

STRATEGIES ADOPTED BY TRADE UNIONS IN ENHANCING PUBLIC SECTOR INDUSTRIAL RELATIONS IN ZIMBABWE

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Abstract

This study sought to highlight strategies adopted by trade unions in enhancing public sector industrial relations in Zimbabwe. Trade unions exist to improve the economic well-being of employees in a company. One way to gauge union commitment is members' desire to put forth effort on behalf of the union (Angrave, Charlwood, & Greenwood, 2017). In today's world of perpetual change, no organization can afford to stay the same. Organizations must constantly refresh and reinvent themselves in order to remain relevant and effective. This is also true for trade unions, which have faced various challenges in recent years, such as globalization, global economic crises, and a shifting labour market. This truth has also been noted by certain keen observers of the labour movement. "Unions must reinvent themselves if they are to survive this power crisis," writes Tattersall (2010, p. 2). The most valuable asset of any organization is its human capital. A variety of things influence its level of success. Its level of success is dependent on building a work atmosphere that recognizes that everyone has a different

reason for working, and that their incentive to be the best derives from being praised for a job well done by others they like. This critical analysis examines the measures that trade unions might use to improve public sector industrial relations in Zimbabwe. This study critical outlines the strategies that can be adopted by trade unions in enhancing public sector industrial relations in Zimbabwe.

Keywords: Strategy Trade Union, Public Sector, Globalization Industrial relations

Introduction

A strategy, according to Hitt, Ireland, and Hoskisson (2014), is an integrated and coordinated collection of commitments and actions aimed at exploiting key competencies and gaining a competitive advantage. According to Zivelova (2014), a strategy is a strategic operation that ensures the achievement of long-term strategic business objectives. Strategy is an organization's long-term direction and scope for achieving competitive advantage in a changing environment through the configuration of resources and competencies with the goal of

meeting stakeholder expectations (Johnson et al 2003). A strategy is a combination of commitments and actions that work together to leverage core competencies and gain a competitive advantage (Fitzroy, Hulbert and Ghobadian, 2012). Furthermore, when it comes to defining strategy, it is Mintzberg et al (2009) who have come up with the most holistic definition of strategy, which is fivefold: strategy as a plan, strategy as a pattern, strategy as a position, strategy as a ploy, and strategy as perspective.

Brief History of collective bargaining in Zimbabwe

The 1934 Industrial Conciliation Act (ICA), which was based on the South African Industrial Conciliation Act of 1924, was the first to authorize collective bargaining. Zimbabwe has ratified the International Labor Organization's (ILO) Conventions 98 and 149 on the right to organize and collective bargaining. The Industrial Conciliation Act, it should be noted, laid a firm framework for collective bargaining in Zimbabwe. Negotiations between an organization representing workers and the employer and a body representing employers to reach a mutually agreeable solution to collective disputes are known as collective bargaining (Gwisai 2006 pg 268). Regional and international changes have shaped Zimbabwe's collective bargaining law (Gwisai 2006 pg 312). The process, according to Aluchio (1998), is that the union submits

its grievance to management in writing within an acceptable time frame. As a result, collective bargaining is a union-led process, and negotiating may never take place if employees do not organize collectives and demand that their employers deal with them (Bendix, 2011). As a result, the process prevents the employer from taking unilateral action by altering the situation under which negotiating is necessary first (Hunter, 1999). According to a research by Trif (2005), collective bargaining occurs between a negotiation team made up of top executives and firm trade union representatives.

Section 74(2) of the Zimbabwe Labour Act [Chapter 28:01] guarantees the right to collective bargaining. It establishes that workers, unions or trade unions and employers or employers' organizations may negotiate collective bargaining agreements as to any conditions of employment which are of mutual interests to both parties. In order to promote industrial peace, it clearly grants workers the right to organize unions and bargain for better salaries and working conditions. The requirement to bargain in good faith is outlined in Section 75 of the Labour Act. According to Section 74(1) of the Labour Act [Chapter 28:01], collective bargaining agreements are negotiated by registered or recognized trade unions, employers, and employers groups or federations in Zimbabwe. Collective bargaining is regarded as the heart of the

industrial relations system. Collective bargaining, also known as joint negotiation, is a self-contained method for establishing job regulations between employers and labour unions.

