

**A MODEL TO IMPROVE RELATIONS
BETWEEN MANAGEMENT OF THE EASTERN
CAPE PROVINCIAL LEGISLATURE AND
NATIONAL EDUCATION HEALTH AND ALLIED
WORKERS UNION (NEHAWU)**

NOMBULELO PASCALINE MOSANA

**A MODEL TO IMPROVE RELATIONS
BETWEEN MANAGEMENT OF THE EASTERN
CAPE PROVINCIAL LEGISLATURE AND THE
NATIONAL EDUCATION HEALTH AND ALLIED
WORKERS UNION (NEHAWU)**

NOMBULELO PASCALINE MOSANA

**SUBMITTED IN PARTIAL FULFILMENT OF
THE REQUIREMENTS FOR THE MASTER
DEGREE OF PUBLIC ADMINISTRATION (MPA)
IN THE FACULTY OF ARTS, NELSON
MANDELA METROPOLITAN UNIVERSITY**

MARCH 2009

SUPERVISOR: M.S. BINZA

TABLE OF CONTENTS

Declaration	i
Dedication	ii
Acknowledgements	iii
Abstract	iv
Glossary	vi

CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 INTRODUCTION	1
1.2 BACKGROUND TO THE STUDY	1
1.3 STATEMENT OF THE PROBLEM	7
1.4 AIM AND OBJECTIVES OF THE STUDY	9
1.5 RESEARCH QUESTIONS	10
1.6 SIGNIFICANCE OF THE STUDY	11
1.7 STATEMENT OF HYPOTHESIS	11
1.8 RESEARCH DESIGN AND METHODOLOGY	13
1.9 DELIMITATION OF THE STUDY	20
1.10 STRUCTURE OF THE TREATISE	23
1.11 CONCLUSION	25

CHAPTER TWO: THE THEORETICAL BASE AND THE EVOLUTION OF EMPLOYMENT RELATIONS IN SOUTH AFRICA

2.1 INTRODUCTION	26
------------------	----

2.2 THE GLOBAL THEORETICAL OVERVIEW OF THE EVOLUTION OF INDUSTRIAL RELATIONS.	28
2.2.1 Scientific Management	31
2.2.2 Unitary Theory	32
2.2.3 Pluralist Theory	33
2.2.4 Comparative Approach	34
2.2.5 Systems Theory	35
2.3 THE EVOLUTION OF TRADE UNIONISM IN SOUTH AFRICA PRIOR TO 1994	39
2.4 TRADE UNIONISM IN THE SOUTH AFRICAN PUBLIC SERVICE AFTER 1994	50
2.4.1 The establishment of new legislation	50
2.4.2 An integrated governance approach	56
2.4.3 Well being of the workforce	58
2.5 CONCLUSION	60

CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION	62
3.2 RESEARCH DESIGN AND METHODOLOGY	65
3.2.1 The population and the sample	68
3.2.2 Structured questionnaires	70
3.3 THE STRUCTURE AND DESIGN OF THE QUESTIONNAIRE	72
3.3.1 The essence of designing a questionnaire	73
3.3.2 Individual questionnaire distribution	74
3.3.3 Focus groups	75
3.4 ISSUES OF MEASUREMENT: RELIABILITY AND VALIDITY OF THE RESEARCH	75
3.4.1 Reliability	75
3.4.2 Validity	77
3.5 DATA COLLECTION METHOD APPLIED	79
3.5.1 Documentary Analysis	80
3.5.2 Data capturing and editing	80

3.6 DATA ANALYSIS	81
3.6.1 Criteria for judging qualitative research	82
3.6.1.1 Credibility	82
3.6.1.2 Transferability	82
3.6.1.3 Dependability	83
3.6.1.4. Confirmability	83
3.7 CONCLUSION	83

CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION	85
4.2 PERSPECTIVES ON THE WORKING RELATIONS BETWEEN MANAGEMENT AND NEHAWU OF THE ECPL	85
4.2.1 Management perspective	86
4.3 THEMATIC AREA ONE: Organisational culture, structures and systems are created within the Eastern Cape Provincial Legislature	88
4.3.1 <i>The South African labour relations framework promotes partnership in governance between management and unions</i>	88
4.3.2 <i>The development of a model to improve working relations between management and the union of the Legislature will have significant impact on the governance of the Legislature</i>	90
4.3.3 <i>A cooperative governance approach minimises conflict between management and the union</i>	90
4.3.4 <i>The ECPL practices cooperative governance principles</i>	91
4.3.5 <i>An integrated governance approach between management and union improves service delivery</i>	91
4.3.6 <i>Management should put systems in place in order to facilitate continuous interaction between Management and Labour</i>	92
4.3.7 <i>The political administration of the Eastern Cape Provincial</i>	

<i>Legislature ensures that both groups have a fair hearing during times of conflict</i>	93
4.4 THEMATIC AREA TWO: An enabling environment is created by management	93
<i>4.4.1 The ECPL has appropriate policies that address relations in the workplace</i>	94
<i>4.4.2 Management creates an enabling environment for sound working relations between management and the union</i>	94
<i>4.4.3 Management in the ECPL consults the union on issues that affect its employees</i>	95
<i>4.4.4 NEHAWU is always given enough time to prepare for meetings</i>	95
<i>4.4.5 Continuous skills development and motivation of staff is critical for nurturing good relations and service delivery</i>	96
<i>4.4.6 The Eastern Cape Provincial Legislature develops an annual Skills Plan for employees</i>	96
<i>4.4.7 The Legislature has equal opportunities for staff Development</i>	97
4.5 THEMATIC AREA THREE: Effective and efficient utilisation of resources is practiced by the ECPL	97
<i>4.5.1 The management of the ECPL is aware of and complies with the requirement contained in the South African labour legislation that affects public service</i>	98
<i>4.5.2 Employees in the ECPL are an integral part of the running of the institution</i>	98
<i>4.5.3 Management of the ECPL need to acknowledge the fact that individual employees have different behavioural patterns</i>	99
<i>4.5.4 The ECPL has a political structure that deals with disputes between management and the union</i>	99
4.6 THEMATIC AREA FOUR: Management and NEHAWU interact	100
<i>4.6.1 The ECPL has a signed recognition agreement</i>	100
<i>4.6.2 Monthly meetings between management and NEHAWU in the Eastern Cape Legislature are convened</i>	101
<i>4.6.3 NEHAWU is given an opportunity to input on issues of</i>	

<i>governance within the ECPL</i>	101
<i>4.6.4 NEHAWU receives documentation prior to a meeting as to what will be discussed in the meeting</i>	101
<i>4.6.5 Mechanisms are in place to ensure implementation and monitoring of collective agreements</i>	102
<i>4.6.6 The Legislature has a recognised structure that allows continuous interaction between management and union</i>	102
<i>4.6.7 The ECPL has an institutional transformation committee as required by the White Paper on the Transformation of the public service</i>	103
<i>4.6.8 The ECPL has a workplace forum as required by the Labour Relations Act</i>	103
<i>4.6.9 The ECPL has a Skills Development Forum as required by the Skills Development Act</i>	103
<i>4.6.10 The ECPL has an Employment Equity Forum</i>	104
<i>4.6.11 The ECPL and NEHAWU regional leadership hold regular meetings on issues of mutual interest</i>	105
4.7 THEMATIC AREA FIVE: NEHAWU interacts with its constituency	105
<i>4.7.1 NEHAWU's shop steward committee always consults its constituency before inputting on any matter that affects them</i>	106
<i>4.7.2 NEHAWU has mechanisms in place to ensure implementation and monitoring of signed collective agreements with management</i>	106
<i>4.7.3 NEHAWU has an identified committee that participates in the recognised structure within the ECPL</i>	106
<i>4.7.4 NEHAWU has shop stewards representative in each division of the ECPL</i>	107
<i>4.7.5 The ECPL NEHAWU branch reports to and seeks mandate from the regional NEHAWU structure</i>	107
4.8 CONCLUSION	107

CHAPTER FIVE: SUMMARY, FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 INTRODUCTION	109
5.2 SUMMARY OF THE FIRST FOUR CHAPTERS	110
5.3 FINDINGS FROM OBJECTIVES OUTLINED IN CHAPTER ONE	111
5.3.1 To identify factors that can lead to an enabling environment for improved working relations between ECPL management and NEHAWU	111
5.3.2 To find ways of maximizing working relations between management and union through improved interaction between the two	112
5.3.3 To develop a model that will help contribute to improve working relations between management of the ECPL and NEHAWU through established organisational culture, systems and structures	114
5.4 RECOMMENDATIONS TO DEVELOP A MODEL TO IMPROVE RELATIONS BETWEEN MANAGEMENT OF THE EASTERN CAPE PROVINCIAL LEGISLATURE AND NEHAWU	114
5.4.1 A team with a common purpose	119
5.4.2 Enablers: institutional strategy/policies, systems and Structures	125
5.4.3 National policies	130
5.5 MODEL: A PRACTICAL TOOL TO IMPROVE RELATIONS BETWEEN MANAGEMENT AND THE UNION IN THE EASTERN CAPE PROVINCIAL LEGISLATURE	134
5.5.1 Individual employee and personal goals	134
5.5.2 Establish team driven institution	136
5.5.3 Enablers for conducive environment	138
5.5.3.1 <i>Organisational culture</i>	138
5.5.3.2 <i>Structure for continuous interaction in the Eastern Cape Provincial Legislature</i>	141
5.6 GENERAL RECOMMENDATIONS TO IMPROVE WORKING RELATIONS BETWEEN MANAGEMENT AND NEHAWU UNION	

WITHIN THE EASTERN CAPE PROVINCIAL LEGISLATURE	144
5.7 RECOMMENDED AREAS FOR FUTURE RESEARCH	145
5.8 DIFFICULTIES EXPERIENCED BY THE RESEARCHER DURING THE RESEARCH PROCESS.	145
5.9 CONCLUSION	146
 BIBLIOGRAPHY	 147
 ANNEXURES	 152
 LETTER FROM LANGUAGE PRACTITIONER	 196

DECLARATION

I hereby declare that “ A model to improve relations between management of the Eastern Cape Provincial Legislature and the National Education Health and Allied Workers Union (NEHAWU)” has been written by me. It is part of the requirement for completion of the Masters in Public Administration (MPA) degree at the Nelson Mandela Metropolitan University. It has not been previously submitted for any degree or any examination in any other University, and that all sources I have used or quoted have been indicated and acknowledged through complete references.

Signature:.....

Nombulelo Pascaline Mosana

Date:.....

DEDICATION

It is my great pleasure to dedicate this treatise to my beloved late father, Sergius Vevane, who inculcated the culture of learning in me. He always preached the importance of education in my life and expressed appreciation of educated members of our family.

It was my wish to have him at my side on the day this degree was conferred on me, but with God loving it is not going to be the case.

In his loving memory, I wish to call upon all those who still have energy and drive among my family members to keep on pursuing their studies in order to keep his wish of an educated society.

ACKNOWLEDGEMENTS

I wish to acknowledge the unwavering support that I have received from my loving husband, Vuyo, and perseverance demonstrated by my children, Sibabalwe and Thahla, when I had to take time away from them and focus on my studies and my family at large. The commitment demonstrated by my helper, Nokuthula Ncancashe, in taking care of all the house chaos has enabled me to complete my studies. Without her I would not have been where I am now.

The guidance and mentoring I received from my supervisor, Mr. Mzikayise Binza, during important and demanding periods of my studies, cannot go unnoticed. I thank him for always availing his services in order for me to achieve my goal.

Lastly, I thank everyone who made it possible for me to put this work together.

ABSTRACT

This study seeks to generate a model that will give rise to improved working relations between the management of the Eastern Cape Provincial Legislature and NEHAWU. In the community of the Eastern Cape Provincial Legislature there are perceptions that management and NEHAWU do not trust each other. Based on the above, the main aim of the study therefore is to investigate the truth or falsehood of the perceptions mentioned above and to generate a model.

As Punch (1993:37) explains, the researcher provides the hypothesis which is the predicted answer to the research question or problem identified in the study. The formulated hypothesis in this study is that “the application of a model to improve working relations will result in improved working relations between management of the Eastern Cape Provincial Legislature and NEHAWU”. Findings revealed in the answers received from respondents prove the accuracy of the hypothesis.

The methodological framework used in this investigation is the qualitative research. Winberg (1997:411) states that in using the qualitative research approach, the researcher looks at people within a specific context.

An appropriate research design selected for this research project is the empirical study that utilises the primary data sourced through a survey. A

survey has been conducted targeting different respondents in the legislature community.

Findings reveal that in order to improve working relations an enabling environment in the ECPL should be created. Effective and user friendly systems and standard operating procedures should be put in place. Findings also reveal that interaction between management and the union takes place mainly around bargaining issues. Management and NEHAWU do not trust each other and as a result of that relations are poor. Again, findings reveal a strong support by management and NEHAWU for the development of a “model to improve relations between management of the Eastern Cape Provincial Legislature and NEHAWU”.

After analysing and interpreting the findings, the study recommends a model that will help improve working relations between management and NEHAWU. The proposed integrated model deals with institutional strategy that is informed by national policies and legislations, structure (inclusive of MPLs, management and the labour union), systems and standard operating procedures and cultural re-invigoration. Central to this model is an effort to build a team with a common purpose.

The model recognises the importance of inter-relation and inter-dependency of its various elements in order to build a successful organization and to cultivate good corporate governance.

GLOSSARY

Transformation of public service: When the new government came into power after 1994, there was a paradigm shift in terms of how things were conducted generally in South Africa. With this change in the environment in which public service officials had to operate, the Minister of Public Service ushered in the process of transformation within the public service. A White Paper on transformation that was intended to guide senior managers in taking forward the process of transformation was introduced.

Union member: This is a permanent employee of the Legislature who is a paid -up member in terms of NEHAWU's constitution .

NEHAWU: This is an abbreviation of National Education, Health and Allied Workers Union, which is a Congress of the South African Trade Union affiliate. It is the labour organisation that represents workers in the public service.

Legislature: This is a provincial House which when considered as a whole, forms a body which is mandated to pass laws, exercise oversight over the executive, conduct public hearings, and facilitate public participation. A Legislature is composed of political representatives who are elected to represent the people.

Executive Council: This refers to members of the Provincial Executive Council charged with the responsibility of a department or portfolio. It is the branch of government concerned with the formulation and execution of policies and laws.

Members of the Provincial Legislature: This refers to elected representatives of the general public to the Legislature.

Rules Committee: The Eastern Cape Provincial Legislature provides for the establishment of the rules of the legislature to deal with matters pertaining to the management, administration, and functioning of the legislature.

Bargaining unit: This consists of staff from the level of general assistant to the level of assistant head.

Legislature representatives: The officials nominated by the Executive Management of the Legislature to represent the Legislature in meetings with the Union.

Negotiating committee: A committee consisting of officials designated by the Legislature to represent the Legislature and union members designated by the union to represent the union during negotiations in terms of clause 8 of the collective agreement of the Eastern Cape Provincial Legislature.

Parties: The parties entering into agreement.

Shop steward: This refers to a union member elected in terms of the agreement and the constitution of NEHAWU .

Classes: According to Zotov (1985:114), Lenin described classes as “large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation to the means of production, by their role in the social organisation of labour and consequently by dimensions of the share of social wealth of which they dispose and the mode of acquiring it”.

Employment relations: The present South African government together with parliament and Legislatures are focusing as a priority on the satisfaction and development of their workers so as to ensure maximum output. In defining employment relations, Swanepoel et al (1999:1) state that the employment relations field is all about the “people side” of organisations; about managing the relationships between organisations that exist to produce and deliver goods and services and the people employed by these organisations in order to do the work needed to deliver these goods and services.

Industrial relations: Walker (in Swanepoel et al.(1999:4), maintains that industrial relations include the whole range of relations between workers,

managers and government which determine the conditions under which work is done. Industrial relations is essentially concerned with the accommodation of the various interests that are involved in the process of getting work done. In addition Kochan (in Swanepoel et al. 1999:5) seems to concur with other writers in arguing that the field of industrial relations includes the study of individuals, groups of workers who may or may not organise into a union or an association, the behaviour of the employer and union organisations, the public policy or legal framework governing employment conditions, the economics of employment problems and even comparative analyses of the industrial relations systems employed in different countries over different time periods.

ECPL: This is an abbreviation of Eastern Cape Provincial Legislature which has been established in terms of Chapter 6, section 104 of the Constitution of the Republic of South Africa. The also refers to the Eastern Cape Provincial House which, when considered as a whole, forms a body which is mandated to pass laws, exercise oversight over the executive, conducts public hearings and facilitates public participation. It is composed of political representatives from the Eastern Cape who are elected to represent the people of the Eastern Cape.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 INTRODUCTION

The study seeks to generate a model that will improve working relations between management of the Eastern Cape Provincial Legislature and NEHAWU. The model developed should be able to clearly outline processes that need to be followed in the Eastern Cape Provincial Legislature's system of governance to ensure better interaction between the Legislature's management and NEHAWU.

The first chapter of this study shall give background of the study, outline statement of the problem. After having outlined the problem, the researcher will give aim and objectives of the study. This will be followed by the significance of the study, statement of hypothesis, research design and methodology. The last part of the chapter shall be dealing with the delimitation of the study and structure of the treatise.

1.2 BACKGROUND TO THE STUDY

The Eastern Cape Provincial Legislature derives its existence from Chapter 6 section 104 of the Constitution of the Republic of South Africa, 1996. Chapter 6, section 114 of the Constitution of the Republic of South Africa states that the powers of the provincial legislature are to *inter alia*: consider, pass, amend or reject any Bill before the legislature; initiate or prepare legislation, except money

Bills; and provide the mechanisms needed to perform such functions. In addition the Legislature is also responsible for the following:

- a. to ensure that all provincial executive organs of state in the province are accountable to it; and
- b. to maintain oversight of the Executive Council.
- c. Finally section 118 of the Constitution of the Republic of South Africa, 1996 provides that the provincial legislature must facilitate public involvement in the legislative and other processes of the legislature and its committees.

In order to realise its constitutional obligations, Members of the Provincial Legislature require cohesive administrative support through effective management leadership and motivated staff members.

Prior to 1994, employers did not regard sound employment relations as a prerequisite, because of the political, economic and social environment that prevailed at the time. Workers were not taking an active part in issues of governance. Instead they were expected to take instructions from their employers or supervisors (Swanepoel *et al.* 1999:152).

With the advent of democracy after 1994, the segregative laws that subjected workers to misery and hardship were changed. This was achieved by the introduction of the Interim Constitution of the Republic of South Africa, 1993 (Act

208 of 1993) - now replaced by the Constitution of the Republic of South Africa, 1996, which is the highest law of the land and needs to be obeyed and followed by all people, organs of state, civil society movements such as unions, and business organisations. This therefore resulted in government departments reviewing laws to ensure alignment with the requirements of the Constitution. Regulations relating to employment relations were also reviewed, as stipulated by the Labour Relations Act, 1995 (Act 66 of 1995).

The difference between the new form of employment relations and that of the past is that employees were not given the opportunity to voice their opinions on issues of governance within their organisations and therefore were not actively contributing towards the attainment of institutional goals. In support of this view, Carel *et al.* (1998:15) maintain that successful, rapidly growing companies are generally able to use their human resource (HR) functions to solve problems and achieve success in the following ways:

- Using team building and creating an environment of rapid decision-making at lower levels;
- Communicating key company performance objectives through all programmes and linking them to goals at all levels; and
- Including HR planning as part of strategic management.

No teams can entirely avoid problems, but some teams, particularly those who have learnt to counter negative team dynamics, seem to be especially good at preventing many typical group problems. A team works best when everyone

understands its purpose and goals. If there is confusion or disagreement within these teams, management and the union work together to resolve the issues (Lipton, 03 August 2004).

The present form of employment relations gives employees the constitutional right to voice their opinions on issues of governance. This takes place through a framework of structured procedures derived from the Labour Relations Act, 1995 (No 66 of 1995); and the Public Service Act, 1994 (Act 103 of 1994). Of significance is the availability of bargaining councils and other statutory bodies such as the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court. The successful transformation of the legislatures is a prerequisite because of the significant role played by the legislative arm of government, which is deemed to be the custodian of legislation in South Africa. The legislative arm of government has the responsibility of overseeing the executive on implementation of legislation and policies.

Management is responsible for creating an enabling environment for transformation to take place in the ECPL. Management in the legislature is composed of three members of the Secretariat, who hold the rank of chief directors, six directors and fourteen deputy directors. The three chief directors are there to provide strategic direction for the legislature and to ensure that the institution is able to meet the stipulated goals. The directors are responsible for monitoring and evaluating strategic plans within their directorates as well as for

the development of policies and procedures. Carel *et al.* (1998:15) add that human resources policies are guides to management's thinking. HR policies also help management achieve their organisational objectives, as well as helping to define acceptable and unacceptable behaviour and establish the organization's position on certain issues.

According to Carel *et al.* (1998:15), top HR officials, the deputy general managers or the HR department heads are responsible for policy making. They further maintain that in critical HR matters, such as equal employment or management development, the policies may be drafted by an HR committee for approval by the general manager. HR committees generally include members from both line and staff departments. A line function is one that is directly related to the achievement of organisational goals (Carel *et al.* 1998:15).

Within the ECPL's Integrated HR directorate one finds the employment relations section that was established towards the end of 2006. Prior to this period the institution did not have an employment relations office, therefore lacking a section to co-ordinate employment relations-related matters. This section is composed of a manager and an administrative officer, and is responsible for advising the Secretariat on policy matters affecting employment relations in the ECPL. The employment relations manager is also responsible for facilitating and chairing salary negotiations.

It is the responsibility of the employment relations office to advise the Secretariat and set up measures that will contribute towards well-functioning relations between the management and NEHAWU in the ECPL. The delay in the establishment of this office, without clear role clarifications and mandates, contributed to challenges and constraints experienced by the institution. The perception amongst the legislature community of the poor working relationship between management and NEHAWU within the Eastern Cape Provincial Legislature is the main reason for conducting this study and for devising a model to improve working relations between the two parties.

The NEHAWU branch of the Eastern Cape Provincial Legislature has 130 registered members. Of this number, seven constitute the shop stewards committee, the members of which are elected at the annual general meeting of the union. It is this committee which directly interacts with representatives of management in meetings. At these meetings, issues pertinent to members of NEHAWU such as salary negotiations, policy development, and disagreements between management and NEHAWU - whether it is the implementation of policy or decisions taken by management - are discussed. Meetings between management and NEHAWU to discuss these issues are convened whenever the need arises, with the exception of salary negotiations as these are planned annually.

The aim of this study is to determine the truth or falsehood of the perceptions mentioned above, and generate a model that will provide guidelines on how to improve relations in the Eastern Cape Provincial Legislature. The study focuses mainly on the period from 2004 to 2006. Although poor relations between management and the union are perceived by the legislature community to have started during the restructuring process of 1999, the researcher was only appointed in 2004.

1.3. STATEMENT OF THE PROBLEM

The transformation process that was introduced in 1994 has impacted differently on the legislatures. During the transformation process, little attention was given to governmental transformation of the Eastern Cape Provincial Legislature as the custodians of democracy. The other challenge facing the legislative sector is a lack of well-coordinated and standardised HR policies and systems to provide for a uniform framework for dealing with employment relations in the provincial legislative institutions like the ECPL.

Poor working relations between the management of the Eastern Cape Provincial Legislature and NEHAWU resulted in mistrust between the two parties. This is the main problem statement of this research. Through analysis of data, the researcher will endeavour to uncover the reasons for the poor working relations. To address the problem, a model will be developed to improve the situation. Singleton (1993:94) maintains that research begins with a question or problem

and that problems initially chosen almost always require more precise formulation to be amenable to research.

The management style of the Eastern Cape Provincial Legislature is often criticized by the union. The union accuses management of “not sticking to policies adopted and decisions taken by the Rules Committee” (Team Building Report, 2006:5). The corporate dress policy is one example that NEHAWU feels is not adhered to. In the corporate dress policy adopted on 13 November 2003, it was stipulated that the workers in the bargaining unit would be paid a non-pensionable clothing allowance in the form of a lump sum amounting to R4 800.00 over a period of three years. This was subsequently reversed by management and this resulted in disagreement. In addition, NEHAWU claims that the decision taken by the rules committee that assistant directors should be given car allowances (Rules Committee minutes, 18 February 2006) has not been adhered to (See annexures 3 and 4 for further details). These two examples have led to NEHAWU concluding that mistrust between management and the union has been created. This is often visible when management and the union engage each other on issues of governance where the parties will accuse each other of not being cooperative and not understanding each other’s roles.

It is perceived that the restructuring process that was initiated by management in 2000 resulted in the deterioration of relations between management and the union. During the same period, a new secretary to the legislature was appointed as part of the restructuring and re-engineering process of the ECPL. The

restructuring process led management to decide to redeploy certain employees to other sections where it was felt they would be better situated. This decision resulted in a lot of dissatisfaction because the union alleged that it was not properly consulted, nor correctly engaged. Some employees were demoted as management felt they were not meeting targets. As a result, staff morale dropped and this led to further mistrust of management.

A good working relationship between managers and the union in the ECPL is critical for the realisation of institutional goals and improvement of service delivery to promote sustainable livelihoods for the people of the Eastern Cape. It is therefore imperative that the ECPL adopts a model that will enable the institution to build sustainable working relations between management and the union. This model will not only assist the Eastern Cape Provincial Legislature alone, it may help other national government departments as well as the eight other provincial legislatures in the country.

.

1.4 AIM AND OBJECTIVES OF THE STUDY

The aim of the study is to develop a model to improve working relations between management and NEHAWU within the Eastern Cape Provincial Legislature.

The objectives are:

- to identify factors that can lead to an enabling environment for improved working relations between management and NEHAWU;
- to find ways of maximising interaction between management and NEHAWU; and
- to develop a model that will help contribute to improving working relations between management and the union of the Eastern Cape Provincial Legislature taking into consideration improved organisational culture, systems and structures.

1.5 RESEARCH QUESTIONS

The research questions for this study are as follows:

- Will the model, based on organizational culture, systems, and structures of the Eastern Cape Provincial Legislature, contribute to the improvement of working relations between management and NEHAWU's Legislature branch?
- Is an enabling environment created by management to ensure that NEHAWU is well prepared and informed for effective participation on issues of governance?
- How do management and NEHAWU interact?

1.6 SIGNIFICANCE OF THE STUDY

The study and its findings will provide a clear picture of the challenges that influence relations between management and NEHAWU. Having identified those challenges, the study will propose solutions in the form of a model aimed at building relations between management of the Eastern Cape Provincial Legislature and NEHAWU. Such a model will serve as a framework to guide management and NEHAWU in establishing structures and systems that will improve working relations. The adoption and application of this model by both management and NEHAWU will result in the minimizing of the challenges that have been identified in this study, which will contribute towards organisational efficiency.

Another significant aspect of this study is the emphasis it places upon the consultation process and the need for government to involve unions on issues of governance.

In order to give direction to the study a hypothesis has been developed, which will be accepted or rejected on the ground of evidence collected.

1.7. STATEMENT OF HYPOTHESIS

Punch (1998:37) and Singleton (1988:88) define a hypothesis as the predicted or tentative answer to a research question. Formally defined, a hypothesis is an expected but unconfirmed relationship between two or more variables. Bailey

(1987:41) is of the view that a hypothesis is a tentative explanation for which the evidence necessary for testing is at least potentially available.

The researcher will provide a predicted answer, as Punch (1998:37) puts it, to the question or problem identified by this study, namely that of the poor working relations between management and NEHAWU within the Eastern Cape Provincial Legislature.

The hypothesis for this study is: “The application of a model to improve working relations will result in improved working relations between management of the Eastern Cape Provincial Legislature and NEHAWU”.

Singleton (1988:89) maintains that an adequate hypothesis statement about two variables should indicate which variable predicts or causes the other, and how changes in one variable are related to changes in the other. In the case of this study there is a relationship between the model and improved working relationships. With the adoption and implementation of the recommended model, the relationship between the two parties would undoubtedly change. The model will provide guidance towards the process of relationship-building in the Eastern Cape Provincial Legislature. Findings based upon the answers posed to respondents will provide the motivation for the adoption or rejection of this hypothesis.

1.8 RESEARCH DESIGN AND METHODOLOGY

This section seeks to outline the type of study undertaken and the methods employed in conducting this research. Singleton (1988: 91) states that research is undertaken for three broad purposes, namely:

- to explore a phenomenon such as group or setting in order to become familiar with it and to gain insight and understanding about it in order to formulate a more precise research problem for further study;
- to describe a particular community, group or situation as completely, precisely and accurately as possible; and
- to examine and formally test relationships among variables.

Mouton (1988:156) provides a broad description of research as being a collaborative activity by means of which a given phenomenon is studied in an objective manner with a view to establishing a valid understanding of that phenomenon. He adds that research is a specific way of conducting an investigation. According to Singleton (1988:91), it is important to know whether a study is conducted primarily for the purpose of exploration, description or testing relationships because these three functions have different implications for research design.

