



A MODEL FOR CONCEPTUALISING THE CIVIL SERVICE COLLECTIVE BARGAINING IN ZIMBABWE

**SIFISO NDLOVU: PART – TIME LECTURER: ZIMBABWE OPEN UNIVERSITY:
CHIEF EXECUTIVE OFFICER: ZIMBABWE TEACHERS’ ASSOCIATION**

Corresponding: ****xyz@mail.com

ABSTRACT

The issues of salary negotiations and other conditions of service in Zimbabwe’s public sector, have always been contentious issues following the failure by both, the employer (Government) and employees (civil servants) to seriously engage in collective bargaining for time immemorial. The civil servants through their representatives, staff associations and their coalition body, the Apex council have often resorted to collective job action or labour unrest in a bid to force government to accede to their demands. This has always resulted in poor labour relations between the two parties. The study used the library analysis and interviews which culminated in interesting findings such as; civil servants were consulted through their coalition body, the Apex council. They were not involved in the final decisions. That was left to the prerogative of the labour minister, cabinet and treasury. The study recommended that there was need to amend both the Public Service Act and the Amended Labour Act 2 :01 (2015) and be aligned with the New National Constitution of 2013 which has provision for collective bargaining. Also staff associations who represent the civil servants’ different professionals should speak with one voice so that there is a holistic approach without prioritising sectoral.

KEYWORDS

Collective bargaining, civil service, Apex council, collective job action, consultation.



Introduction

Following the numerous 1996 strikes, the engagement of the Government and the staff associations was legislated through the promulgation of Statutory Instrument 141 of 1997 Public Service (Public Service Joint Negotiating Councils) Regulations, 1997. Sections 20(1) of the Public Service Act, Chapter 16:04 passed in 1995 states that the Commission (this is the Civil Service Commission which is the employer representative of Government) shall be engaged in regular consultations with recognized associations in regard to the conditions of service of members of the Public Service who are represented by the recognized associations or organizations concerned which currently are as follows: i) Zimbabwe Teachers Association (ZIMTA) ii) Progressive Teachers Union of Zimbabwe (PTUZ) iii) Teachers Union of Zimbabwe (TUZ) iv) College Lecturers Association of Zimbabwe (COLAZ) v) The Public Service Association (PSA) made up of 4 other unions which are; – Government Workers Association (GWA) – Professional and Technical Officers Association (PTOA) – Administrative and Executive Officers Association – Civil Service Employees Association (CSEA) (Uzhenyu, 2015). With regard to the actual determination of remuneration and conditions of service, the Act states in Section 19(1) that: Subject to this Act and the Constitution, conditions of service, applicable to members of the Public Service (with the exception of the Army, Police, Prisons and Central Intelligence Organisations which have separate arrangements) including their remuneration, benefits, leave of absence, hours of work and discipline, shall be determined by the Commission in consultation with the Minister (responsible for Public Service), provided that, to the extent that such conditions may result in an increase in expenditure chargeable on the Consolidated Revenue Fund the concurrence of the Minister responsible for Minister shall be obtained (Uzhenyu, 2015).

