the organisation and at the same time monitor all external developments which can impact on the workplace and on the work relationship. In terms of knowledge gained, the incumbent will warn, plan and strategise with the purpose of preparing all stakeholders, avoiding imminent pitfalls and bringing about the necessary changes. The last aspect is of utmost importance. In a world in which change has become inevitable, the management of change is one of the primary functions of the industrial relations manager. It is his/her duty to initiate organisational developments and in particular to develop the employer–employee relationship in new and different directions.
The Public Service Commission released a report in November 2005 termed, Assessing the role of Labour Relations Officer in the Public Service. The need for the report was because the advent of the Labour Relations Act 66 of 1995 and other related labour legislation brought about substantial and fundamental changes to labour law. This required labour relations specialists to be familiar with the latest developments and trends in the field.

In the study undertaken the following information emanated in the November 2005 report:

- The developments in the field of labour relations, which call for workplace democracy, brought a paradigm shift in the role played by labour relations officers. The incumbent of this position should be removed from the management camp and be used as an intermediary with the most essential task of promoting effectively the interests of the organisation as well as its employees and to facilitate the relationship between the parties.

- As a facilitator, the labour relations officer’s role includes interfacing with people at various levels.

- As conflict is an inherent part of the employment relationship; the labour relations officer should be an expert in handling issues such as conflict management and should train others to do the same. The labour relations officer should also establish processes and structures aimed at minimizing conflict and promoting co–operation and integration.

The climate should continually be monitored by the labour relations officer. The expertise gained from such monitoring, will equip the functionary to plan and strategise with the purpose of preparing all stakeholders, thus avoiding imminent pitfalls and bringing about the necessary changes.

The following findings were made:

- A total of 49% of the sampled organisations indicated that labour relation officers are perceived to be either disciplinarians or catalysts for management. This is ascribed to the fact that the labour relations officers are involved in disciplinary cases and disputes from the beginning to the end and their objectivity and impartiality is perceived to be compromised by the fact that they act on behalf of management.
• Where it is the duty of the labour relations officer to monitor the utilization of the grievance procedure and to advise on possible solutions to resolve a grievance, it was found that in the public service, only 10% of labour relations components are involved in the investigation of the grievances.

• One of the important roles of a labour relations officer is to facilitate the administration of discipline and to assist during disciplinary investigations and enquiries in a consultative capacity. It was found that 71% of the sampled organisations, labour relations officers are actively involved in the disciplinary processes, in that they have to investigate disciplinary cases, act as employer’s representatives and as chairpersons of disciplinary hearings.

• In 63% of organisations, labour relation components are responsible for representing their organisations during conciliation or arbitration at the respective bargaining councils or the CCMA.

• Labour relations officers in the public service are involved in collective bargaining in their respective sectors, provinces and departments. The level of involvement would depend on the level of the incumbent as against the complexity of the matter to be negotiated.

• It was found that only 55% of the organisations assess the workplace behaviour.

• The study indicated that in 86,4% of sampled state departments, training in labour relations is conducted by the labour relations components, while 4,4% indicated that the labour relations component would only sensitise management on the need for training.

• In view of the fact that labour relations officers are expected to act as change agents and are responsible for directing human resources in such a way that they proactively and constructively promote the objectives of the organisation, they should be involved in the strategic planning within their organisations. It is furthermore the responsibility of managers to implement labour relations strategies successfully and for this purpose labour relations should form part of strategy formulation.

In response to the abovementioned findings the following was observed and recommended in the November 2005 report:

• In the public sector, the labour relations officers are involved in functions that are, at the most, the domain of managers. In line with the theoretical view that labour relations officers should be seen more as specialists, rendering expert advice, and
looking at the best practices identified through this project, a job description has been developed to assist departments in developing their own needs.

- It was observed that there was a lack of role and responsibility clarification between the line managers and those of labour relations officers, and how the interfaces between the two should be managed. In some Departments managers do not accept responsibility for discipline, in others there is no clarity as to who should accept responsibility for training. An accountability matrix to ensure that role confusion is avoided and accountabilities are clearly defined has been developed.

- In order to improve communication, a need for a representative from the labour relations component to attend senior management meetings and/or strategic management sessions was identified. In this way, a valuable contribution can be made in respect of sound employment relationships.

2.13 Short description of Labour Relations in the Eastern Cape Department of Education

The Labour Relations Directorate of the Eastern Cape Department of Education was established in 2002. Before that it resided in the Directorate of Human Resource Development and Utilisation, where the greater emphasis was on Human Resource Development.

The researcher discovered in conversations with the Director of the section that while the core business of the Eastern Cape Department of Education is learning and teaching, this section focuses on the following issues:

- Management of Collective Bargaining and Research;
- Management and monitoring of grievance and dispute resolution; and
- Management and monitoring of disciplinary disputes.

The purpose of the directorate is to manage policy regarding labour relations issues. The functions of the labour relations section of the Department are, according to the Annual Report 2005/06: 53 the following:

- The rendering of disciplinary services
- The rendering of grievances and dispute services
- The management of consultation and negotiations
The management of labour relations with social partners

The head of the Labour Relations unit in the Eastern Cape Department of Education is the Director. This unit is located within the Chief Directorate of Human Resource Management. This unit consists of two sections, namely a section responsible for public servants and the other responsible for educators. The functions of the Labour Relations Directorate are divided into three areas namely, Discipline, Grievances and Collective Bargaining and Research. There are two different pieces of legislation which regulate the business of this section. The Public Service Act seeks to regulate public servant employee relations and the Employment of Educators Act regulates educator employee relations. There are also different unions that represent workers in the different sections of the unit.

Head Office is responsible for policy formulation, monitoring, implementation of policies and procedures. In conversation with the Director of the Labour Relations section it also became clear that the personnel of the Department lacked the necessary skills and knowledge to deal with labour relations issues effectively. Consequently, some of the staff members were trained in the relevant courses.

Another point that became clear was that the continuous changing of the Superintendent – General (SG) not only contributed to instability but also confusion among policy formulators and implementers alike. All the SG’s that were appointed had different ways of doing things and it contributed to confusion and tension.

The challenges faced by the Labour Relations section according to its Director were the following:

- Staff shortages both at Head Office and Districts;
- Backlogs with regards to the finalization of disciplinary processes;
- Backlogs with regards to resolving grievances;
- Timely implementation of arbitration awards;
- Finalisation of the redeployment of additional educators to rural areas;
- Capacity and skill levels of the Labour Relations Officers.
- Line functionaries that perceive the section as a police station that dump all their disciplinary problems there.
The Director indicated that there is now a clear paradigm shift to focus on the following:

- Grievance resolution rather than dispute resolution. It was felt that it was more advantageous to resolve the conflict at the place where it happens. It was also noted that dispute resolution sometimes worsens relationships and introduces new people to the dispute. This implies that parties to the dispute are too weak to manage their own disputes.
- Relations with organized labour that is built on trust and mutual respect rather than relations characterised by mistrust and suspicion. The Department is realizing that the members of the trade union are its employees.
- Continuous consultation and transparency rather than unilateral actions.
- Social dialogue rather than protest action. The Department realizes that it must improve the manner in which it interacts with the unions.

There were however, some achievements during this period according to the Director of Labour Relations in the Eastern Cape Department of Education. Among the achievements were the following:

- Signing of the Protocol Agreement in January 2006 between the Eastern Cape Department of Education and trade unions in the Provincial Education Labour Relations Council. The purpose of the protocol agreement is to restore the functionality of the Chamber as the vehicle to enhance labour peace in the Province.
- Agreements on the permanent appointment of temporary educators.
- Reduction in the number of backlog disciplinary cases.
- Introduction of new policies and procedures regarding all core areas of operation, i.e. collective bargaining, grievances and disputes.
- Development and maintenance of a centralized database system for discipline grievance and dispute resolution cases.
- Labour Relations Officers both at Head Office and Districts have been taken through a number of capacity building programmes.
- Education Summit as well as an Education Summit Review Workshop was held during 2006.
- There is continuous engagement with labour, despite existing tensions.
- Appointment of Chief Education Specialist in the districts.
- The resuscitation of the Provincial Labour Relations Council (PELRC).
• An establishment of an appeals board for employees that are employed by the Public Service Act.
• The establishment of an information management system.

The diagram on the next page depicts the organizational structure of the Labour Relations Unit of the Eastern Cape Department of Education. This will give the readers a view of the number of people that are supposed to be in this section and the number of people that are currently there.
**Categories of Functions of the Department of Education**

This section is regulated by the Public Servants Act

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<td>SPO</td>
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<td>SPP</td>
<td>1x</td>
</tr>
<tr>
<td>Admin Clerk</td>
<td>2x</td>
</tr>
</tbody>
</table>

**Abbreviations**

- Ass Dir. - Assistant Director
- LRO. - Labour Relations Officer
- SPO - Senior Personnel Officer
- SPP. - Senior Personnel Practitioner

Fig. 2.3. Organizational structure
This structure requires that the unit should consist of twenty nine employees. However, the unit currently consists of only the following eleven employees:

<table>
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<th>NO.</th>
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<th>DIRECTORATE/SUB–DIRECTORATE</th>
<th>Total</th>
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<td>Deputy Director</td>
<td>Public Servant Employee Relations</td>
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<td>Administration Clerk</td>
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<tr>
<td>5</td>
<td>Deputy Chief Education specialist</td>
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</tr>
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<td>6</td>
<td>Assistant Director</td>
<td>Unit: Collective Bargaining &amp; Research</td>
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</tr>
<tr>
<td>7</td>
<td>Assistant Director</td>
<td>Unit: Discipline</td>
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<td>8</td>
<td>Labour Relations Officer</td>
<td>Unit: Discipline</td>
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</tr>
<tr>
<td>9</td>
<td>Labour Relations Officer</td>
<td>Unit: Discipline</td>
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<td>Assistant Director</td>
<td>Unit: Grievance &amp; Disputes</td>
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<td>Personal Secretary</td>
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<tr>
<td></td>
<td><strong>Grand Total</strong></td>
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</tr>
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</table>

**Table: 2.1: Labour Relations Directorate.**
(Obtained from the Department of Education)

The organizational structure shows that the Labour Relations section at head office of the Eastern Cape Department of Education has been understaffed for some time now. The shortage in personnel is making it difficult for the Department to execute its functions effectively. Backlogs in disciplinary cases will therefore be the order of the day. Cases will also not be speedily resolved, which should ideally be the case.

At the district level the same picture is apparent. Only 48, 92% of the posts were filled until February 2009. This means that disciplinary cases were piling up in the districts because of the shortages of personnel. This is a recipe for conflict. The following table does not present a rosy picture of the posts filled in the districts.
<table>
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<th>SES</th>
<th>ASS-DIR</th>
<th>LRO</th>
<th>Total no of posts</th>
<th>total warm bodies</th>
<th>% of posts filled</th>
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Table 2.2: Education Districts.
In discussions with the former Secretary of the Provincial Education Labour Relations Council the researcher came across the views that the Directorate of Labour Relations is also not properly empowered. In his opinion the Directorate should be more actively involved in all engagements with the unions. Instead unions had more meetings with the Member of the Executive Council (MEC), Superintendent-General (SG) and Senior Management. The Secretary believed that all the discussions should start at the Labour Relations Directorate. The MEC, SG and Senior Management must only get involved if there is no progress in the discussions between the Directorate of Labour Relations and labour. The Director should be given a clear mandate on the issues that he should negotiate and the extent to which he can take binding decisions.

In further discussions with the former Secretary of the Provincial Education Labour Relations Chamber the researcher was informed of the ongoing tension between the Department of Education and labour, in particular SADTU and NEHAWU on the delayed or non-implementation of collective agreements.

The Collective Agreement 4 of 2003 is a classical example of an agreement that was delayed for a very long time. It was only implemented in 2006. It dealt with the post and salary structure of educators. The parties agreed on the following issues:

- Adjustment to the new salary structure
- Salary progression.
- New Post and Salary structure.
- Grade Progression.
- Incentives and Rewards.
- Backlogs in Salaries of educators.

The employer was the one at fault. This developed mistrust in the relationship between labour and management. This also undermined the structures like the Education Labour Relations Council (ELRC) and the Public Service Coordinating Bargaining Council (PSCBC) that strive to establish labour peace.
2.14. Conclusion
It is clear that labour relations had been in existence for a very long time. It is a dynamic system and had undergone many changes from time to time and might still be changed in the future.

The debate about the position and role of labour relations officers should be revisited and finally laid to rest. The contradiction in the views of the former Minister of the Department of Public Service and Administration and the Public Service Commission cannot be ignored. Departments must also take this section seriously, because it cannot only be the function of this office to resolve disciplinary problems of all the sections. Other line functions must deal with their own disciplinary problems.

The next chapter will give an overview on human resource management. The human resource model that will be used for the research will also be discussed. The next chapter will also present a picture of the human resource arrangements and structures of the Eastern Cape Department of Education (ECDoe) at their Head Office in Zwelitsha.
Chapter 3
Development of Human Resource Management

3.1 Introduction

The success of every organisation depends largely on its workforce. If efforts are not made to ensure that it is happy and willing to contribute its efforts in the quest to improve productivity, then the future of the organisation will look bleak according to the Public Service Commission in a report published in November 2005, entitled, Assessing the role of Labour Relations Officers in the Public Service.