Concept of Collective Bargaining

Collective bargaining is defined by Decenzo et al (2010, pg 352) as a process that comprises preparing to negotiate, conducting real discussions, and administering the contract after it has been ratified. Negotiations between an organization representing workers and the employer and a body representing employers to reach a mutually agreeable solution to collective disputes are known as collective bargaining (Gwisai 2006 pg 268). Webb and Webb coined the phrase "collective bargaining" to characterize the process of negotiating terms and conditions of employment between representatives of employers (and presumably their associations) and representatives of employees, according to Rose (2008). (And probably their unions). According to Rose (2008), collective bargaining is the process by which representatives of employers and employees work together to set and manage workplace conditions.

According to Armstrong and Taylor (2014), collective bargaining is the process of establishing an agreement between

employers and unions on issues of mutual importance, such as the employment relationship and terms and conditions of work, through talks and debate. As a result, it provides a framework within which management and labour unions can discuss contested issues that could lead to industrial disorder, with the goal of eradicating the causes of the disorder. By offering a framework for dealing with industrial relations difficulties without resorting to strikes and lockouts, collective bargaining has been shown to assist increase collaboration and mutual understanding between workers and management. Collective bargaining is a key component of every industrial relations system since it allows for regulated flexibility (Godfrey et al.).

Collective bargaining allows workers and managers to discuss specific terms that can, depending on national law, determine the rules that govern their relationship, determine wages, and deal with other matters of mutual interest such as hiring practices, layoffs, promotions, job functions, working conditions and hours, work safety, workers discipline and termination, and benefit programs. It is the process of workers banding together to form a union and bargaining with employers about their working conditions. It is, in a broad sense, the gathering of workers to negotiate their

employment (Namt, 2007). According to Rose (2004, pp 289), collective bargaining is the process by which representatives of employers and employees work together to establish and regulate decisions about both substantive and procedural issues in the workplace. The outcome of this process is the collective agreement.

Collective bargaining is a formal procedure that involves employers and employees negotiating, consulting, and exchanging information with the end objective of reaching a mutually agreeable agreement. Although in many countries, the state plays a significant role in supporting collective bargaining by adopting necessary national legislation, it is usually a bi-partite procedure (i.e. a process involving two sides) (Namt, 2007). Collective bargaining agreements are legally binding and apply to all employees, whether or not they actively engaged in the negotiation process (Liontos, 2007).

Instead of confrontation or a labour dispute, collective bargaining allows workers and managers to discuss issues and resolve conflicts via consensus and conversation (Herman, 2003). Both parties are aware that a method for resolving issues has been agreed upon. Furthermore, collective bargaining permits both employers and employees, or their representatives, to participate in the decision-making process on a wide range of

issues, including benefits, leave, work hours and overtime, as well as grievance procedures, discipline, and dismissals.

Negotiations between an organization representing workers and the employer and a body representing employers to reach a mutually agreeable solution to collective disputes are known as collective bargaining (Gwisai 2006 pg 268). Collective bargaining in Zimbabwe, according to Labour Act [Chapter 28:01] Collective bargaining agreements are governed by Section 74(1). Collective bargaining, according to ILO Convention 154, refers to all agreements that take place between an employer, a group of employers, or one or more employers' organizations on the one hand, and one or more workers' organizations on the other hand, for the following purposes:

- deciding on working conditions and job terms;
- controlling the employer-employee relationship;
- governing ties between employers or their organizations and the organizations of workers

The result of collective bargaining is a collective bargaining agreement between employees and employers on employment terms and conditions. According to IOE (2009, pg 5), a collective bargaining agreement is a written contract between employees and employers that

reflects the terms of the negotiations. Although not all collective bargaining negotiations result in an agreement, most effective collective bargaining conversations are concluded with the signing of a written collective bargaining agreement.