Berg (1995: 225) contends that “the central purpose of a methodological section is to explain to readers how the research was accomplished – in other words, what data was used, how it was collected, organised and analysed.”

This study attempts to address poor working relations between management and NEHAWU within the Eastern Cape Provincial Legislature through the development of a model which will formally test relationships among variables, as Singleton (1988) puts it. Custer (1996:2) states that the primary goal of research is to achieve understanding, and then to develop models that approximate “truth and reality” which, he maintains, poses serious challenges to social science researchers since truth and reality tend to be socially constructed. This is an important point to consider in that the model proposed in this study must be carefully designed to navigate between the “truth” and “realities” claimed by both parties and arrive at the most objective and mutually acceptable solution.

The methodological framework used in this investigation is that of qualitative research. Winberg (1997:41) states that “in qualitative methodology the researcher looks at people in their context. The context can include people’s pasts as well as the situation in which they currently find themselves.” Mouton (1988:155) maintains that qualitative approaches are those in which the procedures are not as strictly formalised while the scope is more likely to be undefined, and a more philosophical mode of operation is adopted. Flick (1998:5) suggests that qualitative research is employed for the purpose of devising a new

way to solve a problem, working to design methods so open that they do justice to the complexity of the object under study. He further maintains that the object under study is the determining factor for choosing a method, and not the other way round.

The validity and reliability of this research is reliant upon methods applied for collecting information, categorising and analysing it. This means that the accuracy of the research methods applied in this research are critical, as they will assist in collecting data that must support the hypothesis.

Qualitative research refers to the production of descriptions of how and why people do certain things (Berg, 1995:225). Leedy and Ormond (2001:148) argue that qualitative research studies typically serve one or more of the following purposes:

- Description - it can reveal the nature of certain situations, settings, processes, relationships, systems, or people
- Interpretation – it enables a researcher to (a) gain insight into the nature of a particular phenomenon, (b) develop new concepts or theoretical perspectives about the phenomenon, and/or (c) discover the problems that exist within the phenomenon

- Verification- it allows a researcher to test the validity of certain assumptions, claims, theories, or generalizations within real-world contexts
- Evaluation- it provides a means through which a researcher can judge the effectiveness of particular policies, practices or innovations

The qualitative research approach was deemed most appropriate due to the nature of the study and the methods that qualitative research utilizes. The researcher seeks to verify the assumption and perception that there are poor working relations in the Eastern Cape Provincial Legislature. That assumption can only be tested through the use of qualitative research methods and approaches. Glesne *et al.* (1992:24) assert that “qualitative researchers depend on a variety of methods for gathering data. The use of multi-data collection methods contributes to the trustworthiness of the data”.

In this particular research, two data-gathering techniques will be utilised. These are: questionnaire distribution to an identified sample of the Eastern Cape Provincial Legislature, and document analysis. Documents utilised in this treatise will include various texts, government documents and legislations. A literature review seeks to examine both what has been written and what is lacking and then contribute to filling in the gaps. A literature survey gathers information and opinions on the topic in question from different writers. Berg (1995:224) comments that the “basic intention of a literature review is to give a

comprehensive review of previous works on the general and specific topic considered". Mouton (2001:87) maintains that when doing research on a specific topic, "the researcher wants to learn from other scholars what evidence they have found empirically, what instruments they have used and to what effect". He further states that this is important because one wants to ensure that one does not merely duplicate a previous study to discover what the most recent and authoritative theorising about the subject is, and to ascertain what the most widely accepted definitions of key concepts in the field are. The literature review foreshadows the researcher's own study (Mouton, 2001:87).

Sources of information, such as policy documents relevant to this study, have been retrieved from the Departments of Public Service and Labour websites. In addition to these websites, relevant books and journals on Public Administration and Labour Relations will be consulted. Such information will assist the researcher in considering other approaches, views and ideas on the subject of employment relations.

Surveys are normally conducted on sample groups simply because it is not feasible to interview everyone in the population. Probability sampling, which determines that each element in the population has the same probability of being selected (Bailey ,1987:109), has been applied. Stratified random sampling which ensures the inclusion of all subgroups, is utilized. According to De Vos *et al.* (2002: 32), the researcher should be able to see all the characteristics of the total

population in the same relationship that they would be seen if the entire population was to be inspected. In order to achieve this, the sample should be carefully selected.

This sampling method has been chosen because each element in the population of the ECPL has the same probability of being selected. The population of the ECPL is diverse, hence the use of stratified random sampling to ensure inclusion of all subgroups. Bailey (1987:87) states that the “best known form of probability sampling is the random sample which enables each person in the universe to have an equal probability of being chosen for the sample, and every collection of persons of the same size to have an equal probability of becoming the actual sample.”

Thirty-two (32) questionnaires were distributed to six NEHAWU shop stewards; six top, middle and lower management employees; and twenty Members of the Provincial Legislature (MPLs). Individual attention was given at the request of certain MPLs to provide further explanation or clarity during the completion of questionnaires. Five questionnaires were distributed to five focus groups, comprised of forty ordinary union and staff members. Thirty-six staff members participated in the research. Out of thirty-seven questionnaires distributed, only twenty-two were returned. The reason for this was that during the period of data collection, most staff members and Members of the Provincial Legislature (MPLs)

were dealing with annual reports from departments. The completion of the questionnaires was therefore not given priority.

A covering letter was prepared and attached to the questionnaire. It specified the purpose of the study and also indicated that responses would be dealt with confidentially. A Likert scale questionnaire based on statements was prepared for respondents. The questionnaires were handed directly to different respondents who were asked to complete the questionnaire and return the completed ones to the researcher. With the focus group, the researcher was present during the completion of the questionnaire in order to enable participants in different focus groups to agree on an answer to each question and to provide clarity when necessary. Once completed, the questionnaires were returned to the researcher for analysis.

Glesne *et al.* (1992:24) explain that different questions have different implications for data collection. In considering the options, techniques should be chosen that are likely to elicit the data needed to gain an understanding of the phenomenon in question, contribute different perspectives on the issue, and make effective use of the time available for data collection. Data collected from these questionnaires will be broken up into manageable themes and patterns for easy analysis. This will enable the researcher to determine whether there are any patterns or trends that can be identified (Mouton, 2001:126).

1.9 DELIMITATION OF THE STUDY

This research is limited to the Eastern Cape Provincial Legislature. The Eastern Cape Provincial Legislature came into being in 1994, when South Africa became a democratic state. The Constitution of the Republic of South Africa, 1996 provided for the establishment of nine provinces, and the establishment of provincial legislatures within each of these. It was after the first democratic elections that the National Parliament and nine Provincial Legislatures were established. The Provincial Legislatures, like that of the ECPL, were provided with legislative powers to make laws, conduct oversight over the executive, and promote public participation and good governance.

In 1996, The Constitution of the Republic of South Africa, was passed in which the above powers are contained in Chapter 6, sections 114 and 118. The Constitution of the Republic of South Africa, 1996 section 105 stipulates the composition of the legislatures as follows:

(1) A provincial legislature consists of women and men elected as members in terms of an electoral system that:

- a. is prescribed by national legislation;
- b. is based on that province's segment of the national common voters roll;
- c. provides for a minimum voting age of 18 years; and
- d. results, in general, in proportional representation.

(2) A provincial legislature consists of between 30 and 80 members. The number of members, which may differ among the provinces, must be determined in terms of public procedures prescribed by the Electoral Act (Act 73 of 1998) and Regulations.

The Eastern Cape Provincial Legislature has 63 Members of Provincial Legislature (MPLs). Of this group, ten are Members of the Executive Council (MECs), which is headed by the Premier. The Speaker in the Legislature is the political head of the institution. The Presiding Officers, who are the Speaker, Deputy Speaker, Chairperson of Committees and Deputy Chairperson of Committees, are members of the Executive Committee which is responsible for overseeing the administrative functioning of the Legislature.

The Eastern Cape Provincial Legislature had a total of 130 employees during the period under study. Noon (2002: 22) states that employees may become members of staff associations automatically if their employing organisation supports such bodies. Thus, when an individual is recruited by an organisation, he or she also becomes a member of the staff association. He further outlines the responsibility of the staff association to represent employee opinion on joint committees with management as well as in organising social and other events for employees.

Blyton (1994:65) identifies Nissan as a company that practices the concepts of involvement of employees and improvement of working conditions that are part of the job of managers. He states that ninety percent of all changes in the body

shop are claimed to have been suggested by employees. He says that away from the shop floor, employee involvement at Nissan centres around the Company Council, where representatives of the workforce meet with management. Under its terms of reference, the Company Council is charged with the aim of promoting effective communication and harmonious relations between the company, its employees and the union.

Apart from that, the council plays other roles such as facilitating quarterly meetings to discuss various aspects of business. In these instances, it acts as a consultative forum. The council is also the final decision-making body with regards to in-house grievance procedures and is the sole forum for the negotiation of salaries and terms and conditions of employment. Unlike the example of Nissan provided above, ECPL management formally interact with the union during bargaining council.

In terms of the Recognition Agreement of the Eastern Cape Provincial Legislature, management - from chief director to deputy director - does not form part of the bargaining council. Members of management interact with NEHAWU on issues of governance. The manner in which management and NEHAWU interact will be established through the findings of this study. Carel *et al.* (1998:4) point out that an organisation's tangible assets are certainly important factors in its success but managers today recognise that an organisation's people, its human resources, are its most critical assets.

It is this insight that informs this study's development of a model that will contribute towards improved working relations between NEHAWU and management of the ECPL. It is limited to developing a relationship-building model to improve organisational efficiency in the ECPL.

1.10 STRUCTURE OF THE TREATISE

CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE STUDY.

This chapter serves as an introduction and background to the study. The scope and objectives of the research are also delineated and the type of study and methods undertaken in conducting the research are outlined. The conceptualisation and limitation of the study field are explained, followed by the plan of the treatise.

CHAPTER 2: THE THEORETICAL BASE AND EVOLUTION OF EMPLOYMENT RELATIONS IN SOUTH AFRICA.

In this chapter, a theoretical overview of the origins of employment relations in the South African Public Service is provided in order to promote an appreciation of the contemporary nature of employment relations in the public service. This chapter outlines the enabling legislative foundation which underpins the transformation of the public service.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

This chapter discusses the research design and methodology applied in this study. Beginning by expanding upon the hypothesis of the study, it then moves to an explanation of the instruments utilised in the measurement of variables. This chapter also discusses the sampling design used in this study and provides details on the data collection processes employed in conducting this research. Data analysis procedures, as well as the shortcomings experienced during the duration of the study, are also outlined.

CHAPTER 4: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

This chapter presents the data that has been collected during this study. Here, the main trends of the data are identified and explained with reference to the hypothesis. This data is then submitted to analysis and interpretation.

CHAPTER 5: SUMMARY, FINDINGS, RECOMMENDATIONS AND CONCLUSION.

In this chapter, a summary of the previous four chapters is presented, and the main findings obtained through this study are discussed. This chapter also elucidates the connection between the results and the literature reviewed in Chapter 2. The envisaged model to improve working relations between

management and NEHAWU is presented and discussed. Recommendations for further investigation by other scholars are also made here.

1.11 CONCLUSION

This chapter has provided an overview of this treatise. The context and the problems were articulated as well as the research design and methodology to be followed. The objectives of the research were clearly stated and the research questions specified. Lastly, an overview of the chapters that constitute this treatise has been provided. This study is informed by a specific theoretical framework, hence the next chapter will examine the theory which underpins this study.

CHAPTER TWO

THE THEORETICAL BASE AND THE EVOLUTION OF EMPLOYMENT RELATIONS IN SOUTH AFRICA

2.1 INTRODUCTION

The purpose of this chapter is to provide a general theoretical exposition of the concept of employment relations in the context of the South African public administration, and in so doing, to elucidate the theoretical background of this treatise. This study will illustrate how working relations have been managed in government institutions in South Africa, including parliament and the Legislatures before and after 1994. The chapter will also provide a theoretical context for the findings and recommendations that will be made in subsequent chapters.

Employment relations and factors that influence their positive or negative development has been a matter of debate for centuries (Zotov, 1985:114). Among the most popular writers in this regard in the 19th and 20th centuries were the Marxists and the Western capitalist aligned writers (Zotov, 1985:114). Karl Marx's analysis of social formations in the nineteenth century spurred a wider understanding of the way in which economics creates divisions of class within each society. Marx talks of the capitalist class that owns the means of production and therefore is able to gain profit at the expense of the working class. The working class, according to Marx, earns wages for hiring out its labour

to the bourgeoisie because they are denied access to the means of production. In the workplace, the two classes typically organised themselves into management and trade unions to be able to defend their different class interests. It is in these two formations that we see the representation of class antagonism through labour battles for higher wages and better working conditions amongst other things (Zotov, 1985:114).

Whilst writers note the importance of the formation of trade unions within the capitalist system, they also criticize the contradictory role that unions play. Lenin's views on this matter, as described by Haralambos (1980:265), provide a good example: "Lenin feared that trade unions were becoming increasingly self-interested, furthering the interests of their particular members at the expense of other workers". The often drawn out salary disputes seen in South Africa are identified as one area that depicts the self-interest of union members. There are certain categories of employees in South Africa, such as teachers and nurses, who constantly raise complaints about low salaries and as a result, negotiations in these categories tend to extend over long periods of time. During the course of these lengthy disputes, other Cosatu affiliates are mobilised to pledge solidarity with these groups. Mobilisation and engagement of other Cosatu affiliates in these disputes affects service delivery to ordinary citizens. This is an indication of further self-interest, in particular of members and at the expense of others.

Western writers have generally offered a different view from Marx's theory. Many of these writers have embraced capitalism and their emphasis is more on self-interest and individual development as opposed to Marx's theory of collectivism, which sought to fight against social inequality. Ritzer (1983:167) asserts that within Western capitalist countries, and in the United States of America in particular, there is little criticism of the system as a whole. Instead of an imminent class struggle, the early sociologists saw a future of class harmony and class co-operation. South Africa displays a push and pull relationship between the tenets of capitalism upheld by powerful business interests and theories of the likes of Marx subscribed to by most unions.

2.2 THE GLOBAL THEORETICAL OVERVIEW OF THE EVOLUTION OF INDUSTRIAL RELATIONS.

The purpose of this section is to provide a theoretical overview of the nature of working relations based on the classical industrial relations policies internationally. In so doing, it takes cognizance of the political and economic situations at that time which had a direct effect on the working relations between unions and management.

Grobler (2002:4) maintains that modern Human Resource Management is radically different from the personnel management of previous decades. Bendix (1989:6) states that in pre-industrial societies, a person's work was traditionally or mandatorily determined. Work situations were dominated by agriculture or

crafts, and the relationship was that of landowner and tenants (Bendix, 1989:8). When this order declined during the 1700's, new industrial relations emerged that rendered the traditional system obsolete. People were required to provide labour and that meant a relationship between the employer and employee had to be established (Bendix, 1989:8). This was the beginning of the formation of modern capitalists system. Bendix (1989:8) says that by the beginning of the twentieth century the Industrial Revolution was in full swing, bringing with it major consequences for the labourer. One of these consequences was the formation of trade unions to deal with worker interests. The global perspective provides a key to understanding issues surrounding the origins of employment relations in South Africa.

Grobler (2002:4) maintains that with the dawn of the new millennium it has become clear that the traditional company in South Africa is becoming a thing of the past. The absolute divisions between employer and employee and the emphasis on control and command that was inherited from the agricultural sector is no longer viable. For HR professionals in South Africa, it is agreed that these traditional approaches towards employment relations are giving way to new approaches characterized by greater employee commitment, cooperation and communication.

These new approaches contribute significantly towards organisational efficiency. Grobler (2002:4) argues that HR policies and practices, and sound methods of

HR management can lead to maximum productivity. The discussion below will provide a detailed theoretical evolution of industrial relations internationally and in South Africa.

The development of working relations between unions and management has its roots in the actual shape and development of society itself. To this extent Marx has articulated that the history of all societies is the history of a class struggle. By way of illustration, the stages listed below indicate the different types of relations between the dominant and subservient classes, 'labour and management', over the centuries:

- The slave ownership system; where there were slave owners who performed what could be described as the general managerial role, with slaves being the labourers.
- The feudal system where there were feudal lords who both owned land and used peasants as their workers.
- The capitalist system, in which there are clear classes within society: those who own the means of production and those who sell their labour (Zotov, 1985:114).

2.2.1 Scientific Management

The sociologist Braverman (1980:112), describes the theory of 'scientific management' as that which seeks to divide labour between management and worker in so much that workers as individuals or groups do not have control of the work processes. He further outlines Taylor's classical theory of scientific management which deals with the fundamentals of the organization of the labour process and maintenance of control over it.

Taylor's scientific management focuses on work only, and is guided by three principles. The first principle according to Braverman may be described as the dissociation of the labour process from the skills of the workers. Braverman (1980:113) says that in accordance with Taylorism, the labour process is to be rendered independent of craft, tradition and the worker's knowledge. Henceforth it is not to depend at all upon the abilities of workers, but entirely upon the practices of management. Taylor's second principle, according to Braverman, implies that all possible brain work should be removed from the shop floor and be centered in the planning or design department. Braverman refers to this principle as the principle of separation of conception from execution. He further says that the implications of this principle are that Taylor's science of work is never to be developed by the worker, but always by management. The development of this science involves the establishment of many rules and laws by management. Braverman (1980:117) further maintains that the purpose of the work study was never to enhance the ability of the worker, to concentrate in the worker a greater

share of scientific knowledge to ensure that as techniques developed, the worker would rise with it. Rather, the purpose was to cheapen the worker by decreasing his training and enlarging his output.

2.2.2 Unitary Theory

This theory is relevant to the work situation in South Africa and the Eastern Cape Provincial Legislature in as far as the sharing of values and beliefs by both management and union is concerned. Management of public service in this regard has the responsibility for instilling common values and beliefs in their employees so as to ensure fulfillment of institutional goals.

The labour context in South Africa does not encourage submissiveness in employees towards employers. The relationship between management and employees in South Africa is regulated, and this allows employees to form and join unions as stipulated in the Labour Relations Act (Act 66 of 1995, amended in 1996).

The above theory can be linked to the unitary theory as described by Hollinshead which encourages submissiveness in workers. Hollinshead (1999:17) maintains that the unitary theory portrays employment relationships as harmonious, with employer and employed working together to achieve success. It assumes a common set of values which bind the two parties together and ensure there is no potential source of conflict.

This means that managers should maintain control of the organization and control of work to ensure that business objectives are met (Hollinshead, 1999:17). Under the circumstances, it appears unnecessary to allow a third party like a union to intervene on behalf of the workers. Employers treated their employees as if they belonged to them. Sometimes this was conducted in such a way that they were treated somewhat like children who had to obey their parents. Trade unions were therefore of no value to either management or employees, it is as if some natural force had inserted itself into a natural arrangement (Hollinshead ,1999: 23).

2.2.3 Pluralist Theory

Pluralist theory emerged in Britain at a time when post-war economic growth had led to a high level of prosperity which, twenty years after the war, spawned a number of cultural reforms that were to challenge established ideas and assumptions and in a sense the establishment of British society on the whole (Hollinshead, 1999:23). Hollinshead further maintains that the increasing size and complexity of worker organisations; shifting the power relations within politics and industry; changing social values; rising aspirations; and weakened traditional attitudes towards officially constituted governance, are among the factors that are said to require managers to develop a new ideology and new sources of legitimization if they are to maintain effective control. Hollinshead (1999:21) argues that although management and trade unions are different, they can best

serve these interests by finding common cause wherever possible. He again says that although the potential for a conflict of interests exists, a very strong emphasis on a common purpose is evident. This pluralist theory highlights the differing interests between the two parties, which then creates a framework within a work situation that gives room for conflict to be aired and resolved.

2.2.4 Comparative Approach

Besides the theories mentioned above, contemporary theory in the form of re-integrating theory has emerged in the field of industrial relations. Poole (1987:6) criticizes the western and radical approaches to employment relations by arguing that American approaches tend to be broad and are also all-encompassing, and that they fail to clearly delineate the boundaries of industrial relations from a range of related behavioural sciences. He also rejects the notion that the radical approach holds value for comparative analysis on the basis that it fails to acknowledge the existence of common interests in the employment relationship and inadequately addresses issues such as industrial democracy or job autonomy.

Poole states that a degree of conflict is recognised to be inherent in the relationships between these actors in most systems but there are structures in place to channel or accommodate these on an individual and collective basis. The comparative approach is of the view that employment relations is affected by the environment in which it is operating and that this needs to be taken into

cognizance when planning employment relations. Poole (1986:7) asserts that there is a perception that industrial relations structures and processes reflect the societies in which they are operative, and that power realities, processes, culture, history and the structures of wider society necessarily shape the nature of employment relations.

Poole (1986:7) is of the view that only a multi-disciplinary approach can be used to achieve insight into industrial relations phenomena, and he proposes the development of explanatory frameworks instead of descriptive categories and methods (1986:6).

2.2.5 Systems Theory

Wheatley (1994:24) supports the systems theory in saying that modern systems move beyond traditionalist and other theories. He maintains that adaptive organizations are resilient rather than stable in character and are driven by purpose. He further maintains that a constant free flow of information is necessary as the source of energy for adaptation as well as in building the capacity to respond to this meaningfully, if the system is to survive. Wheatley (1994:24) argues that a focus on the structural aspects of systems has tended to limit understanding of the processes or systems used to reorder or renew themselves to survive new internal and external challenges. Senge (1990:46) also acknowledges systems theory as devising a system that promotes interrelationships.

From the above it can be deduced that these theories fail to acknowledge the differing interests and needs of management and labour. This suppresses the rights of workers to agree or disagree to certain aspects of the organization. This also supports the assumption that whatever is said by management is correct and need not be questioned as it comes from a superior body that has to be obeyed.

The South African state has in the past been characterised as an oppressive and exploitative state which did not serve the interest of all, and especially the workers, which included the parliamentary organs. During the apartheid era, different sectors of black South African society realised that they were being discriminated against, and this resulted in many acts of violence being committed in many areas, including the workplace, in retaliation to this discrimination.

It is believed that with subsystems working interdependently, organisational efficiency within the Eastern Cape Provincial Legislature could be achieved. Cohen *et al.* (1976:122) associate organisational efficiency with an effective group, and argue that the effectiveness of any group depends on several factors. They state that appropriate human and technological resources are the background factors that establish both the possibilities and the limits for productive outcomes. This view is supported by Nel *et al.* (2006: 23) who argue that the efficiency of an organisation refers to the nature and quality of the

interpersonal, inter- and intra-group relationships within the organization. Beer (1980: 29) further states that organisational efficiency may be defined as the extent of the 'fit' between the internal components of the social system. He further argues that the more congruity there exists between these components, the more likely it is that the organisation will function smoothly with relatively little dissatisfaction on the part of organisational members. Furthermore, the policies and directives that make up the required system have direct influence over the effectiveness of the working group.

Bass (1994:21) links organisational efficiency to effective delegation by leaders. He argues that an appropriate leadership and delegation style is the function of the leader. This view is supported by Dubrin and Ireland (1993:201) who assert that the distribution of decision-making power throughout the organisation is seen as key in contemporary organisations. They further state that sharing power with subordinates encourages them to feel better about themselves and perform at a higher level, however for power sharing to be effective the employees must be competent and interested in assuming more responsibility. Cokins (2002:17) is of the opinion that when an organisation works more efficiently and staffing remains constant, there is a 'freeing up' of unused capacity in the workforce.

Sharing power by the management of the ECPL and NEHAWU can contribute towards an improvement in the performance and the public image of the institution. With members of NEHAWU involved in decision making within the

ECPL, minimal conflict will be experienced as union members will take part in decision-making processes.

Koehler (1997:49) argues that transformational leaders empower subordinates to work towards achieving desirable outcomes first by clearly defining those outcomes, and second by allowing them to decide the best way to achieve the desired outcomes through continually improving their processes. Empowerment is difficult to achieve in isolation. Therefore moving from a functional, independent organisational structure to an interrelated system is necessary for organisations that desire an empowered workforce.

Cokins (2002:16) supports the view that subordinates should be empowered and goes further to say when senior leadership, managers and employee teams are provided reliable views of not only their resources spending but also the costs of work activities, costs of processes involved in these activities, and its totals, employees tend to understand the basis for management to make certain decisions. Fundamental to empowerment is that organisations organise around processes and manage these processes (Koehler, 1997:49). As Kehler explains, “over 90 percent of improvements in organizations stem from improving processes. Organizing work around processes requires the organization to draw up a flowchart of its core processes” (1997:27).

Koehler (1997:28) defines a process as a series of steps that we perform to produce a product or service. He further states that once processes are clearly defined, leaders and associates should work closely together to improve the process performance. With processes clearly defined, stakeholders understand that they are empowered to test and implement changes that improve the process to which they are assigned. Koehler (1997:29) adds that the fundamental principle in a team-based, empowering organisation is that every process can be improved.

2.3 THE EVOLUTION OF TRADE UNIONISM IN SOUTH AFRICA PRIOR TO 1994.

Andrews (1988:344) states that the South African economy has traditionally relied on the agriculture sector, which promoted a paternalistic relationship between the employer and the employee. This scenario only changed with the discovery of gold and diamonds in South Africa, which resulted in overpopulation in towns because people from rural areas began migrating to cities in search of work. This in turn contributed to poor working conditions which triggered dissatisfaction among workers in general. Another turnaround became visible after the annexation of the Cape of Good Hope by Britain when postal clerks attempted in 1898 to establish a Personnel Association. The Cape Postal and Telegraph Clerks Association, established in 1902, was the first South African personnel association to come into being, after which followed the establishment of the Public Union in 1912 and the Civil Servants Association in 1917. The latter

associations merged in 1920 to become the Public Servants Association. The role of these associations was to establish a system of collective bargaining between government and government employees (Andrews, 1988:344). The impetus for the formation of these associations was the realization that the working class was being exploited by management and these associations were therefore tasked with guarding the interests of the workers.

Industrial conflict, which was characterised by often violent encounters, became the order of the day during the apartheid era in South Africa. This conflict forced the South African government to realize that there was a need for negotiations in order to overcome the class conflict. The promulgation of the new industrial relations laws in 1981, after various commissions were established to look into the situation, permitted black trade unions to replace the former paternalistic regime of employer/employee relations for the first time. Subsequently, Congress of South African Trade Union (Cosatu), the largest trade union federation, was established in 1985 and enabled worker representatives to face their employers on issues affecting workers in general (Shaw, 2001:5).

The economic system in South Africa during this period was characterized by the fact that the means of production were primarily in the hands of white people, whilst black workers were responsible for actual production.

The economic system highlighted above illustrates the exploitation of black workers by employers because of an authoritarian style of management. The apartheid system created an enabling environment for the adoption of attitudes of superiority by employers of whom the majority were white which made it impossible for black workers to engage with their employers on issues affecting them. This system inevitably created conflict in the work environment because of the lack of trust between employers and employees and unwillingness of employers to listen to worker grievances. Bendix (1989:75) says that it was commonly believed that black employees were not sufficiently responsible to engage in collective bargaining.

The period between 1925 and 1948 was marked by increased gold mining. Many black people from rural areas were flocking to cities to look for jobs. Conflict between Managers and workers intensified with the increasing number of black people working on the gold mines and the exploitation of workers which resulted. During this period the influx of black people into urban townships resulted in major unrest. Bendix (1985:85) says that as the power of black employees continued to grow, it became increasingly important for government to appoint a commission of enquiry, called the Botha Commission, to look into labour legislation. The commission recommended that separate bargaining councils for blacks and whites be established. The recommendations resulted in the promulgation of the Black Labour Relations Regulations Act in 1953 (Bendix, 1985: 83). Unions during this period were organized along colour lines because

of the segregation laws that prevailed. White workers and the government of the day collaborated in oppressing black people because of their common interest in promoting the apartheid system in South Africa. White workers supporting the white government formed a coalition with white Afrikaners in 1948 which resulted in the ascension of the National Party to power in 1948 (Luckhardt and Wall, 1980:36).

The passing of the Industrial Conciliation Act that favoured white workers led to the formation of the South African Trade Union which was later called the trade and labour council. This was necessary so as to build a structure that would be the voice of black workers when speaking to management. Through this union, workers hoped to establish direct interaction with employers so as to channel their grievances. Unionised workers have a stronger voice than individual workers. This was also an attempt to build working relations between white employers and black people. Within the union there were white workers who were sympathetic towards black interests and would therefore voice some of the concerns raised by black workers (Bendix, 1985:84). This scenario indicates the inaction of black workers in the industrial relations environment during that period. This ineffectiveness was predominant in the public sector; unionization among black public servants was prohibited during this period thereby creating unhealthy working relations between managers and workers.

The prevailing situation encouraged black workers to unite. Bendix (1985:84) maintains that in 1942 all existing unions and federations came together to form the Council of Non-European Trade Unions (CNETU). However, the union lacked grassroots involvement and as a result did not last. Despite its failure, it did succeed in instilling a culture of unionism among black people. The 1946 strike, which led to many union leaders being imprisoned, prompted the establishment of a coalition between the African National Congress (ANC) and trade unions. It was during this time that the ANC and the trade unions realised that there was a need for an integrated approach to fight the common enemy.

