



## The role of trade unions in promoting labour peace in a Botswana state enterprise

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### Abstract

Trade unions play a significant role in directly shaping people's lives today, Serrano, Xhafa and Fisher (2011), the history of trade unions is a history of struggles for greater social justice and against dictatorship, both in societies and at the workplace. Often accused by their opponents of being unreasonable, unable to understand economics, and dinosaurs of the industrial past, there can be no doubt in retrospect that in most battles trade unions have been on the right side of history. While business has unhesitatingly engaged with dictatorships around the world in its pursuit of profit, trade unions were and are at the forefront of bringing about democratic change in countries from South Africa, Brazil and the Republic of Korea to Poland and most recently Egypt. The right to strike, a minimum wage, the eight-hour working day, paid vacations, social security – all are milestones in the long struggle of trade unions for social justice, added Serrano, Xhafa and Fisher (2011).

**Keywords:** Trade unions, shaping people's, dictatorships around, democratic change

### Introduction

The role of union roles can only be done efficiently and effectively through union recognition, for example, <sup>[1]</sup>, the coming decade promises to be equally challenging for the trade union movement. How they respond to the challenges and opportunities over the next few years will be crucial in determining their level of influence at work and beyond in the future. In addition, <sup>[1]</sup>, it appears that unions are having a more positive impact with respect to workplace conflict than in earlier periods, managers and workers perceived relations in unionised workplaces to be less positive than those in non-unionised ones in the 1980s, but this gap has since diminished, the negative impact of unions on workplace financial performance identified in the 1980s has also disappeared.

In Botswana for example, labour relations entail a relationship between workers, trade unions, employers, and the government. <sup>[2]</sup>, the collective rights and freedoms of trade unions and consequently of workers, although formally recognised, are in fact severely restricted, moreover, <sup>[2]</sup>, there is a general consensus among public servants and their unions that Botswana labour relations has always been hostile towards trade unions and their activities, but this hostility has been obscured by the common view that Botswana is democratic, peaceful and an epitome of good governance in Africa, however, the 2011 public sector strike uncovered this mask.

### Background

In some countries for example, Botswana, <sup>[3]</sup>, the operative framework of labour law does not exist in absolute terms. Constitutional provisions underpin fundamental rights and obligations and codes of practice seek to humanize and fill the gaps arising from statutory provisions legislation explicitly regulates the nature of the employment contract, basic floor of rights, registration and recognition of unions and collective agreements, dispute resolution mechanisms and administrative oversight by the state. Moreover, <sup>[3]</sup>, from the foregoing, the prospects for effective industrial

relations, peace and stability under current labour law, rules and practices need careful examination. While the International Labour Organisation (ILO) is assisting in the revision of labour legislation and practice in Botswana as per current international normative standard, these on-going interventions may form a critical part of the future development of labour law and the subsequent domestication of international minimum labour standards.

In almost all developed legal systems, it has been accepted that the labour conflict requires management through processes other than normal litigation, and systems have been developed to have labour disputes resolved in a more flexible, simple, relatively cheap, less acrimonious and expeditious way. Resort to conciliation and arbitration is therefore seen as a way of managing the conflict. In labour disputes, it is the employee who is usually the aggrieved party, and it is therefore important for him to be familiar with established grievance procedures, <sup>[4]</sup>. For example, Labour related conflicts are increasingly becoming a thorny issue in China-Africa economic relations and have greatly undermined the strong China-African relationship of recent times. The Chinese investments in Africa have come under criticisms on their labour practices. Though the case of Botswana has not been the most pronounced case of China - Africa labour conflict, it provides the tip of the iceberg for a more profound understanding of these problems, <sup>[5]</sup>. Freedom of association and its cornerstone, the right to strike, are integral to effective labour relations and a free and democratic society. Industrial action serves as a vital counterpoint to managerial prerogative and ensures a fair balance between employer and employee interests in the workplace, <sup>[6]</sup>.

### Statement of the Problem

It seems trade unions has faced a lot of problems and challenges since their inception in different countries and this brings about difficulties in their execution of their roles. <sup>[7]</sup>, to many, trade unionism may sound outdated, irrelevant and maybe a subject that would be told in a history class but

on the contrary, the academic literature related to trade unions have significantly increased in economics, political and social related studies and it is a fact that individualism plays a significant role in the modern society. On this note it can be noted that trade union challenges comes from way back, <sup>[8]</sup>, the ability of developing countries and the new transitional economies to compete in the global marketplace will depend on their ability to transform industrial relations policies involving trade unions and collective bargaining so that they promote flexibility in the workplace and encourage the formation and effective use of human resources. In most cases it seems the employer which in most cases is the government hinders the unions from executing their important roles, <sup>[7]</sup>, in an employer-employee relationship, generally, the former have more resources and power in bargaining that leaves the latter in a vulnerable situation, employees feel motivated, when they are able to raise their grievances without fear of being picked upon, intimidated or fired and motivation comes with great performance that yields high productivity at workplaces. We must also, agree that it is easier for management to address issues concerning employees with selected representatives on behalf of employees rather than trying to solve the problems with each one of them.