The heart of trade unionism and industrial relations is collective bargaining.

Collective bargaining is based on four basic ideas in general. The first principle of collectivism, as opposed to individualism, is that meaningful achievement can be achieved by working

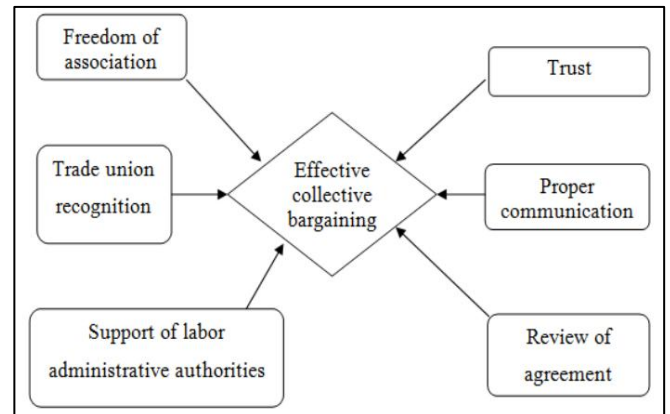
together. This means that trade unions are best suited to deal with the myriad workplace issues that workers face. The second principle is cooperation as opposed to competition. The third is solidarity as opposed to survival of the fittest. The fourth principle underlying collective bargaining is economic and social justice and fairness or equity (Budd et al, 2008).

Factors necessary for effective Collective Bargaining

According to De Gennaro, William, and Kay Michelfeld (2006), regular and timely meetings between the negotiation teams are required for efficient collective bargaining. In order to prepare for collective bargaining negotiations, sufficient time and human resources must be dedicated to the

consultation process and data collection (Buidens and Wayne, 2001).

Suggestive factors for effective collective bargaining.



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According to the International Labour Organization (ILO, 2008), collective bargaining is only

possible if both sides engage in good faith. Employees, employers, and their organizations are more likely to act in good faith when certain attitudes are shared, such as a belief and faith in the value of compromise through dialogue, in the collective bargaining process, and

in the productive nature of the relationship that collective bargaining necessitates and develops. According to Section 74 (1) (a) of the Labour Act [Chapter 28:01], all parties to a collective

bargaining agreement negotiation must disclose all relevant information, including information contained in records, papers, books, and other documents, in order to ensure t

hat the entire negotiation is conducted in absolute good faith. According to Carrel, where a duty to negotiate arises, the changes demand that negotiations be performed in good faith with the goal of reaching an agreement, and that if the parties reach an agreement, they must execute a written contract (1991 pg 113).

According to Gomez et al. (2003), parties are said to be bargaining in good faith if they are willing to meet and confer with each other at a reasonable time and place; they are willing to negotiate over wages, hours, and conditions of employment; they sign a written contract that formalizes and binds them to their agreement; and each party gives the other adequate notice of termination or modification of the labor agreement before it expires. . Similarly, there should also be genuine willingness on the part of the parties to 'give and take' at the bargaining table, cooperation and consideration of fairness under the process.

According to the International Labour Organization (ILO, 2008), both management and unions should keep their managers and members informed, as a lack of communication and information can lead to misunderstandings and even strikes. Workers may be misled about the present level of discussions if management is ill-informed. It is critical to include managers in the decision-making process in order to promote

more acceptances and, as a result, better implementation.

Furthermore, according to the International Labour Organization (ILO, 2008), successful collective bargaining requires the backing of labor administration authorities. This suggests that they will provide the conducive environment for negotiation. They provide effective conciliation services in the case of a breakdown in the process, as well as the required legal framework for it to operate in when necessary; nevertheless, they will not support a settlement that is not in the best interests of the parties involved.