Luckhardt and Wall (1980:36) maintain that in discussing the dynamics of race and class in South Africa, Joe Slovo stated that for all the overt signs that race is the mechanism of domination, the legal and institutional domination of the white minority over the black majority had its origins in and is perpetuated by economic exploitation. Thus, just as national liberation is a prerequisite for freedom from racial domination under apartheid, so too is class emancipation a prerequisite for freedom from economic exploitation. He says that the realities of apartheid allowed for black workers and their dependents to be exploited both as workers and as disenfranchised citizens of South Africa. In the struggle for a democratic society free from all forms of exploitation and oppression, the black working class must necessarily be the driving force of the revolution.

Inspired by this realization, the 1946 strike forged a new alliance in progressive circles with greater emphasis on mass mobilization and mass action. The black trade unionists were clearly in touch with the ANC. The plan was that the African National Congress together with black trade unions would form an alliance so as to bring pressure to bear upon the white dominated government through the fight for equal rights. Luckhardt and Wall (1980:72) state that the post-strike period saw new relationships being established between the different organisations representing the nationally oppressed groups. This created conditions for a progressive alliance between all those segments of South African society that suffered both class exploitation and racial oppression.

Continued dissatisfaction among black people led to the promulgation of the Bantu Labour Relations Act. Its purpose was to promote the formation of worker committees. It also provided for the formation of liaison committees at plant level as an alternative to the already existing workers committees. Liaison committees were to be composed of representatives of employers and employees, elected on parity basis. Their main purpose was to improve communication between the employer and his black employees (Bendix, 1985:93). The establishment of these liaison committees was based on the realization by employers of the importance of establishing working relations with employees so as to increase production and as a means of managing the conflict that was surfacing between workers and management. This scenario can be likened to the pluralist theory outlined by Hollinshead. This theory takes a different angle from the Unitary

theory, in the sense that it acknowledges a limited level of conflict that might arise between the employees and the management of a company.

Although managers have indirect influence on liaison committees, a slight victory was achieved by workers because they were able to establish a structure within which their demands would be heard and through which they would be able to communicate. Bendix (1985:93) argues that the committee system for black employees was introduced in South Africa not to supplement the process of collective bargaining, as has happened in Western countries, but to replace it.

The failure of these committees was that their appointment was influenced by employers. They were therefore strategically placed as employer representatives to shape workers' opinions towards what was desired by the employer.

As the struggle against apartheid continued, workers intensified their own, related struggle. Unions wanted formal recognition so as to build strong working relations between workers and managers, however they experienced some difficulties from 1974 onwards because of the political instability of the time. Most political leaders of the anti-apartheid movement had been imprisoned and even more were imprisoned during the Soweto uprisings in 1976. Bendix (1985:86) maintains that the momentum was nevertheless lost and in 1979 the Federation of South African Trade Unions (FOSATU) was established. Another federation,

the Council of Unions of South Africa (CUSA), was founded in 1980. These two unions dominated the South African labour scene for some time.

The 1976 uprisings increased the pressure on, and oppression of, black workers. During this period, however, Western countries began to pressurize South Africa to relax oppressive laws imposed on black people including black workers. A new strategy was required at this time so as to improve the image of the South African government on the world stage (Bendix, 1985:94).

It was against this background that a second commission, the Wiehahn commission, was established to look at labour legislation. Bendix (1985:94) states that the original brief of the commission was to rationalize the then-existing labour legislation and to seek possible means of adopting an industrial relations system suited to the “changing needs”, and eliminate bottlenecks and other problems experienced by labour. This was the stated brief but in retrospect it appears highly probable that the Commission was specifically instructed to consider a method by which black trade unions could be controlled and incorporated into the industrial relations system without creating too much disruption. Bendix (1985:95) further maintains that the findings of the Commission were reported in six parts.

Some of these recommendations were progressive in the sense that registered trade unions were granted access to collective bargaining. The proposal

represented a step forward in the South African industrial relations environment. Newer unions that were formed during this period became aware of some of the mistakes made by older ones in the past and in turn focused on the organisation of workers rather than mass mobilization. During this period, public service employees, especially black employees, were not unionised.

Significant developments in the public sector started to appear during the 1980s, and this became increasingly visible with the growing resistance among teachers' associations representing black and white teachers on the wage freeze imposed by government, resulting in a decrease in wages under conditions of high inflation and a lack of negotiating rights (Finnemore, 1997:96). As a result of the above mentioned grievances, several Cosatu affiliates, such as NEHAWU, began organizing public servants. Finnemore (1997:97) maintains that in spite of strikes being illegal in various essential services such as hospitals and the railways, major disputes, disruption of services and even loss of life occurred as the public sector unions struggled for recognition, improved wages and benefits, and protested against the privatization of the public sector. Workers in the homelands also mobilized around these issues and as a result, there was further unrest in the old Ciskei homeland. Baskin (1991:424) maintains that in one of his first pronouncements, Ciskei's new ruler in 1993, Brigadier Gqozo, accepted that workers had the right to unionise. This small relief was only directed at workers in industry. Concerning civil servants, he remained firm on the fact that they were barred from joining NEHAWU as the public service union.

This scenario resulted in the ANC engaging in talks with the South African government. Baskin (1991:425) says that two crucial meetings were held between the ANC and government, culminating in the Groote Schuur and Pretoria minutes which attempted to clear the obstacles to serious constitutional negotiations. Visible moves were made by Mr. W. de Klerk in opening up for talks, but even after the release of Nelson Mandela, strikes were the order of the day. According to Baskin (1991:425), the major strikes involved the public sector (health workers and civil servants in particular).

He further maintains that due to this pressure, the Public Sector Labour Relations Act was promulgated in 1993, which established a public sector bargaining forum in an attempt to provide an avenue for the resolution of these problems. Coetzee *et al.* (2001: 257) state that the functions of the Public Service Co-coordinating Bargaining Council go well beyond traditional collective bargaining process, to include qualitative non-distributive issues such as work organisation as well as the restructuring of the public service itself. The government recognised the need to establish working relations between managers and workers. Baskin (1994: 24) says that recognition of the public service unions in the early 1990s and the insecurity felt by public servants during the transition period contributed to its growth.

The situation during this period forced public servants to organise themselves so that they were able to fight for their rights in a structured manner. The strikes and unrest that took place prior to this were justified because the government did not allow dialogue between managers and unions within the public service. Unions in the public service were denied the right to organise themselves and this contributed to instability in the industrial relations system in South Africa, especially in the public service. The absence of working relations between unions and managers in the public service created mistrust and dishonesty between the two parties.

The developments in South African politics in 1994 changed the situation because South Africa became democratised. The alliance between the ANC and the trade union movements helped South Africa's move towards democracy. The common goal of the parties in fighting class distinction and racial segregation, enabled the alliance to work together in transforming South Africa into a non-racial society. The strength that they used in fighting the apartheid system will be required to drive the transformation process forward.

The Eastern Cape Legislature was and is not immune from the inherent conflictual relations between employees and management and therefore has to develop ways of dealing with conflicts between the two.

From the above discussion it can be deduced that the minimal relaxation of some laws and processes by government still failed to provide space for independent

thinking by unions. Government established structures and legislation that still allowed management control over union activities and had little or no power to improve the working conditions of workers. Consequently, the unrest that followed forced the South African government to go to the negotiation table with the African National Congress and its allies.

2.4 TRADE UNIONISM IN THE SOUTH AFRICAN PUBLIC SERVICE AFTER 1994.

2.4.1 The establishment of new legislation

This section is aimed at highlighting the working relations between unions and management in the South African public service after 1994. The South African socio-political climate was marked, during this period, by drastic political changes. A country that was previously ruled by apartheid laws achieved a democracy in 1994. At this time, the country still needed a comprehensive strategy to reshape the labour market to be in line with the mandate of the new constitution. This was needed in order to overcome the structural rigidities and inequalities inherited from the apartheid era and to meet the global challenges South Africa faces. The government started to systematically change apartheid laws that subjected black people to hardship and misery. It set itself the goal of creating a better life for all. The bill of rights contained in chapter two of the Constitution of the Republic of South Africa, ushered in a democratic working environment. It stipulated that every worker has the right to fair labour practices.

Every citizen in South Africa is expected to uphold the principles enshrined in the constitution.

Unions have a long and proud history of fighting for their rights in South Africa (as detailed in section 2.3 above). Baskin (1996:22) states that it is difficult to appreciate the difficulties facing South Africa unions without some historical background. He goes on to say that black unions were effectively crushed in the early 1960s in the wake of the Sharpeville massacre. Public Service unions were racially organized, with their method of operation dictated unilaterally by government. In this situation, unions were in most cases co-opted by government in order for them to serve the interests of management. Finnemore (1996: 96) says that black workers were compelled to participate in in-house structures which had little power to improve their economic positions or their status as employees. The situation however changed after 1994, when unions were no longer required to fight for their recognition and rights these were provided immediately after the democratic government came into power. As a result, South African workers are no longer highly marginalized.

Post 1994, the freedom to unionise was recognised and as a result, unions such as NEHAWU were formally acknowledged and accorded the status they deserved, particularly in the homelands such as Ciskei. Baskin (1997:27) says that the recognition of public service unions in the early 1990s and the insecurity felt by public servants during the democratic transition period contributed to the

growth of public service union membership. Finnemore (1997:104) maintains that in 1996, Cosatu appointed a commission, under the chairpersonship of Connie September, to investigate the future strategic direction of the federation. The enquiry was tasked to look at three focal areas:

- Organisational questions including union structures, level of service, staffing and competence, and trade union benefits
- The world of work and the economy-employment levels, approaches to remuneration, globalization and competitiveness in the labour market
- The political role of unions in the new South Africa

The achievements enjoyed by unions under the democratic government are obvious; there are better working conditions and greater protection of workers. In an effort to normalize the situation in the workplace, various pieces of legislation and forums to develop social dialogue between the employers and unions were established and reviewed. Coetzee *et al.* (2001:253) state that the most impressive gains of the trade unions have come from industrial relations and labour market legislation, which are widely acknowledged to be among the most labour friendly in the world. The general working conditions for workers in South Africa were improved through the introduction of the Labour Relations Act (Act 66 of 1995, as amended in 1996). The main aim of this Act was to promote peace and democracy in the workplace. This will be achieved by providing a framework for regulating the relationship between employees and their unions on the one hand, and employers and their organisations on the other. The Act also

encourages employers and employees to regulate relationships among themselves. This is what is expected of institutions such as the Eastern Cape Provincial Legislature in order to regulate the relationship between management and the union. This has been partially achieved in the Eastern Cape Legislature in that there is a recognition agreement that has been signed between management and the union (Annexure 2). The question is whether it is sufficient to fulfill the role of improving relationships between management and the union. The Act, after amendments, stipulates the rights of employers and employees more clearly than before. Furthermore the Act is in favour of processes of labour dispute settlement before parties move to arbitration. A spirit of negotiation and dialogue between the employer and employees is encouraged (Know your LRA guide).

These provisions allow institutions to shape their relations accordingly. Some of these provisions were utilized in the Eastern Cape Provincial Legislature during the period of this study; the challenge is that they were not utilized optimally so as to improve relations between management and the union.

The Basic Conditions of Employment Act of 1997 is another piece of legislation available to regulate working conditions for employees and unions. When South Africa became free from oppression and the suppression of one group by another, part of the goal to create a better life for all was the improvement of the working conditions of all people. This law advances economic development and

social justice by establishing basic conditions for all employees such as working hours, overtime, meal intervals, annual leave, sick leave, minimum wages and so forth. The Eastern Cape Provincial Legislature is complying with the provisions of this act and as a result the institution rarely receives grievances from individual employees in this regard.

The Employment Equity Act of 1998 seeks to promote equal opportunities in the workplace by eliminating unfair discrimination. Employees, including managers, may not be unfairly discriminated against on the grounds of race, gender, or disability, according to this Act. The Act goes further and addresses affirmative action. Larger employers are required by law to take steps to improve the situation of black people, women, and people with disability in the workplace. It also makes provision for the establishment of an Employment Equity Forum that will ensure that institutions comply in terms of the act and allows continuous interaction between management and the union on aspects related to this. The formation and effective utilization of this forum can reduce issues of conflict between management and the union. The Eastern Cape Provincial Legislature has established this forum, however what is of critical importance in this case is the effective utilization of the forum so as to reduce issues of conflict between management and the union.

The Skills Development Act of 1998 and the Skills Levies Act of 1999 set out to develop and re-skill the South African community. Institutions are now required to

pay skills levies so as to ensure the training of employees. The Skills Act again also for management and the union to establish a skills forum that seeks to ensure that programmes are established for the training of employees. A skills plan is in place to ensure that challenges experienced are addressed through this forum. In addition, this gives opportunity for managers to interact with their employees. Problems arising from this area need not affect the whole institution if this forum is effective. In the Eastern Cape Provincial Legislature, this forum has been established but there are situations where members of the union will raise somewhat irrelevant challenges related to this area. This again poses a challenge to the effectiveness of this forum.

Other institutions such as the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour court have been established. The LRA promotes conciliation and negotiation as a way of settling labour disputes.

The 'DNA' of labour systems is made up of capital, labour and government. The three are interrelated and interdependent within the labour system. It is the interactive processes between and within each of these core elements, which is of central concern to scholars in the field. The shape of any labour system is defined through the strategic choices each element makes in pursuit of its interests, both towards the other elements in the system and in respect of the general environment. It is critical to first understand the internal dynamics and how the organisation interacts with them as this makes it easy for an organisation take informed approaches in dealing with the external environment.

2.4.2 An integrated governance approach

In its approach to governance after 1994, the South African government has followed an integrated way of operating. This is a new concept that seeks to improve service delivery by government. The South Africa constitution (Act 108 of 1996 in chapter 3 section 41) forces government to use an integrated system of governance as part of transformation. It requires co-operative governance across all spheres of governance. This approach assists the parties involved to come to informed decisions and minimise the possibility of unnecessary conflict. When referring to integrated governance, one is talking of participatory governance by the parties involved. In this instance, integrated governance would be more applicable between management and unions in the Eastern Cape Legislature so as to minimise any unnecessary conflict.

A central forum to debate disputes and misunderstandings within the institution is imperative because decisions taken will affect parties either negatively or positively. South African history has taught us that a cohesive approach to governance brings dividends. Shaw (2001:12) states that Codesa was the most important negotiating forum in South Africa's transition from apartheid to democracy. It was and is the benchmark for conflict resolution in South Africa. It embodied all the elements of a mature negotiating process - inclusivity, consensual decision-making, the win-win premise, and co-ownership of the process. This demonstrates the reliance on dialogue and the integration of different approaches to reach an all-inclusive decision. Shaw (2001:16) further

maintains that the determining role that dialogue plays in the settlement of differences is now part of the South African vocabulary. Resorting to violence is now seen as failure.

The National Economic Development and Labour Council is one consultative forum that is effective within the labour market environment. Issues affecting employers, unions, government and community-based organisations at a macro level are discussed in this forum. Organised labour, organised business and communities all participate in making labour laws at NEDLAC. All labour laws have to be discussed at NEDLAC first before they can go to Parliament. Other issues of national importance that affect the parties mentioned above and are subject to consultation also have to be addressed at NEDLAC before they are promulgated into law or a national decision is taken regarding them. For example the issue of a job summit in 1998 was discussed at NEDLAC before it actually went to cabinet. It is important that consensus is reached among all parties involved before a national decision is taken.

This is the case study that can be emulated within the Eastern Cape Provincial Legislature in attempting to improve working relations between management and the union. There are important lessons that can be drawn from this Institution by many organizations.

2.4.3 Well being of the workforce

Tshikwatamba (2004:601) maintains that the wellbeing of the workforce is made possible through appropriate human resource policies. He argues that the majority of the workforce in South Africa subscribes to the African-centered view although the formulation of personnel policies has been based on Eurocentric, normative values. Consequently, during the apartheid era the basic needs of the majority of the workforce in the public sector were not accommodated within the policy framework. With the establishment of a democratic government after 1994, policies that are formulated are the product of a consultative process between government as the employer and trade unions as the representatives of employees. The present public sector, which is dominated by a black African workforce, values collectivism over individualism in decision- and policy-making. Tshikwatamba (2004:598) says that collectivism emanates from the notion of the extended family, a common feature in the African-centered view that has not been accorded recognition in the workplace.

Tshikwatamba (2004:596) states that employees are regarded as human beings and therefore a resource for the public sector, however the 'human' in human resource management is losing its emphasis, he argues. Organisations are comprised of people who constitute the hearts and souls of such establishments. Each of these individuals represents a value system and particular code of conduct. Furthermore there are certain fixed patterns of behaviour that differ from one individual employee to another, that are recognizable when the human in

human resource management is emphasized. Human resource management emphasizes that employees are viewed as the organised whole although operating from different spheres of life, be they social, political or economic.

In the ANC-governed public sector, diverse groups of employees enjoying different lifestyles, backgrounds, cultures and religions, are accommodated. This is achieved through the formulation and implementation of appropriate policies that ensure greater productivity without discriminating against employees. The shift in management from the previous government includes providing diversity training and revamping benefit programmes. Managing people involves understanding them as individuals and recognizing their differences as well as drawing up some general principles and conclusions. While building an effective workforce is critical, diversity may become an obstacle to clear communication and teamwork where mutual understanding is required (Tshikwatamba, 2004:596).

Within the Eastern Cape Provincial Legislature, policies still need to be developed to address issues of diversity so as to ensure better understanding and tolerance amongst employees. Membership of NEHAWU, for example, is dominated by black employees whereas there are white employees within the institution. This requires a shift in mindset.

2.5 CONCLUSION

From this chapter it is deduced that industrial relations internationally and in South Africa prior to 1994 were influenced by the socio-political environment. Socio-economic development compelled employment organisations to move away from the traditional approach of employment relations and shift towards contemporary approaches that, amongst others, include Systems Theory.

Due to the apartheid system, the labour market framework in South Africa was shaped along racial lines. Black workers were not accorded the same status as that of their white counterparts. The labour legislation framework favoured white workers. The realization by black workers of this discrimination encouraged them to fight for their rights and recognition.

The situation changed after 1994 when South Africa became a democratic country. The ANC-led government came into power and with the formulation of the new constitution, government had to review the existing labour market systems. Labour legislation was reviewed and led to the promulgation of many new labour laws and progressive institutions, such as NEDLAC, that promoted social dialogue. Due to these changes, the role of trade unions and the working relations between management and unions had to change. The focus is now centred on the implementation of labour laws and on working with the employer in a more integrated way.

From the discussions above it can be deduced that unionization after 1994 shifted from fighting for worker rights to a focus on restructuring the labour market legislation together with the new democratic government. During the restructuring phase, various pieces of legislation were enacted through a consultative process between managers and labour. During this period, unions had to enforce employers' compliance with this legislation.

It may further be deduced that working in an integrated way may lead to the minimization of conflict between two different parties as they have different interests. In the labour market environment, NEDLAC is an example of a workable forum in South Africa. It is further concluded that the wellbeing of the workforce is important in relationship building between management and labour.

The next chapter presents an in-depth discussion of the research design and methodology followed during the field work that was conducted for this study.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3. 1 INTRODUCTION

The purpose of this chapter is to discuss the research design and methodology of this project in an attempt to reach the research objectives. Cooper *et al.* (1976:61) argue that the design of a study is the blueprint for fulfilling objectives and answering questions. This view is supported by Berg (1989:24) who states that the design of a project is literally the plan for how the study will be conducted. Survey research is the research design that has been employed in this study. Babbie and Mouton (2001:231) maintain that in a survey, the researcher selects a sample of respondents and administers a standardised questionnaire to them. Babbie and Mouton (2001:232) further state that surveys may be used for descriptive, explanatory and exploratory purposes. They are chiefly used in studies that have individual people as the units of analysis. Survey research is probably the best method available to the social scientist interested in collecting original data for describing a population too large to observe directly (Babbie and Mouton, 2001:232). Careful probability sampling provides a group of respondents whose characteristics may be taken to reflect those of a larger population, and carefully constructed, standardised questionnaires provide data in the same form from all respondents.

This chapter further seeks to test the validity and reliability of the research methodology used to gather and analyse data by interpreting the findings from the sample population. The sample population in this study consisted of respondents from management, employees and shop stewards of NEHAWU on the one hand, and Members of the Provincial Legislature on the other.

The selected research methodology attempts to provide solutions to the problems that initiated this research project, namely the poor working relations that exist between management and NEHAWU in the Eastern Cape Provincial Legislature. Of note are the attempts made in this regard by political heads, in particular the Speaker of the Eastern Cape Provincial Legislature who, in 2006, instructed the Secretary to the Legislature (head of the administrative arm of the legislature) to facilitate a relationship/team-building workshop with management and NEHAWU in order to improve the employee relations between the two.

The Team Building Report of 2006 agrees that there are “poor working relations between the union and management which affects the organisational efficiency of the Legislature” (Team Building Report , 2006:4). In her opening remarks at the workshop, the Speaker said that “tensions between union and management impacts on [how the Legislature is viewed from outside]. The relationship between unions and management is critical for the ongoing improvement of the situation. Finding a way to mend the broken relations is crucial. Failure to do so will result in the Legislature having:

- Failed the peoples of the province, and the Republic;
- Failed the institution; and
- Failed themselves and their families” (Team Building Report, 2006:4).

It was also identified in the workshop that “poor working relations causes mistrust between the two parties” (*ibid.*). Disrespect in the implementation of policies and failure to adhere to collective agreements was cited again as the contributing factor to the poor working relations that exist between management and the union. Furthermore, lack of clarification and confusion of roles is highlighted in the Team Building Report as another factor that exacerbates this problem.

Based on the identified problem, this study has sought solutions, which has resulted in the development of a model that will contribute towards the improvement of working relations between management and NEHAWU of the Eastern Cape Provincial Legislature. In this regard, it is useful to return to Custer’s statement that a primary goal of research is to achieve understanding and then to develop models that approximate “truth and reality” (1996:2). The hypothesis is derived from the fact that the researcher had noticed the correlation of these concepts in the work situation of the Eastern Cape Provincial Legislature and decided to investigate its truth or falsehood (Bailey, 1987:42). Very often, investigators see evidence in their daily lives or in the course of social research indicating that certain phenomena are correlated. Bailey (1987:42) further states that the suspected correlation leads the investigator to hypothesise a relationship

and to conduct a study to see if his/her suspicions are confirmed. In addition he asserts that hypotheses are often inspired by past research or by commonly held beliefs.

The research methodology below has been used to develop a model that will improve the problem of working relations between management and NEHAWU of the Eastern Cape Provincial Legislature.

3.2 RESEARCH DESIGN AND METHODOLOGY

Empirical study is the type of research method utilised in this study. This is based on the research problem identified, and the questions to be asked. Mouton (2001:56) states that research designs are tailored to address different kinds of questions. He further maintains that empirical studies use primary data in the form of surveys, experiments, participatory research and so on, whilst non-empirical studies focus on the analysis of existing data such as content analysis, textual criticism, and historical studies. The survey forms the research design used for this research. Mouton (2001:152) says that surveys are studies that are usually quantitative in nature and which aim to provide a broad overview of a representative sample of a large population. In this study, research questions are exploratory, predominantly descriptive and casual whilst in a non-empirical study, key research questions centre on determining the meaning of concepts, and clarifying conceptual linkages through classification and categorisation. Here, different forms of conceptualisation are linked to various theoretical and

philosophical traditions such as the analytical tradition, phenomenology, critical theory and critical rationalism (Mouton, 2001:175).

Mouton (2001:175) further states that conceptual analysis brings about conceptual clarity. Well-structured conceptual analysis makes conceptual categories clear, explicates theoretical linkages and reveals the conceptual implications of different viewpoints whilst surveys hold the potential to generalise about large populations if the appropriate sampling design has been implemented (Mouton, 2001:153).

In this research project, qualitative research methodology has been selected as an appropriate method to enable the researcher to achieve the objectives of the project. Qualitative research is an “inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem [such as poverty, unemployment, and economic growth]. The researcher builds a complex, holistic picture, analyzes words, reports, detailed views of informants, and conducts the study in a natural setting” (Creswell, 1998:15; Anderson and Arsenault, 1998:119). The research methodology for this process involves the “studied use and collection of a variety of empirical material – case studies, personal experience obtained through action research or participant observation, and interviews that describe meanings, procedures and challenges in the development or implementation of the case in question” (Anderson and Arsenault, 1998:119). Qualitative research can also be used for “theory

generation and verification” (Punch, 2005:16). The characteristics of qualitative research, as apparent in this research project, are as follows:

1. There is a defined field of focus of the research, which in this case is the Eastern Cape Provincial Legislature and NEHAWU
2. Research is the key instrument of data collection through observation and questionnaires completed by respondents who are directly involved with employee relations issues
3. Data collected as information used for the development of the model for organisational efficiency, namely to improve the relationship between management of the ECPL and the union
4. The model is aimed at creating better working relations, productivity and performance improvement in the ECPL (Binza, 2007:106; Punch, 2005:163; Creswell, 1998:16; Bogdan and Biklen, 1992:45).

The validity and reliability of this research is dependent on the choice of methods applied to data collection, and on how it was broken down and analysed. The appropriateness of the research methods is important as it is these methods that will help in gathering data to test the hypothesis of this research.

The methodological approach used in this investigation is qualitative in nature and the comparative advantages of this method will be explored. To return to Winberg’s definition, qualitative methodology involves examining “people in their contexts”, which includes both their past and present circumstances. The

qualitative research data collection strategies applied in this study comprise of questionnaires distributed to individuals and groups as well as the analysis of relevant documentation.

3.2.1 The population and the sample

The sample selected in this study was such that through it, the researcher was in a position to identify characteristics of the total population. The sample for the research observation and survey must be carefully chosen and clearly defined. In terms of the qualitative research method used in this research project, Binza (2007:108) writes that ‘there are no rules for sample size in qualitative inquiry. Sample size depends on what the researcher as the principal research instrument wants to know, the purpose of the inquiry and what is at stake (Anderson and Arsenault, 1998:14).

The population that forms the sampling for this research project has been selected from the total of 130 staff members of the ECPL. The shop steward’s committee comprises seven members. During the period under study, there were eighteen members of management in the ECPL, comprising three top, five middle- and ten lower-level managers, who negotiate and consult with the union on various issues of governance and conditions of service as per the Secretary’s request. Other staff members are also part of the sample and fifty-three elected representatives or politicians, who are also referred to as Members of the

Provincial Legislature (MPLs). This excludes the ten Members of the Executive Council.

Stratified random sampling was utilized in this study, allowing everyone in the population of the ECPL the opportunity of being selected. Singleton (1988:143) describes random sampling as a process that allows each individual in the population an equal chance of being included in the sample. A sample was identified in each stratum. As many of the managers were involved with committees that were busy with the tabling of Annual Reports from various departments, a sample of only six managers was obtained. A sample of six shop stewards was selected from NEHAWU, four of whom returned the questionnaires. Focus groups were identified from among ordinary union members and staff who were non-union members. Five focus groups, targeting forty staff members chosen from different directorates, were initially identified.

Focus groups were created as the researcher was unable to identify sufficient independent members of staff due to training programmes that were taking place during the period. Committees were also sitting during this period, therefore many staff members, such as Committee Co-ordinators, were engaged in preparing for meetings. A total of twenty respondents were targeted. According to Bailey (1987:90), a stratified sample is obtained by separating the population elements into non-overlapping groups called strata, and then selecting a simple random sample from within each stratum. He further states that stratified

sampling of groups means that they are ranked, or ordered. Stratified sampling consists of listing all full managers, for example, of the ECPL in one homogenous group, while the other levels of management were treated similarly. Thereafter, a random sample was drawn from within each group. The same rule was applied to the selection of union members and Members of the ECPL alike.

3.2.2 Structured questionnaires

A Likert scale questionnaire was prepared for the sample (Annexure 2). Questions were prepared and structured according to five thematic areas. The questionnaire took about 10 to 15 minutes for the respondent to complete. These questionnaires were handed directly to the different individual respondents, and an opportunity was granted for respondents to ask clarity-seeking questions, if deemed necessary. The request was immediately honoured by many and follow up telephone calls were made to those respondents who were unable to respond on time. Focus groups were interviewed separately. The researcher had to explain the purpose of the questionnaire and the process to be followed. Assistance was provided where necessary.

Questions in the form of statements were utilized and all relevant data was captured from the questionnaires using the Likert scale. A section for general comments was provided which allowed for in-depth probing of the answers supplied by respondents. On completion, the questionnaires were returned to the researcher for analysis. A statistician, using a programme called Statistica,

was employed to analyse and interpret the data. This type of research will yield qualitative results. Trochim (2000:1) maintains that qualitative data is extremely varied in nature as it includes virtually any information that can be captured which is not numerical.

Presented below is the list of categories of respondents who were issued with the questionnaire, the dates these were issued and the dates they were returned (Annexure 2).