Minervini, Meyer & Rourke (2003: 34) stated that between 1915 and 1940 the birth and gradual evolution of the field of labour and union relations took place in South Africa. In the following decades, it developed into the profession of human resource management or personnel management as it was initially called. A significant component of these early personnel managers’ responsibilities consisted of maintaining workplace segregation and ensuring the maintenance of racially segregated canteens and lavatories. Even exits and entrances for clocking in and out had to be separate. The supervision of proper lighting, ventilation and seating on the factory floor, recruitment and the resolution of labour problems were also regarded as personnel matters.

All students of Human Resource Management regard human beings as the most important component of an organisation. In the Department of Education, the quality of schools and the education service depends on the support staff, educators, principals, school governors, policy makers and administrators throughout the system, according to Loock, Grobler & Mestry (2006: 23). These people not only have to deal with change on a daily basis, they have to make change possible. Therefore it is people that make education work.

Human Resource Management (HRM) is a relatively new field in the South African business environment, according to Minervini, Meyer & Rourke (2003: 38). The 1980’s was a defining moment, with increasing numbers of personnel managers and departments being set up largely to help their organisations to deal with industrial action. Developments since then have made what is now called HRM, an increasingly difficult and sophisticated field. The White Paper on Human Resource Management in the Public Service (1997 No. 13594 3: 9), indicates that the Public Service faces enormous challenges after 1994, both in terms of
its own transformation and in terms of the services which it provides to the people of South Africa. A comprehensive programme of policy initiatives underpinned by progressive legislative changes, were established to tackle these challenges. The initiatives seek to achieve a fundamental managerial shift from a centrally controlled, process-driven Public Service to a service which:

- is representative of all the people of South Africa;
- treats all servants as a valuable resource;
- is focused on service delivery outcomes;
- assigns managerial responsibility for results and for reasons consumed in producing them, to the lowest practical level;
- holds public servants accountable for their actions; and
- conducts its business professionally, transparently and ethically.

One of the main purposes of the White Paper on Human Resource Management was to provide a policy framework to facilitate the development of human resource management practices, which will support an effective Public Service geared for economic and social transformation. Human resource management is therefore, regarded as one of the strategic tools of the transformation agenda for the Public Service.

Minervini, Meyer & Rourke (2003: 38) consider human resource management skills as an essential part of every manager’s toolbox. While line managers actually manage the human resources, the human resource professionals facilitate the process. Human resource management (HRM) includes all the processes, methods, systems and procedures employed to attract, acquire, develop and manage human resources to achieve the goals of the organisation.

Brewster, Dowling, Grobler, Holland & Warnich, (2001: 1) observe that the role played by human resource management within organisations has changed considerably. Having been excluded from playing an active part in business decisions for most of its existence, it is expected by the organisation that human resources (HR) will now play an active role in the fight to be successful and to remain competitive. The HR function is being asked to respond by reducing expenses and finding ways to add value to the business. Doing so, however, appears to require a repositioning of the HR department which will involve not only new roles but also new competencies, new relationships and new ways of operating.
3.2 Defining human resource management.

Nel et. al. (2005: 8) consider human resources management as the process through which the best possible fit is achieved among the employees, organisation and the environment so that employees reach their required levels of satisfaction and performance and the organisation meets its goals. The following points are important in this definition:

- External environment.
- Organisation
- The work (job) itself.
- The individual employee.

According to Nel et. al. (2005: 9), human resources management is the efficient delivery of customised quality assured human resources management services to the internal customers of the organisation through highly efficient knowledge assets. The key elements are service delivery, customer satisfaction, quality assurance, internal customers, knowledge assets and globalisation.

Amstrong (1999: 13) defines human resource management (HRM) as a strategic and coherent approach to the management of an organisation’s most valued assets – the people working there, who individually and collectively contribute to the achievement of its objectives for sustainable competitive advantage.

The aims of HRM were summarised by Armstrong (1999: 15) as follows:

- to make it possible for management to reach their organisational aims through its workforce.
- to utilise people to their full ability.
- to foster commitment from individuals to the success of the company through a quality orientation in their performance and that of the whole organisation.
- to integrate human resource policies with business plans and reinforce an appropriate culture or, as necessary, reshape an inappropriate culture.
Goss (1998:1) sees HRM as a diverse body of thought and practice, loosely unified by a concern to integrate the management of personnel more closely with the core management activity.

Although HRM is an issue on which opinion differs, it is possible to isolate three key themes which inform, in some measure most approaches according to Goss (1998: 6), which are the following:

- human relations psychology
- strategic management theory
- doctrines of flexibility and quality management

All the definitions of HRM carry a common objective of acknowledging that human beings are the most valuable assets of an organisation and they are the deciding factors in achieving the objectives of the organisation.

### 3.3 Legal Framework for human resource management

A University of Pretoria Faculty of Education Study Guide on Education Management and Policy: Module HRM: Code HRE 711 (2002) indicates that the present government inherited a human resource and development framework that at best was taking its tentative steps in the direction of co-ordinating a variety of disparate and unequal legislative and policy provisions in this field. Since 1994, government’s approach has been holistic, acknowledging as it does, that future economic growth is tied directly to the way in which the country manages and develops its human resources.

Nel, van Dyk, Haasbroek Schults, Sono and Werner (2005: 81 – 119) note that the non-sexist, non-racial and equality based democratic society, which is the basis of the current environment within which South Africa operates, has developed considerably since 1994 general elections. Numerous legislative reforms in the labour field have also taken place to reinforce the new dispensation. The following legislation that impacts on human resources in the country are:

- International Labour Organisation (ILO) Conventions
- The Constitution
- Labour Relations ACT of 1995
• Employment Equity Act of 1998
• Basic Conditions of Employment Act
• Occupation Health and Safety Act of 1993
• The Compensation for occupational Injuries and Diseases Act of 1993
• The Unemployment Insurance Act of 2001
• The Unemployment Insurance Contributions Act of 2002
• Skills Development Act of 1998

3.4 Activities of Human Resource Management

The HRM function has a variety of roles. It is certainly very helpful to have a look at some of the HRM functions in order to develop a better insight into them.

3.4.1 Human resource planning

According to Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 104) the long term success of any organisation ultimately depends on having the right people in the right jobs at the right time. They argue that the key to the desired result is effective human resource planning, sometimes referred to as workforce planning or personnel/management planning.

Foot and Hook (1999: 27) share the same sentiment with Grobler, Warnic, Carrell, Elbert and Hatfield (2006) regarding human resource planning. They consider human resource planning as one of the most vital issues of an organisation. Whatever the strategy adopted by an organisation, it is recognised that an unrelenting and increasing rate of change is an inescapable occurrence of today’s place of work. This implies that tomorrow’s workplace will not be the same as today’s. Employment patterns are changing, and changing work methods give rise to requirements for different and new skills and for flexibility from existing employees to acquire new skills or adapt to new methods of working. This highlights the need for human resource planning which responds to this situation by taking a long–term view and works towards preparing an organisation to cope with its future requirements and achieve its strategic objectives. The information acquired through the process of human resource planning provides a solid foundation for the development of human resource strategies.
Loock Grobler and Mestry (2006: 24) observe that human resource planning is taking place at various levels within the education system. At a national level (National Department of Education), planning is usually long term. At a provincial level, (Department of Education) planning ranges from medium–to long–term. Instead of planning for the whole country, each department will plan for its own province. At a micro level (school), planning is usually short term to medium term. The school looks at the enrolment trends and plans accordingly. However, the school's planning is dependent on both the national Department of Education and provincial Department of education.

It is of utmost importance that all organisations have gone through planning processes, because the absence of effective planning will lead for example to expenses that are not budgeted for. The Department of Education largely uses taxpayers money to fund most of its operations and therefore efficient use of this limited resource is important.

### 3.4.2 Recruitment

Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 166) maintain that all organisations, irrespective of their size or their product or service must recruit and select applicants to fill positions. Normally people will be recruited as positions become vacant in the organisation. Through direct applications by individuals and by walk–in applicants, an organisation can maintain a large pool of available and qualified applicants without much additional recruitment effort. Whereas recruitment encourages individuals to seek employment, the purpose of the selection process is to identify and employ the best–qualified individuals for specific positions.

According to Corbridge and Pilbeam, (1998: 74), the recruitment and selection process is a matching activity between applicant and job, which is dependent first, on the organisation clearly defining and specifying a need; second, on utilising appropriate recruitment methods and selection techniques effectively and third, on reviewing, evaluating and modifying the recruitment and the selection system in the light of experience.

The key role can be seen in the following diagram, which captures the linking of the role of recruitment and selection
Brewster, Dowling, Grobler, Holland & Warnich, (2001: 150 -151) declare that getting the right people is an important issue in fulfilling the human resource requirement of the organisation. Traditionally, this can take place by means of recruitment. To be successful, the recruiting effort must attract those individuals who possess a broad competency base as well as having the ambition to expand further. Other methods of obtaining intellectual capital include mergers, and acquisitions.

Foot and Hook, (1999: 52), define recruitment as:

- all the activities directed towards tracing suitable employees
- the attraction of applications from suitable applicants

Corbridge and Pilbeam, (1998: 74) are fully in agreement with what was stated about recruitment by Foot and Hook (1999). They define recruitment as a process that seeks to attract suitably skilled candidates for a certain position from which it is possible and practical to select and appoint a competent person or persons.

Armstrong (1999: 139) believes that HRM places a lot of emphasis on finding people whose attitudes and behaviour are likely to be similar with what management believes to be
appropriate and conducive to the success of the organisation. The HRM approach to resourcing therefore emphasises that matching resources to organisational requirements does not simply mean maintaining the *status quo* and perpetuating a dying culture. It can, and often does, mean radical changes in thinking about the competencies required in the future to achieve sustainable growth and cultural change. HRM resourcing policies address two fundamental questions:

- What kind of people are needed to compete effectively, now and in the foreseeable future?
- How are we to attract, develop and keep these people?

Foot and Hook (1999: 54) argue that a basic recruitment policy should at the very least include statements about the company’s stance on:

- the general overall aims of recruitment
- equal opportunities

Minervini, Meyers and Rourke (2003: 86) believe that the fundamental reason for acquiring personnel is to attract human capital that can contribute value to the business. When the right person is acquired the result is a positive match between the company and the incumbent.

Some additional aims of recruitment according to Foot & Hook, (1999: 52) are the following:

- To get a pool of sustainable candidates for vacant posts.
- To use and be seen to be using a fair process.
- To ensure that all recruitment activities contribute to company objectives and a desirable company image.
- To conduct recruitment activities in an efficient and cost-effective manner.

Minervini, Meyers and Rourke, (2003: 86), identify the following procedure that can be used in recruitment when a vacancy arises:

- Identify and define job requirements and skills profile.
- Decide on recruitment and selection method.
• Advertise position.
• Screen applicants and shortlist.
• Interview and select suitable candidates.
• Prepare and negotiate, if necessary the offer of employment.
• Inform unsuccessful candidates.
• Appoint employee.
• Keep records of the process and candidates for employment equity reporting.
• Develop an induction programme to welcome the new employee.

Corbridge and Pilbeam, (1998: 74 - 75) view good recruitment and selection as important because well-thought out, agreed and communicated policies, procedures and practices can significantly contribute to good employee relations and to a positive public image. Ineffectiveness in recruitment and selection may lead to poor work performance, unacceptable conduct, internal conflict, low morale and job dissatisfaction and dysfunctional labour turnover. Recruitment and selection processes should be effective, efficient and fair, effective in generating candidates of appropriate quality and quantity and distinguishing between the suitable and unsuitable; efficient in being timely and resource effective, fair by dealing equitably, honestly and courteously with all applicants and providing a positive framework within which diverse candidates can demonstrate their abilities.

The success of educational organisations is also dependant on the quality, commitment and performance of the people who work there according to Loock, Grobler & Mestry (2006: 26). They believe that people are the foundation and lifeblood of any organisation, the very oxygen that thickens it and gives it life. Their skill and ability benefits the organisation, whereas their failings and weaknesses will destroy it. For this reason teaching staff must be selected in a scientifically accountable manner.

Loock, Grobler and Mestry (2006: 26) view recruitment as a specialised field, a broad and ongoing process, which in South Africa is performed mainly by the various education departments. Recruitment is a necessary task that should be carried out on a planned and continuous basis so as to satisfy the need for educational staff. It is essential for the department, principal and the school governing body to develop recruitment procedures. The effective recruitment programme ensures that the standards of educators are maintained and that sufficient staff are available to continue the level of effectiveness of education and to gradually improve it.
Figure 3.2 provides a summary of the recruitment process. Included in the figure are a sequence of steps that should be followed to ensure that the best possible candidate, with the ability to be an above-average employee, is obtained, (Grobler Warnich, Carrel, Elbert & Hatfield 2006:167).
Figure 3.2. The recruitment process.
(Grobler Warnich, Carrel, Elbert & Hatfield 2006:167).
Recruitment is about looking for suitable people for a particular job. However, it must be ensured that sound policies, procedures and practices support the recruitment process.

### 3.4.3 Selection

The ultimate goal of selection is usually to choose the best person for the job. The objectives of the selection process according to Foot & Hook (1999: 79) are:

- gather as much relevant information as possible
- arrange and assess the data
- evaluate all candidates to estimate performance on the job and give information to applicants so that they can establish whether or not they wish to accept an offer of employment.