For effective collective bargaining, freedom of association should be present (ILO, 2008), however it has been stated that the existence of the freedom of association does not necessarily mean that there would automatically be recognition of unions for bargaining purposes. There should be some pre-determined objective criteria operative within the industrial relations system to decide when and how a union should be recognised for collective bargaining purposes. The refusal of employer to recognise the trade union greatly complicates the process of collective bargaining. Recognition of trade unions achieved when it can be made compulsory under the law or some systems must be developed by which

the unions can be recognised. Moreover it has been argued that where there is no freedom of association, there can be no collective bargaining. It implies that the workers as well as the employers will have the right to form an organisation of their own to protect their interests. The freedom of association is the sine qua non because without the right of association the interests groups in a society would be unable to function effectively.

Challenges encountered in Collective Bargaining

Fragmentation of Labour Legislation

The fundamental problem of collective bargaining, according to LEDRIZ (2016, pg 21), is the fragmentation of the legal environment within the public sector, as there is no common labour legislation in Zimbabwe. Workers in the public sector are disadvantaged by the fragmented nature of Zimbabwe's labor policy, which denies them the right to actively participate in collective bargaining. Workers are fragmented, he claims, due to a variety of laws and trade union splintering. Aside from the lack of a right to collective bargaining, there is also a lack of a platform for collective bargaining. The National Employment Councils are the negotiation platforms (NECs).

Lack of recognition or representation

According to ILO (1996 pg 4) states that the existence of the freedom of association does not necessarily mean that there would automatically be a recognition of unions for collective bargaining purposes. In the municipality sector this is not a problem but this is a major problem in the public sector many trade unions or associations are not viewed as unions who need their full rights as worker's organisation and have the right to actively participate in collective bargaining (Gwisai, 2006).

2.8.3 Lack of capacity of Trade Unions

According to LEDRIZ (2016 pg 22) says that the role of trade unions ends with consultation alone and they do not the final say in terms of the outcome of salaries, according to Section 203 (4) of the Constitution rests in the president, the civil service commission must act with the approval of the president given on the recommendation of the responsible Minister of Finance. This therefore weakens the capacity of trade unions to fully represent workers.

Supply of relevant information

An employer has a clear duty to furnish relevant data and information to a union or organisation which represents its employees. Employees are required upon request to furnish unions with sufficient data with respect to wage rates, job classification and

other related matters in order to permit the union to bargain intelligently, administer the contract and prepare for negotiations, (Clark 1989 pg 56). The challenge is that now employers are supply inadequate and misleading information for bargaining agreements in order to deceive the other parties so that the outcome will be in favour of the employers (Gwisai, 2006).

Collective bargaining and organizational performance

Collective bargaining has focused on its contribution to efficiency, productivity, and performance. There are several ways in which firms can benefit from collective bargaining institutions. At the establishment, company, or industry level, collective bargaining can enhance social peace, helping to reduce conflict through providing a formal structure for labor-management cooperation. Strikes have been found to be less frequent in companies with high union density and a centralized and Unitarian labour movement as unions can more effectively push their demands with the employers and the government in the institutional arenas (Korpi and Shalev 1979; Lehmbruch 1984). Collective agreements can help to correct inefficiencies associated with information asymmetries, underinvestment in human capital, and arbitrary management. They can be a means for establishing transparent

administrative rules and procedures, such as internal labor markets which can encourage firm-specific investments in training and reduce employee turnover (Osterman and Burton, 2006). Collective bargaining also provides workers with the opportunity to exercise 'collective voice' in decisions concerning work organization or pay setting (Freeman and Medoff, 1984). This can reduce hiring and training costs associated with quits (Doellgast 2008) and provide worker input on changes in production that may stimulate increased efficiency (Addison et al. 2001; Huebler and Jirjahn 2003).