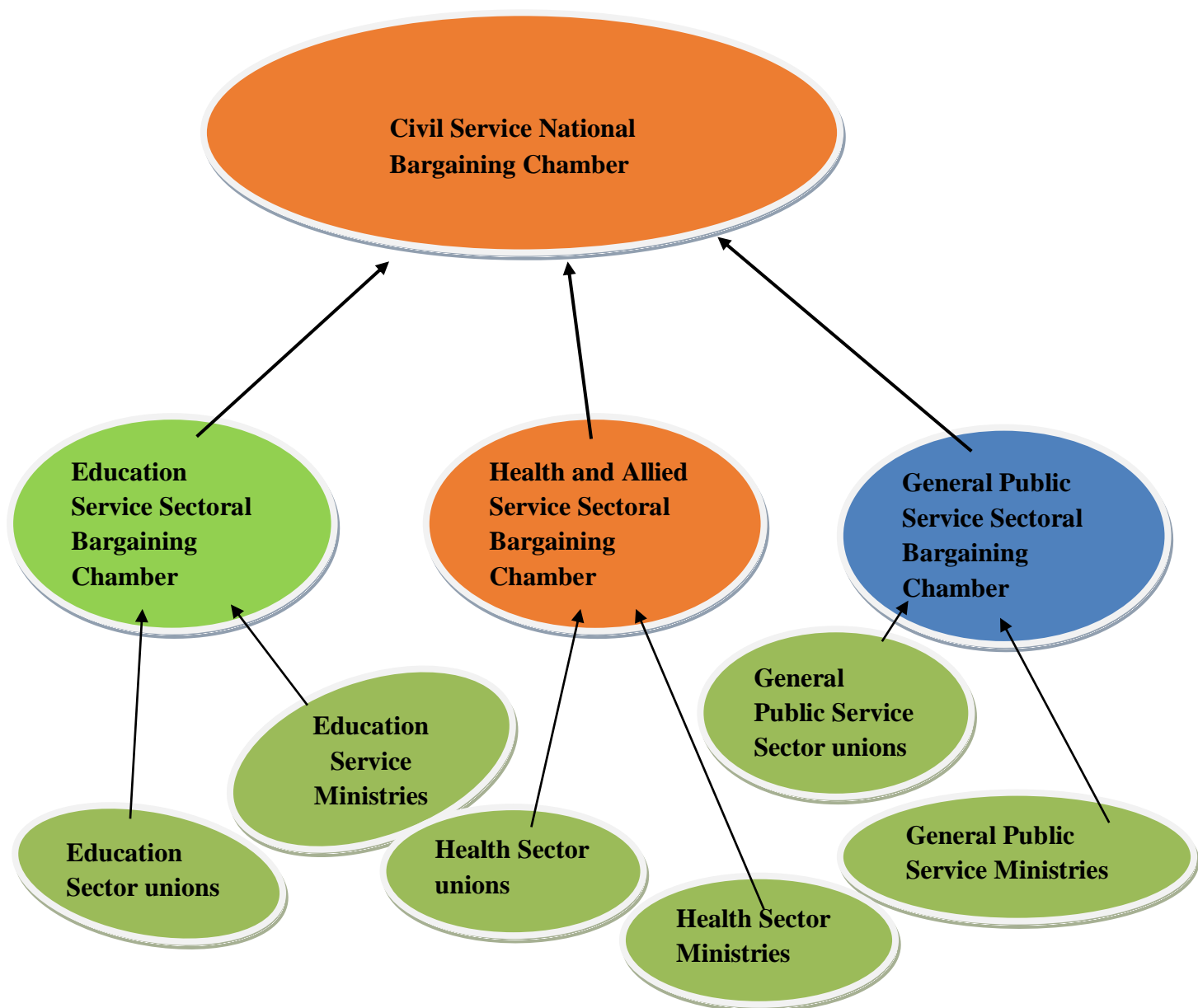
Methodology

The study used the library analysis and interviews which culminated in interesting findings such as; civil servants were consulted through their coalition body, the Apex council. They were not involved in the final decisions. The sample comprised of 30 participants from various civil servants' associations.

Findings

This study established that the issue of implementing Collective Bargaining in Zimbabwe's public sector was a complicated phenomenon. Despite the provision for such dialogue in the New National Constitution of 2015, there is still not much significant progress to date to raise much hope. The issues of staff remuneration, benefits and other conditions of service pertaining to the employment contract for civil servants are determined usually by cabinet with the concurrence of treasury or line ministries at times. Civil servants are only consulted through their coalition body, Apex council and whatever they decide, is then taken up with Minister of Labour for his/her input before forwarding to cabinet. The sectoral different interests among the civil servants according to their professions and trades, has also been a major drawback when their staff associations represent issues at the Apex council. This has often culminated in sharp divisions which usually stalls progress. Based on the findings of the study, this paper suggests a model that can improve the civil service collective bargaining process.

The Civil Service Collective Bargaining structure



The above model suggests that NJNC be substituted by a fully mandated National bargaining council supported by sectoral councils.