Selection is the application of relevant techniques and methods with the aim of selecting, appointing and inducing a competent person or persons according to Corbridge and Pilbeam (1998: 75).

Loock, Grobler and Mestry (2006: 26) noted that various selection means were employed during the selection process. However, the functioning of any means of selection is dependent on a set of criteria or job requirements that a candidate has to comply with to be able to fill a post with any measure of success. Familiarity with the requirements of the particular post, as well as knowledge of how to apply the means of selection, is needed for successful selection.

Selection simply means choosing the most suitable candidate of all the candidates who were recruited. Selecting the wrong candidate for the organisation can have far-reaching implications. Therefore, the selection process for any candidate should be a very carefully considered process immune from any undue influences.

### 3.4.4 Induction

Foot & Hook, (1999: 202), define induction as the process of helping new employees to settle quickly into their jobs so that they soon become efficient and productive employees. Induction as an actual helping process starts before the person’s first day at work, and generally it starts as part of the recruitment and selection process. The sense the interviews create about
the organisation and the letters and information sent to the prospective employee, can all be regarded as part of the induction process.

Grobler, Warnich, Carrel, Elbert, and Hatfield (2006: 206) reason that most new employees are keen to learn more about their job and the organisation, after accepting the offer. Induction, which is also known as orientation or socialisation, is the process of integrating the new employees into the organisation and acquainting him or her with the details and requirements of the job. It can be regarded as a process by which employees are transformed from complete outsiders to participating and effective members of an organisation. Starting a new job is considered to be one of the most stressful experiences and a proper induction process that is sensitive to the anxieties and uncertainties, as well the needs of the new employee is therefore of the utmost importance. This process might take place either by means of a formal programme or it may be an informal introduction.

The first few days in a new job are of vital importance for both the school community and the new educator. New educators must immediately feel part of the school, associate themselves with the goals of the organisation and experience a positive disposition and attitude towards the job. It remains the principal’s task to induct and assimilate new educators and make them feel at home among the staff in the overall school situation, (Loock, Grobler and Mestry 2006: 38).

The purpose of induction is to assist a new employee to settle in at the organisation as quickly as possible. All organisations must have a set of formal plans to make an employee feel comfortable in the working environment within the minimum time and with the least effort.

### 3.4.5 Compensation management

Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 350) observe that the term compensation is frequently used interchangeably with pay and salary administration while it is actually a broader concept. Compensation refers not only to extrinsic rewards such as salary and benefits, but also to intrinsic rewards such as achieving personal goals, independence and more challenging job opportunities, which is known as total compensation. Figure 3.3 is a classical example of a model of total compensation.
### Compensation of Employees

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<td>Commissions</td>
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<td>Food services</td>
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<td>Medical Recreation</td>
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<table>
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<th>Intrinsic Rewards</th>
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<tbody>
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<td>Promotion opportunities</td>
</tr>
<tr>
<td>Working conditions</td>
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<tr>
<td>Interesting work</td>
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</tbody>
</table>

**Figure 3.3: Model of Total Compensation**

(Grobler, Warnich, Carrel, Elbert & Hatfield (2006: 351)

Nel, van Dyk, Haasbroek Schults, Sono and Werner (2005: 268) express their awareness of the fact that people must be rewarded for the services they render to an organisation and the fact that the majority of these awards are monetary. The design of each company’s reward system rests on the objectives of compensation management. The system must firstly be capable of attracting good employees by structuring remuneration packages that entice people to apply for the job. The system must also have a retention strategy to hold on to the good workers, because many other employers in the market place will be seeking their services. Once in the job, the compensation system must provide all the support needed to keep the employee motivated to perform at his/her best.

Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 352) discovered that while many factors may cause employees to leave an organisation, inadequate compensation is often the cause of employee turnover. To retain good employees, the HR manager must make sure that there is compensation equity within the organisation. Tension results if employees are under the impression that they are being treated unfairly by the organisation. The perception of inequity causes an unpleasant emotional state that may cause employees to reduce their future
efforts, change their perceptions regarding rewards for their work efforts or, as often is the case, leave the organisation.

The compensation of people at work has become a formidable challenge for management in South Africa today, according to Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 350). The effort to manage salaries has become a huge problem for companies that are competing internationally. Years ago payment for services rendered was a straightforward and simple process. There was no payment for work not performed such as paid vacations. Presently, salaries are also increasing annually. However, although there have been radical changes in the manner in which people are compensated, newer and better ways of compensating people will always be necessary for effective human resource management.

The element of remuneration has for many years been a very contentious issue in most organisations. Strikes were mainly about workers wanting more money, as the compensation they were receiving was insufficient. Some organisations were able to manage this issue acceptably while others were not. The managing of the compensation matter can sometimes be the difference between a good organisation and one that struggles because of the resultant tensions due to the inefficiencies in the compensation system. Figure 3.4 highlights the objectives of compensation.

<table>
<thead>
<tr>
<th>Compensation</th>
<th>Obtained by</th>
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<tbody>
<tr>
<td>1. Attract good applicants</td>
<td>Wage survey to determine the ‘going rate’ in the labour market</td>
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<tr>
<td>2. Retain good employees</td>
<td>Job evaluation system that employees perceive as ‘equitable’.</td>
</tr>
<tr>
<td>3. Motivate employees</td>
<td>Reward good performance Offer incentives</td>
</tr>
<tr>
<td>4. Comply with law</td>
<td>Documentation of HR records Government legislation</td>
</tr>
</tbody>
</table>

**Figure 3.4: Objectives of Compensation**
3.4.6 Health and safety management

Foot and Hook (1999: 309) are convinced that employers must do everything in their power to ensure that the safety and health of their employees are guaranteed while at work. Legislation was developed over a number of years to protect workers. These laws were initially designed to protect those who were weak and particularly vulnerable to exploitation from employers, who, tempted by the benefits of increased production, might risk the health and safety their employees.

Nel, van Dyk, Haasbroek Schults, Sono & Werner (2005: 289 and 304) are adamant that the maintenance of good physical health standards in the workplace is extremely important. Safety and health issues are very important for both the employer and the employee. The employee has a right to expect a work environment that is free from unnecessary hazards and the employer has a right to expect the employee to maintain a safe working area. The two main pieces of legislation concerning employee health and safety in South Africa are the Occupational Health and Safety Act of 1993 and the Mine Health and Safety Act of 1996. The National Occupational Safety Association of South Africa plays a leading role in supporting quality health and safety standards in the workplace.

Even in the absence of legislation, it would still make good business sense that in order to achieve the objectives of the organisation, there must be a healthy workforce that works under safe circumstances. This would allow the organisation to achieve all its set objectives within a particular timeframe.

3.4.7 Training and development

Grobler, Warnich, Carrel, Elbert and Hatfield (2006: 301) view employee training and development as a key factor in meeting the organisation’s strategic, business and operational objectives. The need for training and development is further increased by international competition, corporate reorganisation and technological advances, along with social and economic pressures. It is no longer a question whether there should be training but rather of who should be trained, in what area, by what methods, by whom, when and how often, what outcomes should be expected and what will the cost be.
Foot and Hook (1999: 198) display a lot of respect for training and development. They insist that employee development must be an integral part of a wider strategy for business, aligned with the organisation’s corporate mission and goals. Employee development as part of the organisation’s overall human resource strategy means the skilful provision and organisation of learning experiences in the workplace in order that performance can be improved, that work goals can be achieved and that, through enhancing the skills, knowledge, learning ability and eagerness of people at every level, there can be continuous individual growth.

Nel, van Dyk, Haasbroek Schultz, Sono and Werner (2005: 467) concur with the other authors regarding the importance of training and development. They emphasise the fact that for enterprises to survive in a highly competitive market place, the development of their human resources must be an integral part of the business.

In South Africa, government has passed the Skills Development Act and the Skills Levies Act, which created a revolution in work–based education and training, according to Benjamin and Barry (2002: (i)). These Acts seek to make constant learning and skills development an achievable reality for all South Africans.

Relevant training and development of staff is not an issue that can be taken lightly. It gives all organisations a huge advantage to have personnel that are highly capacitated. It is also important to note that training and development must be a permanent phenomenon in an organisation to keep up with conditions that are constantly changing.

3.4.8 Performance Management

Armstrong (1999: 164) views performance management as a process for establishing a common understanding about what is to be achieved and of managing and developing people in a way which increases the likelihood that it will be achieved in the short and longer term. The overall aim of performance management is to establish a culture, in which individuals and groups take responsibility for the continuous improvement of business processes and of their own skills and contributions,
Nel, van Dyk, Haasbroek Schults, Sono and Werner (2005: 467) are of the view that the organisation is likely to meet its objectives if its performance management systems are integrated into the objectives of the organisation.

Employees are open to influences by different factors. Sometime the influences benefit the organisation, sometimes not. Hence, the performance of all employees must be evaluated from time to time to determine whether it is still at required levels to ensure the organisation achieve its objectives.

All the human resource activities are of utmost importance and organisations that do not take them seriously will struggle to survive. These functional areas are governed by policies, procedures and practices which normally exist for good reasons. However, it is in these policies, procedures and practices from which some of the conflict between management and labour in the Eastern Cape Department of Education originated.

### 3.5 Human Resource policies

Managing a workforce is a not an easy task according to Nel, van Dyk, Haasbroek Schults, Sono and Werner (2005: 253). They consider it as a time-consuming and complicated task. Human resource policies can be very useful to alleviate some of the challenges of this task. It can reduce the possibility for misunderstandings between the employer and the employee.

Policies should be in a written format and should be developed in consultation with all the relevant stakeholders. There is always the temptation from management in some companies to undermine other stakeholders and draft policies and implement them unilaterally. In the past, this unfortunately led to protracted battles which were never in the interest of both management and the other relevant stakeholders.

According to Nel, van Dyk, Haasbroek Schults, Sono & Werner (2005: 467) the following principal sources determine the content of policies:

- Past practices in the organization.
- Prevailing practices among other organisations locally and nationally in the same industry.
- The attitudes and philosophy of top management.
The attitudes and philosophy of middle and lower management.
The knowledge and experience gained from handling countless personnel problems.

Robbins, Odendaal and Roodt (2006: 353) discovered formal written policies in the following areas in a survey that was conducted:

- Management development
- Pay and benefits
- Recruitment and selection
- Training and development
- Equal opportunity
- Employee communication
- Flexible working hours

The same authors also discovered in the same survey that in progressive companies, human resource management is not viewed as merely a set of policies and practices, but as integral to all of its decisions and actions.

It is very important that all organisations have human resource management policies, in writing. These policies must be developed in consultation with all the relevant stakeholders. These policies also need to be regularly updated to keep in touch with the changing environment.

### 3.6 The future of human resource management

Brewster, Dowling, Grobler, Holland and Warnich (2001: 215) are of the view that the conventional role that human resource management played in the past will not work. In the future a complete overhaul of the human resource management function is required. The human resource management function must be placed much in the same way as a company would reposition itself to become more competitive. One way of doing this is through the re-engineering of the human resource processes.
Human resource management had to become compatible with the present conditions for the sake of its own survival. It is important that human resource management maintain a dynamic character and change when times require it to change.

Nel, van Dyk, Haasbroek Schults, Sono and Werner (2005: 467) think that the forces for change at work in organisations will influence the manner in which human resources professionals will be conducting their business in future. This will require organisational learning processes that involve the capacity to absorb new information, process that information in the light of previous experience and act on the information in new and risky ways. Only through such experiences will organisations survive in the 21st century.

Brewster, Dowling, Grobler, Holland and Warnich (2001: 222-223) uphold the view of other authors regarding the impact of change on human resource management. They believe that for the human resource department to function successfully and survive the tremendous changes taking place within organisations, it needs to undergo major restructuring. Thus, reorganisation should better position the HR function to enable it to provide support for the changing business needs.

Brewster, Dowling, Grobler, Holland and Warnich (2001: 222-223) note the emergence of a new human resource management model. They discovered that the human resource departments have been evolving away from a traditional functional design to a team based model. The traditional design typically includes a vice president of HR, then a manager of compensation and benefits, a manager of human resources information system (HRIS) and payroll, a manager of employment and so on. However, the emerging model is more like a three-legged model as appearing in the following figure 3.5.
Figure 3.5 Emerging HR organisational model
(Brewster, Dowling, Grobler, Holland, Warnich, (2001: 223)
Human resource management is definitely a dynamic discipline. It is therefore important for all organisations to survive they have to adapt to the continuous changes initiated by human resource management departments.

3.7. Overview of human resource management in the Eastern Cape Department of Education.

Human Resources is a key pillar that supports the effective functioning of departments. However, departments continue to be plagued by skills shortages according to the report of the Public Service Commission of June 2008.

Loock Grobler and Mestry (2006:9) discovered that the primary function of all human resource departments is to provide support to schools (and principals) on all human resource matters. Thus most human resource departments fulfill a traditional role of staffing, acting mostly in an advisory capacity. In addition to advising operating managers, a human resource department customarily:

- Organises and coordinates employment.
- Maintains personnel records.
- Acts as a liaison between governing bodies, labour and government.
- Coordinates safety programmes.

The primary function of human resource management in education has now expanded and moved beyond mere administration of traditional activities, according to Loock Grobler and Mestry (2006:14). One of the reasons for the expanded role is that the organisational environment has become more diverse and complex. Diversity in the workforce presents new and different challenges to managers and are the result of changes in government requirements, restructuring, technology and management approaches. Presently, human resources in education are much more integrated into both management and strategic processes of the education department.