CATEGORY	TARGET QUESTIONNAIRE DISTRIBUTION	NUMBER OF QUESTIONNAIRES RETURNED	RETURN RATE
Top, middle and lower management	6	6	100%
Shop stewards	6	4	67%
Groups of ordinary union members and staff	5	5	100%
Members of Provincial Legislature	20	7	35%
Total	37	22	59%

Table 1: Response rate

The one hundred percent target for returned questionnaires could not be reached as many staff members were engaged in meetings or training programmes.

With respect to Members of the Provincial Legislature, almost all Members serve on three different committees per Member, thus allowing little time for extraneous work.

3.3 THE STRUCTURE AND DESIGN OF THE QUESTIONNAIRE

A questionnaire is defined as a set of questions dealing with a certain topic or related group of chosen topics, given to a selected group of individuals for the purpose of gathering data on a problem under consideration (Sax, 1979:244). The questionnaires were designed to have structured statements (see Annexure 3). The sequencing of the questionnaire is also vital, as commencing the questionnaire with threatening or sensitive statements is likely to deter the respondent and may result in the respondent responding poorly or negatively, or not answering at all.

With regard to the language preference of the sample population, it was decided to employ English as the only language in both the questionnaire and the covering letter (see Annexure 1) in an attempt to improve the response rate. English is the language generally used as the medium of communication. Once the researcher had designed the questionnaire (design stage) and was satisfied that it would gather the desired data, a pilot study was undertaken to ensure that the required responses would be obtained. Walizer and Wienir (1978:267) state that a pilot study is a trial run of the survey using similar questions and similar subjects as in the final survey. It is assumed that during the pilot study, a number

of shortcomings in the original questionnaire will be detected, and subsequently rectified.

A questionnaire, according to Rossi (1983:84), should comply with the following objectives:

- It should reflect accurate information regarding the research study.
- It should meet the aims of the research.
- It should be implemented within the ambit of available time and resources.

These objectives were taken into consideration in designing and revising the questionnaire used in this study.

3.3.1 The essence of designing a questionnaire

The five-point Likert response scale as described by Zimbardo-Ebbeson (1969:125) was selected as the measuring instrument and was employed in consultation with a statistician and the promoter. According to this method, a person's attitude score is the sum of his or her individual ratings. The opinion per statement to be tested is rated on a five-point Likert scale and was adapted for the dependent variable statements as follows:

- 1 = Strongly agree**
- 2 = Agree**
- 3 = Undecided**
- 4 = Disagree**
- 5 = Strongly disagree**

3.3.2 Individual questionnaire distribution

The questionnaire has five thematic areas that contain sub-questions. The thematic areas are:

- a) Organizational culture, structures and systems are created within the Eastern Cape Provincial Legislature.
- b) An enabling environment for working is created by management.
- c) Effective and efficient utilization of resources is practiced by the Eastern Cape Provincial Legislature.
- d) The relationship between Management and NEHAWU is practiced within the ECPL.
- e) NEHAWU interacts with its constituency within the ECPL.

The survey was conducted through the distribution of questionnaires targeting managers, shop stewards, MPLs and ordinary union members. Of the thirty-two targeted respondents for individual distribution, only seventeen questionnaires were returned. All the questionnaires distributed to managers were returned

while, due to union meetings taking place outside the province, only four responses were received from the shop stewards.

3.3.3. Focus Groups

An initial target of forty staff members was planned for five focus groups however, only thirty-two ordinary union and other staff members were available. Five questionnaires were completed and submitted by six people per group. The use of a structured questionnaire as a data collection method allows the respondent, as Bailey (1987:148) puts it, “to spend more time on it than he or she might in an interview study as he or she is not forced to complete the questions at one time”. He further maintains that with questionnaires, there is standardized wording, and the respondents’ answers are facilitated by the fact that each respondent is exposed to exactly the same wording.

3.4 ISSUES OF MEASUREMENT: RELIABILITY AND VALIDITY OF THE RESEARCH.

3.4.1 Reliability

This study sought to assess the reliability of the questionnaire. The tool utilized to assess the questions was the five-point Likert scale and rankings which allowed respondents to tick their own ranks. The scale points were designated as: “strongly agree”; “agree”; “undecided”; “disagree” and “strongly disagree”. The respondents’ answers were analysed through a comparison of means and descriptive means. For the information to be reliable, the researcher needs to get

the facts right. Bailey (1987:66) states that the reliability of measurement is simply its consistency. The repeated application of similar questions within the same questionnaire was used to test the reliability of the information provided by the respondents. In some instances, this entailed using a change of wording whilst asking what were fundamentally the same questions. Respondents had to rate one statement in one section and the same statement in another. For example, under the statement with the sub-heading “Organizational culture, structures and systems are created within the Eastern Cape Provincial Legislature” there were two sub-statements that mean the same thing, namely:

- a) The ECPL practices cooperative and good governance principles; and
- b) An integrated governance approach between management and union improves service delivery.

This was done to establish whether the respondents were able to provide consistent scores on similar statements, thus determining their reliability. The responses to the statements indicate a high level of reliability because most respondents in all categories provided similar ratings to the repeated questions. In instances where the rating differs there is not much difference.

Bailey (1987:71) argues that in a social research instrument such as a questionnaire, the unreliability also lies within the scale and may be due to such things as question or answer categories that are so ambiguous that the respondent is unsure how he or she should answer and thus does not answer consistently. He further maintains that the difficulty in checking for reliability is

that when the same question is repeated in a single questionnaire as a consistency check, with no time lag, the respondent tends to see it as a “trick” question instead of seeing the repeated question as a check on the reliability of the measuring instrument.

The fears raised by Bailey were addressed in the study in that the questionnaires were hand-distributed to the offices of respondents and the process was explained to each respondent. Respondents that needed clarification on some questions that might be viewed as ambiguous were able to contact the researcher directly in the office or telephonically.

3.4.2 Validity

The effort to establish reliability and validity results in the researcher getting closer to the facts. Questions asked in the questionnaire are instruments used to assess validity. Bailey (1987:170) states that questions asked and answers or remarks provided are likened or connected to the topic under discussion. He further argues that the definition of validity has two parts: (1) that the measuring instrument is actually measuring the phenomenon in question and not some other concept and (2) that the concept is being measured accurately. He outlines three types of validity, namely:

- 1) Face validity – this is ultimately a matter of judgment.
- 2) Criterion validity – the predictive validity, which involves multiple measures of the same concept. This, for example, means developing two questionnaires that are administered at the same time.
- 3) Construct validity - which consists of replacing Index 1 by Index 2 in the theory and retesting the entire theory.

In this study, the measuring instrument utilized has face validity. The information gathered and remarks received from the questionnaires are connected to working relations between management and the union, the concept that is being studied. There are no statements within the questionnaire that request anything that is outside this concept, hence the instrument utilized is valid. Thus face validity is assessed by the evaluator's studying the concept to be measured and determining, to his or her best ability, whether the instrument arrives at the concept adequately (Bailey, 1987: 68).

Bailey (1987:68) states that the major problem with face validity arises when (1) there is no consensus about the definition of the concept to be measured, (2) the concept is multidimensional or consists of several sub-concepts, and (3) the measure is lengthy and complex. The points raised above by Bailey were taken into account when devising the questionnaire.

3.5 DATA COLLECTION METHOD APPLIED

The research objectives in this study require the use of one or more techniques for collecting the necessary empirical data. These include questionnaire distribution and document review. This research relies on both primary and secondary information, hence the use of a literature review and questionnaire distribution; this is confirmed by Myers (1997:7) who argues that in fields such as anthropology and sociology, primary source data is commonly used.

3.5.1 Documentary Analysis

The team-building workshop conducted in April 2006 for managers and the union came about because of the realization of the extent of the working relationship problem that existed between management and the union within the ECPL. It was attended by most managers and the shop stewards of NEHAWU and was facilitated by an outside provider. During this workshop, the views of the union about management's style and the views of management about the union's behavior were documented in the form of a report, dated 24 and 25 April 2006, which was titled: "Eastern Cape Provincial Legislature Relationship Building Process". The report contains records of proceedings and discussions undertaken during the two-day workshop. The document has been analysed in this study as a data source that provides additional perspectives to those gathered through the questionnaire from management and from the union. The report of the workshop mentioned above represents a consensus among all

Legislature stakeholders about the working relationship problems between labour and management and thus forms an essential source for this study.

Accessing the document did not pose a problem since this report was distributed among all managers and unions members who attended the workshop. The fact that it is a published document provides an advantage in that this saved the researcher time and expense as it was not necessary to transcribe the information. The advantage of the data collected in this document was that neither management nor the union members anticipated that the information would be utilized for research purposes (Creswell 1994). Secondly, this form of data source has been able to provide a platform for the study of trends, patterns and spontaneous actions or feelings that emerged within the workshop; and can therefore be relied on as an objective piece of information (Bailey 1987). There has been minimal or no researcher bias in the document, as its purpose was not for personal but rather organisational use.

3.5.2 Data Capturing and Editing

The data collected for this study was captured from the questionnaires distributed among identified respondents within the ECPL. The questionnaire comprised of statements which required respondents to indicate their level of agreement or disagreement with them. As the questionnaire contained space for general comments, most respondents utilised the space allocated to provide further

views and information which were used in the data analysis. Each questionnaire was filed on receipt, in one file, for easy reference.

3.6 DATA ANALYSIS

Babbie (2001:359) maintains that in qualitative research, data collection, analysis and theory are intimately intertwined. Furthermore, qualitative research methods are viewed by many writers in the field of research as methods that involve a continuing interplay between data collection and theory. Mouton (2001:108) describes data analysis as a process that involves “breaking up” the data into manageable themes, patterns, trends and relationships. He further points out that it is aimed at generating an understanding the various constitutive elements of data through an inspection of the relationship between concepts and variables, and seeing whether there are any patterns or trends that can be identified or isolated.

Qualitative researchers are unable to make a clear distinction between data gathering and data analysis, unlike quantitative research that can clearly make that distinction (Myers, 1997:8). As Myers (1997:9) explains that “from a hermeneutic perspective it is assumed that the researcher’s presuppositions affect the gathering of data - the questions posed to informants largely determine what you are going to come across”. The analysis affects the data and the data affects the analysis in significant ways. This therefore implies that it is proper to speak of ‘modes of analysis’ rather than ‘data analysis’ in qualitative research.

Myers (1997:8) argues that there is a common thread between all qualitative modes of analysis that are concerned primarily with textual analysis (whether verbal or written). According to Trochim (2000:1) there are four criteria proposed by Guba and Lincoln for judging the soundness of qualitative research, and these are offered as an alternative to more traditional quantitatively-oriented criteria.

The proposed criteria are:

- Credibility
- Transferability
- Dependability
- Confirmability

3.6.1 Criteria for judging qualitative research

3.6.1.1 Credibility

This criterion is based on the view that it is the participants who can legitimately judge the credibility of the results. This therefore means that the researcher should seek to ascertain whether the results of the qualitative research are credible or believable from the perspective of the participant in the research (Trochim, 2000:1).

3.6.1.2 Transferability

This means the extent to which the results of qualitative research can be generalized or transferred to other contexts or settings (Trochim, 2000:1)

3.6.1.3 Dependability

‘Dependability’ refers to the fact that if similar observations are made, the same results will be obtained. The dependability concept emphasises the need for the researcher to account for the ever-changing context within which the research occurs (Trochim, 2000:1).

3.6.1.4 Confirmability

‘Confirmability’ refers to the extent to which the results could be confirmed or corroborated by others. There are various approaches for enhancing confirmability. The researcher can document the procedures for checking and rechecking the data throughout the study. Another method is to play a ‘devils advocate’ role with respect to the results and this process can be documented. In addition, the researcher can actively search for and describe negative instances that contradict prior observations. Judgment about the potential for bias or distortion can be made once a data audit that examines the data collection and analysis procedures has been conducted (Trochim, 2000:1).

3.8 CONCLUSION

This chapter has aimed at elucidating the methodology followed in conducting this research. The tools utilized to measure validity and reliability were dealt with as well as the sampling design employed for this study. This was followed by the reduction of the data collected into manageable themes. It can be concluded that

the research methodology applied in this research was able to prove the truthfulness of the hypothesis that a model to improve working relations between management and union is necessary. The next chapter is centred on the interpretation and analysis of data.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

This chapter presents the interpretation and analysis of data in an attempt to provide solutions to the problems identified in this research project. As stated in Chapter One, the questionnaire consists of five thematic areas, and within each thematic area, there are a number of questions that are structured in terms of the concepts the thematic area provides. However, these thematic areas differ in the number of sub-questions provided because each holds different value and meaning to the research problem. These thematic areas are explored in depth in the interpretation and analysis which follows.

4.2 PERSPECTIVES ON THE WORKING RELATIONS BETWEEN MANAGEMENT AND NEHAWU WITHIN THE ECPL.

During the research process, identified respondents were requested to complete the questionnaire. In some instances during the process of data collection, the researcher was invited by some respondents, especially the politicians, to come in and explain or clarify some questions.

Three categories of perspectives have informed this study. These comprise firstly the perspectives drawn from the questionnaires completed by those within top-,

middle- and lower-level management; secondly from the different categories of politicians (Presiding Officers, Chairpersons of Committees, Whips and opposition party members), and lastly from the lower-level employees, which included shop stewards and ordinary union members. These perspectives were further enhanced by document analysis and a literature review, which assisted in the devising of a viable model to improve relations between management and labour.

4.2.1 Management perspective

Prior to the 1994 democratic order and its ushering in of new democratic policies, management generally had delegated prerogative to practice management, with little cause to concern itself with consultative and participatory processes, especially with labour. All the 'public administration' functions were performed through the management hierarchies of the public services and legislatures.

The coming into being of the White Paper on Transformation of the Public Service and the new Labour Relations policies and legislation raised expectations amongst labour unions for a democratic, consultative and even participatory management. The accruing responsibility within the new order, then, involves the development of institution-specific procedures and protocols to achieve the objectives of the national policies. The perceptions, attitudes and response of management in respect of the above play a critical part in informing the research objective (Botes, 1994:234).

The perceptions and views gathered from the data analysis are clearly influenced by the context outlined above, and support the notion that management is responsible for the development of institution-specific policies that guide certain decisions. These views are articulated in terms of different themes.

The rest of this section reports on the analysis of the data provided by the questionnaires and the April 2006 report on team building. The analysis is aimed at identifying the following trends and patterns from which themes are drawn:

- Co-operative governance and its contribution towards the attainment of institutional goals;
- An enabling environment for good working relations; and
- The nature and the extent of interaction between management and NEHAWU.

The steps mentioned in the next chapter have been undertaken to ensure systematic and objective analysis of the data collected and the trends contained in them. These documents were used by the researcher as the basis for soliciting management's and labour's perspectives. These have been analysed as per the themes within the questionnaire and has focused on the contributions made by respondents. The following chapter undertakes to identify and discuss the trends and patterns emerging in the responses from the management of the ECPL.

4.3 THEMATIC AREA ONE: Organizational culture, structures and systems are created within the Eastern Cape Provincial Legislature.

This thematic area provides a broad statement on the issues under investigation. Under this area, fifty-five percent (55%) of the respondents agreed that systems and structures are created in the ECPL. Thirty-six percent (36%) were unsure of the availability of these systems and structures, and only nine percent (9%) disagreed with the statement. From the general comments it emerged that systems are in place but the challenge lies in the mistrust that exists between the two parties. Another issue raised is the lack of consultation concerning persistent problems. These issues were also addressed in the team-building workshop (Team-building Report, 2006:5).

The following statements were devised in order to collect the data necessary to provide solutions to the problems identified in this thematic area. The respondents were asked to indicate their responses to the following statements:

4.3.1 The South African labour relations framework promotes partnership in governance between management and unions.

The majority of the respondents agreed that the new government has enacted labour policies that promote partnership between management and the unions. Forty-one percent (41%) of the respondents strongly agreed, and fifty-five percent (55%) of the respondents agreed with this statement. Only four percent

(4%) of the respondents disagreed. It is clear that the progress made by the government in adopting labour legislation that supports or provides for partnership between managers and employers was appreciated by the majority of respondents, who saw it as a means to improve organisational efficiency in institutions like the ECPL.

About ninety-one percent (91%) of respondents agreed that a good working relationship between management and the union is the contributing factor to realising institutional goals. Fifty-five percent (55%) of these respondents strongly agreed and thirty-six percent (36%) of respondents agreed. Nine percent (9%) of respondents disagreed. The reason for the strong support indicated here is an awareness of the importance of teamwork between management and the union as well as the interdependency of one party on the other. This factor was also raised and discussed in the team-building workshop and it was agreed by delegates attending the workshop that all stakeholders must be treated with respect and their contributions recognised (Team building Report, 2006:9).

There is a trend evident within managers' responses indicating that role clarification between management and the union is not clear. The union expects to be consulted on most cases, even those in which management is required to make the decision on its own. This issue is also noted in the team-building report (2006).

4.3.2 The development of a model to improve working relations between management and the union of the Legislature will have significant impact on the governance of the Legislature.

The majority of the respondents agreed that a model to improve relations between management and NEHAWU within the ECPL is necessary to serve as a guide or map that can be utilized by managers and the unions in their combined attempt to build good relations between the two parties. This is evident from the sixty-four percent (64%) of respondents who agreed, as well as the thirty-six percent (36%) of respondents who strongly agreed. The reason for the unanimous support for this statement is the realization of the fact that an intervention needs to be made to improve the situation between management and the union within the ECPL. In addition, it emerged within the general comments that an intervention by experts who are knowledgeable in the field of conflict resolution and sound labour relations is necessary. The Speaker has also indicated the need to find a way to mend the broken relations between management and NEHAWU within the ECPL (Team building Report, 2006:4).

4.3.3 A cooperative governance approach minimises conflict between management and the union.

The majority of the respondents agreed that cooperative governance minimizes conflict between management and the union. This is demonstrated by the fact that sixty-four percent (64%) of the respondents agreed and twenty-seven

percent (27%) of the respondents strongly agreed with the statement. Only nine percent (9%) of the respondents disagreed with the statement. This level of support indicates an acknowledgement of the importance of stakeholder involvement on issues of governance.

4.3.4 The ECPL practices cooperative governance principles.

Just over half of the respondents were of the view that the ECPL is practicing cooperative governance. This is indicated by fifty-four percent (54%) of respondents who agreed with the statement. Twenty-eight percent (28%) of respondents disagreed, whilst eighteen percent (18%) were undecided. The general comments provided by some respondents indicated that whilst management does interact with the union, there remains a lack of trust between the two parties. It also emerged in the team-building report that management and the union do not trust each other. The need to deal with the negative attitudes that exist was cited in the team-building workshop (Team-building report 2006:5). In this report, NEHAWU claimed that it is not taken seriously as an important stakeholder by management.

4.3.5 An integrated governance approach between management and union improves service delivery.

A number of the respondents agreed that working together and involving all stakeholders on issues of governance (ie. an integrated approach) improves service delivery. This is confirmed by seventy-three percent (73%) of the

respondents who agreed, in addition to twenty-three percent (23%) of the respondents who strongly agreed with the statement. Only four percent (4%) of the respondents disagreed with the statement. The overwhelming response in support of this statement indicates a realization of the need for stakeholder involvement in issues of governance in order to promote organisational efficiency. General comments emphasise that the management of the ECPL should recognise NEHAWU as an important stakeholder within the organization, a point which was verified by the team-building workshop report (2006:9).

4.3.6 Management should put systems in place in order to facilitate continuous interaction between Management and Labour.

A number of respondents strongly agreed that there are no systems in place within the ECPL to ensure continuous interaction and that these should therefore be established by management. This is evident in that fifty-four percent (54%) of the respondents strongly agreed, and forty-six percent (46%) agreed with the statement. These figures indicate that there is a general consensus on the lack of systems and procedures within the ECPL. This lack of systems and procedures is also indicated in the team-building report, where the expectations of managers are outlined (Team-building Report 2006:5). Putting these systems in place will contribute towards improved relations between management and the union of the ECPL.

***4.3.7. The political administration of the Eastern Cape Provincial
Legislature ensures that both groups have a fair hearing during
times of conflict.***

More than half of the respondents agreed that during times of dispute, both management and the union act reasonably to reach a compromise. This is demonstrated by thirty-six percent (36%) of the respondents who agreed, and twenty-three percent (23%) who strongly agreed. However, forty-one percent (41%) disagreed with the statement. The reason for this might be that whilst fair hearings might be provided, the structure of the hearings is not made clear to everybody.

**4.4 THEMATIC AREA TWO: An enabling environment is created by
Management.**

A considerable number of the respondents agreed that management creates an enabling environment. Thirty-six percent (36%) of respondents agreed and twenty-three percent (23%) strongly agreed. However, the study shows that forty-one percent (41%) of respondents disagreed with the statement. The reason for the difference of opinion could be that some respondents are not sure how an enabling environment is created. Responses to this thematic area have been broken down into detailed statements in order to provide more information.

4.4.1 The ECPL has appropriate policies that address relations in the workplace.

Fifty-percent (50%) of the respondents considered the ECPL as having appropriate policies that address relations between management and the union in the workplace. Eighteen percent (18%) are unaware of whether appropriate policies to address working relations in the ECPL are available or not, and thirty-two percent (32%) disagreed with the statement. It also emerged from the team-building report that union delegates are of the view that management does not implement and respect all of the commitments outlined in the collective agreement and this needs attention.

4.4.2 Management creates an enabling environment for sound working relations between management and the union.

Fifty-five percent (55%) of the respondents agreed that the environment created by management is conducive to sound working relations. Other respondents were unsure, or disagreed, that the environment is conducive for good working relations. This is demonstrated by the thirteen percent (13%) who are unsure whether such a working environment exists, and the thirty-two percent (32%) of respondents who disagreed with the statement. It emerged from the questionnaire that capacity building is necessary for both management and the union. The team-building report indicated that the institution provides sufficient

resources in terms of human, material and financial support for these efforts (Team building Report, 2006:6).

4.4.3 Management in the ECPL consults the union on issues that affect its Employees.

Consultation between management and the union is vital for good working relations and organisational efficiency, especially in an institution such as the Provincial Legislature. Forty-five percent (45%) of the respondents agreed that the union is consulted by management on governance issues. Thirty-seven percent (37%) of the respondents indicated that management of the Legislature is not consulting union on governance issues, and eighteen percent (18%) were unsure whether the union is consulted or not. NEHAWU delegates at the team-building workshop indicated that management has a tendency to arbitrarily alter policies when these relate to workers' benefits.

4.4.4 NEHAWU is always given enough time to prepare for meetings.

Forty-one percent (41%) of the respondents agreed that management gives the union ample time to prepare for meetings. Thirty-six percent (36%) of respondents disagreed with the statement whilst twenty-three percent (23%) were undecided. Inconsistency in terms of notification of meetings was cited as one reason for uncertainty, hence the disparity in results.

4.4.5 Continuous skills development and motivation of staff is critical for nurturing good relations and service delivery.

The majority of respondents agreed that capacity building and empowerment have an impact on service delivery and the nurturing of good relations. This is demonstrated by eighty-two percent (82%) of respondents who agreed with the statement. Only eighteen percent (18%) of the respondents were unsure. The reason for such strong support is because respondents acknowledge the role played by motivated and skilled staff in the workplace.

4.4.6 The Eastern Cape Provincial Legislature develops an Annual Skills Plan for employees.

In terms of the Skills Development Act, stakeholders of the ECPL are required to develop skills plans, to outline training programmes for the year and to report to the Department of Labour annually on its progress. A one percent skills levy is payable to the Public Service Seta. Forty-five percent (45%) of respondents agreed with the statement. Twenty-eight percent (28%) of the respondents disagreed, whilst twenty-seven percent (27%) were undecided. The reason for uncertainty or disagreement about the availability of skills plans could be that during the development of the plan, the process was not inclusive of all stakeholders, as is required by the Skills Development Act.

4.4.7 The Legislature has equal opportunities for staff development.

More than half of the respondents agreed that staff members are given opportunities to develop. This is evident by the fifty-nine percent (59%) of the respondents who agreed. Twenty-seven percent (27%) of respondents disagreed with the statement, and fourteen percent (14%) were unsure. The positive response amongst fifty-nine percent of respondents could be associated with the fact that the Legislature had placed several staff members on training programmes at the time. The challenge might be that a lack of structure is responsible for the fact that not everyone is aware of this. The statement is further supported by the team-building report, which indicated that delegates to the workshop were aware of the availability of resources such as finances for training programmes.

4.5 THEMATIC AREA THREE: Effective and efficient utilization of resources is practiced by the ECPL.

Forty-one (41%) percent of respondents were undecided about this statement. Twenty-three percent (23%) of the respondents disagreed, and only thirty-six percent (36%) of the respondents agreed with the statement. It is the duty of the management of the ECPL to ensure that state resources are effectively utilized. Detailed statements on this theme emerged in the responses to individual statements under this theme.

4.5.1 The management of the ECPL is aware of and complies with the requirement contained in the South African labour legislation that affects public service.

The results indicate that fifty percent (50%) of the respondents were of the opinion that management complies with the labour legislation of South Africa. Thirty-two percent (32%) of the respondents indicated disagreement, while eighteen percent (18%) of respondents were undecided. Within the general comments it emerged that respondents supported the view that management complies with policies however the major challenge cited was that management and union representatives still need to be capacitated and trained in labour relations matters. The team-building workshop report highlighted the fact that management need to respect and implement all agreed policies and collective agreements (2006:5).

4.5.2 Employees in the ECPL are an integral part of the running of the Institution.

Making employees feel part of the ECPL is important to management. This promotes ownership by the employees, which is critical for the achievement of institutional goals. Recognition encourages employees to be ambassadors of the ECPL. A number of respondents agreed that the Legislature makes them feel part of the institution. This is indicated by fifty-five percent (55%) of respondents

who agreed. Twenty-seven percent (27%) of respondents disagreed while eighteen (18%) percent were undecided.

4.5.3 Management of the ECPL need to acknowledge the fact that individual employees have different behavioural patterns.

There was very strong agreement amongst respondents that the management style of the institution needs to take into consideration the different behavioural patterns of employees. Employees need to learn to become team players. At the moment each employee is an individual. Eighty-two percent (82%) of the respondents agreed with the statement. Fourteen percent (14%) of the respondents were unsure and only four (4%) percent disagreed.

4.5.4 The ECPL has a political structure that deals with disputes between management and the union.

Half of the respondents agreed that a political structure to deal with labour disputes is available in the Eastern Cape Legislature. Compared to the fifty percent (50%) who agreed, there were thirty-two percent (32%) who disagreed with the statement, and only eighteen percent (18%) who were undecided.

4.6 THEMATIC AREA FOUR: Management and NEHAWU interact.

This theme is covered by the broad statement provided. Sub-statements are provided below to allow respondents to express their feelings on the issues related to the theme.

A number of respondents were of the opinion that management and NEHAWU interact. This was demonstrated by the fact that sixty-eight percent (68%) of respondents agreed with the statement. Thirty two percent (32%) of respondents were undecided. The considerable support indicated for this statement conveys that management provides NEHAWU with opportunities to interact with them. Detailed statements are discussed below.

4.6.1 The ECPL has a signed recognition agreement.

The majority of respondents confirmed the availability of a signed recognition agreement. This is clear in that seventy-two percent (72%) of the respondents agreed with the statement. Eighteen percent (18%) were undecided, and nine percent (9%) disagreed. This response conveys an appreciation of the availability of a policy that regulates the relationship between management and the union.

4.6.2 Monthly meetings between management and NEHAWU in the Eastern Cape Legislature are convened.

Sixty four percent (64%) of the respondents disagreed with the statement while thirty-six percent (36%) were undecided. The percentages reported above indicate of lack of continuous interaction between management and the union.

4.6.3 NEHAWU is given an opportunity to input on issues of governance within the ECPL.

Fifty percent (50%) of the respondents indicated that NEHAWU is given opportunities to provide input on issues of governance. Twenty-seven percent (27%) were undecided, and twenty-three percent (23%) disagreed with the statement. Under the general comments section, indications were that interaction takes place between management and the union, but that there are challenges concerning role clarification and what matters are subject to consultation. These issues result in conflict between management and the union. Similar views emerged from the team building report (2006:9), where the issues of intolerance and negative attitudes between the two parties were also noted.

4.6.4 NEHAWU receives documentation prior to a meeting as to what will be discussed in the meeting.

A number of respondents disagreed with this statement, arguing that the union is not given enough time to prepare for meetings in order to make valuable contributions to these meetings. This is demonstrated in that only thirty-two

percent (32%) of respondents agreed with the statement. Forty-one percent (41%) were undecided, while twenty-seven percent (27%) disagreed with the statement.

4.6.5 Mechanisms are in place to ensure implementation and monitoring of collective agreements.

Fifty percent (50%) of the respondents were of the opinion that mechanisms for monitoring the implementation of collective agreements are not in place. Twenty-three percent (23%) were undecided and only twenty-seven percent (27%) agreed to the statement. It emerged in the team-building workshop that collective agreements are not properly implemented by management.

4.6.6 The Legislature has a recognised structure that allows continuous interaction between management and union.

Thirty-two percent (32%) of the respondents were uncertain about the availability of such a structure. Another thirty-two percent (32%) disagreed with the statement, while only thirty-six percent of respondents agreed. The uncertainty evident in these results is an indication of the ineffectiveness of the structure, if it is in fact available.