5.4.3 The structure that promotes democratic participation in union activities.

The three public sector unions should maintain the current organisational structures they have created since they clearly allow for democratic participation by ordinary members in the affairs of the unions. However, unions need to improve the proper operationalization of these structures. Whereas the unions' structures incorporate all the levels from the shop floor, branch, district, province right up to the national level, these structures are not fully utilised to promote the democratic participation by the generality of the membership. Union leaders should involve all the strata within the unions before any decisions can be arrived at. Most of the time, the leadership at national level tends to usurp the powers of the lower structures and fast track decisions as they think consulting all the levels would be expensive and time consuming. The contention of this study is that democracy takes long to arrive at decisions.

The unions therefore, should avoid the temptation of side-lining the lower rungs of their unions in the name of quick and less costly decisions, as this may prove very fatal in the long run when ordinary members feel alienated by the leadership.

5.4.4 Leadership's effect on members

Public sector unions should strive very hard to promote positive attitudes from the generality of the membership. Trade union members are mature and intelligent adults who have the capacity to scrutinise the behaviours of their leaders and tell whether the leadership is genuinely concerned about the members' issues individually or collectively.

Therefore, public sector trade union leaders should be visible and lead from the front especially during times of industrial action like strikes or demonstrations. They should not lie torpid during times of crises and emerge when the storm has calmed, this irks and demotivates members. Leaders should also be brave, honest and transparent in dealing with the employer to remove any doubts members may have about their sincerity in dealing the employer. Public sector trade union leaders should also make sure that union resources are fairly and transparently distributed across the union strata.

Members abhor greedy leaders and respect leaders of high integrity. Selfish, egomaniacal and manipulative leaders destroy the trust and loyalty of the membership and drive both current and prospective members out of the union.

Leadership was identified as an important internal factor that has engendered union participation in the civil service. The changing times require evolution of union leadership in order to facilitate the adoption of modern approaches in addressing the interests and concerns of union members. However, in some cases, trade union leaders have resisted change and failed to accommodate new ideas. This has a potential to hatch discontent and frustration among the membership resulting in slackened participation, resignations and formation of splinter unions. To this end it is recommended that unions continuously evolve leadership through democratic participation deliberately created to do so.

In addition to leadership styles, personal interest of some union leaders was identified as an important factor contributing to lack of trust. Some participants in focus group discussions referred to the tendency by some union leaders to allow their personal interests to compromise the overall interest of the unions. This was promoting wrangling and internal strife among leaders of trade unions. This situation also breeds discontent among members and provides fertile ground for low participation and out right exit. This observation is consistent with an earlier study by the ILO (2010) which showed that in Africa, a major cause of trade union division and fragmentation lies with irresponsible leadership and unscrupulous persons within the movement. According to the study, many unions on the continent have been formed and splits have been provoked by individuals seeking personal benefit of a political, social or financial nature by setting up their own organisations.

Unions therefore should build regulatory rules and by laws that discourage the desire to pursue personal interests to the detriment of the general membership.

Notwithstanding the fact that the study was anchored on subjective interpretations and socially constructed truths and therefore cannot authoritatively suggest generalised policy directions, it however revealed substance that calls for some refocusing of certain policies in the unions. The following are some of the suggestions.

- Unions need to pay attention to the distinct types of social exclusion theories and identify their relevance to the diverse challenges on membership growth with a view of developing researchable areas that can bring out comprehensive knowledge born out of detailed investigation.
- Exclusion from democratic and political participation from union activities leads to impaired dignity, reduced democratic choice and rights, therefore unions need to enhance internal democracy through constitutional provisions that give meaningful and transformational participation. Tokenism should be avoided as it leads to less productive results.
- Recruitment strategies for these identified unions need to be enhanced through broadening of union understanding of socio-economic changes taking place in the country and world. This understanding should transform the associations' benefit schemes like defending members' interests and provision of social security.
- The unions need to capitalise on different platforms on which women and the young are mobilised around activities and issues that relate to their interests like sports, music drama, and youth magazines. This way, these groups will associate with the organisations and know that they are part of the structures. The unions can capitalise on these activities to train these groups in decision-making processes and leadership roles.
- Unions may need to create structures that are specifically designed to address the needs of these excluded groups including the development of support mechanisms. Support mechanisms may include play and childcare centres for women workers so as to reduce the constraints imposed by women's roles and responsibilities (Family obligation).