The information obtained from the Director of Human Resource Administration (HRA) in the Eastern Cape Department of Education indicated that the human resource section started as a directorate in 1994. The current organogram allows for a Chief Directorate of Human
Resource Management and Development under the branch of the Chief Finance Officer. The Chief Directorate consists of the following Directorates:

- Labour Relations
- Human Resource Planning and Provisioning Services
- Human Resource Development
- Human Resource Administration

This human resources section is currently functioning in terms of the 2006 approved organogram, which leaves the section with many challenges according to the Director of (HRA). Hence Human Resource Planning is currently assisted by a task team to review its organogram according to the Director of Human Resource Administration.

Information obtained from the Director of Human Resource Planning and Provisioning Services indicated that the purpose of the Human Resource Management Chief Directorate is to manage, develop and provide human resources. Some of the overall functions of this section are the following:

- Managing the rendering of labour relations services
- Managing the rendering of human resource administration services
- Managing the rendering of human resource planning and provisioning services.
- Managing the rendering of human resource development services.

Figure 3.6 captures the present scenario in the Chief Directorate perfectly. This is the organogram that is currently under review and changes will be introduced to it in the near future.
One of the two HR officials of the Department of Education was openly concerned about the current organogram. This organogram therefore needed to be reviewed if the Department wants to achieve some of its objectives.

### 3.8 Conclusion

All human resource role players must constantly bring themselves in line with the changing nature of human resources in order to stay competitive. It means that the roles of role players must be redefined from time to time. Unfortunately nobody can really predict what will happen in the future.

The following chapter deals with research methodology and the research design used in this project.
Chapter 4
RESEARCH METHODOLOGY AND DESIGN

4.1 Introduction

This chapter will outline the actual exercise of the research, as to how the study was performed. The study was concerned with exposing the policies, procedures and practices that contribute to tension between labour and management in the Eastern Cape Department of Education. The Chapter will also outline the methodological design that was used to conduct the study including the sampling methods and the technique used for data collection.

4.2 Research Methodology

Welman, Kruger and Mitchell (2008: ix & 2) consider the main purpose of research methodology to be explaining the nature and process of research in order to enable readers to conduct their own research to find answers to their specific research problems. This aim is achieved by providing practical guidelines, exercises, examples relating to all the relevant fields of study and activities with case studies. Research methodology considers and explains the logic behind research methods and techniques. It is therefore suggested that research methodology has a wider scope then research methods which in turn have a wider scope then research techniques.

Research is described by Welman, et. al. (2008: 2) as a process that involves obtaining scientific knowledge by means of various objective methods and procedures.

Leedy and Ormrod (2001: 5 -8) identified eight features of formal research:

- It originates with a question or problem: The world is filled with unanswered questions, unresolved problems. The asking of questions is the start of the research process.
- It requires a clear articulated goal: A clear, unambiguous statement of the problem is critical.
- It follows a specific plan of procedure: Research is not a sightless excursion into the unknown, with the expectation that the information to answer the question at hand will somehow unexpectedly turn up. It is a carefully planned assault, a search–and–discover mission charted out in advance.
• It usually divides the principal problem into more manageable sub-problems: Breaking down principal problems into small, easily solvable sub-problems is often a very useful strategy.

• It is guided by the specific research problem, question or hypothesis: A hypothesis provides a tentative explanation for a phenomenon under investigation.

• It accepts certain critical assumptions: Valid assumptions can serve as the bedrock upon which the study can rest.

• It requires the collection and interpretation of data in attempting to resolve the problem that initiated the research: After all the aforementioned steps, data is then collected and organised in a meaningful way.

• It is by its very nature, cyclical. The research follows a cycle which starts simple.

The research methodology of collecting data requires a reflection on the planning, structuring and execution of the research in order to comply with demands of truth, objectivity and validity, according to Brynard and Hanekom (2006: 36). Hence, research methods focus on the process of research and the decisions that the researcher has to take to execute the research project.

Welman, et al (2008: 9) is of the view that research methodologies allow us the means to explore unexplained phenomena as well as those which were previously explained but misunderstood. By using methods and techniques that are scientifically defendable, we may arrive at conclusions that are valid and reliable.

Brynard and Hanekom (2006: 36) distinguish between qualitative and quantitative methodology. Quantitative research is underpinned by a distinctive theory as to what should pass as warrantable knowledge. In quantitative methodology the researcher assigns numbers to observations. The methods could include techniques such as observation, preliminary investigation, quantitative analyses and questionnaires.

Qualitative methodology is about research that produces descriptive data – generally the participant’s own written or spoken words pertaining to their experience or observation Brynard and Hanekom (2006: 37). Normally no numbers or counts are assigned to these observations. The researcher has more to do with understanding rather than explaining. Qualitative research entails discovering novel or unanticipated findings and the possibility of changing research plans in response to these unintended discoveries. The fundamental theme
of qualitative research is a phenomenological one, where the actor’s perspective is the empirical point of departure. It is a focus upon real–life situations. Qualitative methodology has as a point of departure the human being as the focus of study. In this kind of research, methods such as case studies, in–depth interviewing of key informants, participant observation, questionnaires and perusal of personal documents are used.

Leedy and Ormrod (2001: 147) state that the term qualitative research includes several approaches that are in some respects, quite different from one another. However all qualitative approaches have two common features namely: they first focus on the phenomena that occur in natural settings; and secondly they involve studying those occurrences in all their complexity. Qualitative researchers rarely simplify what they observe. To the contrary they recognise that the issues under consideration are multi–dimensional and have many layers. Therefore they try to depict the issue in its multi faceted form.

The differences between quantitative and qualitative methodologies are summarised as follow by Welman, Kruger and Mitchell (2008: 8):

- The purpose of quantative research is to evaluate objective data consisting of numbers while qualitative deals with subjective data that is produced by the minds of human beings. Qualitative data is presented in language instead of numbers.
- As a result of dealing with numbers, quantitative researchers use a process of analysis that is based on complex structured methods to confirm or disprove hypotheses. Flexibility is limited to prevent any form of bias in presenting the results. Qualitative research is based on flexible and explorative methods, because it enables the researcher to change the data progressively so that a deeper understanding of what is investigated can be achieved.
- The purpose of quantitative research is to deal with an abstraction from reality while qualitative researchers investigate only the constraints of day–to–day events and base their results on the daily events and behaviour of people.
- Quantitative researchers try to understand the facts of a research investigation from an outsider’s perspective. Therefore it is important for quantitative research to keep to a detached objective view of the facts as that will keep the research process hypothetically free from bias. Qualitative researchers try to achieve an insider’s view by talking to subjects or observing their behaviour in a subjective way.
• Quantitative researchers try to keep the research process as stable as possible while qualitative researchers work with the dynamic and changeable nature of reality.

• Quantitative researchers are particularistic in that they control the investigation and structure of the research situation in order to identify and isolate the variables. The approach of qualitative researchers is considered to be holistic in that they collect a wide range of data for example records, photos, observations, interviews and case studies.

• Quantitative researchers focus more on reliability while qualitative researchers focus more on validity.

• Quantitative researchers normally focus on larger numbers while qualitative researchers focus on small numbers.

Welman, et al (2008: 9) discovered some commonalities between the two research approaches despite the differences they list. They note that the purpose of both approaches seek to understand the subject’s point of view. It is only that quantitative researchers do it by means of controlling the situation and using remote, empirical and inferential methods while qualitative researchers use unstructured interviewing and detailed observation processes to gain better information about views of the subject

According to Leedy and Ormrod (2001: 148) qualitative research studies generally serve for the following purposes:

• Description: They can reveal the nature of certain situations, settings, processes, relations, systems or people.

• Interpretation: They enable the researcher to get insight about the nature of a particular occurrence, develop new concepts or theoretical perspectives about the phenomenon and/or discover the problems that exist within the phenomenon.

• Verification: They allow the researcher to test the validity of certain assumptions, claims, theories, or generalisations within real-world contexts.

• Evaluation: They provide a means through which a researcher can judge the effectiveness of particular policies, practices or innovations.

This research study has adopt a qualitative approach with a questionnaire used for data collection. The research will mainly focus on human beings. It will focus more on the nature of
the responses than the number of these responses. These responses will be interpreted to see whether they provide answers to the research question.

4.3 Research Design

Bailey, (1987: 14) states that at this stage of the research process, the researcher must decide how to measure the two variables in his or her hypothesis, density and negative social effects, and on what group of people to test the hypothesis. He is of the opinion that this entails deciding not only on the number of people that will be used as subjects but also what their particular characteristics should be and under what circumstances the data will be gathered.

Bak (2004:23) argues that the purpose of the research design is to give the readers a clear idea of the way by which the research aims will be achieved, to outline an appropriate procedure and to indicate the sources of data that will be used.

In Babbie and Mouton’s (2003: 72) opinion, the research design seeks to address the planning of the scientific inquiry like designing a strategy for finding out something. They note two important features of research design, namely that you must specify as clearly as possible your interest and you must determine the best way to find out.

Henning, van Rensburg and Smit (2007: 36) view the research design as a reflection of the methodological requirements of the research question and therefore of the type of data that will be elicited and how the data will be processed.

According to Terre Blanche and Durheim (1999:29), research design is the strategic framework for action that serves as a bridge between research questions and the execution or the implementation of the research. They maintain that a research design should provide a plan that specifies how research is going to be conducted in such a way that it responds to the research question. They note that designing a research study has been compared to designing a building in that there are a number of reasons to plan a house before building it. Without a plan a number of risks will creep in.

Tuckman (1978:12) describes the research design as a specification of operations for the testing of a hypothesis under a given set of conditions.
Mouton (1998: 107) compares research design to a route planner. He finds similarities between a research design and that of planning a journey. Powell (1999: 21) views a research design as a sequence of events, which connects the procedures for collecting the empirical data for the initial research questions on the one hand and to the subsequent data collection, analysis and conclusion on the other. This then relates to the practical aspects of how the study is conducted in order to answer the questions the research seeks to address. This section of the research gives the readers an idea of not only what will happen, but also how everything was conducted. This is the actual master plan of how everything will be unfolding.

Henning, van Rensburg and Smit (2007: 3) argue that the distinction between the qualitative and quantitative paradigm lies in the search for understanding and for in–depth inquiry. In a quantitative study the focus will be on control of all the components in the actions and representations of the participants and the study will be guided with an acute focus on how variables are related. The researcher strategises and performs this control in the way the study and its tools are designed. In a qualitative study the variables are normally not controlled because it is exactly this freedom and natural development of action and representation that must be captured. The researcher wants to understand and also explain in argument, by using evidence from the data and from literature, what the phenomenon that is studied is all about. The researcher does not want to place this understanding within the boundaries of an instrument that is designed beforehand, because this will limit data to those very same boundaries.

Although questionnaires are predominantly considered as tools for quantitative research they can also be used for qualitative research. It is the content of the questionnaire that will matter in this regard.

A qualitative research design was used for this study. The nature of the data that will be collected cannot be confined to figures but needs to be explained in words.

**4.3.1 Principles of the research design**

Terre Blanche and Durheim (1999: 32) hold that in developing a research design, the researcher needs to take four dimensions into account namely:

- the purpose of the research
• the theoretical paradigm informing the research
• the context or situation within which the research is carried out and
• the research techniques employed to collect and analyse data.

The various considerations that come from these four dimensions must be joined together in a manner that will make the most of the validity of the findings. Figure 4.1 captures all the dimensions of design decisions perfectly.

![Diagram of Four dimensions of design decisions](image)

**Figure 4.1 Four dimensions of design decisions**
*(Terre Blanche and Durheim 1999: 33).*

### 4.4 Data collection

Brynard and Hanekom, (2006: 35) consider data collection as the most time consuming section of the research. Unfortunately data has to be collected, because one will not be able to unravel what is not known or add new information to existing facts according to them. Bak, (2005: 58), agrees with the aforementioned authors that data collection may be one of the most problematic areas of the research. It is often time-consuming and labour intensive. Data collection is viewed as an unpredictable process and can be at best of times a lengthy process. However, she is of the view that this is a key feature in the research process.
According to Brynhard and Hanekom (2006: 38) the most frequently used techniques of data collection within the two basic research methods are the following:

- **Review/scrutiny of relevant literature:** This usually entails obtaining and studying useful references or sources. A literature review assists in obtaining perspective on the most recent research findings related to the topic of research. It also helps to indicate the best methods, instruments for measurement and statistics which can be used. It improves the interpretation of one’s own research results and helps to determine the actuality of research on a particular topic. The researcher obtains the views and conclusions of other researchers.

The advantage of a review of literature is that the daily activities of participants in the research are not disturbed. Data can be easily obtained as everything is already in writing. The disadvantage of a review of literature is that the review of numerous books, reports, documents and acts is time-consuming.

- **Interviews:** This allows the researcher to explain his or her questions if the respondent is not clear on what is being asked. It also gives the researcher another chance to get more clarity on particular issues that are subject to the investigation. However, caution should be exercised when collecting statistical and fiscal data. There should not be any reliance on the memory of the interviewee for that kind of data. Also the subjectivity of the interviewee needs to be guarded against. Despite the risks mentioned, the usefulness of interviews in stimulating thoughts cannot be sufficiently stressed.