4.6.7 The ECPL has an institutional transformation committee as required by the White Paper on the Transformation of the public service.

Fifty-five percent (55%) of respondents indicated that there is no transformation committee to deal with matters of interest to both management and the union. Forty-one (41%) percent were undecided and only four percent (4%) of the respondents agreed with the statement. The data indicates that structures to deal with matters of interest to management and the union are not in place in the ECPL.

4.6.8 The ECPL has a workplace forum as required by the Labour Relations Act.

The majority of respondents indicated that a workplace forum is non-existent. This was indicated by the fifty-nine (59%) percent of respondents who disagreed with the statement. Forty-one percent (41%) were undecided. These responses indicate the lack of formal structures to serve as a platform for continuous interaction between management and NEHAWU. In the general comments section, respondents indicated that NEHAWU elected not to establish the workplace forum and therefore have no role to play in governance issues.

4.6.9 The ECPL has a Skills Development Forum as required by the Skills Development Act.

In terms of the Skills Development Act of 1998, employers are required to establish a skills development forum that is inclusive of stakeholders so as to

ensure compliance with the Act. The effective utilisation of this forum can increase platforms that contribute towards improved working relations between management and NEHAWU. The results of the study in this area indicated that only forty-one percent (41%) of the respondents agreed that the Legislature had established a skills development forum. Thirty-two percent (32%) were undecided, and twenty-seven percent (27%) disagreed with the statement. The reason for these varied responses may be that the forum is available but its impact is not felt. Within the general comments section, respondents indicated that this forum needs to be strengthened because it is not performing optimally. Again, the results demonstrate an information gap that exists within the ECPL community because some respondents are aware of the forum whilst other respondents do not know whether any such forum exists.

4.6.10 The ECPL has an Employment Equity Forum.

Another platform for interaction between management and the union is created by the Employment Equity Act. The Act requires that an Employment Equity Forum, composed of management and union representatives, be established for the purpose of engaging each other on equity matters. Forty-five percent (45%) of respondents to the study were unsure about whether such a forum exists. Thirty-two percent (32%) disagreed with the statement, and only twenty-three percent (23%) agreed. The large number of respondents who were unsure of the forum's existence is an indication of a lack of internal communication. Timely

communication of decisions and clear understanding of processes was also proposed in the team-building workshop (Team building Report ,2006:10).

4.6.11 *The ECPL and NEHAWU regional leadership hold regular meetings on issues of mutual interest.*

Fifty-four percent (54%) of the respondents disagreed with this statement. Thirty-two percent (32%) were unsure whilst only fourteen percent (14%) agreed. The results indicate a lack of interaction between NEHAWU's local and regional offices, which is supposed to inform leadership on developments within the union so that informed decisions are taken.

4.7 THEMATIC AREA FIVE: NEHAWU interacts with its constituency

The above statement is broad and the sub-questions will unpack the reasons for the responses. Union representatives have the responsibility of continuously engaging with their constituencies in order for them to be fully briefed about issues that affect them and decisions taken on their behalf. The results indicate that forty-five percent (45%) of the respondents were unsure whether this interaction is taking place. Only forty percent (40%) agreed with the statement, and fourteen percent (14%) disagreed. The reason that most respondents were unsure is because the functioning of NEHAWU is not clearly stated and communicated.

4.7.1 NEHAWU's shop steward committee always consults its constituency before inputting on any matter that affects them.

Half of the respondents (50%) agreed with this statement. Forty-one percent (41%) were unsure, and only nine percent (9%) disagreed. The reason for support of the statement is because of the realization that NEHAWU needs to interact with its membership before any decision is taken on their behalf. Half of the population is unaware that the shopsteward committee adequately informs its constituency.

4.7.2 NEHAWU has mechanisms in place to ensure implementation and monitoring of signed collective agreements with management.

In the team-building report it emerged that management fails to adhere to collective agreements, and this is reflected too in the responses to the questionnaire. The establishment of monitoring mechanisms is critical to ensure implementation of these agreements. Sixty-four percent (64%) of respondents were unsure whether mechanisms are in place or not. Twenty-seven percent (27%) disagreed, and only nine percent (9%) agreed with the statement. This is a clear indication of the fact that mechanisms for monitoring are not in place.

4.7.3 NEHAWU has an identified committee that participates in the recognised structure within the ECPL.

Fifty-five (55%) percent of the respondents agreed with the statement. Twenty seven percent (27%) were unsure, and eighteen percent (18%) disagreed with

the statement. The reason that more than half of the respondents supported this statement is because NEHAWU has established a shop stewards committee that is elected annually.

4.7.4 NEHAWU has shop stewards representative in each division of the ECPL.

The representativity of the shop steward's committee is critical in order to ensure that the interests of all members are taken into consideration. Fifty percent (50%) of the respondents agreed with the statement. Twenty-seven percent (27%) were unsure whilst twenty-three percent (23%) disagreed with the statement.

4.7.5 The ECPL NEHAWU branch reports to and seeks mandate from the regional NEHAWU structure.

Forty-six per cent (46%) of the respondents were unsure about this statement. Forty-five (45%) percent of the respondents agreed, and only nine percent (9%) disagreed with the statement. The results show that there is lack of communication since certain members believe this to be so while others are unsure.

4.8 CONCLUSION

The chapter has explained the reduction of collected data into manageable themes. The data was interpreted and analysed. It can be concluded that the

research methodology applied in this study was able to prove the truthfulness of the hypothesis that a model to improve working relations between management and NEHAWU is necessary. The next chapter will provide summary, findings, recommendations and the conclusion of the study.

CHAPTER FIVE

SUMMARY, FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 INTRODUCTION

In closing the treatise, the chapter seeks to provide the summary, findings, recommendations and conclusion of the study. This study has moved from the defining of research questions and of the methodology utilised to achieve research objectives, through theoretical and conceptual grounding, to the actual research fieldwork and analysis, and finally to the interpretation of findings and recommendations. The findings have revealed weaknesses in the processes established to facilitate working relations within the Eastern Cape Provincial Legislature.

The model outlines the process that needs to be followed to ensure better interaction between management and the union within the ECPL. The model outlines the need for a systematic process of interaction, and highlights the importance of establishing a team with a purpose. The team is composed of managers, union representatives and the Presiding Officers of the ECPL. For this team to function optimally, every stakeholder has to be empowered through involvement in the decision-making processes of the Eastern Cape Provincial Legislature. Chapter four the analysis of responses to these research questions and from that it was established that some enablers, such as systems and procedures, are in place but are not effectively utilized. Structures to facilitate

interaction between management and the union need to be strengthened in order to ensure continuous interaction between them. Koehler (1997:54) argues that leaders and associates in realignment organizations will be expected to improve the process of interaction and will thus be empowered to make decisions.

5.2 SUMMARY OF THE FIRST FOUR CHAPTERS

Chapter One explains how the researcher came to decide on the topic, and elucidates the importance of the study and its objectives. This chapter also introduces the research plan and methodology to be followed in addressing the problem of poor working relations between management of the ECPL and NEHAWU. The structure to be followed in the treatise is also outlined here.

A theoretical framework on evolution of employment relations in South Africa is presented in Chapter Two. The literature reviewed on the topic is presented in an organized and coherent manner in order to inform the study. Various theoretical perspectives are discussed and analysed.

Chapter Three of the study discusses the selection of a survey as the research design utilised in collecting data for the study. This chapter also explains the decision to employ qualitative research methodology in this study, as well as the choice of the questionnaire as the instrument used to collect data and the employment of stratified and random sampling methods.

The results of the fieldwork are documented and discussed in Chapter Four. Patterns identified in the results with reference to hypothesis are discussed and analysed in this chapter. The interpretation of thematic areas is also discussed here.

5.3 FINDINGS FROM OBJECTIVES OUTLINED IN CHAPTER ONE

5.3.1 To identify factors that can lead to an enabling environment for improved working relations between ECPL management and NEHAWU.

As mentioned above, there are certain enablers, such as systems and procedures in place to facilitate interaction between management and union in the ECPL, but these are not utilized effectively. Findings demonstrate the need to establish a culture of continuous dialogue among Legislature stakeholders. The differences in values and beliefs between organisational subgroups has resulted in conflict. If one factor, such as organisational culture, is characterized by many power struggles and conflicts or problems with the systems and processes, this impacts on the performance and the image of the organisation as a whole (Bowman, 1987: 12).

Koehler (1997:156) argues that transforming government organisation to empowerment systems requires leaders to inspire associates to shift their

traditional beliefs and values to empowerment beliefs and values. He asserts that to be successful, transformational leaders will have to go beyond the typical approaches to change in organization. To successfully institute empowerment systems, transformational leaders will have to rely more on their personal influence and their ability to convince associates that their ideas work not only for the benefit of the organisation but also to the benefit of the associates (Koehler ,1997:156).

The findings established in this study show that in order to create an enabling environment within the Eastern Cape Provincial Legislature, effective and user-friendly systems and procedures should be put in place. Clearly defined procedures and systems that facilitate working relations between management and the NEHAWU will contribute towards improving the relationship between the two parties.

5.3.2 To find ways of maximizing working relations between management and union through improved interaction between the two.

The interpretation of responses that is presented in Chapter Four clearly indicates that management's interaction with the union takes place largely around bargaining issues that need to be agreed upon. Consultation with the union is not systematic but happens at a very minimal scale and when there is crisis. The interaction between the two is ad hoc. Cooperative governance is not properly implemented in the ECPL as relations between management and the

union are poor and they do not trust each other. In addition, interaction with politicians is not structured.

Structures to facilitate interaction between management and NEHAWU need to be established and strengthened in order to ensure continuous and constructive interaction between them. The structure currently available is fluid in nature, and systems and procedures are not clearly defined. The findings of this study demonstrate a critical need for change. Koehler (1997:54) argues that leaders and associates in realignment organisations will be expected to improve the process of interaction and thus will be empowered to make decisions. Based on the findings it is clear that in order to fulfill the objective of maximizing working relations between ECPL management and NEHAWU, the establishment of a solid and coherent structure is imperative. The structure will ensure that there is continuous interaction between different stakeholders and that NEHAWU has an official platform to raise all issues of governance that affect its constituency. As a consequence, decision-making will be much faster and communication will flow across the organisation.

5.3.3 To develop a model that will help contribute to improving working relations between management of the ECPL and NEHAWU through established organisational culture, systems and structures.

The findings indicated strong support for the development of a model that will improve relations between management and the union of the ECPL. Elements outlined in the model are designed to foster a synergy and interdependency between labour, management, and MPLs (teams); as well as to establish policies or strategies, structure, systems, and culture (enablers) involved in employment relations so as to ensure organisational efficiency. Stakeholders will be informed and involved in the process of decision-making. Hill *et al.* (2007:27) argue that if people perceive the decision-making process to be unjust, they are less likely to be committed to any resulting decisions and to cooperate voluntarily in activities designed to implement those decisions. They state further that the “ivory tower concept of planning can lead to tensions between managers and other staff members at lower levels” (ibid.).

5.4 RECOMMENDATIONS TO DEVELOP A MODEL TO IMPROVE RELATIONS BETWEEN MANAGEMENT OF THE EASTERN CAPE PROVINCIAL LEGISLATURE AND NEHAWU.

The management of the Eastern Cape Provincial Legislature has the responsibility of ensuring that working relations between themselves and union of the ECPL are improved. A constructive relationship will contribute towards a more successful organisation. In order to achieve the above, the researcher is proposing a guide, in the form of a model, that outlines the process that should

be followed in order to build a successful Eastern Cape Provincial Legislature. Development of this model is imperative again as models are useful to both individuals and as a reference-point for professional development planning (www.eurofound.europa.eu). According to Baker and Angelopulo (2006:368), a model provides a workable framework for integrating a system into a broader context.

The model that has been developed represents an effort to provide an integrated approach to employment relations within the Eastern Cape Provincial Legislature. It aims to build a working arrangement whereby each party's goals, as well as institutional goals, can be achieved simultaneously. In the proposed model, one finds an explanation of the location of different elements and the manner in which they depend upon each other for effective performance of the employment relations system. The model will endeavour to achieve balanced participation between management and the union in the Eastern Cape Provincial Legislature, and beyond this, it highlights the interdependency of this team on enablers such as provincial and national policies.

Swanepoel *et al.* (2007:205) states that internationally, teamwork is increasingly viewed as a form of a working structure that can facilitate greater task flexibility, cooperation, job satisfaction and eventually an improved work performance and quality. Swanepoel *et al.* (2007:205) goes on to say: "improve the way team members interact, and you improve the ability to solve problems. Better problem

solving means better efficiency in general. Increased efficiency tends to boost morale and productivity. It also helps to decrease stress, turnover and operating costs. And all these improvements bolster the organisation's public image".

The Constitution of the Republic of South Africa, 1996, section 23 and its sub-sections, guarantees a number of rights for both labour and employer and suggests the need for established mechanisms for interaction between labour and supervision. These rights are:

1. Everyone has the right to fair labour practices.
2. Every worker has the right
 - a. to form and join a trade union;
 - b. to participate in the activities and programmes of a trade union; and
 - c. the right to strike.
3. Every employer has the right
 - a. to form and join an employers' organisation; and
 - b. to participate in the activities and programmes of an employers' organisation.
4. Every trade union and every employers' organisation has the right
 - a. to determine its own administration, programmes and activities;
 - b. to organise; and
 - c. to form and join a federation.
5. Every trade union, employers' organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1).

The elements outlined in the model fig.2 below represent the relationship between policies ,structures, systems and culture of the ECPL. Followed to the latter, this model would ensure that the individuals and teams of the ECPL will function optimally to achieve institutional goals through improved working relations.

The above mentioned elements should foster an effective work environment that is characterised by an organisational system, strategies, structures and culture that are aligned together with people who operate synergically (Regenesys, 2007:8).

Koehler *et al.* (1997:24) assert that, rather than viewing the organisation as a system, administrators frequently fall into the trap of viewing the organisation from a functional perspective. They must think outside the box and influence others to see their organisation, not from a single task perspective, but rather as interconnected processes. When unified, these processes form a system that delivers desirable outcomes. Whilst systems theory seems to be addressing problems raised through the integrated approach of governance, Horwitz (1991:230) is of the opinion that an effective management/worker relationship tends to be based on a pluralistic approach which accepts that both conflict and common goals are inherent to the relationship. He further argues that industrial relations policies, in order to be viable, must accept the inherent conflict of interest between managers and workers and that such conflict should not be

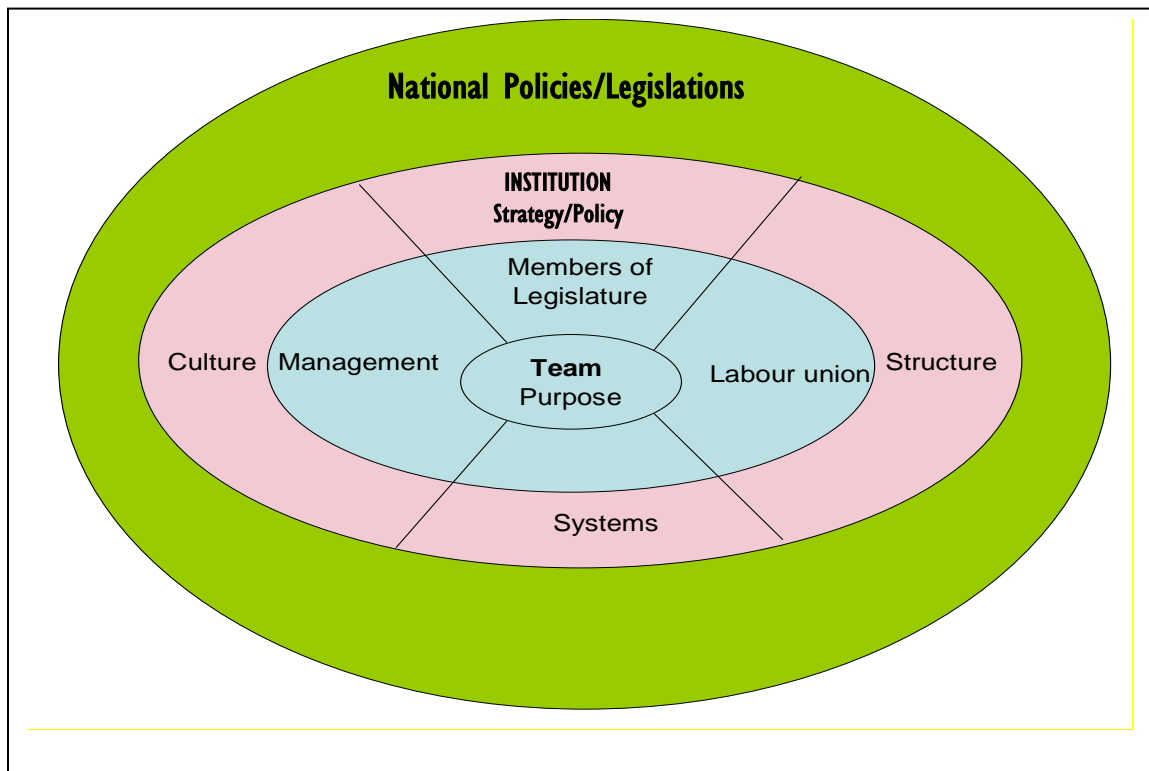
considered as abnormal or induced by outsiders. Horwitz (1991:230) maintains that one of the main benefits of sound industrial relations policies is their value in institutionalising conflict, by preventing conflict from becoming disruptive through regulating the employer/employee relationship by mutually negotiated rules and procedures.

The model devised in this study to develop relations between management and the union of ECPL is presented and discussed below (Figure 2). Elements outlined in the model, when combined, form a system of employment relations. Failure in one of the factors is detrimental to the success of the system on the whole. A recognition of the interrelatedness and interaction of these factors by different stakeholders is a crucial factor towards building a successful organisation and fostering good corporate governance (Bowman,1987:10).

The relationship-building process between management and the union has the following elements:

- a. Team with a common purpose: the team is comprised of management, labour union and Presiding Officers;
- b. Enablers: Institutional strategy or policies, systems, organizational culture, structures; and
- c. Implementation of National Policies.

Figure 2: Proposed Integrated model to improve relations between management and NEHAWU of the ECPL.



5.4.1 A team with a common purpose

A consultative team that is driven by a common purpose is important for the success of an organisation. In order to perform optimally, organisations need to create synergy and work in an integrated manner with all their stakeholders. Hill (2007:374) argues that stakeholders are individuals or groups with an interest or claim or stake in the organisation in which they work and perform. Meyer (2002:

79), on the other hand, asserts that teams and individuals participating individually and collectively as members are the most important units of the learning organisation. He further argues that real learning takes place in teams when team members learn from each other, learn from their achievements and mistakes, and continuously learn how they can optimise their contribution in achieving the goals of the business at large. The staff of the ECPL form an integral part of the Legislature but have different behaviour patterns. Tshikwataba (2004:599) states that in order to understand the challenges of managing a diverse workforce, it is necessary to understand the true character of bureaucracies and human nature. Individual employees have different sets of values, beliefs, thoughts and feelings. These need to be managed in such a way that they do not bring disruptive conflict into the organisation.

The human relations view in human resource management contends that conflict is a natural occurrence among employees. Tshikwataba (2004:599) maintains that conflict is perceived or experienced as incompatible differences or unresolved problems within an individual employee. The phrase “within an individual employee” suggests that an employee may experience conflict within himself or herself that may lead to discomfort and other forms of self-opposition. As Tshikwataba (2004: 598) explains, these should be viewed as nothing more than weeds that need to be removed, and that these inevitable and even beneficial to the workforce. Since such circumstances are unavoidable, human

resource management advocates for their acceptance and the creation of mechanisms to manage them effectively.

Stakeholders can be divided into internal and external groupings. The above model focuses on internal stakeholder groups which comprise the union, MPLs and management . Tshikwataba (2004:599) further states that an organisation cannot always satisfy the claims of all its stakeholders. The goals of different groups may conflict with one another, and in practice, few organisations have resources to manage all stakeholders. Hill (2007:377) further states that stakeholder analysis must be done in order to satisfy an organisation's priority stakeholders. Lipton (1994:2) maintains that a team works best when everyone understands its purpose and goals. Horwitz (1991:207) argues that developing societies in the Southern African context should place greater emphasis on cultivating interdependent relationships between employers and trade union federations. The establishment of regular dialogue between employer organizations and union federations may enhance the quality and pace of social development, improve industrial relations stability and generate opportunities for greater mutual understanding and co-operation (*ibid.*). This view is further supported by Koehler (1997:59), who states that for an organisation to be effective, associates must be trusted and respected. Therefore it should not be the role of upper management to tell associates what they need to know, but rather to share the information at all levels. Koehler (1997:60) asserts that in an empowered organisation, everyone is treated with respect and everyone receives

management training since it is everyone's responsibility to work together in managing the process. According to Swanepoel (1999:84), in modern capitalist societies, the employment relationship is an extremely complex one since labour is sold as a commodity by workers to people who manage the production process. A number of specialised fields developed over time to make sense of this reciprocal relationship between those who sell their labour and those who are given the task of seeing that the process runs smoothly. Swanepoel further states that in terms of the collective processes, the study of industrial relations can be mentioned. It is crucial for workers and managers to understand that industry is embedded in social relations.

The interaction proposed by this model will be practicalised by the formation of a consultative structure that is composed of management and union representatives. The structure will facilitate continuous interaction between management and the union. Swanepoel *et al.* (2007:709) argue that it is not really necessary for organisation to establish statutory workplace forums in order to facilitate ongoing interaction between the two parties. Instead, "management and unions may decide not to opt for the establishment of a statutory workplace forum. Statutory workplace forums are merely one form of employee participation available to majority trade unions and employers. The parties may collectively agree on the shape of their relationship" (*ibid.*). Swanepoel *et al.* (2007:710) provide the example of Telkom which decided to take the route of establishing a non-statutory co-operative structure. He states that Management from Telkom

saw a need for a top-level forum where management and union leadership could share their perspectives on the organisation's strategic direction. A strategic consultative forum, comprised of members of the executive management committee and a recognised union's national executives, was established for this purpose in 1996. Through this forum management and union leadership were able to exchange information and identify key issues needing urgent joint attention, including issues such as role clarification and training.

One of the respondents taking part in this study indicated that the NEHAWU branch of the Eastern Cape Provincial Legislature elected not to agree on the establishment of the workplace forum, and hence this respondent felt that there is no business for them in the running of the institution. Swanepoel *et al.* (2007: 711) argue that such fears among unions are common and that there are various reasons for them. He maintains that in South Africa, the general trend regarding the establishment of statutory working forums is rather disappointing because few companies have registered workplace forums which, ideally, are meant to enhance democracy and worker participation and involvement in the decision-making process, leading to greater cooperation, and improved productivity. Swanepoel *et al.* (2007:710) attribute this lack of progress to various reasons, including trade union fears or lack of trust (due to historical reasons), the other fear might be the erosion of their power base and the fact that unions have structures in place already such as shop stewards' committees.

The Eastern Cape Provincial Legislature might have been confronted with a similar case. With the proposal of the new consultative forum, it is imperative for management to actively work towards alleviating such fears and establish the trust that has been lost between themselves and the union representatives. Nel (2006:139) argues that it is not so much the contractual nature of the relationship with the union that matters, but rather the development of an atmosphere of trust and cooperation between the parties and the establishment of working arrangements which accommodate both parties' needs.

Within the ECPL, the team established in a model has another component that reflects MPLs . The MPLs highlighted in this component refer to the Presiding Officers because they are political administrators that directly interact with management on issues of governance. The model developed recognises that it is imperative that they are seen as part of the team that needs to work together with management in fulfilling institutional goals. McGee (2002:36) states that “in recent decades there have been demands to know more about performance and results, rather than mere accountability for legality and propriety in the public expenditure. Parliaments should fully use their watchdog role and their positions as legislators for good governance”. Based on the research findings, it may be deduced that there is no formalised structure available for politicians to deal with deadlocks before they actually go to the Commission for Conciliation Mediation and Arbitration (CCMA). The Members of the Provincial Legislature are entrusted by the Constitution of the Republic of South Africa to exercise an

oversight role over the executive and other organs of state. This is to ensure that the legislation passed is effectively implemented by officials. It is imperative for politicians to find a way to ensure that those policies are put in place. Swanepoel (1994:131) states that the ANC has planted the seeds of accountability and transparency in the new political culture. Therefore there is nothing prohibiting politicians from requesting continuous briefings and the establishment of a committee to deal with labour disputes before they move outside of an organisation.

Lipton, in his paper “Leadership competencies for the new organisation” (1994:7), argues that “leaders know they cannot do it alone. It takes partners to get extraordinary things done in an organisation. Leaders create an atmosphere of mutual trust and respect. They build teams that feel like family and make people feel like owners, not like hired hands”.

5.4.2 Enablers: institutional strategy/policies, systems and structures

For teams to perform optimally and effectively, systems, policies and structures must be developed in such a way that they facilitate good working relations among team members. The systems, policies and structures that need to be put in place for the employment relations of the ECPL must create an environment whereby team members are able to work towards the achievement of a common purpose. Hill (2007:382) states that despite the existence of government mechanisms, a degree of information asymmetry will always remain between

principals and agents and there is always an element of mistrust involved in the relationship. Botes (1994:108) is of the view that human behaviour is the result of the interaction between the individual and his/her environment, it follows that the manager cannot change a person's behaviour *per se*, but can change the individual's environment in such a way that the interpretation of the environment will change his/her behaviour. This therefore means that it is imperative for management, in situations of conflict amongst employees by employees, to change the environment through, for example, the introduction of code of conduct for the institution. He further maintains that if a manager suddenly shows a particular and continuous interest in the work of a subordinate, the subordinate will become aware of this and change his/her behaviour accordingly.

Koehler (1997:50) states that strategic planning is the organisation's way of achieving its desired outcomes. An effective strategy clearly outlines what organisational leaders believe is the most effective use of resources and how these resources should be utilized to achieve the desired outcomes. The model outlined above has similarities with other models like that created by Silbiger (1999:293), which articulates the "Seven S's" model that provides a structure with which to consider a company as a whole, so that the organisation's problems may be diagnosed and the strategy may be developed and implemented. The seven S's are:

- "Structure. An organisation's structure affects and reflects its strategic planning goals and its focus. Its internal structure may be hierarchical

or flat, or a matrix structure may operate with fluid teams forming and dispersing as projects come and go.

- **Systems:** are the procedures by which an organisation operates, including the collection and disbursement of money, material and information.
- **Skills:** These are the combined knowledge, skills and abilities of the staff.
- **Style:** Style or culture refers to the behaviours, ways of doing things, the ethos and values that characterise a particular organization. Changing the culture of an organisation is a slow process.
- **Staff:** This includes both people who do the work and the human resources systems that allow and encourage work to be done, including performance appraisals, motivation and morale.
- **Superordinate goals (shared values):** These are the core of the organisation – the guiding principles, the fundamental ideas around which the organisation is built.
- **Strategy:** This refers to the actions that an organisation plans in response to, or anticipation of changes in its external environment” (Silbiger, 1999:293).

The above enablers are critical in building employment relations within the institution. Horwitz (1991:208,229) argues that “the responsibility for creating an effective labour relations system through developing appropriate legislation

should be a joint one, combining the resources, knowledge and experience of the different parties. The policies are designed to be relatively simple, clearly worded and easily communicable. Worker relationship tends to be based on a pluralistic approach which accepts that both conflict and common goals are inherent to the relationship". The view is that the benefits of sound industrial relations policies are their value in minimizing institutionalised conflict by preventing conflict from becoming disruptive through regulating the employer/employee relationship by mutually negotiated rules and procedures (*ibid.*).

Much of the legislation may be formulated through formally established, joint structures. From the research findings in Chapter Four it has become clear that a joint structure to deal with issues of common interest is necessary for improving working relations between management and NEHAWU. Hill (1991:210) is of the opinion that coalitions or alliances (between employers and unions) will prove effective only if they are broad enough to obtain viable mandates which represent powerful interests, even if aspects of these interests differ. Alliances should "acknowledge conflict of interest before attempting to obtain consensus on specific issues. It may also be viable for interest groups seeking to form alliances to identify issues on which concerted action can be taken than to try and achieve congruent values" (Hill, 1991: 210). Hill further states that a pluralist society reflects various conflict and power interests (*ibid.*). Swanepoel (1999:85) points out that practitioners can no longer treat the communities in which their organisation operates as an "add on" in their understanding of organisational

dynamics. He further maintains that numerous theories point to the fact that the interaction between organisation and environment should be central to any proper analysis of labour and employment relations.

Swanepoel (1999:85) argues that an organised employer should enter into regular dialogue and dynamic interaction with interest groups such as political parties and organised labour and endeavour to formulate joint or bilateral strategies. He goes further to say employers and organised labour could sustain and extend meaningful dialogue beyond 'traditional' items on the collective bargaining agenda to include socio-economic and legislative issues that may have emerged in recent labour legislation.