Perhaps it is befitting to conclude the policy focus recommendation on women by observing wise advice on the young and women by quoting Nelson Mandela (1997) quoted in ILO "Improving prospects for young women and men in the world of work.

"--we are challenged to recognize the contribution we must all make to developing our young women and men. If we are to call ourselves a just and caring society, then we must recognize the duty we have to the vulnerable, the young and the disadvantaged" (Nelson Mandela, Preface of National Youth Policy, (1997).

5.4.5 Effectiveness of public sector unions

Public sector unions should work very hard to dismantle the hostile legal labour environment that constrains their efficient operations. The current legal labour status-quo inhibits public sector unions from negotiating with the employer, they are only allowed to consult. Consultation means that it is up to the employer to incorporate the trade unions' inputs or discard them. It is almost like begging the employer to consider their issues and this erodes the confidence of the unions in the eyes of their members and prospective members. The major purpose of a trade union is to represent workers' interests; particularly their salaries. If their union has no role to play in deciding or determining their salaries, then it means that there is no need to be part of that union. The public sector trade unions should also protect employees from unfair labour practices by equipping them with legal skills so that they can defend themselves at their work places before the legal representatives from the union

intervenes. Granted, it is a fact that the unions have legal desks and teams that are always on standby to provide legal protection to the members, it is not possible or easy to have these legal teams covering all corners of the country to provide this legal service. Thus, the importance of capacitating every member so that they are able to fight for their rights in their workplace every time.

5.4.6 Growth trends of public service trade unions

Public sector trade unions should prioritise aggressive recruitment programmes so that they combat the scourge of declining membership trends. This could be done through use of recruitment incentives for those members who bring more members to the union, employment of full time recruitment officers and deploying them in all the country's districts, increasing visibility of leaders in the lower structures to articulate union programmes and policies and by allocating significant resources like funds, vehicles and computers to the branches to enable them to effectively carry out union activities.

Membership is a key resource for trade unions and membership numbers remain a crucial component of a union's organisation strength and a fundamental element for legitimacy. Membership is the most evident form of trade union support, and it is usually a precondition for more demanding involvement in union activities such as engaging in representation roles and taking up executive positions in various committees certainly, it has to be acknowledged that the backing of trade union initiatives can extend far beyond membership, and the most significant manifestation of such backing can be found in industrial conflict, notably strikes which can involve workers who are not union members. However, industrial action and strikes, although they may be considered an essential feature of industrial relations, need not be exercised as long as their potential is present. The usual measure of such conflict potential is membership and when present, there is assurance of accumulation of strike funds through membership dues. In fact, membership indicates the level of control that trade unions have over the supply of labour and provides an idea of a union's capacity to withdraw the labour force in case of disputes. Therefore, the number of members is an important source in collective negotiations as well as a fundamental element of trade union bargaining power, since it can lend credibility to its threats to the employer.

Free Rider Fees

Public sector unions should also consider the issue of levying non-members who benefit from negotiations that they carry out. The 'free riders' are aware that whatever the trade union scores from the negotiations will inevitably benefit them. In order to overcome the free rider problem, unions should put in place special arrangements such as mandatory subscription for all non-members. This has to be worked through the amendment of the constitution. Alternatively, if this does not work, trade unions can strengthen the benefits that accrue to members only through the provision of reserved services. That way, non-members will be motivated to join to boost the membership statistics.