- **Questionnaires:** Structured questionnaires can be used in the place of interviews. The respondents need to be supplied with standardised instructions on how to complete the questionnaire and to explain what is expected from them. The respondents are given an opportunity to think carefully when answering the questions. More people can also be reached. One of the disadvantages of questionnaires is that the researcher is not on hand to explain uncertainties, which may result in biased or distorted answers from the participant. In addition the use of questionnaires can be a costly exercise when many stakeholders need to be consulted.

- **Observation:** Techniques of observation are employed to establish how individuals or groups respond under particular conditions. The observation of real–life behaviour
certainly is an advantage. This provides the opportunity for misunderstandings to be resolved immediately. The disadvantage stems from the fact that the target group may feel that an outsider is interrupting them in their work and consequently they become uncomfortable.

This study used a questionnaire as the method to collect information, because it was the most effective way of gathering the information. Some of the questionnaires were emailed while others were hand delivered.

### 4.5 Measurement

Bailey (1987: 60) considers the measurement process as an integral part of social research. He believes that social research will be a complete failure if brilliant theories and research studies that are perfectly constructed could not be measured. Measurement is defined as the process of determining the value or level, either qualitative or quantitative of a certain feature for a certain unit of analysis. Therefore measurement is not confined to numbers or quantitative requirements but can be qualitative as well. Qualitative attributes have labels or names rather than numbers assigned to their respective categories.

Brynard and Hanekom (2008: 47) agree with Bailey (1987). They believe that it is important that the research question/research/hypothesis that has been formulated be tested. They are of the view that the specific characteristics of respondents should be measured instead of the individuals themselves. They also suggest that the instrument that will be used be valid and reliable.

#### 4.6 Reliability and validity of the measuring instrument

#### 4.6.1 Reliability

Terre Blanche and Durheim (1999: 63) view reliability as the extent to which the results are repeatable. This applies both to the subjects’ scores on measures and to the outcomes of the study as a whole. Individuals will score similarly on reliable measures on a number of occasions. Likewise, the same set of results will be obtained repeatedly in replications of the study if it is conducted again.
The reliability of measurement is a fundamental issue in social research according to Babbie and Mouton (2003: 123). It is a matter of whether a particular technique, applied to the same object would yield the same results each time. Bailey (1987: 70) is of a similar view that a measure is reliable if the measurement does not change when the concept being measured remains constant in value. However if the concept measured does change in value, the reliable measure will indicate that change. Reliability, according to Welman, Kruger and Mitchell (2008: 145) is concerned with the findings of the research and relates to the credibility of the findings. Reliability has a generalisation requirement which relates to the scores obtained. It refers to the extent to which the obtained scores may be generalised to different measuring occasions, measurement/tests forms and measurement/test administrators.

Reliability is regarded by Mouton (1998: 144) as the key validity criterion for data collection. It is considered as the requirement that the application of a valid measuring instrument to different groups under a different set of circumstances should lead to the same observations. The conclusion that is arrived at is that reliability demand consistency.

Mouton (1998: 144) discovered that certain factors that might affect the reliability of data:

- Researcher characteristics (gender, nationality, age, socio-economic status, educational level)
- Researcher orientations (attitudes, values, opinions, preferences)
- Measuring instrument (questionnaire, interview, schedule, observation categories, scale, index)
- Participant characteristics (gender, nationality, age, educational level, income level)
- Participant orientations (attitudes, preferences, opinions)

Babbie and Mouton (2003: 119 &123) note a number of techniques that have been developed by social scientists to deal with the element of reliability. Some of the techniques include the following:

- Test – retest method: It is sometimes necessary to repeat the same measurement more than once. The variation of the answers might sometimes be the result of the unreliability of the measuring method. Welman, Kruger and Mitchell (2008: 146) are fully behind the views of Babbie and Mouton. They agree that to determine the test –
retest reliability of a measuring instrument, it must be at least administered on more than one occasion to the same sample.

- Split – half method: It is argued that as a general rule it is always ideal to make more than one measurement of any understated or sophisticated social concept such as unfairness, isolation, organisational culture or social class. This method lays the basis for a further test on reliability. This form of reliability is calculated by comparing scores for the other half of the test according to Welman, Kruger and Mitchell (2008: 147). The test is therefore divided into two equal halves which are then correlated in terms of scores for each half.
- Using established measures: Reliability can also be ensured by using measures that have a history of being reliable, especially those that were used in previous research.
- Reliability of research workers: Research workers have the potential to cause measurement reliability. Interviewer unreliability can be corrected by the supervisor phoning a subsample and verifying the pieces of information. Replication works can also become very handy. In conclusion, clarity, specificity, training and development will prevent a lot of unreliability and grief.

The objectives of research are to collect data, which is reliable. This means that such data must be consistent over time and place according to Mouton (1998: 146).

4.6.2 Validity

The term validity refers conventionally to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration according to Babbie and Mouton (2003: 122).

Bailey (1987: 66) argues that reliability has to do with two issues namely:

- that the measuring instrument is actually measuring the phenomenon in question and
- that the phenomenon is measured properly.

Welman, Kruger and Mitchell (2008: 106) believe that the concept of validity is of utmost importance because it assists with answering the research question, which is the reason why the research was undertaken in the first place.
A number of authors generally accept the following types of validity:

- Face validity
- Criterion-related validity
- Construct validity and
- Content validity

Welman, Kruger and Mitchell (2008: 125) identify two additional types of validity which are population and ecological validity. Population validity refers to the degree to which the findings obtained for a sample may be generalised to the total population to which the research hypothesis applies. The ecological validity of the obtained results refers to the degree to which they may be generalised to all circumstances that are implied by the research hypothesis.

Bailey (1987: 70) identifies another two types of validity which are internal and external validity. Internal validity attempts to establish whether differences exist at all in any given comparison. It wants to find out whether or not apparent differences can be explained as some measurement artifact. The term internal validity describes the degree to which changes in the independent variable are indeed due to the independent variable than something else according to Welman, Kruger and Mitchell (2008: 107). These authors believe that internal validity is especially of critical importance when it comes to experimental research.

External validity deals with the problem of interpreting the difference and generalisation according to Bailey (1987: 70). It wants to establish to what other populations, occasions, stimulus objects, and measures the obtained results may be applied.

Terre Blanche and Durheim (1999: 83) also add measurement validity to the many types of validities, which they view as the degree to which a measure does what it is intended to do. This means that measure should provide a good degree of fit between the conceptual and operational definitions of the construct and the instrument should be usable for the particular purpose for which it was designed.

Henning (2007: 151) notes another type of validity, known as pragmatic validity. This type of validity has to do with the usability of findings and also empowerment of research participants, not only in participatory action research but also in their everyday practice and
lives. It is believed that validity in the pragmatic sense is vital and that design may also be assessed for its potential to be validated in this way.

4.6.2.1 Face Validity

Face validity is considered by de Vos et al, (2007: 161), as the simplest and least scientific definition of validity. It concerns the superficial appearance or face value of a measurement procedure. They consider the major question here whether the measurement technique appears to measure the variable that it claims to measure.

Tedlie and Tashakkori, (2009: 210) do not consider face validity as the true indicator of an instrument. Hence, they believe that since face validity is not a good index of measurement validity, other strategies must be use to determine the quality of data.

4.6.2.2 Criterion – related validity

Terre Blance and Durheim (1999: 83) view criterion–related validity as the extent to which a measure is related to some other standard or criterion that is known to indicate the construct correctly. This form of validity is established by comparing the measure with another measure of the same construct. Criterion–related validity, sometimes called predictive validity, is based on some external criterion according to Babbie and Mouton (2003: 123). Bailey (1987: 68) states that criterion–related validity is sometimes called pragmatic validity, concurrent validity or predictive validity. It involves the use of a second measure of the concept as a criterion by which the validity of the new measure may be checked. Welman, Kruger and Mitchell (2008: 144) also came to the same conclusion as the other authors that criterion–related validity had to do to some extent with analytic and selection measurement or test correctly predict the relevant criterion. The relevant criterion refers to the variable that is to be analysed or on which success is to be predicted respectively.

4.6.2.3 Construct validity

The construct validity of a measuring instrument refers to the degree to which it measures the intended construct rather than irrelevant construct of measurement error according to Welman, Kruger and Mitchell (2008: 143). When something is measured with an instrument,
the instrument used to measure the variable must measure that which it is supposed to measure.

Babbie and Mouton (2003: 123) are of the view that construct validity is based on the logical relationship among variables. Tests of construct validity provide a lot of evidence that your measure either does or doesn’t tap the quality you want it to measure, without providing definitive proof.

Establishing the construct validity of a measure involves both a theoretical and empirical task of determining the extent to which a measure of a construct is empirically related to other measures with which it is theoretically associated, according to Terre Blanche and Durheim (1999: 87). These two identified three steps of construct validity namely:

- specify a set of theoretical relationships between constructs.
- test these hypothesis theoretically.
- interpret the pattern of relationships in terms of how they clarify the construct validity of measure.

Bailey (1987: 69) is of the view that face validation, criterion validation and construct validation can be seen as a progression or accumulation with each of the subsequent types of validation including all the elements of all former types, along with some new features. This means that just as interval measurement requires more information about the variable than does ordinal measurement and ordinal requires more than nominal, construct validation requires more information than criterion validation while criterion requires more than face validation.

4.6.2.4 Content Validity

This type of validity refers to how much a measure covers the range of meanings included within the concept according Babbie and Mouton (2003: 123). Terre Blanche and Durrheim (1999: 85) believe content validity is formed by determining the extent to which a measure reflects a specific domain of content. They regard content validity as important for the testing of knowledge.
Terre Blanche and Durheim (1999: 109) suggest that validity should be regarded as research criterion throughout the research process. It basically has to do with the quality of data, statements, and hypotheses of knowledge.

4.7 Conducting the empirical study

A large part of the information of this research was obtained through relevant books. A questionnaire was also designed to obtain views from the participants who were the focus of the research. Some information was also gleaned in discussion with employees of the respective institutions.

4.8 Questionnaire

Despite the fact that questionnaires are largely associated with survey research, they are also widely used in experiments, evaluation research, and other data collection activities according to Mouton (2003: 239).

The format of a questionnaire is as important as the nature and wording of the questions asked, according to (Babbie and Mouton 2003: 239). A questionnaire that is not properly laid out might be misleading and confusing.

A questionnaire was designed to collect the data required. Email and post was used to get the questionnaire to its intended recipients. Purposive sampling was used in the research. All the participants were selected by the researcher because of their areas of specialisation.

4.9 Sampling

Terre Blance and Durrheim (1999: 274) define sampling as the process used to select cases for inclusion in a research study. All empirical research is conducted on a sample of cases, which may be individuals, organisations or archival documents.

Brynard and Hanekom (2006: 54) view sampling as a means of choosing a small group (the sample) with a view to establishing the characteristics of a large group (the population). If selected wisely, the sample will show the same characteristics as the larger group.
According to Brynard and Hanekom (2006: 54) the purpose of the sample is to:

- simplify the research: it is easier to study a representative sample of a population than to study the whole population.
- save time: using a sample to study a population saves a lot of time, especially when it comes to large populations or those that cover a large geographical area.
- economical: It is always cheaper to collect information from a sample of the population than the whole population.

Mouton (1987: 136) believes that sampling is part of everyday life. The key concept in sampling is representativeness. Terre Blanche and Durheim (1999: 44) are of the view that sampling involves decisions about which people, settings, behaviours and/or social processes to observe. Exactly what will be sampled in a particular study is influenced by the unit of analyses. Terre Blanche and Durheim (1999) agree with Mouton (1987) that representativeness is the main concern of sampling. The main aim is to select a sample that will be representative of the population about which the researcher aims to draw conclusions. To achieve representativeness, researchers draw random samples.

Some of the authors distinguish between probability sampling and non-probability sampling. Probability sampling, according to Babbie and Mouton (2003: 166), remains the main tool for choosing large, representative samples for social science research. Basically this technique is about the selection of a random sample from a list containing the names of everyone in the population you are interested in studying. Non-probability samples are selected more according to principles of convenience or accessibility then to statistical randomness according to Terre Blance and Durheim (1999: 279).

Welman, et al (2008: 56) identify some of the examples of a probability sample, with additional comments from other authors:

- **Simple random samples**: In the simplest case of random sampling, each member of the population has the same opportunity to be included in the sample and each sample of a certain size has the same probability of being chosen.
- **Stratified random samples**: Stratified sampling is used in situations where the population consists of subgroups of interest, according to Terre Blanche and Durheim
The population is then subdivided into subgroups known as strata on a sampling frame and simple random samples are drawn from each of the strata.

- **Systematic samples**: Terre Blanche and Durheim (1999: 277) suggest that systematic sampling be used when the elements on the frame are listed in a random sequence as a simple way to select a random sample.

- **Cluster samples**: Babbie and Mouton (2003: 194) believe that cluster sampling may be used when it is difficult to assemble a comprehensive list of the elements composing the target population.

The following are examples of non–probability sampling identified by Welman et al (2008:56).

- **Accidental or incidental sample**: This is the collection of members of the population that are near and readily available for research purposes. Students that register for a particular course and showed up in class on a particular day is a classical example of this sample.