The model proposed for the ECPL is informed by the above scenario. From Chapter Four findings it is evident that some structures within the institution are not effectively utilized, such as the Skills Development Forum and the Employment Equity Forum. The Skills Development Forum was established by the ECPL in terms of the Skills Development Act of 1998, with the responsibility of ensuring that a skills plan has been developed and implemented, not only within the ECPL, but with other stakeholders. The forum further ensures that the institution is in compliance with the Skills Development Act of 1998 and the Skills Levies Act of 1999. The findings discussed in Chapter Four have indicated the ineffective utilisation of this forum by the Eastern Cape Provincial Legislature. Maximum utilisation of this forum will contribute towards organisational efficiency

since the forum will be there to monitor capacity-building for staff members and managers. Skilled employees will make informed decisions. The Employment Equity Forum is there to ensure that the institution drafts an employment equity plan, as well as to monitor its implementation.

In the Eastern Cape Provincial Legislature, this forum will assist in ensuring that the institution, as the law-making body, does not find its image dented by a failure to comply with national legislation. The effective implementation of the Acts again encourages maximum performance, thereby improving organisational efficiency. Furthermore, maximum utilisation of these forums promotes a culture of dialogue in all spheres within the ECPL. The interaction that takes place presently is not meaningful or constructive, hence the need for a structure or forum that will provide a platform for continuous interaction between management and the union. A separate political structure, called the Committee of Presiding Officers, is proposed to deal with issues of deadlock. The political structure should be separate so as to ensure that the politician's role of oversight is not compromised.

5.4.3 National policies

The ECPL employment relations is regulated and informed by national policies. Poole (1986:99) defines Industrial Relations as a discipline concerned with the systematic study of all aspects of the employment relationship. Poole (1986:99) acknowledges that conflict between interacting groups is inevitable, but that there

are generally mechanisms to institutionalise conflict resolution. Poole (1986:99) states that the notion of Industrial Relations when applied to employment relations establishes a focus on human resources policies associated with patterns and styles of interaction beyond the basic inequality of the contractual relationship between an individual and an employer. In South Africa, the Labour Relations Act (Act 66 of 1995) regulates working relationships between management and the union in the form of establishing bargaining councils and workplace fora. The LRA ensures the right to fair labour practices; to join trade unions and employer organizations; to organize and bargain collectively and the right to strike. It further promotes conciliation and negotiation as the way of settling labour disputes through conciliation before they move to arbitration.

In terms of what is stipulated in the Labour Relations Act, 1995, the Eastern Cape Provincial Legislature complies with most of its requirements. Staff members in the ECPL have the right to join trade unions; to organize and bargain and to strike. A recognition agreement has been signed between management and NEHAWU within the Eastern Cape Provincial Legislature. What was not established as per LRA requirements is the workplace forum. The model that has been developed in this study attempts to address the challenge of lacking a structure that promotes continuous interaction between management and the union.

The Skills Development Act of 1998 and Skills Levies Act of 1999 require the facilitation of skills development in order to ensure that the country's economy is competitive. These laws set out to develop the skills of the South African workforce. To facilitate training of employees in the workplace, employers are required to pay a skills levy to the Department of Labour of which they are reimbursed when training has been conducted. According to the Act, the employer is also required to develop a skills plan in which the training programme for the institution is outlined. The Employment Relations Act of 1998 promotes and ensures equal opportunities in the workplace by eliminating unfair discrimination. Affirmative action, which encourages employment of previously disadvantaged Black, Coloured and Indian people, as well as people with disabilities, in senior positions. Poole (1986:100) argues that the process of negotiating rights and procedures for institutionalising conflict has important elements of power, collectively mobilised through the principles of freedom of labour association, and the rights to organize, bargain and take industrial action.

Informed by the national policies mentioned above, managers together with stakeholders have the responsibility of localising these policies. Policies developed by the Legislature have to be informed by national policies, hence it is critical to have the outer circle in the model because policies, procedures, structures and systems developed are based on national legislation.

According to Horwitz (1991:8), when the value of freedom of association is adopted by a society, it needs to be translated into structures, procedures and processes for the realisation to be put into practice.

Carel (1997:15) argues that HR policies help management achieve its organisational objectives. Policies also help define acceptable and unacceptable behaviour and establish an organisation's position on an issue. Top HR officials, the deputy general manager or the HR department heads are responsible for policy making. He further maintains that in critical HR matters, such as equal employment or management development, the policies may be drafted by an HR committee for approval by the General Manager. HR committees generally include members from both line and staff departments. A line function, Carel explains, is one that is directly related to the achievement of organisational goals.

From the national policies the ECPL must be in a position to develop customised policies and procedure manuals to make implementation easy.

5.5 THE MODEL: A PRACTICAL TOOL TO IMPROVE RELATIONS BETWEEN MANAGEMENT AND THE UNION IN THE EASTERN CAPE PROVINCIAL LEGISLATURE.

5.5.1 Individual Employee and Personal Goals

The model begins with the element of an individual and his/her personal goals. The system of employment relations deals with employers, employees and employee organisations. For the system of employment relations to function effectively it is imperative for management to acknowledge the fact that members of the labour union and other employees are human beings who have individual sets of values, behaviours and beliefs. The different set of behaviours that exist within an institution may influence the organisation negatively or positively and hence it is in the interest of management to ensure that inner self of employees are fused in within the system.

Koehler (1997:106) states that motives for behaviours stem primarily from two sources: internal and external. He maintains that individual behaviours in organisations result from primary motives, i.e motives that one is born with such as physiological and safety needs, and secondary needs, such as the need for power, influence, achievement and so forth. Koehler states that understanding the individual motives that inform a specific behaviour is extremely difficult and complex. Being able to pinpoint the beliefs that drive particular behaviours within

team members is not easy since these are not visible or tangible phenomena, and as a result, we often use our judgement.

Amongst team members – comprising managers and union representatives - in the Eastern Cape Legislature, the situation is no different in that different individual behaviours have an impact on the relationship between management and the union. Behaviours that impact negatively or delay the process of interaction are the result of the social diversity that exists within the team. Tshikwataba (2004:602) states that conflict is perceived or experienced as incompatible differences or unresolved problems within an individual employee or between employees. Koehler (1997:107) argues that rather than dwelling on personal motives, organisations should pay little attention to analysing individual motives and direct their energy towards understanding and developing systems that encourage desirable behaviour in the workplace.

Tshikwataba (2004:602) supports this view by saying that the human relations view in human resource management contends that conflict is a natural occurrence among employees. It is inevitable and beneficial to the workforce. Since conflict is unavoidable, human resource management advocates for its acceptance and the creation of mechanisms to manage it effectively. Koehler (1997:107) further argues that organisational leaders who want to maximise the human potential of their workplace must be willing to share power and control in the work environment.

Whilst the function of the wellness section within the Eastern Cape Legislature is appreciated and commended, it does however need to be strengthened. Based on the above discussions it is recommended that the wellness section in the ECPL, in order to function optimally, requires:

- The development of a policy to provide guidance on the effective utilisation of the wellness section. Tshikwataba (2004:601) states that the wellness and well being of workforce is made possible through appropriate human resource policies.
- The establishment of a wellness committee that is composed of all stakeholders, to ensure that the programme developed by the section is informed about the needs and requirements of the users.

The Regenesys (2007:9) states that the degree of synergy and alignment between organisational, team and individual goals and objectives determines the success of the organisation. Koehler (2007:106), on the other hand, states that transformational leaders create an empowerment environment where information and power is shared, and where employees are recognised, reinforced and rewarded for the use of skills and abilities to improve the organisation.

5.5.2 Establish team driven institution

Team members within the organisation are part of the processes and functioning of the institution. The success of the organisation stems from the successful team that has as its common purpose the achieving of institutional goals. Louw (2006:31) states that a team needs to understand the organisation's strategic

intent and purpose. She further asserts that strategic intent and purpose normally signify the beginning of direction-setting in the strategic management process, by posing the question “what do we really want to become”. Bowman (1987:14) states that a conflicts develop as a result of differences in organisational sub-groups, values, beliefs, often incompatible goals, and through lack of organisational interdependence. For team members to clearly understand their purpose, it is imperative that all stakeholders are meaningfully involved in the strategic management process of the institution. In terms of the Treasury Regulations, planners are required to involve all stakeholders in the process of strategic planning. Failure to do so becomes an audit query when it comes to performance auditing.

Hill *et al.* (2007:26) state that a serious mistake that some organisations have made in constructing their strategic planning process has been to treat planning as an exclusively top-level management responsibility. He further says that the ivory tower approach can result in strategic plans formulated in a vacuum by top-level managers who have little understanding or appreciation of current operating realities. Management has the responsibility of ensuring that the organisation functions as a team. The Regenysis module for Strategic Planning and Change Management states that it is imperative that each organisation ensures that team and individual goals and objectives are aligned with the organisation’s strategies.

For a team to function effectively, formal and continuous interaction among team members needs to be encouraged. For team members to do so, an enabling environment has to be created by management. The development of a code of conduct for a branch, which will clearly stipulate expected behaviour among union members in the Eastern Cape Provincial Legislature, is critical. Lipton (Paper on Recipe for successful team, 1994: 4) says that groups invariably establish ground rules or norms for what will and will not be tolerated in the group.

The cultivation of mistrust between the two parties is a result in some instances of uncalled for behaviour practiced by leaders of the organisation. Baskin (1991:243) maintains that every organisation needs to exercise control over the actions of its members by means of rules, norms and so forth.

5.5.3 Enablers for a conducive environment.

5.5.3.1 Organisational culture.

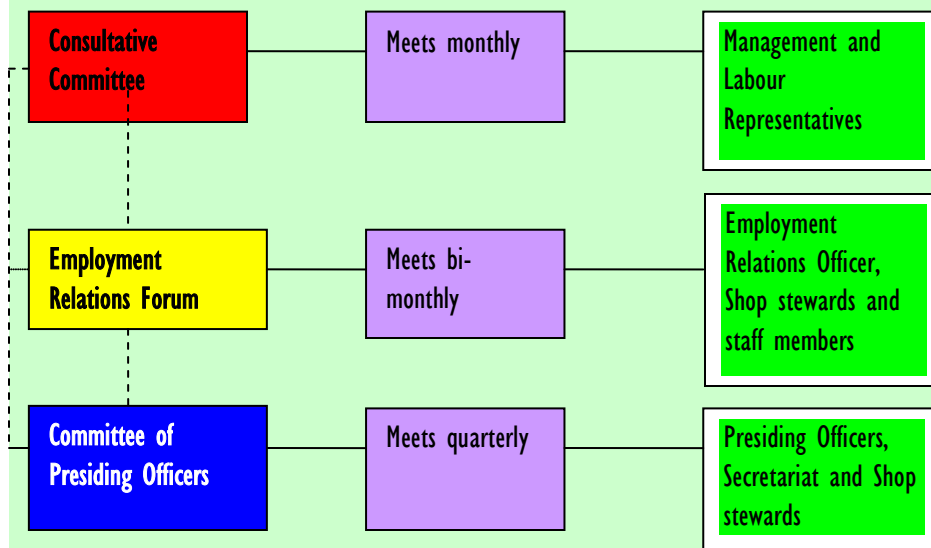
The integrated model developed in this study demonstrates the interconnectedness of many subsystems within an organisation. If one of the factors, such as organisational culture, is characterised by many power struggles and conflicts, or the subsystems and processes reinforce certain ways of doing things or of interacting, this will impact on the organisation as a whole. The success of an organisation is influenced by its particular organisational culture. The manner in which things are handled, and the behaviour of team members in that particular organisation depict, its organisational culture. Hill (2007:425)

describes organisational culture as the specific collection of values and norms shared by people and groups in an organisation. He further states that organisational values are beliefs and ideas about what kinds of goals members of an organisation should pursue and about the appropriate kinds of standards or behaviour organisational members should use to achieve these goals. The Legislature needs to instill a culture of dialogue among its stakeholders, as continuous interaction will minimise conflicts that might arise. Horwitz (1991:141) argues in favour of an internalised culture of employee participation as opposed to ad hoc interventions which may conflict with an unreceptive internal climate and conservative attitudes.

It is recommended that the ECPL embark on a policy review so as to ensure proper implementation and monitoring of policies. This review should seek to demonstrate the interrelatedness of policies and procedures fitting in the overall organisation. For these policies to be effective, they will have to be formulated by a team of managers, union representatives and politicians. This will give the politicians a better understanding of these policies and procedures so that they are able to perform their oversight role in an effective way. Union members play an important role in implementing such policies and procedures and therefore require a good understanding and buy in. New structures are proposed below that will facilitate this continuous process among all stakeholders.



Structures for continuous interaction with the Eastern Cape Provincial Legislature



5.5.3.2 Structure for continuous interaction in the Eastern Cape Provincial Legislature.

Responses interpreted in Chapter Four clearly indicate that management's interaction with the union takes place mostly when there are bargaining issues that need to be agreed upon. Consultation with the union is not systematic, it happens at a very minimal scale except when there is crisis. The recommendation that is put forward by the researcher is that there is a need for establishment of institutionalized structure developed on the basis of policy. The recognition of the interrelatedness and interaction of these factors by different stakeholders is a crucial element in building a successful organisation and facilitating good cooperative governance (Bowman,1987:10).

The model devised in this study supports an appreciation for fostering good working relations between two different parties working together, supporting each other and informing or consulting each other on matters of common interest. This research has therefore used the Constitution of the Republic of South Africa, the Labour Relations Act and the White Paper on the transformation of the public service as foundations upon which to build the proposed model. In addition, theories and best practices employed internationally have been used as a source of reference from which most of the recommendations and conclusions are derived.

The recommended structure endeavours to promote a more constructive dialogue between management and NEHAWU. Horwitz (1991:141) states that conflicting interests need to be acknowledged and the power dynamic of collective labour relations institutionalised in mutually satisfactory procedures based on a relationship built on trust. He further argues that the current reactive emphasis on industrial relations hostilities and the associated legalistic strategies, inhibits a longer term strategic emphasis on developing resources and on consciously planned organisational change.

Working in an integrated way with all stakeholders makes an organisation perform optimally. Continuous engagement between management and employees and an effort to foster appreciation of diversity in the work force has emerged as a conflict resolution instrument utilised in the South African labour market. Its success has been proven through the establishment of NEDLAC at the macro level, which is the platform utilised for dialogue between labour, business and civil society to tackle issues affecting the labour market.

The recommended structure proposes the establishing of a new consultative committee that is composed of union and management representatives. The committee will meet monthly, and is aimed at promoting continuous interaction between management and the union. Issues that affect both parties will be discussed. It will again act as an information-sharing platform between the two parties. This will assist shop stewards to keep abreast of important planned

projects or policies. Input from the union is critical at the planning stage because it creates a sense of ownership over decisions taken.

The second level of the structure addresses the interaction between the union and its constituency. This structure will serve as the report-back platform, and will meet bi-monthly. Issues that are discussed within the consultative forum will be filtered down to the members of the union, which will allow members to be informed of the developments that are taking place.

The final forum proposed is the committee of Presiding Officers, which will allow both management and union representatives to present their cases whenever there is dispute between the two parties. This committee will meet quarterly, and will be responsible for updating the Presiding Officers on progress in terms of policy implementation.

Shaw (2001:16) states that the miracles that have been achieved through the reliance on the peaceful settlement of disputes has left an incredible imprint on the South African psyche. The determining role which dialogue plays in the settlement of differences is now part of the South African vocabulary.

5.6. GENERAL RECOMMENDATIONS TO IMPROVE WORKING RELATIONS BETWEEN MANAGEMENT AND NEHAWU WITHIN THE EASTERN CAPE PROVINCIAL LEGISLATURE.

The general recommendations outlined below are based on the research findings that have been presented at the beginning of this chapter. Based on these findings, the researcher has identified certain action steps that may be undertaken by the institution to improve the relationship between management and NEHAWU. The following action steps have been identified:

- Continuous interaction between management and NEHAWU is necessary so as to avoid unnecessary conflict that might have been avoided had consensus been reached through interaction. Continuous interaction will allow both parties to raise issues and discuss them before they become cause for concern. This will also strengthen team-work between the two parties. NEHAWU has a different mandate, but this will enable it to be articulated appropriately rather than the parties seeing each other as enemies.
- There is a need for a planning session that will deal with labour-related matters and should be included in the institution's strategy plan.
- A capacity building programme for both management and NEHAWU should be devised. This should be coupled with attendance at labour-relations seminars to allow management and union to acquaint themselves with developments within the labour market.

- Enhance communication within the institution to raise the awareness of all internal stakeholders on issues affecting management and the union.
- Review and implementation of policies, systems and structures.

5.7. RECOMMENDED AREAS FOR FUTURE RESEARCH.

The findings of this research have portrayed minimal involvement or interest by politicians in ensuring compliance with the national legislative framework when it comes to staff issues. The widespread uncertainty about compliance with acts such as the Skills Development Act and Employment Equity Act, by all different categories of the Legislature community, is a cause for concern. The minimal oversight role played by politicians in monitoring compliance and localising national legislations may result in staff matters being given less attention. Future studies addressing the above mentioned issues could make important headway in improving the working environment within such organization, and thus contribute to improving service delivery on the whole

5.8. DIFFICULTIES EXPERIENCED BY THE RESEARCHER DURING THE RESEARCH PROCESS.

- Scheduling time for data collection was awkward as committees and some members of staff within the Legislature were busy with Annual Reports.
- The level of understanding of certain issues by respondents posed a challenge as the researcher had to spend time explaining statements.

- The negative attitudes of certain management and union representatives resulted in delays. It was difficult to get some union members to agree to complete the questionnaires and some managers queried the need for this study as they felt that things were improving on their own.
- Level of education of respondents contributed to the lack of understanding of the purpose and the potential value of studies such as this.

5.9. CONCLUSION

From the findings uncovered by this study it can be deduced that the facilitation of good working relations within an organization is informed by different legislative frameworks and by various theoretical perspectives, as highlighted in Chapter Two of this study. An awareness of these processes by those responsible for facilitating them is critical. What has become apparent is the issue of the lack of any systematic interaction between management and the union of the Eastern Cape Provincial Legislature as well as the lack of capacity-building between the two parties to ensure a common understanding of issues. The model developed in this study attempts to indicate the manner in which each organisation is supposed to operate, taking into consideration internal and external factors. It shows the interrelatedness of the various spheres within the organisational environment. The study has further provided recommendations for improving working relations and for further studies within this field.

BIBLIOGRAPHY

- Anderson, G.J. & Arsenault, N. 1998. *Fundamentals of Education Research*. London: Falmer Press.
- Andrews, Y. 1988. *The Personnel Function*. Cape Town: Haum Educational Publishers.
- Babbie, E. 2001. *The Practice of Social Research*. Belmont: Wadsworth/Thomson Learning Inc.
- Bailey, K.D. 1987. *Methods of Social Research*. New York: The Free Press.
- Barker, R and Angelopulo, G. 2006. *Integrated Organisational Communication*. Cape Town: Juta & Co. (Pty) Ltd.
- Baskin, J. 1991. *Striking Back: A History of Cosatu*. Braamfontein: Ravan Press.
- Baskin J. 1996. *Against the current Labour and economic policy in South Africa*. Randburg: Raven Press.
- Bass, M. & Avolio, J. 1994. *Improving organizational effectiveness through transformational leadership*. London: Sage Publications.
- Beer, M. 1980. *Organisational change and development: A systems view*. California: Goodyear.
- Bendix, S. 1989. *Industrial Relations in South Africa*. Kenwyn: Juta and Co.
- Berg, B.L. 1995. *Qualitative Research Methods for the Social Sciences*. Weedham Heights: Allyn & Bacon Co.
- Binza, M.S. 2000. *An evaluation of policies for attaining excellence in service delivery in the Port Elizabeth Municipality*. Port Elizabeth: Nelson Mandela Metropolitan University.
- Blyton, P. & Turnbull, P. 1994. *The Dynamics of Employee Relations*. London: Macmillan Press.
- Botes, P. 1994. *Aspects of supervision. A guide for the Contemporary Public Manager*. Pretoria: Southern Book Publishers.
- Bowman, C. 1987. *Strategic Management*. London : Macmillan Press.
- Braverman, H. 1980. *Labour and Monopoly Capital*. New York: Monthly Review

Press.

- Bryson, J.M.1991. *Strategic Planning for Public & Non-profit Organisations*. San Francisco: Jossey Bass
- Carel, M.R., Grobler, P.A., Elbert, N.F., Marx, M., Hatfield, R.D. & Van der Schyt, S. 1998. *Human Resource Management in South Africa*. South Africa : Prentice Hall.
- Coetzee, J.K. 2001. *Development Theory, Practice*. Cape Town: Oxford University Press.
- Cohen, R., Fink, L., Gadon, H., Willits, D. & Josefowitz, N. 1976. *Effective Behaviour in organizations*. New York: McGraw-Hill/Irwin.
- Cokins, G. 2002. *Activity Based Cost Management in Government*. United States of America: Management Concepts, Inc.
- Creswell, L.W. 1994. *Research Design Qualitative & Quantitative Approaches*. California: Sage Publications.
- Custer, R.L. 1996. *Qualitative Research Methodologies*. *Journal of Industrial Teacher Education*, 34 (2).
- De Vos, A.S., Strydom, H., Foucher, C.B. & Delport, C.S.L. 2002. *Research at Grassroots* (2nd Ed.). Pretoria: Van Schaik Publishers.
- Dubrin, J. & Ireland, D. 1993. *Management and Organisation*. USA: South-Western Publishing co.
- Eastern Cape Provincial Legislature. 2005. *Team Building Report*. Bisho.
- Finnemore M. 1997. *Introduction to Labour Relations in South Africa*. Durban: Butterworth Publishers.
- Flick, U. 1998. *An introduction to Qualitative Research*. London: Sage.
- Glesne, C. & Peshkin, A. 1992. *Becoming Qualitative Researchers. An Introduction*. New York: Longman Publishing Group.
- Grobler, P.A., Warnich, S., Carell, M.R., Elbert, N. & Hatfield, R. 2002. *Human Resource Management in South Africa*. United Kingdom: Thomson Learning.
- Haralambos, M. 1985. *Second Edition, Sociology: Themes and perspectives*. London: Bell and Hyman.

- Hill, C.W.L. & Jones, G.R. 2007. *Strategic Management*. Boston: Houghton Mifflin Company.
- Hollinshead, G. *Employee Relations*. *London Financial Times*. 30 April 1999, page 17.
- Horwitz, F. 1991. *Managing Resourceful People - Human Resource Policy & Practice*. Cape Town: The Restica Press.
- Koehler, J.R., Pankowski, J.M. 1997. *Transformational Leadership in Government*. United States of America: St Lucie Press.
- Leedy, P.D & Ormrod, J.E. 2001. *Practical Research: Planning and design*. New Jersey: Merrill Prentice Hall.
- Lipton, M. 1994. "Paper on Recipe for Successful Team". New York: [lipton@newschool.edu, accessed on the 15 September 2006]
- Louw, L., Venter, P. 2006. *Strategic Management. Winning in the Southern African Workplace*. Cape Town: Oxford University Press.
- Luckhardt, K. & Wall, B. 1980. *Organize or Starve! The history of the South African Congress of Trade Unions*. London: Lawrence and Wishart Ltd.
- Koehler, J.R., Pankowski, J.M. 1997. *Transformational Leadership in Government*. United States of America: St Lucie Press.
- McGee, D.G. 2002. *The Overseers. Public Accounts Committees and Public Speaking*. Norwich: Curran Publishing Services.
- Meyers, M. 2002. *Managing Human Resource Development*. South Africa: LexisNexis Butterworth.
- Mouton, J. 2001. *How to succeed in your Master's and Doctoral Studies: A South African Guide and Resource Book*. Pretoria: Van Schaik Publishers.
- Mouton, J and Marias, H.C. 1988. *Basic Concepts In the Methodology of the Social Sciences*. Pretoria: HSRC Publishers.
- Myers, M.D. 1997. *Qualitative research in information systems*. Available: [www.qual.auckland.ac.nz/], accessed on the 11 February 2008]
- Nel, P.S., Van Dyk, P.S., Haasbroek, G.D., Schultz, H.B., Sono, T., and Werner, A. 2006. *Human Resource Management*. South Africa:

Oxford University Press, Southern Africa.

- Noon, M. & Blyton, P. 2002. *The Realities of Work*. New York: Palgrave Macmillan.
- Poole, D. 1997. *Vision, Race and modernity - A Visual Economy of Andean World*. Princeton: Princeton University Press
- Punch, K. 1998. *Introduction to Social Research, Quantitative and Qualitative Approaches*. London: Sage Publications
- Regenesys. 2006. *Strategic Planning and Change Management Manual*. Pretoria: Regenesys University.
- Ritzer, G. 1988. *Sociological Theory, Second Edition*. New York: Alfred A. Knopf.
- Rossi, P.H. 1993. *Evaluation - A Systems Approach*. London: Sage.
- Sax, N.I. 1979. *Dangerous Properties of Industrial Materials*. New York: Van Nostrand.
- Senge, P. 1990. *The Fifth Discipline:- The Art and Practice of the Learning Organisation*. New York Garden City: Doubleday.
- Shaw, S. 2001. *South Africa's Transition to Democracy: An African Success Story*. Cape Town: Design Printers.
- Silbiger, S. 1999. *A step by Step Guide to Mastering the Skills Taught in top Business Schools*. London: Judy Piatkus.
- Singleton Jr., R.A., Bruce, C. & Straits, M. 1988. *Approaches to Social Research*. New York: Oxford University Press.
- South African Government. 1996. *Constitution of the Republic of South Africa*. Pretoria: Government Printers.
- South African Government Department of Labour. 1996. *Know your LRA, A guide to Labour Relations Act*. Pretoria: Government Printers.
- South African Government. 1995. *Labour Relations Act*. Pretoria: Government Printers.
- South African Government. 1996. *White Paper on Transformation of Public Service*. Pretoria: Government Printers.

- South African Government. 1998. *Skills Development Act*. Pretoria: Government Printers.
- South African Government. 1999. *Employment Equity Act*. Pretoria: Government Printers.
- Swanepoel, B., Erasmus, B., Van Wyk, M. Schenk, H. 2007. *South African Human Resource Management, Theory and Practice* . South Africa: Formset, Epping.
- Swanepoel, B.J. 1999. *The Management of Employment Relations: Conceptual and Contextual Perspectives*. Durban: Butterworth Press.
- Swilling, M. (ed.). 1997. *Governing Africa's Cities*. Johannesburg: Witwatersrand University Press
- Trochim, M.K. 2000. *Research methods knowledge base*. (Revised 6 September 2000) Available: [www.atomicdog.com/trochim, accessed on the 20th September 2007]
- Tshikwatamba, N.E. Contextualising the guidelines of public administration within the selected African community values. *Journal of Public Administration*, 39 (4). 2004.
- Walizer, M.H. 1978. *Research Methods and analysis*. New York: Harper and Row.
- Wheatney, S.M. 1994. *Research Working Paper*. Federal Reserve Bank of Kansas City) Local note AH 30/3/95 IB.
- Winberg, C. 1997. *Learning How to Research and Evaluate*. Cape Town: Juta & Co.
- www.eurofound.europa.eu [accessed on 08 February 2008]
- Zambardo, P. & Ebbeson, E.B. 1969. *Influencing Attitudes and Changing Behaviour*. Massachutts: Addison-Wesley.
- Zotov, V.D. 1985. *The Marxist-Leninist Theory of Society: Identity and Diversity of Social Development in the West and East*. Union of Soviet Socialist Republics: Progress Publishers.