A large body of research has examined the role of collective bargaining institutions in facilitating productivity-enhancing work reorganization. One group of studies in the US and UK have focused on union participation in implementing 'high involvement' or 'high performance' work systems. Case studies of firms such as Saturn (Rubinstein 2000) and Kaiser Permanente (Kochan, Eaton et al. 2009) as well as reviews of partnership initiatives (Bamber et al. 2009), have shown that union involvement in work reorganization can help to enhance trust and lead to 'mutual gains' in terms of improved working conditions and enhanced productivity, this therefore shows that collective bargaining has the potential to improve organisational performance. However, these outcomes depend on the

organizational strength and strategy of trade unions.

Collective Bargaining Strategies

The Distributive Bargaining Strategy

This is the traditional route taken in negotiations. In this type of bargaining, the parties view the negotiations as a zero-sum game. If one party wins, the other loses. In other words, a gain by the employer is a loss to the employees and vice versa (Grimsley, 2014). The goal in distributive bargaining is to get as much of the limited resources available for your side. Since resources are finite, each side believes that giving to the other will result in giving up something that would benefit their side. For example, higher wages or better healthcare for employees means smaller salaries for management or fewer profits for shareholders. In distributive bargaining, both parties try to minimize their respective gains. They try to settle economic issues such as wages, benefits, bonus and many more (Mahashmi, 2013). Unions and management have initial offers, target points, resistance points and settlement ranges. However, when both parties are unable to reach an agreement, a bargaining impasse results. A bargaining impasse result when negotiations break down or when the existing contract expires and the union and the

employers or management are unable to reach an agreement (Mahashmi, 2013).

The Integrative Bargaining Strategy

This strategy is employed when both sides can win. The idea is that both sides win but not at the expense of the other side (Grimsley, 2014). If total up the wins and losses for both sides on issues at the negotiating table, there is a net positive for both management and employees, which is why it is often called a positive sum game. According to Mahashmi, (2013), integrative bargaining is similar to problem solving sessions in which both sides are trying to reach a mutually beneficial alternative that is win-win situation. Both the employer and the union try to resolve the conflict to the benefit of both parties. They both share information about their interests and concerns and they create a list of possible solutions to best meet everyone's needs. The most popular form of integrative bargaining is jointly sponsored and Labour management quality of working life (QWL) Program.

Productivity Bargaining

According to Mahashmi (2013), the main purpose of productivity bargaining is to improve the effectiveness of the organisation by eliminating the work rules, regulations and inefficient work that inhibit productivity. Unions fear that this method of bargaining eventually lead to unemployment and a

weakening of the unions power base. Despite the reluctance of various unions, many changes have been made to improve productivity signifying a shift from distributive productivity bargaining. A primary reason for union's acceptance of new, improved work methods and rules is a feeling that jobs become more secure as the employer's productivity strengthens (Grimsley, 2014).

Concession Bargaining

According to Mahashmi (2013), Concession bargaining is mostly used during the period of recession period, when many organisation anticipated plant closing, mass layoffs and the worst case bankruptcy. In order to solve these problems employers sought agreement from unions or worker committees to freeze or reduce economic rewards such as benefits, salaries, paid holidays, sick leave and wages. Unions grant such concessions because they have little choice than to let their member being retrenched (Grimsley, 2014). The method of bargaining was used in many organisations around Zimbabwe between 2008 and 2012 due to economic crisis faced by Zimbabwe during that period.

Conclusion

Trade unions are important vessels in the industrial relations in the public sector at large. The concept of collective bargaining

will be a futile attempt without the input of trade unions. It is of paramount importance that trade unions be conversant with the latest legislative provisions. In Zimbabwe the legislative documents such as Constitution of Zimbabwe No 20 of 2013, Labour Act 28:01 and the tripartite Negotiating Forum act No3 of 2019 are of paramount importance as they are the guiding principles of the negotiation strategies.

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