- **Quota samples**: Mouton (1987: 93) views quota sampling as the equivalent of stratified sampling with the added requirement that each stratum is generally represented in the sample in the same proportion as the entire population. In quota sampling the strata which may be relevant for the study are first decided on. According to Terre Blanche and Durheim (1999: 280), the principle used in selecting a sample in quota sampling starts with the identification of distinguishable subgroups of individuals in the population and then to select non–random samples from each subgroup. This form of sampling is commonly used in market research, where views of people regarding promotion drives need to be obtained quickly.

- **Purposive samples**: This is also known as judgmental sampling where the researcher uses his or her own judgment about which respondents to choose and picks only those who best meet the purposes of the study according to Mouton (1987: 94). The researcher is allowed to use his or her own skill and prior knowledge to choose respondents.

- **Snowball samples**: Snowball refers to the process of accumulation as each located subject suggests others according to Babbie and Mouton (2003: 166). It starts with a few people who later inform others.

- **Self–selection samples**: This happens when participants are allowed the freedom to identify their desire to take part in the research according to Welman, et al (2008: 69).
• **Convenience samples:** In this form of sampling the investigator chooses the closest live persons as respondents.

The respondents of this research were selected through purposive sampling. It therefore means the selection of the respondents will be based on the judgment of the researcher. The nature of this research dictates that this non-probability sample should be used for the selection of the respondents.

### 4.10. Administering the questionnaire

Some of the questionnaires and covering letters were e–mailed to the respondents, while others were hand delivered. The respondents were asked to return them within a week.

### 4.11 Conclusion

This chapter outlined the research methodology and research design that was used in this research project. The following chapter will deal with the analyses of the questionnaire.
Chapter 5
DATA ANALYSIS AND INTERPRETATION

5.1 Introduction

Once the process of data collection is completed, the next phase kicks in, that of analysing the data according to Bless, Higson-Smith and Kagee (2006: 163). The purpose of the analyses they reckon is to allow the researcher to detect consistent patterns within the data. The data analysis process also allows the researcher to generalise the findings of the sample used in the research to the larger population in which the researcher is interested.

Babbie and Mouton (2003: 101) support the views of the abovementioned authors, by stating that data should be analysed and interpreted for the purposes of drawing conclusions that reflect on the interests, ideas and theories that initiated the research. It is the results of the analyses that feed back into the initial interests, ideas and theories.

Babbie and Mouton (2003: 490) refer to qualitative data analysis as all forms of analysis of data that was collected through qualitative methods, regardless of the paradigm used to govern the research.

Tedlie and Tashakkori, (2009: 251) argue that qualitative data analysis is the analysis of different forms of narrative data, including data stored in audio, video and other formats. These narrative data are usually prepared for analysis by converting unprocessed information into partially processed data, which are then subjected to a certain analysis scheme. There are many ways of analysing qualitative data and few absolute rules for selecting the most suitable methods for any given database.

Qualitative data analysis is firstly considered by Tedlie and Tashakkori, (2009: 251), as largely inductive in nature. Inductive data analysis involves arguing from particular facts or data to a general theme or conclusion. Secondly they considered qualitative data analysis as iterative, involving a back-and-forth process between data collection and data analysis. It is believed that the process starts in the field during data collection and continues even as the research reports are being written.
Welman et al, (2008: 210), view the analysis and the interpretation of data as important stages of the research. The analysis and interpretation of data eventually discloses to what degree the research hypothesis was proven or disproven according to the abovementioned authors. Welman, Kruger and Mitchell, (2008: 210) reason that correspondence of the results and the hypothesis does not ultimately and indisputably prove the theory correct, but it is only temporarily correct insofar as there is not yet another theory that may explain the results obtained.

Bless, Higson-Smith and Kagee, (2006: 164) reason that the process of data analysis itself takes many different forms depending upon the nature of the research question and design and the nature of data itself. They are further of the view that qualitative data is analysed with techniques especially designed for this form of data. They also believe that quantitative and qualitative methods of data very often play complementary roles in the data analysis process.

de Vos, Strydom, Fouché and Delport (2007: 333) view data analysis as the process of bringing order, structure and sense to the mass of collected data. It is an untidy time-consuming, confusing, creative and interesting process according to these authors. Qualitative data analysis, according to De Vos, Strydom, Fouché and Delport (2007: 333), is a search for general statements about relationships among categories of data.

Tedlie and Tashakkori, (2009: 253), identify the following data analysis strategies:

- **Categorical strategies** break down descriptive information and reorganize this information to construct categories that facilitate comparisons and in the process lead to a better understanding of the research questions.

- **Contextualising strategies** interpret the narrative data in the context of coherent text that includes interconnections among statements, events and so forth. These methods involve looking for patterns across the interconnecting narratives.

- **Qualitative data displays** are visual presentations of the themes that emerge from qualitative data analysis. Displays may be used to summarise information
from either categorical or contextualising strategies or as a separate data analysis scheme.

Mouton, (1998: 169) argues that the investigator usually works with a wealth of rich descriptive information, collected through methods such as participant observation, in–depth interviewing and document analysis in qualitative research. The research strategy focuses normally on the context. This means a focus on the individual case in its particular situation of meanings and importance. Analysis in these cases means recreating the inherent important structures and the self–understanding of individuals by staying close to the subject. The overall coherence and meaning of data is more important than the specific meaning of its parts. This results in the employment of techniques of data analysis that are more holistic, synthetic and interpretative.

After the data analysis processes, the researcher interprets the information which means to draw conclusions and make inferences on the basis of collected data in the study according to Tedlie and Tashakkori (2009: 287). Qualitative researchers explicitly acknowledge that the ultimate goal and final product of the research is to make meaning. These authors believe that to know your participants is the golden rule when making inferences.

The researcher would like to concur with the views of most of the authors regarding data analysis. After collecting the information, it has to be processed in order to make sense.

This research adopted a qualitative approach and therefore the analysis of data will also be done qualitatively. The research is about policies procedures and practices that generate tensions between labour and management in the Eastern Cape Department of Education. The data was collected by issuing questionnaires to some of the respondents.

5.2 The participants in the research

The researcher targeted a number of respondents who were:

- The Member of the Executive Council (MEC)
- The Head of the Department (HOD)
- The Chief Director for Human Resource Management
- Director of Labour Relations
5. Chairpersons and General-Secretaries of SADTU, NAPTOSA and NEHAWU.

5. Superintendent-General of the Department of Education

The MEC promised to complete the questionnaire, but unfortunately his response never reached the researcher. The Director of Labour Relations was seconded to the Department of Public Service and Administration. The person acting on his behalf was provided with a questionnaire, but said that he could not find time to complete it. The Chief Director of Human Resource Management was not available but the Director of Human Resource Management completed the questionnaire. The Chairperson of NEHAWU was also not available. The researcher received responses from the General Secretary and Provincial Education Officer of NEHAWU. Only the Chief Executive Officer (CEO) responded from NAPTOSA. SADTU is the only union that provided responses from the Chairperson and the Secretary.

5.3 Working profile of the respective participants

Table 5.1 below indicates the number of years of the participant with their organisations

<table>
<thead>
<tr>
<th>Position in the organization</th>
<th>Years spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent-General</td>
<td>Less than 10 years</td>
</tr>
<tr>
<td>Secretary of NEHAWU</td>
<td>11 to 20 years</td>
</tr>
<tr>
<td>Education Officer of NEHAWU</td>
<td></td>
</tr>
<tr>
<td>CEO of NATOSA</td>
<td></td>
</tr>
<tr>
<td>Chairperson of SADTU</td>
<td></td>
</tr>
<tr>
<td>Secretary of SADTU</td>
<td></td>
</tr>
<tr>
<td>Director of HRM</td>
<td>Over 20 years</td>
</tr>
</tbody>
</table>

Table 5.1: Rank and years employed in organisation

5.4 The questionnaire

The respondents were required to complete a questionnaire, see annexure 1, which was either, hand-delivered, faxed or emailed. The participants responded at a very slow pace. The purpose of the questionnaire was to seek information about policies, procedures and practices that generated tension between labour and management in the Eastern Cape Department of Education. The functional areas targeted were the following:
• Staffing
• Training and development
• Compensation
• Performance management.

The respondents were allowed to include any other factors that led to tension that were not covered by the questionnaire. The responses to questions in the questionnaire will now be presented and comments made by respondents will be presented.

5.5 Labour Perspective

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>There was sufficient consultation between management regarding the formulation of the recruitment policy</td>
<td>GS: SADTU NAPTOSA GS: NEHAWU</td>
<td>CP: SADTU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>The implementation of the recruitment policy creates tension.</td>
<td>GS: SADTU</td>
<td>NAPTOSA CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
<td>NAPTOSA</td>
<td>GS: SADTU CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td>The lack of timeous implementation of agreements result in tension between labour and management</td>
<td>NAPTOSA CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td>GS: SADTU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5</td>
<td>The shortlisting process which is open to manipulation lead to tension between the different stakeholders</td>
<td>GS: SADTU NAPTOSA CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.6</td>
<td>Management and labour has full confidence in the recruitment policy</td>
<td>GS: SADTU GS: NEHAWU NAPTOSA EO: NEHAWU</td>
<td>CP: SADTU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1.7 | Everybody understands the recruitment policy, because it was adequately explained | GS: SADTU GS: NEHAWU EO: NEHAWU | CP: SADTU | NAPTOSA |}

Table 5.2: Labour perspective on staffing

The Provincial General Secretary and the Education Officer of NEHAWU disagree that there was sufficient consultation between management and labour regarding the formulation of the recruitment policy. They are also of the view that implementation of the recruitment policy lead to tension. They are also united in their views regarding the lack of timeous implementation of agreements and the shortlisting process. They believe that the lack of
timeous implementation of agreements result in tensions between parties and that the shortlisting process is open to manipulation. Both of them strongly agree that the practice of nepotism leads to tension between the respective stakeholders.

However, both the respondents from NEHAWU hold different views on some of the issues. While the General Secretary disagrees with the view that management and labour supported the recruitment policy, the Education Officer does not agree nor disagree. The General Secretary disagrees with the view that all the employees understand the recruitment policy and the Education Officer agrees.

The General Secretary of NEHAWU feels that relevant labour legislation was ignored when the recruitment policy was developed. The Education Officer on the other hand is of the view that the Labour Relations Act, Public Service Act and the Employment Equity Act were taken into consideration when the policy was developed. Both of them view the Human Resource Management section to be responsible for the development of the recruitment policy.

Both the respondents of NEHAWU support the need for the reviewal of the recruitment policy, but for different reasons. The General Secretary would like sound relations developing out of the recruitment policy and he wants the policy to address nepotism.

The Chief Executive Officer (CEO) shares the same position as that of the NEHAWU respondents on the reviewal of the recruitment policy. He feels that the recruitment policy must address the high turnover rate in the top five positions of the Eastern Cape Department of Education. The CEO is also concerned about the observer status that labour enjoys on the interviewing panels of posts. He wants to see them more actively part of these set–ups.

The Chief Executive Officer (CEO) of NAPTOSA also disagrees with the view that there was sufficient consultation regarding the formulation of the recruitment policy. However, he agrees with the views that:

- the implementation of the recruitment policy creates tension between labour and management
- the lack of timeous implementation of agreements result in tension
- the shortlisting process which is open to manipulation results in tension and
- everybody understands the recruitment policy, because it was adequately explained.
The CEO is unsure whether the practices of nepotism generates tensions and whether labour and management has full confidence in the recruitment policy. He listed the following legislation which was considered by the Department when the recruitment policy was developed:

- Public Service Act
- Employment of Educators Act
- Employment Equity Act
- Public Finance Management Act

The Provincial Chairperson of SADTU and the Provincial General Secretary, as in the case of NEHAWU differed on some of the statements while agreeing on some. They agree with the statements that:

- nepotism leads to tension between labour and management, and
- the shortlisting process also generates tension.

The Chairperson of SADTU agrees with the statements that the other issues that lead to the generation of tension were the implementation of the recruitment policy and timeous implementation of agreements. He is the only one from labour that believes that management and labour have full confidence in the recruitment policy. However, unlike some of his labour counterparts he could not agree nor disagree with the views that there was sufficient consultation regarding the formulation of the recruitment policy and that everybody understands the recruitment policy.

The General Secretary of SADTU disagreed on:

- there was sufficient consultation between labour and management regarding the recruitment policy
- the implementation of the recruitment policy leads to tension among stakeholders
- management and labour has full confidence in the recruitment policy and
- everybody understands the recruitment policy, because it was adequately explained.

However the General Secretary strongly agrees with the statement that the lack of timeous implementation of agreements result in tension between labour and management.
The Chairperson cited the Public Service Act and the Employment of Educators Act as some of the pieces of legislation that were considered when the recruitment policy was developed and that the Human Resource Management Department was responsible for developing this policy.

Both the Chairperson and the General Secretary support the need for change of recruitment policies. The General Secretary reasons that the recruitment policies should strictly adhere to gender issues.