ANNEXURES

List of Respondents

Top Management

Name	Title and contact details	Designation	Distribution date
H.L. Smith	Mr:040-6080211	Chief Procedural Officer	11 October 2007
M.H. Mpahlwa	Mr :040- 6080206	Secretary to the Legislature	12 October 2007

Middle Management

Name	Title and contact details	Designation	Distribution date
N. Bata	Mrs:040-6080229	Director: Procedural Services	10 October 2007
V. Mapolisa	Mr:040-6080219	Director: Strategy and Communication	10 October 2007

Lower Management

Name	Title and contact details	Designation	Distribution date
I. Netshutumbu	Mr:040-6080081	Deputy Director: Legal Services	10 October 2007
N. Nkuhlu	Ms:040- 6080208	Manager: Enabling Services	

Returned questions



Respondents: Shopstewards

Name	Title and contact details	Designation	Distribution date
N. Ngqula	Ms: 040-6080227	Shopsteward	10 October 2007
Z. Hoyo	Mr :040-6080121	Shopsteward	10 October 2007
N. Mbanjwa	Ms:040-6080015	Shopsteward	10 October 2007
M. Mtyi	Mr:040-6080032	Shopsteward	10 October 2007
N. Nkwali	Mr :040-6080052	Shopsteward	10 October 2007
P. Tshisa	Mr : 040-6080082	Shopsteward	10 October 2007

Ordinary Union Members and staff members

Name	Title and contact details	Designation	Distribution date
N. Mahote	Ms:040-6080065	Committee Co-ordinator	10 October 2007
B. Jela	Ms :040-6080234	Communication Officer	10 October 2007
B. Makuluma	Ms:040-6080048	Senior Training Officer	11 October 2007
M. Hlohlo	Mr:040-6080062	Committee Co-ordinator	12 October 2007
M. Bango	Ms 040-6080078	Committee Co-ordinator	11 October
N. Stemele	Ms:040-6080255	Community Liaison Officer	10 October 2007
L. Zatu	Ms:040-6080218	Admin Officer	
F. Ntleki	Ms:040-6080255	Community Liaison Officer	11 October 2007
T. Mtyi	Mr :040-6080243	Admin Officer	10 October 2007
T. Madlakana	Mr:040-6080023	GTO	11 October
S. Peterson	Mr. 040 6080043	Communication Officer	10 October
T. Ntlabati	Ms :040- 6080067	Tabling staff	15 October
E. Matubatuba	Ms : 040-6080013	Language Practitioner	12 October
E. Goodrum	Ms : 040-6080056	Language Practitioner	12 October
W. Ngqeza	Mr : 040-6080257	Supervisor: Office Support	15 October
D. Katangana	Mr : 040-6080237	Admin Officer	15 October
S. Mhlaba	Mr : 040-6080061	Committee Coordinator	15 October
N. Sibane	Ms: 040-6080216	Secretary	11 October
M. Mngxaso	Ms: 040-6080012	Budget Officer	11 October

N. Sikwe	Ms: 040-6080005	Payments Officer	12 October
L. Swartz	Ms: 040-6080039	International Relations : Supervisor	12 October
M. Mncameleni	Mr:040-6080049	Recruitment and selection	11 October
T. Ndilele	Ms: 040-6080213	Benefits-Supervisor	15 October
N. F Matomane	Mr: 040-6080235	Training and Development	11 October
N. Mzati	Ms: 040-6080202	Secretary	12 October
N. Ntoyakhe	Ms: 040-6080041	Service Officer	11 October
P. Ponono	Ms: 040-6080212	Personal Assistant	11 October
P. Majiza	Ms:040-6080235	Personal Assistant	12 October
Y. Nginingini	Ms: 040-60800231	Service Officer	15 October
S. Malotana	Mr: 040-6086948	GTO	15 October
T. Kauli	Mr: 040-6080021	GTO	12 October
Z. Tom	Ms: 040-6080043	HR Practitioner	13 October
B. Nomana	Mr:040-6080243	Assets and logistics	11 October
A. Botlhole	Ms: 040-6080243	SCM Practitioner	12 October
C. Sikwe	Mr: 040-6080065	SCM Practitioner	12 October
N. Maclean	Ms:040-6080042	Communication Officer	11 October
N. Roji	Ms: 040-6080023	Accountant	11 October
B. Skenjana	Mr: 040-6080034	Community Liaison Officer	12 October
X. Sogwagwa	Ms: 6080146	Secretary	15 October
P. Dwayi	Ms: 040-6080119	Secretary	15 October

Returned questionnaires



Members of the Provincial Legislature

Name	Title and contact details	Designation	Distribution date
N. Kiviet	Ms:040-6080276	Speaker to the Legislature	10 October 2007
G. Barry	Ms:040-6080203	Deputy Speaker	10 October 2007
S. Mazosiwe	Mr:040-6080156	Chairperson of Committees	10 October 2007
G. Snell	Mr:040-6080278	Deputy Chairperson of Committees	10 October 2007
Z. Mkabile	Mr:040-6364046	Leader of the opposition party	11 October 2007
B. Stevenson	Mr:040-6080269	Member of the Opposition Party	12 October 2007
M. Qwase	Mr:040-6080121	Chairperson of Committee	12 October 2007
V. Mthongana	Ms:040-6080223	Whip	12 October 2007
X. Tom	Mrs:040-6080169	Chairperson of committee	12 October 2007
P. Nkayi	Mr:040-608123	Chairperson Committees	12 October 2007
B. Tunyiswa	Ms:040-608342	Whip	12 October 2007
N. Mtshana	Ms:040-6082216	Ordinary MPL	12 October 2007
N. Jam-jam	Ms:040-6080134	Ordinary MPL	11 October 2007
M. Mamase	Mr: 040-608045	Ordinary MPL	12 October 2007
T. Liberty	Mr: 040-6080145	Ordinary MPL	11 October 2007
H. Malgas	Ms: 040-608045	Chairperson of committee	15 October 2007
L. Suka	Mr: 040-6086985	Chairperson of Committee	15 October 2007
Z. Luyenge	Mr. 040-6393797	Chairperson of Committee	11 October 2007
M. Makupula	Mr.040-6393792	Chairperson of Committee	12 October 2007
P. Mnguni	Mr : 040-6390143	Ordinary member	15 October

Returned questionnaires



Unreturned questionnaires



107 10th Avenue
Gonubie
East London
5257

06 August 2007

The Eastern Cape Provincial Legislature

Dear Sir/Madam

**A SURVEY ABOUT THE DEVELOPMENT OF A MODEL THAT WILL CONTRIBUTE TOWARDS
THE IMPROVEMENT OF WORKING RELATIONS BETWEEN THE EASTERN CAPE
PROVINCIAL LEGISLATURE MANAGEMENT AND THE UNION.**

I would appreciate your co-operation with the above –mentioned research project.

My name is Nombulelo Mosana. I am the Nelson Mandela Metropolitan University post graduate student doing Masters in Public Administration. As part of the curriculum of the programme we are required to complete and submit a treatise on a topic of choice. The interviews I conduct are part of my academic work and have no material relationship with my current employment in the Eastern Cape Provincial Legislature. Attached herein is the questionnaire that will assist in my treatise in answering the following research question:

The central question of my research thesis is: What organizational model, systems, culture, and structures are there in the Eastern Cape Provincial Legislature and how do they contribute towards or not, sound working relationship between the management and Nehawu union?
Does management create an enabling environment to ensure that Nehawu is well prepared and informed for effective participation on issues of institutional governance? Do both parties have clear understanding of roles and responsibilities of each party so as to minimize negative attitudes?

Your opinions and responses are very important to the Eastern Cape Legislature, the public service at large and to the researcher. Your opinions and responses will enable the researcher to develop a model that will contribute towards improvement of working relations between the Eastern Cape Provincial Legislature management and the union. The envisaged model will enhance the

collective effort of Eastern Cape Provincial Legislature employees through shared governance that will work towards the attainment of institutional goals.

The questionnaire has been designed to take a maximum of **fifteen to twenty minutes** to complete. No names have to be given and complete anonymity is guaranteed.

I would like to take this opportunity to thank you for your time and views in answering the questions. I would also like to reconfirm that the views and information you provided will be treated confidentially.

Yours sincerely,

.....
Ms. N. P. Mosana
MPA research candidate
107 10th Avenue
Gonubie
East London
5257
Cell No: 0824481170

Section A

Please read each statement and then put a cross (x) in the box that best indicates how strongly you agree or disagree with the statement.

For example: if you put a **cross (x)** in 1, it means you Strongly Agree

1	Strongly agree
2	Agree
3	Undecided
4	Disagree
5	Strongly disagree

		Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
1	Organizational culture, structures and systems are created within the Eastern Cape Provincial Legislature.					
1.1	The South African labour relations framework promotes partnership in governance between management and unions					
1.2	Sound working relations between management and the union contribute towards attainment of institutional goals.					
1.3	Development of a model to improve working relations between management and the union of the Legislature will have significant impact on the governance of the Legislature.					
1.4	Co-operative governance approach minimizes conflict between management and union.					
1.5	Eastern Cape Legislature practices cooperative and good governance principles.					
1.6	An integrated governance approach between management and union improves service delivery.					
1.7	Management should put systems in place in order to facilitate continuous interaction between the two parties.					
1.8	The political administration of the Eastern Cape Provincial Legislature ensures that both groups have a fair hearing during times of conflict.					
2	Enabling environment for working is created by management.					
2.1	The Eastern Cape Legislature has appropriate policies to address relations in the work place.					
2.2	Management creates an enabling environment for sound working relations between management and the union.					
2.3	Management in the Eastern Cape Provincial Legislature					

	consults union on issues that affect its employees.						
2.4	Nehawu is always given enough time to prepare for a meeting.						
2.5	Continuous skills development and motivation of staff is critical for nurturing good relations and for service delivery.						
2.6	Eastern Cape Legislature develops annual Skills Plan for employees.						
2.7	The Legislature has equal opportunities for staff development						
3	Effective and efficient utilization of resources is practiced by the Eastern Cape Provincial Legislature.						
3.1	The management of the Eastern Cape Provincial Legislature is aware and complies with the requirements contained in the South African labour legislations that affect public service.						
3.2	Employees in the Eastern Cape Provincial Legislature are an integral part of the running of the Eastern Cape Provincial Legislature.						
3.4	Management of the Eastern Cape Provincial Legislature need to acknowledge the fact that individual employees have different behavioral patterns.						
3.5	The Eastern Cape Provincial Legislature has a political structure that deals with disputes between management and the union.						
4	Management and Nehawu interact.						
4.1	The Eastern Cape Legislature has a signed recognition agreement that governs its relationship with Nehawu.						
4.2	Monthly meetings between management and Nehawu in the Eastern Cape Legislature are convened.						
4.3	Nehawu is given opportunity to input on issues of governance within the Eastern Cape Legislature.						
4.4	Nehawu receives documentation on what will be discussed in a meeting prior.						
4.5	Mechanisms are in place to ensure implementation and monitoring of collective agreements.						
4.6	The Legislature has a recognized structure that allows continuous interaction between management and union.						
4.7	The Eastern Legislature has an Institutional Transformation Forum as required by the Public Service Transformation White Paper						
4.8	The Eastern Legislature has a Work Place Forum as required by the Labour Relations Act.						
4.9	The Eastern Legislature has a Skills Development Forum as required by the Skills Development Act						
4.10	The Eastern Legislature has an Employment Equity Forum as required by the Employment Equity Act.						
4.11	The Eastern Cape Legislature and Nehawu regional leadership hold regular sessions on issues of mutual interest.						

5	Nehawu interacts with its constituency.					
5.1	Nehawu's shopsteward committee always consults its constituency before inputting on any matter that affects them.					
5.2	Nehawu has mechanisms in place to ensure implementation and monitoring of signed collective agreement with management.					
5.3	Nehawu has an identified committee that participates in the recognised structure within the Eastern Cape Provincial Legislature.					
5.4	Nehawu has Shopstewards representative at each division/section of the Eastern Cape Legislature .					
5.5	The Eastern Cape Legislature's Nehawu branch reports and seeks mandate from the regional Nehawu structure.					
General Comments:						

Once again thank you for your co-operation.

SA	A	U	D	SD	T
4.5%	50.0%	36.4%	9.1%	0.0%	100.0%
40.9%	54.5%	0.0%	4.5%	0.0%	100.0%
54.5%	36.4%	0.0%	9.1%	0.0%	100.0%
36.4%	63.6%	0.0%	0.0%	0.0%	100.0%
27.3%	63.6%	9.1%	0.0%	0.0%	100.0%
9.1%	45.5%	18.2%	22.7%	4.5%	100.0%
22.7%	72.7%	0.0%	4.5%	0.0%	100.0%
54.5%	45.5%	0.0%	0.0%	0.0%	100.0%
22.7%	36.4%	18.2%	22.7%	0.0%	100.0%
0.0%	45.5%	31.8%	18.2%	4.5%	100.0%
4.5%	45.5%	18.2%	18.2%	13.6%	100.0%
0.0%	54.5%	13.6%	18.2%	13.6%	100.0%
0.0%	45.5%	18.2%	22.7%	13.6%	100.0%
0.0%	40.9%	22.7%	27.3%	9.1%	100.0%
45.5%	36.4%	18.2%	0.0%	0.0%	100.0%
4.5%	40.9%	27.3%	22.7%	4.5%	100.0%
13.6%	45.5%	13.6%	22.7%	4.5%	100.0%
0.0%	36.4%	40.9%	13.6%	9.1%	100.0%
13.6%	36.4%	18.2%	22.7%	9.1%	100.0%
18.2%	36.4%	18.2%	18.2%	9.1%	100.0%
36.4%	45.5%	13.6%	4.5%	0.0%	100.0%
18.2%	31.8%	18.2%	27.3%	4.5%	100.0%
4.5%	63.6%	31.8%	0.0%	0.0%	100.0%
27.3%	45.5%	18.2%	9.1%	0.0%	100.0%
18.2%	27.3%	36.4%	18.2%	0.0%	100.0%
9.1%	40.9%	27.3%	22.7%	0.0%	100.0%
4.5%	27.3%	40.9%	18.2%	9.1%	100.0%
0.0%	27.3%	22.7%	31.8%	18.2%	100.0%
0.0%	36.4%	31.8%	22.7%	9.1%	100.0%
0.0%	4.5%	40.9%	31.8%	22.7%	100.0%
0.0%	0.0%	40.9%	27.3%	31.8%	100.0%
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
9.1%	31.8%	31.8%	22.7%	4.5%	100.0%
0.0%	22.7%	45.5%	18.2%	13.6%	100.0%
0.0%	13.6%	31.8%	27.3%	27.3%	100.0%
4.5%	36.4%	45.5%	13.6%	0.0%	100.0%
18.2%	31.8%	40.9%	9.1%	0.0%	100.0%
0.0%	9.1%	63.6%	27.3%	0.0%	100.0%
9.1%	45.5%	27.3%	18.2%	0.0%	100.0%
4.5%	45.5%	27.3%	22.7%	0.0%	100.0%
4.5%	40.9%	45.5%	9.1%	0.0%	100.0%

PROPOSED CORPORATE DRESS POLICY
CORPORATE DRESS CODE

CORPORATE DRESS POLICY

CORPORATE DRESS CODE

OVERVIEW

1. POLICY DEFINITION

This policy and dress code:

- Replaces all previous policies in respect of corporate clothing offered to employees by the Eastern Cape Provincial Legislature.
- Will be deemed to have come into operation on the 01st of April 2006.

2. OBJECTIVE

To outline the rights and obligations of both the Legislature and the employees regarding corporate dress code.

To kick start an improvement in the Legislature's public image. Employees will be required to use the allowance as allocated to this dress code accordingly.

3. WHY HAVE A CORPORATE DRESS

To ensure that a consistent image is presented to our clients in line with our vision of becoming a peoples assembly for good governance.

Corporate wardrobe is visual expression of the level of service we render to the public.

4. WHO WILL RECEIVE CLOTHING ALLOWANCE

All employees in the Bargaining Unit as defined in the recognition agreement will benefit from this allowance and as such will be expected to comply with the prescription of this policy.

5. PAYMENT OF AN ALLOWANCE.

- 5.1 Employees in the bargaining unit will be entitled to a non-pensionable clothing allowance in the amount of R4 800,00 which will be payable in accordance with paragraph 5.3 once in every 3 year cycle, commencing on the 1st of April 2006.

5.2 An employee will be paid a clothing allowance once in a three year circle in accordance with paragraph 5.3.

5.3 The allowance will not be paid directly to employees but will be paid to the service provider(s) approved by the Legislature to supply corporate dress .

5.4 The approved service provider shall be communicated to all members of staff.

5.5 The Legislature will pay the service provider for the actual value of the clothing taken to the maximum of R4, 800 and if an employee takes clothing with a value less than the amount he\she is entitled to, the remainder will be forfeited.

5.6 Any amount in excess of R4 800, 00 due to the service provider shall be on the account of the employee concerned.

6. DRESS CODE REQUIREMENTS

6.1 The design and colours of the dress code shall be as approved by the Executive Committee from time to time and in choosing the colours the Executive Committee shall take into account the branding strategy of the Legislature.

6.2 The Legislature is mindful that one uniform dress style is not suited to all body shapes, and to diversity of cultures and traditions within South African.

6.3 Given this members of staff may with the approval of the Secretary wear a dress code altered to suit their circumstances but within the colours approved by the Legislature.

7. COMPLIANCE:

Any staff member who fail to wear a dress code shall be guilty of breach of standards and may be subjected to disciplinary hearing.

8. GENERAL CONDITIONS

OVERVIEW

PROVISIONS OF POLICY

The following principles of the Corporate Dress will apply:

- Employees are required to wear the Corporate Dress on all working days except Fridays.
- Employees are liable for the costs of all alterations and dry cleaning.
- Although the Corporate Dress range is designed to be versatile, certain exemptions will be considered on the following grounds.

Religious requirements

- Jewish - Yarmulke
- Muslim - scarves in compliance with Corporate Dress identity.
- Other religious beliefs will be considered if supported by means of a letter from the congregation/religious leader.

Medical reasons

- If allergies are experienced, a detailed report is required from a medical practitioner or specialist.
- Pregnant employees.

CORPORATE DRESS POLICY
CORPORATE DRESS CODE
(ADOPTED BY THE RULES COMMITTEE ON 14 NOVEMBER 2003)

CORPORATE DRESS POLICY

CORPORATE DRESS CODE

OVERVIEW

1. POLICY DEFINITION

This policy and dress code:

- Replaces all previous policies in respect of corporate clothing offered to employees by the Eastern Cape Provincial Legislature.
- Will be deemed to have come into effect from 01 May 2003.

2. OBJECTIVE

To outline the rights and obligations of both the Legislature and the employees regarding corporate dress code.

To kick start an improvement in the Legislature's public image. Employees will be required to use the allowance as allocated to this dress code accordingly.

3. WHY HAVE A CORPORATE DRESS

To ensure that a consistent image is presented to our clients in line with our vision of becoming a peoples assembly for good governance.

Corporate wardrobe is visual expression of the level of service we render to the public.

4. WHO WILL WEAR THE CORPORATE DRESS

All employees below the level of Deputy Director will benefit from this allowance and as much will be expected to comply with the prescription of this policy.

5. PAYMENT OF AN ALLOWANCE.

The workers in the bargaining unit will be paid a non-pensionable clothing allowance in the form of a lump sum in the amount of R4 800,00.

The allowance will be taxed and Finance Section will be tasked to assist the workers in the claiming tax rebated from SARS(Revenue Services).

The allowance will be payable once in every 3 year cycle.

6. DRESS CODE REQUIREMENTS

The Legislature is mindful that one uniform dress style is not suited to all body shapes, and to diversity of cultures and traditions within South African. Given this, the trends and standards shall be as set down as it exists in clause 11 of the Code of Conduct, which states:-

“Members of staff must dress in accordance with the dress code as agreed upon for Members of the Legislature in the Chamber, unless a member of staff’s line function dictates otherwise..”

Furthermore, in terms of this interim dress code and the policy that will arise from this, the range of colours for the dress code must fall within the colours of the South African flag i.e. red, blue, black, yellow, white and green.

Staff may wear these colours of the South African flag either singularly or in combination.

7. TIME FRAMES:

By the first week of May 2003, the workers are expected to start dressing in accordance with this interim code, and by the end of July 2003, the presentability of workers within the requirements of this code should be observed fully.

By the first week of August 2003, all accounting with respect to invoices and cash slips for clothing purposes, should have been completed by the workers.

Each Director would have obtained invoices and cash slips from the workers within his or her Directorate before 31 August 2003.

8. REPORTING

Directors will complete the check-list that is attached as Annexure A, and use the statistics to compile the report.

Each Director would have submitted a report to the Secretary of the Legislature on the compliance with this requirement with full details before 07 September 2003.

The Secretary to the Legislature must submit a report to the Executive Committee on the compliance with this requirement on or before 15 September 2003.

9. COMPLIANCE:

As per the existing adopted code of conduct: Inappropriate dress or dress not in accordance with the dress code will constitute a breach of standard.

A worker who fails to submit invoices and cash slips for clothing purchased shall be adversely affected when further clothing allowances are considered and steps in terms of the Code of Conduct will be taken.

In the event of a dispute, the agreed resolution process will be followed.

10. GENERAL CONDITIONS
OVERVIEW

PROVISIONS OF POLICY

The following principles of the Corporate Dress will apply:

- Employees are required to wear the Corporate Dress on all working days that is Monday to Friday.
- Employees are liable for the costs of all alterations and dry cleaning.
- Although the Corporate Dress range is designed to be versatile, certain exemptions will be considered on the following grounds.

Religious requirements

- Jewish - Yarmulke
- Muslim - scarves in compliance with Corporate Dress identity.
- Other religious beliefs will be considered if supported by means of a letter from the congregation/religious leader.

Medical reasons

- If allergies are experienced, a detailed report is required from a medical practitioner or specialist.
- Pregnant employees.

CORPORATE DRESS POLICY

CORPORATE DRESS CODE

INTERVIEW

POLICY DEFINITION

This policy and dress code:

- Replaces all previous policies in respect of corporate clothing offered to employees by the Eastern Cape Provincial Legislature.
- Will be deemed to have come into effect from 01 May 2003.

2. OBJECTIVE

To outline the rights and obligations of both the Legislature and the employees regarding corporate dress code.

To kick start an improvement in the Legislature's public image.
Employees will be required to use the allowance as allocated to this dress code accordingly.

3. WHY HAVE A CORPORATE DRESS

To ensure that a consistent image is presented to our clients in line with our vision of becoming a peoples assembly for good governance.

Corporate wardrobe is visual expression of the level of service we render to the public.

4. WHO WILL WEAR THE CORPORATE DRESS

All employees below the level of Deputy Director will benefit from this allowance and as much will be expected to comply with the prescription of this policy.

5. PAYMENT OF AN ALLOWANCE

The workers in the bargaining unit will be paid a non-pensionable clothing allowance in the form of a lump sum in the amount of R4 800.00.

The allowance will be taxed and Finance Section will be tasked to assist the workers in the claiming tax rebated from SARS (Revenue Services).

The allowance will be payable once in every 3 year cycle.

The Secretary to the Legislature must submit a report to the Executive Committee on the compliance with this requirement on or before 15 September 2003.

COMPLIANCE:

As per the existing adopted code of conduct: Inappropriate dress or dress not in accordance with the dress code will constitute a breach of standard.

A worker who fails to submit invoices and cash slips for clothing purchased shall be adversely affected when further clothing allowances are considered and steps in terms of the Code of Conduct will be taken.

In the event of a dispute, the agreed resolution process will be followed.

GENERAL CONDITIONS OVERVIEW

PROVISIONS OF POLICY

The following principles of the Corporate Dress will apply:

- Employees are required to wear the Corporate Dress on all working days that is, Monday to Friday.
- Employees are liable for the costs of all alterations and dry cleaning.
- Although the Corporate Dress range is designed to be versatile, certain exemptions will be considered on the following grounds:

Religious requirements

- Jewish – Yarmulke.
- Muslim – scarves in compliance with Corporate Dress identity.
- Other religious beliefs will be considered if supported by means of a letter from the congregation/religious leader

Medical reasons

- If allergies are experienced, a detailed report is required from a medical practitioner or specialist.
- Pregnant employees.

COLLECTIVE AGREEMENT

between

THE EASTERN CAPE PROVINCIAL LEGISLATURE

(hereinafter referred to as "the Legislature", duly represented by the Secretary to the Legislature)

and

The National Education Health and allied Workers Union

(hereinafter referred to as "the Union", duly represented by chairperson of the union).

1. PREAMBLE

The objective of this agreement is to regulate the relationship between the Union and the Legislature by establishing clear principles and procedures for the operation of the Union in the Legislature.

WHEREBY IT IS AGREED AS FOLLOWS:

2. Definitions

In this agreement, unless inconsistent with the context, the following words shall have the following meanings:

- 2.1 "Act" - The Labour Relations Act, 1995 (Act No 66 of 1995);
- 2.2 "Bargaining Unit" - staff from level of General Assistant to the level of Assistant Head;
- 2.3 "designated official" - the official designated by the Legislature to consider requests for times off in terms of clause 3 or meetings in terms of clause 5; *
- 2.4 "disciplinary procedure" - the procedure referred to in clause 10;
- 2.5 "employee" - any person who is employed by the Legislature;
- 2.6 "general meetings" - meetings of the members of the Union in terms of clause 5;
- 2.7 "grievance procedure" - the procedure agreed to between the parties;
- 2.8 "industrial action" - the definitions of a strike or lockout in the Act;

- 2.9 "Legislature representatives" - the officials nominated by the Executive Management of the Legislature to represent the Legislature in meetings with the Union;
- 2.10 "monthly meetings" - monthly meetings between the Legislature representatives and the Shop Stewards in terms of clause 4;
- 2.11 "negotiating committee" - a committee consisting of officials designated by the Legislature to represent the Legislature and Union members designated by the Union to represent the Union during negotiations in terms of clause 8.
- 2.12 "parties" - the parties entering into this agreement;
- 2.13 "retrenchment procedure" - the procedure agreed to between the parties in terms of clause 12;
- 2.14 "Secretary" - the Secretary to the Legislature;
- 2.15 "shop steward" - a Union member elected in terms of this Agreement and the constitution of the Union in the Legislature;
- 2.16 "shop steward committee" - a committee elected in terms of the Union Constitution and this Agreement;
- 2.17 "special meetings" - meetings between the Legislature representatives and shop stewards in terms of clause 4;
- 2.18 "time-offs" - special leave accorded to shop-stewards in terms of clause 3;
- 2.19 "Union" - the National Education Health and Allied Workers Union(Nehawu);
- 2.20 "Union member" - a permanent employee of the Legislature who is a paid up member in terms of the union' Constitution; and
- 2.21 "Union official" - a full time official in the permanent employ of the Union as defined in the Union Constitution or any office bearer of the Union.

3. **Election of Shop -Stewards**

- 3.1 The election of shop-stewards shall take place in the Legislature at a general meeting of the Union.
- 3.2 The Union must afford the Legislature seven (7) days notice of such election.
- 3.3 The Legislature must provide the Union with one of the venues of the legislature, and release all Union members to attend the meeting for elections.
- 3.4 The Union must, within 2 days after election, notify the Legislature in writing of the names of elected shop-stewards who comprise the shop stewards committee and their portfolios as well as changes in the composition of such committee.
- 3.5 The Legislature must recognise the shop-stewards so notified, as representatives of the Union members in the Legislature

3. **TIME - OFFS**

- 3.1 Each shop steward will be granted 12 days special leave per annum as follows:
- 3.1.1 Six (6) days to perform union activities;
 - 3.1.2 Six (6) days for training.
- 3.2 Request for special leave in terms of this clause must be submitted two (2) days in advance to the designated official for consideration and approval.
- 3.3 A system for pooling the leave days may be considered after consultation with the Secretary as a viable option to accommodate those shop stewards who have more responsibilities within the Union.
- 3.4 The Legislature and the Union must investigate the need for a full-time shop steward and duties of such a shop steward.

4. **MEETINGS**

4.1 **Monthly meetings**

Monthly meetings between the Union and the Legislature -

- 4.1.1 take place once a month;
- 4.1.2 may take place during office hours;
- 4.1.3 each party must submit an agenda at least five (5) days before the scheduled date of the meeting except in the case of a special meeting;
- 4.1.4 the Union may have a Union official present at any meeting between the Union and the Legislature: provided that prior notice of attendance of such official has been given;
- 4.1.5 the Union official must be granted access to the Legislature premises to attend meetings arranged in accordance with this agreement;

4.2 **Special meetings**

- 4.2.1 If the need arises, a special meeting be called at either party's request to discuss any urgent matter.
- 4.2.2 The requesting party must submit the agenda not less than four (4) hours before the scheduled time of the meeting.

5. **GENERAL MEETING**

- 5.1 The Union is entitled to two (2) hours per month to hold general meetings with its membership during working hours.
- 5.1.2 The date, time and the venue of such meetings must be arranged and approved at least two days before the said meetings by the designated official.
 - 5.1.3 General meetings which are to be held on the premises outside working hours must

be arranged in consultation with the Legislature representatives.

6. **SHOP-STEWARDS COMMITTEE**

- 6.1 The committee is entitled to four (4) hours per month to hold committee meetings during working hours.
- 6.2 The committee must submit a roster which indicates dates, time and venues of all shop stewards committee meetings.

7. **NEGOTIATING PROCEDURE**

- 7.1 The Legislature recognises the right of the Union as the sole collective bargaining Unit as long as the Union enjoyed a majority membership of 50 % plus 1 of the employees of the Legislature.
- 7.2 The parties will negotiate, when appropriate, on substantive matters affecting the bargaining unit.
- 7.3 The parties agree to submit to one another in writing a request for such negotiations together with proposals in writing so as to enable the other party to prepare for the meeting and obtain a mandate from its constituency
- 7.4 Within a period of seven working days after receipt or submission of the proposals in terms of clause 8.2, the Legislature shall convene a meeting of a negotiating committee for the purposes of negotiating the proposals, by giving at least ten working days' notice to the Union of the date and venue of the meeting, which meeting can be adjourned and reconvened from time to time.
- 7.5 The parties agree to reduce in writing and sign any agreement reached after negotiations. Such agreement shall thereafter become binding on the Legislature, the Union and its members.
- 7.6 In the event of the parties failing to reach an agreement during negotiations in terms of this clause, either party may declare a dispute by written notice to the other party setting out the following:
 - 7.6.1 the nature of the dispute;
 - 7.6.2 the proposed terms of settlement; and
 - 7.6.3 the reasons for that party's proposals.
- 7.7 The parties agree to, upon receipt of the notice in terms of clause 8.6 in which other party has declared a dispute, deal with the matter in term of clause 9.