Membership solidarity and unity

In promoting growth of public service trade unions, it is important to focus on promoting unity and solidarity in the civil service trade unions. The importance of unity and solidarity in the promotion of union goals and the welfare of members cannot be overemphasised. The civil service has different classes, in different grades and responsibilities and their concerns and aspirations are therefore different. It is recommended that union leaders make efforts to ensure unity of unions and solidarity, so that all efforts are effectively geared towards promoting the economic and social interests of the workers in the service. The unions can take advantage of the cooperation that they often share when in national consultative fora like the National Joint Negotiating Council (NJNC).

Promoting unity in the civil service unions in Zimbabwe will be an arduous task. Trade union unity efforts will be a process and not an event. It will require among others, first addressing the internal and union specific factors that are prone to engendering division and fragmentation. In addition, the leadership question after possible merger will need to be addressed as unions establish parameters for engagement. Failure to effectively address this question will not only derail the unity process but can engender disunity in the event of mergers. Unions will need to discuss the models for handling of assets and liabilities of the various unions. Further, they would need to deal with legal consequences of dissolving existing unions and the formation of an amalgamated body.

Diversification and massification of membership

Based on solidarity and specialisation theories, unions need to recognise that their strength lies in numbers and that their members are not focused on homogeneous interests, but extend to heterogeneous interests and therefore may need to embrace workers beyond their guild. This concept is what the author calls diversification and massification of membership from an understanding that traditionally in Zimbabwe unions have often played a secondary role in mass mobilisation.

Union regeneration and growth along the membership dimension has five measurable factors: an increase in membership numbers, density and composition, an increase in structural power, an increase in institutional power, social power and legal power. Increasing statistics of union members translate into increased resources for unions, including membership subscriptions and human resources that can be mobilised in campaigns. Membership density is a strong indicator of union strength because it reflects the share of the workforce that is unionized. Density has implications for legitimacy, representativeness, and structural power which is an essential ingredient in collective bargaining. Unions should avoid merely increasing membership density by recruiting a larger share of members only from traditional core constituencies as this does not stimulate growth. As the composition of the workforce changes, unions may be unable to boost their membership if they only targeted their traditional constituency. For example, flexible work schedules in modern economies, show that employers prefer casual labour, thus workers with temporary contracts and part-time workers constitute a growing share of the workforce. Transformative union growth thus will include an increase both in membership and in union density, and appropriate changes in the composition of union membership, further embracing both quantitative and qualitative elements of membership.

Below is a recommended pentagraph for promoting union growth and transformation. The graphic representation suggests that unions growth strategies can either focus on one dimension, or on a combination of more than one dimension when pursuing a growth trajectory. In the pentagraph the growth trajectory is positioned within the space of the pentagon. Such growth is seen as sustainable and supported by power resources approach. The pentagraph below suggests five dimensions of power resources any trade union can adopt to spur on growth.

Conclusion

Unions were using social dialogue, consultations, collective job action, meetings and conferences to achieve their objectives. In terms of dealing with their intransigent employer, these methods were said to be ineffective. The blame was shifted back to the leaders who were said to be cowards. In order for these methods to be effective, the participants felt that union leaders needed to be revolutionary and combative instead of being soft to the employer. Unions took too long to meet the employer to consult on salaries and conditions of service and this rendered them ineffective in the eyes of the members. The public sector unions carried out education programmes and development programmes, but these were not enough to equip them on trade union issues. Unions were not engaging in industrial action due to the inhibitive labour framework in the country. It can be concluded that trade unions were viewed to be falling short in terms of effectiveness from all the fronts that could be used to measure their effectiveness.

References

International Labour Organisation (2010). "Trade union pluralism and proliferation in Ioannou. *Trade Unions in Greece: Developments, Structure and Prospects*, 2(3):234-253.

Rathee, S.T. (2015). Strategic Planning for trade unions. *The Economic and Labour Relations Review*, 6 (4): 112-122.

Sachikonye, L.M. (1985). *Labour Legislation in Zimbabwe: Historical and Contemporary Perspectives*. Harare: Zimbabwe Institute of Development Studies, Discussion Paper Number 3.

Uzhenyu, D. (2015). Collective Bargaining in the Public Sector, a Panacea to Perpetual Conflicts and Labour Unrest (Strikes): A Study of Zimbabwe Experiences.