5.5.1 Training and Development

The responses in the tables of the parties give an indication of the different positions of the unions. They have concurrent views on some issues while having divergent views on some. Table 5.3 confirms this perception.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the training and development policy</td>
<td>GS: SADTU EO: NEHAWU GS: NEHAWU CP: SADTU</td>
<td>NAPTOSA</td>
<td>CP: SADTU</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The implementation of the training and development policy generated tensions.</td>
<td>GS: SADTU EO: NEHAWU GS: NEHAWU CP: SADTU NAPTOSA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The lack of timeous implementation of agreements cause tension between labour and management</td>
<td>GS: SADTU EO: NEHAWU GS: NEHAWU CP: SADTU NAPTOSA</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 5.3: Labour perspective on training and development**

The General Secretary of NEHAWU is the only one from Labour’s side who agreed with the view that there was sufficient consultation between management and labour regarding the training and development policy. He is also the only one on Labour’s side that does not think that the implementation of training and development generated tensions. The Education Officer of NEHAWU and CEO of NAPTOSA do not believe that there was sufficient consultation between management and labour regarding the training and development policy. However, they agree with the following statements that the:
• implementation of the training and development policy generated tension
• practice of nepotism resulted in tension between labour and management, and lack of timeous implementation of agreements generate tension among the parties.

There were different answers as to who selects people for training. The CEO of NAPTOSA is of the view that the decision to select people for training lies with the Human Resource Development (HRD) section. The Education Officer of NEHAWU on the other hand believes that supervisors in consultation with the skills development sub-directorate. The Provincial Secretary of NEHAWU and Chairperson of SADTU lay this responsibility at the door of a Skills Development Committee.

All the labour unions are united around the fact that the training is generally not relevant and there is a lack of consensus regarding the type of training that needed to be provided.

### 5.5.2 Compensation

The views of the participants are more scattered then those in the previous table. Table 5.3 contains the responses of the participants from labour.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the formulation of the compensation policy</td>
<td>GS: SADTU EO: NEHAWU</td>
<td>CP: SADTU</td>
<td>GS: NEHAWU</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The implementation of the compensation policy created tension between labour and management</td>
<td>NAPTOSA GS: SADTU CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
<td>GS: SADTU CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The lack of timeous implementation of agreements amounts to tension</td>
<td>NAPTOSA CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td>GS: SADTU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>All jobs are not compensated according to their importance.</td>
<td>GS: SADTU CP: SADTU</td>
<td>NAPTOSA GS: NEHAWU EO: NEHAWU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>The delaying in the implementation of benefits contained in the Occupation of</td>
<td>NAPTOSA CP: SADTU</td>
<td></td>
<td>GS: SADTU</td>
<td></td>
</tr>
</tbody>
</table>
Specific Dispensation agreement led to tension.

GS: NEHAWU
EO: NEHAWU

7 Unequal benefits generate tension.

NAPTOSA
GS: SADTU CP: SADTU GS: NEHAWU
EO: NEHAWU

8 The implementation of the no – work no – pay policy in the recent public sector strikes added to the existing tension between labour and management.

NAPTOSA
GS: SADTU CP: SADTU GS: NEHAWU
EO: NEHAWU

Table 5.3: Responses of Participants from Labour

The CEO of NAPTOSA agrees with most of the statements regarding compensation, which are the following:

- The implementation of the compensation policy created tension between labour and management.
- The lack of timeous implementation of agreements amounts to tension.
- All jobs are not compensated for according to their importance.
- The delaying in the implementation of benefits contained in the Occupation Specific Dispensation agreement led to tension.
- The implementation of the no-work no-pay policy in the recent public sector strikes contributed to the already existing problems.

The CEO neither rejects nor accepts the view that unequal benefits also generate tension. He is aware of the practice of overtime and indicates that agreements regarding overtime are regulated by agreements. However, the employer does not pay workers on time for overtime.

The Provincial Secretary of NEHAWU agrees with all the statements in the section of the questionnaire regarding compensation. He also confirms that there are employees working overtime and he indicated that the practice of overtime is regulated by the Basic Conditions of Employment Act. He suggested that payment for overtime should be on a monthly basis. He indicated that timeframes for the remuneration of overtime work are not adhered to.

The Education Officer of NEHAWU strongly disagrees with the view that there was sufficient consultation between labour and management regarding the formulation of the compensation policy. He also strongly agrees with the statement that the implementation of the no work no pay policy in the recent public sector strikes added to the existing tension between labour and
management. Except for the two abovementioned views, the Education Officer of NEHAWU agrees with all the other statements. He is aware of employees who are working overtime and he preferred they be remunerated monthly. He believes the Basic Conditions of Employment Act regulates overtime.

The Chairperson of SADTU disagrees with the statement that there was sufficient consultation between management and labour in connection with the formulation of the compensation policy. He does not agree or disagree with the view that all jobs are not compensated according to their importance. Except for these two views, he is in agreement with all the other statements. He acknowledges the fact that there are employees who are working overtime and suggest that they should be remunerated on a monthly basis. He indicated that timeframes are not honoured for remuneration of overtime work.

The Secretary of SADTU holds a different view regarding sufficient consultation between management during the formulation of the compensation policy. She strongly disagrees with the view that there was sufficient consultation between management and labour in connection with the formulation of the recruitment policy. However, she strongly agrees with the statements that the lack of timeous implementation of agreements and the delaying of the Occupation Specific Dispensation result in tension. She is also in agreement with the view that tension is also generated by unequal benefits. The General Secretary is of the view that overtime is a voluntary practice and timeframes for remuneration are not adhered to.

### 5.5.3 Performance Management

Table 5.4 will provide proof where the respective participants made their marks. They seem to be concentrated in 2 areas.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the performance management policy</td>
<td>GS: SADTU</td>
<td>NAPTOSA GS: NEHAWU</td>
<td>CP: SADTU</td>
<td>EO: NEHAWU</td>
</tr>
<tr>
<td>2</td>
<td>The implementation of the performance management policy create tension between labour and management</td>
<td></td>
<td></td>
<td>NAPTOSA CP: SADTU GS: NEHAWU EO: NEHAWU</td>
<td>GS: SADTU</td>
</tr>
<tr>
<td>3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
<td>NAPTOSA CP: SADTU GS: NEHAWU</td>
<td></td>
<td></td>
<td>GS: SADTU EO: NEHAWU</td>
</tr>
</tbody>
</table>
The lack of timeous implementation of agreements result in tension between labour and management.

<table>
<thead>
<tr>
<th></th>
<th>The lack of common understanding about the Performance Management and Development System is problematic</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>NAPTOSA CP: SADTU GS: NEHAWU</td>
</tr>
<tr>
<td>5</td>
<td>CP: SADTU NAPTOSA GS: SADTU EO: NEHAWU</td>
</tr>
</tbody>
</table>

Table 5.5: Labour perspective on performance management

The CEO of NATOPSA agrees with following statements that:

- the implementation of the performance management policy creates tension between management and labour
- the practice of nepotism leads to tension, and
- the lack of timeous implementation of agreements also results in tension.

He believes that the rewards for good performance are not obvious, because everyone seems to be receiving bonuses and notch increases irrespective of their performance. The interventions that are made identify very few instances of poor performances, because performance is linked to money and result in development flowing out of the window.

The statement that deals with sufficient consultation between labour and management is the only point on the performance grid that the Secretary of SADTU strongly disagrees with. He strongly agrees to all the following statements that:

- the implementation of the performance management policy creates tension between the respective stakeholders
- tension is caused by the practice of nepotism
- the lack of timeous implementation of agreements results in tension and
- tension is also caused by the absence of common ground regarding the performance management development system

Increases in the salary notches or bonuses are the rewards for good performance according to the Secretary of NEHAWU. Reskilling is one of the interventions noted by the Secretary. He acknowledges that disputes arise from the system but did not point out any.
The Education Officer of NEHAWU accepts the fact that there was sufficient consultation and he also agreed that the implementation of the performance management policy results in tension between labour and management. He also strongly agrees on the following matter that:

- nepotism causes problems
- lack of timeous implementation of agreements result in tension, and
- there is a lack of common understanding about the performance management and development system.

He notes that the performance development system does cause disputes and one of the disputes centres around the rating of employees.

Except for not being sure whether there was sufficient consultation, the Chairperson of SADTU agreed with the rest of the statements in connection with performance management. He views salary progression as a means of rewarding employees. He noted that employees that underperformed were subjected to a training programme. He believes that there are disputes emanating from this system, although he mentioned none.

The Secretary of SADTU strongly disagrees with the statement that there was sufficient consultation between management and labour on the performance management policy, but strongly agreed with the rest:

- The implementation of the performance management policy causes tension.
- The practice of nepotism results in tension.
- The lack of timeous implementation of agreement leads to tension.
- The lack of common understanding about the performance management and development system is problematic.

### 5.6 Additional areas of conflict and possible solutions from the unions.

The questionnaire provided space for respondents to include any other causes of conflict other than those mentioned in the questionnaire and possible solutions to the conflict. The views that follow are those of the different stakeholders from the unions that participated in the research.
The Chairperson of SADTU reasons that non-compliance with the Public Finance Management Act provisions in procurement results in tension. He suggests that constant consultation on programme implementation would go a long way in reducing the tension between labour and management.

The Secretary of SADTU did not indicate any additional factors that lead to tension, but suggested that practices of good governance and speedy implementation of resolutions will lead to an improvement in the relationship between management and labour.

The CEO of NAPTOSA noted that the impact of political affiliation at almost every level leads to inappropriate appointments of individuals who do not have a proven track record of effective delivery. He suggests that interviews and shortlisting for posts higher than Chief Education Specialist should be managed by an independent consultant who has no vested interest in the state and labour to act as observers.

The lack of strong leadership and resistance to change are some of the impediments that impact negatively on the relationship between labour and management according to the Provincial Secretary of NEHAWU. He believes that regular consultation and making sure that there are signed agreements and implementation will improve the relations between labour and management.

The Education Officer of NEHAWU cites the lack of implementation of signed agreements, backlogs on payment of benefits as a cause of tension between labour and management. Regular consultations and transparency are his solutions to an improved relationship.

5.7. Management’s perspective

5.7.1 Staffing

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the formulation of the recruitment policy</td>
<td>Director</td>
<td>SG</td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>The implementation of the recruitment policy creates tension.</td>
<td>Director</td>
<td>SG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
<td>Director</td>
<td>SG</td>
<td></td>
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</tr>
<tr>
<td>4</td>
<td>The lack of timeous implementation of agreements result in tension between</td>
<td>SG</td>
<td>Director</td>
<td></td>
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</tbody>
</table>
Table 5.5. Management perspective of staffing

The Superintendent–General (SG) strongly agrees with most of the statements in connection with staffing which are the following that:

- there was sufficient consultation between management and labour regarding the formulation of the recruitment policy
- the practice of nepotism leads to tension
- the lack of timeous implementation of agreements contributes to tension
- that the manipulation of the shortlisting process causes problems and
- that everybody understands the recruitment policy because it was adequately explained

The Superintendent–General did not agree nor disagree with the view that the implementation of the recruitment policy results in tension and that management and labour has full confidence in the recruitment policy.

The Superintendent–General did not indicate the legislation that was taken into account when the recruitment policy was developed. He believes Human Resource Management is responsible for developing policies. The Superintendent is of the view that policies need to be reviewed to keep up with changing working conditions.

The Director of Human Resource Management disagrees with the statement that the implementation of the recruitment policy causes tension. She strongly agrees with the view that the lack of timeous implementation of agreements results in tension between labour and management. She also believes that there was sufficient consultation between labour and management regarding the recruitment policy and that everybody understands the recruitment policy because it was adequately explained. However, the Director could not agree or disagree on the following statements:

<table>
<thead>
<tr>
<th></th>
<th>labour and management</th>
<th>Director</th>
<th>SG</th>
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<tbody>
<tr>
<td>5</td>
<td>The shortlisting process which is open to manipulation lead to tension between the different stakeholders</td>
<td>Director</td>
<td>SG</td>
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<tr>
<td>6</td>
<td>Management and labour has full confidence in the recruitment policy</td>
<td>SG</td>
<td>Director</td>
</tr>
<tr>
<td>7</td>
<td>Everybody understands the recruitment policy, because it was adequately explained</td>
<td>Director</td>
<td>SG</td>
</tr>
</tbody>
</table>
• The practice of nepotism causes tension
• the shortlisting process which is open to manipulation causes problems
• and that management and labour have full confidence in the recruitment policy

The Director indicated that all the relevant labour legislation were considered and is of the view that recruitment policies needed to be changed from time to time. The Strategic Planning Chief Directorate is the unit that is responsible for developing policies.

5.7.2 Training and development

The table on training and development indicates that most of the responses are in the last two columns of the grid.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the training and development policy</td>
<td></td>
<td></td>
<td>Director SG</td>
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</tr>
<tr>
<td>2</td>
<td>The implementation of the training and development policy generated tensions</td>
<td></td>
<td></td>
<td>Director SG</td>
<td></td>
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<td>3</td>
<td>The practice of nepotism resulted in tension between labour and management</td>
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<td></td>
<td>Director SG</td>
<td></td>
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<td>The lack of timeous implementation of agreements cause tension between labour and management</td>
<td></td>
<td></td>
<td>Director SG</td>
<td></td>
</tr>
</tbody>
</table>

Table 5.6: Management’s perspective on training and development

The Superintendent-General agrees that there was sufficient consultation between the management and the unions regarding the formulation of the development policy. He further strongly agrees with the following statements that:

• the implementation of the training and development policy generated tensions
• the practice of nepotism resulted in tension between labour and management and
• the lack of timeous implementation of agreements cause tension between the respective stakeholders

The Superintendent-General is of the view that supervisors are selecting people for training, which was supposed to be the case. He believes that the training was usually relevant. The
Superintendent–General also believes there is consensus regarding training, because the type of training is a product of consultation between subordinates and supervisors.