8. **DISPUTE SETTLEMENT PROCEDURE**

- 8.1 The parties agree that the dispute resolution procedures contained in the Act shall be invoked in respect of the disputes declared in terms of clause 8.
- 8.2 The parties agree that a dispute shall be declared in writing and full particulars of the dispute shall be furnished to the other party within five (5) working days .

- 8.3 If the alleged dispute remains unresolved, the parties shall invoke the processes of mediation and /or arbitration as laid down in the Act.

9. **DISCIPLINARY CODE AND PROCEDURES**

The parties consider the establishment of a fair disciplinary procedure essential for the efficient running of the Legislature's business, the safety and fair treatment of its employees and sound relations within the Legislature. The parties acknowledge that the procedure in existence at the time of signing this agreement shall be observed and adhered to by the employees and management until a new procedure is adopted.

10. **GRIEVANCE PROCEDURE**

The parties agree to grievance procedures currently within the Legislature.

11. **RETRENCHMENT / REDUNDANCY PROCEDURE**

The parties agree in principle that there may be circumstances, economical and /or operational, in which it will be necessary to reduce its workforce. In that event a negotiated or existing retrenchment/redundancy procedure shall be followed.

12. **PRESS STATEMENT/LIAISON**

The parties agree that either party may issue a press statement concerning the relationship between the parties provided that at least 5 working hours prior written notice to the other party has been given before making such statement to the press.

13. **THE AMENDMENT AND DURATION OF AGREEMENT**

13.1 This agreement shall come into effect on the date it is signed.

13.2 This agreement may only be amended or varied if such amendment or variation is reduced to writing and signed by both parties.

14. **DOMICILIA AND NOTICES**

14.1 For the purposes of this agreement, including the serving of notices and legal process, the Institution and the Union choose their *domicilium citandi et executandi* as follows :

The Legislature: The Secretary to the Legislature
Province of the Eastern Cape
Private Bag x 0051
Bisho

The Union : National Education Health and Allied Workers
Province of the Eastern Cape
Private Bag x 0051
Bisho

14.2 Either party may at any time change its address by notice in writing, provided that the *new domicilium citandi et executandi* is or includes a physical address at which process can be served. The *new domicilium* shall become effective ten(10) days

after the notice in question has been given.

14.3 Any notice given in connection with this agreement shall be :

14.3.1 delivered by hand ; or

14.3.2 sent by prepaid registered post ; or

14.3.3 sent by prepaid telegram ; or

14.3.4 sent by fax to the domicile chosen by the Legislature or the Union

15. **GENERAL PRINCIPLES**

15.1 Communication channels and systems other than those stipulated in this agreement, operated by the Legislature for the purpose of discussing and disseminating information to its employees, shall continue to function, and the Legislature may add or amend such channels and systems. In addition, it is the intention of this agreement not to prevent or discourage employees from having personal access to the Legislature through its managers.

15.2 Any amendments of the Union constitution and rules thereto made after the signing of this agreement hereof shall be communicated to the Legislature by the Union, the latter sending the former copy of such amendment within ten (10) days of the approval by the National Executive Committee of the Union.

15.3 No relaxation or indulgence which the Legislature or the Union may grant the other party shall constitute a waiver by the former of any rights under this agreement or subsequent substantive and transformational agreements.

15.4 The parties shall at all times endeavour by negotiating in good faith to seek reasonable and satisfactory solutions to any dispute that may arise.

15.5 The parties agree that when there is a conflict between this agreement or any labour laws, the applicable labour law shall prevail.

15.6 Both parties commit themselves to the spirit of this agreement and to work within the parameters thereof. Thus if agreement cannot be reached within such parameters, the parties use the procedures laid down within the frame work of Act.

DATED AT THIS 05 DAY OF APR 1999 IN BISHO

SIGNED BY:

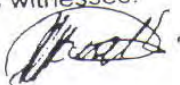


For the Union in his/her
capacity as
Chairperson



MJ
A.T.

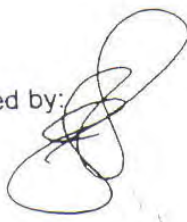
As witnesses:

1. 

2.

3.

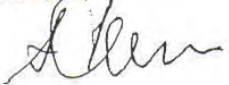
Signed by:



E. M. Yaw

For the Legislature in his/her capacity as
the Secretary to the Legislature

As witnesses:

1.  H. M. MIDDLEBURY

2.

3.

M. J.

Eastern Cape Provincial Legislature
Relationship Building Process

24 & 25 April 2006
Halyards Hotel
Port Alfred

Table of Contents

Process Record: Day 1	1
Facilitator's Presentation	1
Team Building Objectives.....	1
Objectives of PART ONE	1
Process Record: Day 2	4
Welcome	4
Key remarks.....	4
Motivational Speaker	4
The Self and the Energy.....	4
Participants' Expectations.....	5
Organisational Motivation	6
Critical Issues	7
Unions' Perspective	7
Management's Perspective	8
Interpretations, Responses and Proposed Solutions.....	9
Issues for Future Discussion	10
Urgent Resolution	10
Africa InForm's Analysis	11
Observations	11
Recommendations	12
Conclusion.....	13

Process Record: Day 1

Welcome remarks by: Mr Mphahlewa

Facilitator's Presentation

The facilitator confirmed the objectives of the overall process as captured in the minutes of the planning meeting.

Team Building Objectives

1. To improve relations between Unions and Management
2. To clarify roles and responsibilities of union and management
3. To work towards achieving a united and committed work force for the purpose of enhancing service delivery

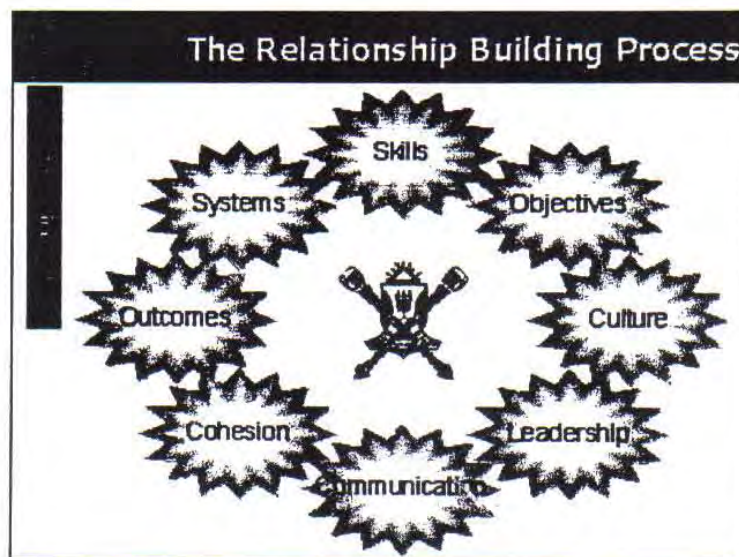
The facilitator pointed out, with reference to the slide below, that the process of (re)building relationships was complicated and multi-faceted, and could not possibly be achieved in a single workshop. As a first step, it is necessary to establish the exact issues affecting relationships and their ramifications. From there, it is possible to design a comprehensive and appropriately responsive process. This first step was introduced as the "DIAGNOSIS", and agreement was reached that the following processes would be concluded:

- Identification of issues
- Defining issues
- Determining the agenda
- Setting the ground rules for engagement

Objectives of PART ONE

The workshop agreed to the following objectives for the workshop

1. To identify, define and reach consensus on key issues requiring resolution
2. To map out the required process for ongoing team building



The Facilitator challenged both parties (unions and management) to clarify exactly what outcome they expect from the session. He asked that these expectations should inform their discussions and conduct throughout the workshop.

The presentation provided the following detail regarding the various aspects of the overall Relationship Building Process:

Objectives

- Understanding and committing to organisational objectives is the critical first step in building a functional organisation
- Clear objectives allow for the development of:
 - Coherent organisational culture
 - Clear operational targets / delivery
 - Comprehensive organisational & individual performance management

Culture

- Organisational culture must be aligned to organisational objectives
- A defined culture drives behaviour and outputs
- It is necessary to continuously assess and revise the legislature's value system in light of observed behaviours Formal surveys may be in order

Leadership

- Leadership development through coaching to ensure that leadership is equipped to mobilise individuals towards a desired common future
- Leadership needs to run the change process and the agenda
- Leadership must demonstrate focused drive and emotional intelligence

Communication

- The success of the changes implied by a relationship building process rely on achieving co-operation amongst all stakeholders through communication which is:
 - Open
 - Honest
 - Timeous
 - Consistent

Cohesion

- Loyalty to the team must be promoted such that it transcends hierarchical divisions
- Cohesive teams tend to experience:
 - Improved morale
 - Enhanced performance
 - Greater work satisfaction
 - Shared sense of responsibility

Outcomes

- Functional teams are able to focus on achieving organisational as well as personal objectives, leading to:
 - Improved service delivery

- Enhanced possibilities for career progression
- Shared sense of achievement

Systems

- Organisational and operational changes must be supported by robust sustainable systems for the progressive management of:
 - People
 - Financial performance
 - Internal processes
 - Internal stakeholders

Skills

- Systems are only as reliable as the people who operate them
- Capacitating all individuals affected by and responsible for the operation of systems will be a critical factor for the success of the relationship building process

Day 1 ended at 21:50

Process Record: Day 2

Welcome

Remarks by Honourable Madam Speaker Noxolo Kiviet

Key remarks

- Tensions between union and labour impacts on the image of the legislature
- Relationship between unions and management is critical to the continuous improvements of the institution
- Finding a way forward in mending the broken relations is crucial. Failure to do so will result in the legislature having:
 - Failed the region
 - Failed the citizens of RSA
 - Failed the institution, and
 - Failed themselves and their families

The Speaker thanked the NEHAWU leadership for committing to the process. She expressed confidence that the facilitator's leadership in the process will ensure that the objectives will be achieved. The Speaker encouraged the participants to open their minds and hearts to come out with the solution to the problems.

Motivational Speaker

The Self and the Energy

The 'self' has a number of core functions:

- Friendship – yourself
- Listening yourself
- Empowering yourself
- Sustaining yourself

Lacking these core functions from the developmental stages of one's life will affect decisions one makes in the future and the relationships one develops. If the core functions are present, one becomes 'a balanced self'.

Energy is a resource that comes from the following:

- Beginning
- Parents and love
- Family and friends
- Peers and others
- Self love others
- Relations and romance
- Dependants
- Community, world and God

Positive energy will transcend when dealing with others as one will be able to be sensitive to others needs and deal with them accordingly.

Participants' Expectations

What are your expectations?

Unions	Management
<ul style="list-style-type: none"> • Sound labour relations based on mutual respect 	<ul style="list-style-type: none"> • Role clarification
<ul style="list-style-type: none"> • Good faith and commitment in implementing agreements 	<ul style="list-style-type: none"> • Communication channels
<ul style="list-style-type: none"> • Recognition of union leadership as equal partners in the relationship 	<ul style="list-style-type: none"> • Clear decision making
	<ul style="list-style-type: none"> • Consultative process
	<ul style="list-style-type: none"> • Attitudes and perceptions
	<ul style="list-style-type: none"> • Strengthen internal communication
	<ul style="list-style-type: none"> • Clarification of policy process and implementation

How this will be achieved?

Unions	Management
<ul style="list-style-type: none"> • Through cooperation and consultation at all times 	<ul style="list-style-type: none"> • Well documented and agreed upon roles and implementation therefore
<ul style="list-style-type: none"> • Respect and implement all agreed policies and collective agreements 	<ul style="list-style-type: none"> • An adopted comprehensive communication strategy
<ul style="list-style-type: none"> • Union to be consulted in decision making 	<ul style="list-style-type: none"> • Decision clearly and properly communicated and implemented
	<ul style="list-style-type: none"> • Clear documented guidelines
	<ul style="list-style-type: none"> • Positive attitude, trust and respect
	<ul style="list-style-type: none"> • Adopted, jointly owned and implemented (guidelines)

Both union and management made presentations of their goals. A short debate was allowed as preparation for the next task.

Organisational Motivation

The facilitator suggested that any organisation is, at any particular moment, motivated by a combination of drivers. The balance / relationships between the drivers has a critical influence over the culture of the organisation. The key drivers are:

- Resource availability
- Purpose / objective / mandate
- Statutory requirements
- Habit / track record / history

Participants were asked to distribute 40 points across the 4 key organisational motivators in an effort to locate the current key organisational drivers. The groups were also asked to explain why the score is given.

Participants' Assessment of the Current Situation

Unions	Management
Resources: 10 Resources are adequate and sound e.g. material, human and financial	Resources: 5 Felt that this was not a major issue; they are able to take the institution forward and if change is required are able to facilitate the process
Purpose: 15 The existence of the legislature is based on the law governing all activity in the institution	Purpose: 5 Stakeholders seem to lack understanding of the institution's purpose for existence
Statutory requirement: 5 The institution is not doing very well when it comes to implementation of the statutory requirements	Statutory requirement: 20 Felt that when they carry the institution's mandate at the back of their minds they know they are complying with statutory requirements and the frequency is high
Habit: 10 The group acknowledged that they fight with management on issues pertinent to their members and this is constant (habitual). They also acknowledged that resources that could be utilised to further the development of the institution are wasted in the process	Habit: 10 It is an organisational culture to regret the decision taken in the past; this impacts/effects future decisions and causes deliberations and inconsistency

The scores and reasons were briefly discussed.

- There was agreement in plenary that the driving emphasis should move emphatically towards the institution becoming more purpose-driven and compliant with statutory requirements
- To do so, attention must be paid to mitigate the negative diversionary influence of habitual interactions and behaviours
- Effectively, resource allocation should become skewed towards supporting the institutional purpose and statutory compliance
- These shifts in emphasis should be formalised and incorporated into planning processes and performance indicators

Critical Issues

Teams (working in stakeholder groups) were asked to identify the issues obstructing the achievement of harmonious relations at the Legislature.

Unions' Perspective

Presented on behalf of Labour by Ms May

1. Failure to Adhere to Collective Agreements

The institution has ± 6 collective agreements to improve condition of service of workers. Management has not adhered to most of these agreements. When management negotiate do not give serious attention to their mandate (e.g. management gave labour a salary offer of 6% which labour eventually accepted. Once accepted, management altered the conditions of the offer. Because the alterations adversely affected workers, labour rejected the offer stating that they will only accept it in its original state.)

Labour want management to understand that workers take collective agreements with management very seriously. It is what protects them from unfair labour practice.

2. Failure / Disrespect to Implement Policies

Collective decisions are decided upon and changed by management after the implementation date as though management did not have the mandate when decisions are made in the first place e.g. uniform agreement.

3. Lack / Ineffective leadership

Labour expects to see proactive leadership. Instead, leaders take apparently arbitrary decisions that adversely affected workers, causing dissonance in the institution. For example, in December 2005, management took an autocratic decision to close the legislature for the December holidays, not considering that some employees had exhausted their leave allowance by that time. Labour unsuccessfully appealed to management to reverse the decision. This left some employees owing the institution leave as they were unexpectedly forced to take leave they did not have.

4. Highly Irregular Employment / Appointment Practises

Management has been irresponsible in handling employment and appointment of candidates for certain jobs. Labour is of the opinion that management will rather see loser / winner scenario than admit to mistakes. Again, management had introduced a system of recognising acquired skills that only benefited them. However, as bursary schemes were introduced, workers acquired the necessary required skills to fill top positions. Management introduced a system that will further isolate workers from being appointed in top positions. Workers feel they are constantly and reluctantly fighting a losing battle with their management.

5. Union Bashing by Management

When labour raises issues of concern pertinent to their members, labour is of the view that management ignores them. Management will at times deliberately change / alter policies / collective agreements to adversely affect workers. This fuels tensions between management and workers. The frequency of this is high.

Management's Perspective

Presented on behalf Management by Mr Mapolisa

A. Role Clarification / Core management

In respect of how the institution operates, confusion of roles are created by constant consultation with the labour e.g. labour take consultation as a right and often labour make the mistake of thinking that when management exercise their prerogative to consult with labour on certain matters as that they are agreeing or a consensus has been reached. Labour wants managers to consult them on every issue pertaining to employees among others, although management bears the brunt of accountability and responsibility for the outcomes of decision made. Labour do not have clear boundaries of their roles and responsibilities.

B. Attitude and Perceptions

Management described the relationship between themselves and labour as a Cold War. Labour use walk-outs as a weapon to undermine management and unions have a tendency not to greet management after disputes.

C. Purpose for Existence

Management felt that the basis of the conflict with unions stems from their constant need to acquire benefits for their members, forgetting the role and reason for existence of the legislature. Purpose of existence is often sacrificed by labour in return for benefits for their members.

D. Stakeholder Contribution

As a challenge all should ask; what is my contribution toward making the institution a) better operated. b) Legislature better. And c) fulfilling the mandate. All stakeholders should be conscious of this at all time.

E. Trust, Immaturity and Lack of Commitment of Unions

Labour does not listen to the facts of the matter but the individual given the facts. Trust has been broken since the 1999 episode. Tendencies of labour to walk out on crucial discussions. Lack of communication by labour to their members on collective decisions made result in problems with implementation of collective decisions. Labour lack emotional intelligence to deal with disputes / undesirable outcomes.

After the presentations a short discussions was allowed.

Interpretations, Responses and Proposed Solutions

Teams were asked to interpret each other's critical issues, to respond to these perspectives, and to propose solutions to the problems.

LABOUR'S UNDERSTANDING OF ISSUES RAISED BY MANAGEMENT			
Critical issue	Interpretation	Response from labour	Proposed solutions / behaviour changes
1. Role clarification / Co-management process	<ul style="list-style-type: none"> Labour (unions) force management to agree on everything Unions take consultation as approval and expect management to consult them on everything Roles are not clearly defined and unions do not know their boundaries 	<ul style="list-style-type: none"> Unions exist to promote co-determination of its members and this is based on Chapter 1 of the LRA This is distinct from co-management 	<ul style="list-style-type: none"> Management should actively involve trade unions in all aspects affecting workers and their working conditions
2. Attitudes and Perceptions	<ul style="list-style-type: none"> Serious tensions between staff & management ("cold war") Labour regards management as enemies of workers Lack of maturity from labour 	<ul style="list-style-type: none"> These perceptions are brought about because of unsound labour practices by management 	<ul style="list-style-type: none"> Management should act lawfully in their dealings
3. Purpose for Existence	<ul style="list-style-type: none"> Labour is looking at benefits they can get from the institution and do not care about anything else This is the basis of the conflict 	<ul style="list-style-type: none"> Co-existence should be promoted as recognition of all stakeholders as equal partners of the institution 	<ul style="list-style-type: none"> All stakeholders should uphold principles underpinning the establishment of the institution including payments of all benefits due to employees
4. Stakeholder contribution	<ul style="list-style-type: none"> Labour does not understand the role of each stakeholder and its contribution Labour does not know how to maintain sound labour relations 	<ul style="list-style-type: none"> Stakeholder contribution is crucial It is equally important that all stakeholders be consulted on pertinent issues Consultation should not only occur at the convenience of management 	<ul style="list-style-type: none"> All stakeholders must be treated with respect and their contribution recognised
5. Trust, immaturity and lack of commitment of the union	<ul style="list-style-type: none"> Trust is central to any relationship Trust is not cheap Trust is given and received 	<ul style="list-style-type: none"> Trust is earned, not imposed 	<ul style="list-style-type: none"> All stakeholders should adhere to all agreements and policies

MANAGEMENT'S UNDERSTANDING OF ISSUES RAISED BY LABOUR			
Critical issue	Interpretation	Comment / Response from labour	Proposed solutions / behaviour changes
A. Failure to adhere to collective agreements	<ul style="list-style-type: none"> Lack of respect for agreements Unrealistic times for negotiation 	<ul style="list-style-type: none"> The political environment impacts on the negotiation process 	<ul style="list-style-type: none"> Establishment of national bargaining council MTEF (Medium Term Expenditure Framework) link Strengthening of the labour relations office

MANAGEMENT'S UNDERSTANDING OF ISSUES RAISED BY LABOUR			
Critical Issue	Interpretation	Comment / Response from labour	Proposed solutions / behaviour changes
B. Failure / Disrespect to implement policies	<ul style="list-style-type: none"> Management has a tendency to arbitrarily alter policies when these relate to workers' benefits 	<ul style="list-style-type: none"> All policies are subject to regular reviews 	<ul style="list-style-type: none"> Policy to be reviewed and is subject to adoption
C. Highly irregular employment / appointment practises	<ul style="list-style-type: none"> Appointment processes are not properly followed by management Mgt is not willing to acknowledge wrong doing Mgt is not willing to settle disputes amicably 	<ul style="list-style-type: none"> The panel recommends and only the executive appoints 	<ul style="list-style-type: none"> Unions should familiarise themselves with appointment procedures
D. Union Bashing	<ul style="list-style-type: none"> This happens in a systematic way (subtle & inherent) Inconsistency in the interpretation of policies Workers are not taken seriously 	<ul style="list-style-type: none"> Management agreed that this is a valid perception and they are committed to sound working relations 	<ul style="list-style-type: none"> Regular engagement with union and staff
E. Autocratic leadership / Lack of effective leadership	<ul style="list-style-type: none"> Management does not provide proactive leadership 	<ul style="list-style-type: none"> Management advises executive but final decision lies with the executive Accountability lies with management 	<ul style="list-style-type: none"> Timely communication of decisions Clear understanding of processes

Plenary discussion following the presentations confirmed that perceptions are accepted or acknowledged by opposing parties, and that both parties are willing to positively contribute towards finding solutions.

Issues for Future Discussion

Teams were asked to list important issues to be taken forward

Union	Management
<ul style="list-style-type: none"> Bad faith negotiations and lack of trust 	<ul style="list-style-type: none"> Leadership challenges
<ul style="list-style-type: none"> Lack of implementation of policies and collective agreement 	<ul style="list-style-type: none"> Attitudes perception and behaviours require change
<ul style="list-style-type: none"> Lack of leadership/ co-determination 	<ul style="list-style-type: none"> Clear policies, process and procedures
<ul style="list-style-type: none"> Appointment, attitudes and perception 	<ul style="list-style-type: none"> Stakeholder roles and contribution
<ul style="list-style-type: none"> Purpose for existence / stakeholder contribution 	

Further discussions are to be finalised by union leadership, management representative and the facilitator. Future date will be communicated.

Urgent Resolution

3 urgent issues require immediate attention and resolution:

- Salary negotiations
- Clothing allowance
- Performance assessment

Labour and Management agreed that these are to be resolved by Friday 5th May 2006.

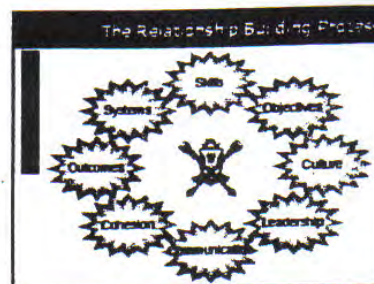
Day 2 closed at 14:00

Africa InForm's Analysis

Observations

Our observations are presented here according to the Relationship Building Process model presented at the outset of the workshop.

These observations are offered as a means of summarising the substance of the discussions in the workshop from an objective (3rd Party) perspective, to allow for the distillation of key issues and to identify required further interventions.



Objectives

There is consensus around the importance of elevating the "purpose for existence" of the legislature, both in the minds of management and staff, and in the approach adopted towards the work program of the institution. Clarity is required regarding the exact purpose and objectives towards which the legislature (as an institution, employer and vehicle for service delivery) is to strive.

Culture

Both parties acknowledged that the organisational culture is currently dominated by negativity, characterised by habitually hostile labour relations.

Leadership

Perceived leadership ineffectiveness plays an apparently significant role in the current negative relations in the legislature. Whilst it was easy for both parties to recognise leadership-level obstacles, it is important to acknowledge that the exercise and expression of leadership is intimately linked to the institutional context.

Communication

Many of the pervasive negative perceptions highlighted during the course of the workshop appear, on reflection, to emanate from poor communication. Anecdotes abound of messages that are poorly relayed and then misunderstood.

Cohesion

A strong sense of a 'them-and-us' division between management and labour appears to have taken root across the institution. (This is closely related to the observation regarding organisational culture made above).

Outcomes

The achievement of institutional and personal objectives is frustrated by the focus on managing conflictual labour relations.

Systems

A number of the difficulties identified (both by participants and Africa InForm) relate to ineffective and / inefficient organisational systems. The communication breakdown, for instance, can be traced back to the fact that a comprehensive

internal communication system has neither been developed nor implemented. Similarly, inconsistency in the application of policies and procedures is invariably a result of porous systems.

Skills

It appears, from the examples cited in support of perceptions, that Human Resources (HR) issues crowd both the management and institutional agendas, with the potential to drive the institution towards dysfunctionality. It is our experience that such a scenario is frequently suggestive of a lack of specialist HR capacity within the organisation. HR problems are often exacerbated, rather than solved, when managers who are not specialist HR practitioners attempt to manage HR issues. It also means that related processes are incorrectly located at a management rather than functional level.

Recommendations

Africa InForm proposes that a comprehensive set of interlinked interventions be undertaken to address the issue-clusters identified above:

Objectives

Africa InForm recommends that the legislature consider actively enhancing the status of planning. By introducing a vigorous cycle of planning, as required for compliance with the 'Government Planning Process' outlined in "the Machinery of Government" (DPSA, 2003), the Legislature will both meet its statutory obligations AND proactively determine the institution's service delivery trajectory.

By integrating planning into the operational fabric of the institution, it is likely that many of the issues that currently fuel conflict will be progressively and thoroughly managed.

The MTEF-aligned planning cycle evolves through a number of stages: Strategic planning (3-5 year plan); Business Planning; Budgeting; Operational / Action Planning. Stakeholder involvement at each stage is critical to ensure buy-in and successful implementation of plans.

Properly executed, the planning cycle provides a solid foundation for the ongoing management and evaluation of organisational and individual performance, and provides a credible basis for resolving issues that could otherwise clog negotiations.

Culture

Given the nature of the workshop, participants' assessment of organisational culture in general, and labour relations in particular, is limited to the articulation of perceptions. It would be dangerous for the legislature to respond to these perceptions without a supporting objective analysis. Africa InForm proposes that the legislature undertake a comparative review of the Labour Relations environment. This will establish a base line against which to measure progress towards normalising the labour relations culture in the institution, as well as identify standards towards which to strive.

Leadership

A systematic leadership development programme should be implemented to support the efforts of both management and labour leaders. Such a programme

would be most effective if it were designed to simultaneously address the institutional context and leadership deficits.

Communication

An intervention to establish the norms for communication between various parties in the Legislature is required. This should be augmented by the implementation of a complete internal communication strategy, to which compliance should be mandatory.

Cohesion

Africa InForm suggests that a series of tailored teambuilding initiatives is undertaken among the various teams within the legislature. The aim of such interventions would be to establish a sense of camaraderie among employees, and to demonstrate, in a tangible manner, the extent to which commonalities exist and can be built-on.

Outcomes

Africa InForm believes that streamlining the planning processes (as proposed above), and thoroughly integrating these into the operational establishment of the institution, will allow all parties to focus on achieving desired outcomes at both organisational and individual levels.

Systems

The more robust, integrated approach to planning will provide a solid base for any changes or additions to organisational systems that may be necessary. Systems must allow for the appropriate location of functions and responsibility, guide processes and decisions, and provide clear, transparent and auditable records for these.

It is suggested that, as part of the planning process, a review of existing systems is undertaken to establish their relevance, necessity, simplicity and reliability. Adjustments and additions to systems would then be possible.

Skills

As observed earlier, HR-related issues dominate participants' depiction of the current scenario. This requires that an urgent evaluation of the capacity and functionality of the HR Division within the Legislature be undertaken. A targeted intervention to enhance the effectiveness and efficiency of the HR Division would follow.

The skills mix within the legislature must be determined by a combination of statutory, strategic and operational requirements. Again, once the strategic and operational requirements are established through the planning process, a thorough analysis of the match between existing and required skills must be undertaken. This "Gap" analysis will provide the basis for a skills provisioning programme, which will combine placement / deployment, capacity-building, and recruitment.

Conclusion

Resolving the identified urgent issues will clear the way for a thorough-going process to normalise relations and guide the institution towards meeting its statutory mandate.

Submitted by



management consulting

Registration number: 2005/007114/07

VAT number: 4630/222/54/7

P.O. Box 556, Gonubie, East London, 5256, South Africa

Tel: 043 740 4006

Fax: 043 740 4006 or 726 6989

Email: info@africainform.co.za

8 Amaryllis Street
Malabar
Port Elizabeth
6250

9 January 2009

To Whom It May Concern

This is to certify that Nombulelo Mosana's thesis, "A model to improve relations between management of the Eastern Cape Provincial Legislature and NEHAWU", has been proofread by a qualified language practitioner.



Nicole Collier-Naidoo
BA Hons, NMMU
082 8388659