Except for not agreeing or disagreeing to the statement, that indicates that the practice of nepotism resulted in tension, the Director of Human Resource Management agrees with the following views with regard to training and development:

- There was sufficient consultation between management and labour in connection with the training and development policy
- The implementation of the training and development policy generated tensions
- The lack of timeous implementation of agreements causes tension between labour and management

The person who selects individuals for training is indicated in their workplans or standard frameworks under development needs according to the Director of Human Resource Management. She further believes that the ideal person to select people for training would be the supervisor in direct consultation with the employee. She also believes the training is relevant, because there is consensus regarding the type of training.

### 5.7.3 Compensation

The Superintendent–General is the only participant from management that provided answers on the compensation table. The Director is of the view that compensation is by and large managed by the Department of Public Service and Administration and the National Department of Education.

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
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<th>Neither Agree nor Disagree</th>
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<td>The delaying in the implementation of benefits contained in the Occupation of Specific Dispensation agreement led to</td>
<td></td>
<td></td>
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<td>SG</td>
</tr>
</tbody>
</table>
Unequal benefits generate tension. The implementation of the no-work-no-pay policy in the recent public sector strikes added to the existing tension between labour and management.

Table 5.7. Management perspective of Compensation

The Superintendent–General either strongly agreed with some of the statements with regard to compensation or did not agree or disagree. He strongly supports the view that the lack of timeous implementation, delays in the implementation of the Occupation Specific Occupation, unequal benefits and the implementation of the no-work-no-pay policy led to tension.

The Superintendent–General could not agree or disagree on the following matters that:

- there was sufficient consultation between management and labour regarding the formulation of the compensation policy
- the implementation of the compensation policy created tension
- the practice of nepotism lead to tension and
- all jobs are not compensated according to their importance.

There are employees working overtime according to the Superintendent–General and this process is regulated. He also indicated that timeframes for remuneration are adhered to.

The Director of Human Resource Management pointed out that compensation is the competency of the Department of Public Service and Administration and the National Education Department. These Departments manage compensation through Acts, resolutions and collective agreements.

The Director of Human Resource Management confirms that there are employees working overtime. She indicated that employees are only working overtime because of additional workloads. She also pointed out that Resolution 1 of 2007 regulates overtime and that timeframes for remuneration are complied with.

5.7.4 Performance Management

Most of the answers of the officials appear in two columns. Table 5.8 confirms this view.
<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>There was sufficient consultation between management regarding the performance management policy</td>
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<tr>
<td>2</td>
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<tr>
<td>5</td>
<td>There is a lack of common understanding about the Performance Management and Development System is problematic</td>
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</tbody>
</table>

Table 5.8: Management perspective on performance management.

The Superintendent strongly supports the view that there was enough consultation between management and labour in connection with consultation on the performance management policy. He also strongly agrees with the view that the lack of timeous implementation of agreements results in tension. However, he is indecisive on the implementation of the performance management policy, nepotism and the lack of common understanding about the Performance Management and Development System, which may lead to tension.

The reward for good performance is bonuses while the interventions for poor performance is retraining according to the Superintendent-General. He is not aware of disputes emanating from this system.

The Director of Human Resource Management indicated that consultation with regard to the performance management policy was managed at the national level with only workshops taking place at a provincial level. She could not agree or disagree on statements relating to the implementation of the performance management policy, nepotism and the lack of timeous implementation of agreements. However, she supported the statement that there is a lack of common understanding about the Performance Management and Development system.
The Director also indicated that employees receive monetary rewards for good performance and training is provided for employees that underperform. She further pointed out that disputes do emanate from this system.

5.8 Proposed solutions from Senior Management

Continuous engagement is suggested by the Superintendent-General between labour and management as a solution for a lot of the challenges faced by the respective parties. The Director believes that communication is vital and must be improved.

5.9 Conclusion

Chapter 5 contained all the views of the stakeholders that participated in the research project. All the stakeholders differed with some of the statements that are in the questionnaire, while agreeing on a few.

The following chapter will address the findings, recommendations and finally the conclusion of the research.
Chapter 6
OVERVIEW, FINDINGS, RECOMMENDATIONS AND CLOSING REMARKS

6.1 Introduction

The purpose of this chapter is to provide an overview of the study, how the study was conducted, the findings and recommendations of the research.

6.2 Overview

This study addressed the policies, procedures and practices that generate tension between labour and management in the Eastern Cape Department of Education. This will also ensure that service delivery is not hampered by policies, procedures and practices. The study was divided into the following six chapters:

- Chapter 1: Introducing the research, its purpose, how it will be conducted, its location and the stakeholders involved
- Chapter 2: Description of labour relations
- Chapter 3: Overview of human resource management
- Chapter 4: Research methodology and design
- Chapter 5: Data analysis and interpretation
- Chapter 6: Overview, findings, recommendations and closing remarks

The research focused on the Eastern Cape Department of Education and the related labour unions in the Eastern Cape Province. The research targeted the chairpersons and secretaries of the labour unions and some of the senior management in the Department of Education and the Member of the Executive Council (MEC).

A questionnaire was used to collect the data. It was emailed to some of the participants while others were hand delivered. 10 Questionnaires were issued and only 3 did not return.

6.3 Summary of the questionnaire

It has been noted in the previous chapter that the views of the parties were the same on certain issues and different on others. It was also noted that labour was not accepting most of the statements that painted a positive picture of the Department, while management accepted them. For example most of the unions claim that there is a lack of consultation with
regard to formulation of policies for the different functional areas while management disagrees. Labour also made it clear that they do not agree with view that the recruitment policy was properly explained and therefore understood by everybody.

6.4 Noticeable shortcomings

The main shortcomings of this study were the absence of the responses of the Member of the Executive Council (MEC) and the Director of Labour Relations. NAPTOSA only submitted one response from their CEO while the Provincial Chairperson of NEHAWU was unavailable.

Despite these shortcomings, the researcher remains convinced that this did not negatively impact on the research. The MEC is in any way the political Head. Administration is taken care of by the Head of Administration who is the Superintendent-General. He will obviously be informed about most issues affecting the Department, because he is considered as the Accounting Authority of the Department. The education officer of NEHAWU is the one tasked by the union for academic activities. The likelihood is that he would have been part of the people completing a questionnaire anyway even if the Chairperson was available.

6.5 Findings

6.5.1 Staffing

There is consensus among all the participants that the recruitment policy should be adapted from time to time. There is also a clear indication that no stakeholders are involved in the development of the policy, because most stakeholders refer to structures in management as being responsible for developing policy.

6.5.2 Training and development

Training is focused on sectional needs more than the individual needs. This was discovered when interacting with some of the staff of the Department.

6.5.3 Compensation

The implementations of the no-work no-pay policy created problems and definitely needs attention. The employer was not sure which employees participated in the industrial action. The implementation of benefits contained in the Occupation of Specific Dispensation was an issue that complicated matters among the stakeholders.
6.5.4 Performance Management

There is a perception that everybody is entitled to a performance bonus. Training is the only intervention strategy being suggested for poor performance. It has been alleged that Senior Managers of certain Departments gave themselves performance bonuses even when the Department underperformed as a whole.

6.5.5 General Findings

All the participants agreed that lack of timeous implementation of agreements result in tension among stakeholders. This can be interpreted by labour that government is not taking them serious. After all, agreements that are not implemented in time result in a waste of energy, time and resources.

Not all stakeholders are part of the policy development process. Some stakeholders will always resist the implementation of policies that they were not part of.

6.6 Recommendations

It has already been indicated that the reason for this research is to identify the problems in some of the functional areas of human resources with the view of resolving them now and not in future. The following recommendations have been identified that correspond to the findings:

6.7 Staffing

The recruitment policy cannot remain the same permanently. It has to be reviewed and all stakeholders must be part of the process of reviewing the policy for the sake of ownership.

6.8 Training and development

Efforts should be made to identify skill gaps of individual employees and training should target those gaps, because only some employees will benefit from the training.
6.9 Compensation

The no-work - no-pay policy must be properly implemented. All the workers cannot be punished with salary cuts if all of them were not on strike. It is the duty of the employer to keep proper record of employees that were on strike.

6.10 Performance Management

Everybody should be educated regarding performance bonuses. Not everyone is entitled nor should everyone be rewarded. It must be an accepted fact that underperformance should not be rewarded. Training programmes can be made available. After no improvement other options such as intersectional transfers or the last resort of terminating employment must be considered.

7 General Recommendation

All agreements must be implemented timeously to avoid the unnecessary wasting of resources. This will go a long way in reducing some of the tension.

It must be compulsory for all the stakeholders to be part of the policy development process so that no policy is delayed when it is due for implementation

8 Conclusion

The research was an attempt to identify problems in some of the functional areas of human resources. The issues that certainly need serious attention are the timeous implementation of agreements and inclusion of all stakeholders in policy development.

A lot of energy and resources go to waste in the continuous battles between labour and management. It will be in the interests of everybody in the Eastern Cape and the country as a whole if all the obstacles in the way of service delivery are removed. This will clear the way for the realisation of the mandate of the Department to deliver good quality public education. In the final analysis one would like to appeal to all parties to increase cooperation, review policies together, implement them in time and display maximum respect for each other.
QUESTIONNAIRE

“Policies, procedures and practices that generate tension between labour and management in the Eastern Cape Department of Education.”

This survey is conducted by Jerome Basson and forms part of a study for the completion of a Masters degree in Labour Relations at the Nelson Mandela Metropolitan University.

The confidentiality of the participant will be observed and the information received will only be used for the purposes of the research.

Kindly complete the following Questionnaire

Indicate with a tick where appropriate

| Member of the Executive Council |  |
| Superintendent – General |  |
| Chief Director: Human Resource Management |  |
| Director: Labour Relations |  |

| South African Democratic Teachers Union (SADTU) |  |
| Chairperson |  |
| General Secretary |  |

| National Professional Teachers Union of South Africa (NAPTOSA) |  |
| Chairperson |  |
| General Secretary |  |

| National Allied Health and Allied Workers Union (NEHAWU) |  |
| Chairperson |  |
| General Secretary |  |

How many years have you been serving the organisation or company?

| Less then 10 years |  |
| 11 to 20 years |  |
| Over 20 years |  |
To what extent do you agree or disagree with the following statements. Please choose one response for each of the following by marking with an X:

### 1. Staffing

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
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</thead>
<tbody>
<tr>
<td>1.1.</td>
<td>There was sufficient consultation between management regarding the formulation of the recruitment policy</td>
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<td>1.2</td>
<td>The implementation of the recruitment policy creates tension.</td>
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<tr>
<td>1.3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
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<tr>
<td>1.4</td>
<td>The lack of timeous implementation of agreements result in tension between labour and management</td>
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<tr>
<td>1.5</td>
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<tr>
<td>1.7</td>
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<tr>
<td>1.8</td>
<td>Which labour legislation was taken into account when the recruitment policy was developed?</td>
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</tbody>
</table>
1.9  Who is responsible for developing recruitment policies in your organisation?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

1.10  Is there a need to review the recruitment policies?
Yes   No

If yes, why?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

2.  **Training and development**

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
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<tr>
<td>2.1</td>
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<td>2.2</td>
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</tbody>
</table>
2.5 Who selects individuals for training?

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

2.6 Who, in your opinion, would be the ideal person to select individuals for training and why?

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

2.7 How relevant is this training for individuals?

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

2.8 Is there any consensus regarding the type of training that is provided?

Yes [ ] No [ ]

If no, why?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

3. Compensation

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
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<td>The practice of nepotism lead to tension between labour and management</td>
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<tr>
<td>3.7</td>
<td>Unequal benefits generate tension.</td>
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<tr>
<td>3.8</td>
<td>The implementation of the no-work no-pay policy in the recent public sector strikes added to the existing tension between labour and management.</td>
<td></td>
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</tr>
</tbody>
</table>

3.9 Are employees working overtime?
Yes [ ]  No [ ]

3.10 How regularly do employees work overtime, e.g. weekly, fortnightly or monthly.
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

3.11 Is the practice of overtime regulated by practice or agreement? If yes state the policy or agreement.
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

3.12 Are timeframes for remuneration adhered to?
4. Performance management

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neither Agree nor Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>There was sufficient consultation between management regarding the performance management policy</td>
<td></td>
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<tr>
<td>4.2</td>
<td>The implementation of the performance management policy create tension between labour and management</td>
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<td>4.3</td>
<td>The practice of nepotism lead to tension between labour and management</td>
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<td>4.4</td>
<td>The lack of timeous implementation of agreements result in tension between labour and management</td>
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<tr>
<td>4.5</td>
<td>There is a lack of common understanding about the Performance Management and Development System is problematic</td>
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</tbody>
</table>

4.6 What are the rewards for good performance?
___________________________________________________________________________
___________________________________________________________________________
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4.7 What interventions are made for poor performance?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
4. Are there any disputes originating from this system?
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

5. Please indicate any other factor that leads to tension that was overlooked by the questionnaire.
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
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6. Please indicate what actions would contribute to an improved relationship between management and labour.
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

Thank you for completing the questionnaire
LIST OF REFERENCES


**Legislation**


The Labour Relations Act 66 of 1995


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Annual Report. 2005/06. Eastern Cape Department of Education. Zwelitsha


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