### **Aim of the Study**

The main objective of the paper is to establish the role of trade unions in a Botswana state owned enterprise.

### **Significance of the Study**

The existence of a strong and recognized trade union is a prerequisite to industrial peace. Decisions taken through the process of collective bargaining and negotiations between employer and unions are more influential. Trade unions play an important role and are helpful in effective communication between the workers and the management. They provide the advice and support to ensure that the differences of opinion do not turn into major conflicts. The central function of a trade union is to represent people at work. But they also have a wider role in protecting their interests. They also play an important role in organizing courses for their members on a wide range of matters. Seeking a healthy and safe working environment is also prominent feature of the trade union. The study is expected to add to the existing volume of literature on the subject matter and hence improve the understanding of the role of trade unions. Such an understanding is likely to assist policy makers to formulate policies that are specific and appropriate in awareness and therefore improve the tripartite relationship in the world of work.

### **Literature Review**

#### **Introduction**

The important roles of trade unions in this paper will be basically focused on roles of trade unions, International Labour Organisation (ILO) contribution in trade union roles and challenges faced by trade unions in today's world.

#### **Roles of trade unions in a state**

According to <sup>[9]</sup>, the main objective of a trade union is to promote the interest of its members, due regard being paid to the interest of the total labour force and to the greater national interest, to achieve this aim, trade unions have a duty to maintain the viability of the undertaking by ensuring

cooperation with management in measures to promote efficiency and good industrial relations. Moreover, <sup>[9]</sup>, trade unions should therefore, where appropriate, maintain jointly with management and other trade unions effective arrangements at industry or local levels for negotiation, consultation, and communication and for settling grievances and disputes; take all reasonable steps to ensure that their officials and members observe all arrangements and provide for the training of delegates in the scope of their powers and duties and the day-to-day operation of the unions.

Another critical role of trade unions is collective bargaining, <sup>[10]</sup>, the same factors that led North American unions to adopt the coalition bargaining strategy would apply even more at international level, where by definition in almost all cases, different national unions would hold bargaining rights in different production sites of the same company. Consequently, the necessity of working out "their demands and bargaining strategy jointly" would be even more compelling in terms of the objective of building an international countervailing union force to counter the "combined strength of the company". It would make the coalition bargaining strategy even more relevant. <sup>[11]</sup>, trade unions exist to aggregate the bargaining power of working people, enabling them to improve pay and the quality of work. The decline of union density and collective bargaining has contributed to an imbalance of power at work, this imbalance of power has led to a decline in the share of national income going to labour, an increase in inequality and slower growth.

While there is clear evidence of trade union involvement in training decisions in some countries, it would seem that decisions on the organisation of training, particularly with regard to the traditional practices that predominate within the industry (for example, learning-by-doing), have not concerned unions. Indeed, trade union involvement in training decisions within the steel industry more broadly, are mainly concerned with some new initiatives and some formalised programmes, such as apprenticeships and the dual education system in Germany, <sup>[12]</sup>. Weaker labour power has meant workers have been less able to secure a fair share of the wealth they generate, and the labour share has become increasingly unevenly distributed among workers, this has acted as a drag on growth. Trade unions are associated with higher quality work and protection of workers from exploitation. The absence of trade unions has contributed too much badly paid and precarious employment, <sup>[11]</sup>.

#### **International Labour Organisation (ILO) contribution in trade union roles**

The International Labour Organisation (ILO) was founded in 1919, in the wake of the First World War. In 1919, the achievement of social justice was an essential prerequisite for the maintenance of world peace. The ILO was entrusted with working towards this objective and was given the task of adopting international labour standards as its principal means of action. The ILO is the only tripartite UN agency. It brings together representatives of governments, employers and workers to shape its policies and programmes. The ILO considers that this arrangement allows it to incorporate practical knowledge about employment and work into its agenda and outputs, <sup>[13]</sup>. A large number of areas of action presented under the major ILO objectives include an OSH or OSH-related component, such as employment, child

labour, the informal economy, gender mainstreaming, labour statistics, standards, labour inspection and maritime safety, among others. This gives a clear indication of the importance of OSH as a major element of overall ILO action, and particularly in the context of the Decent Work Agenda, ILO (2003). For example, The Confederation of Mongolian Trade Unions played a significant role in the national employment policy-making process. It trained its leaders on important concepts of decent work, prepared an employment policy position paper, contributed to tripartite discussions and supported union leaders engaged in the implementation of the national employment policy, ILO (2015).

Trade unions can take part in the design of the monitoring and evaluation system by helping to choose realistic employment indicators, trade unions can carry out monitoring functions and provide analysis and policy advice. Trade unions have a comparative advantage in certain types of monitoring and where trade unions have research capacity, their independence is a useful contribution to policy analysis. Some systems also draw on independent research institutes, universities, non-governmental organizations and other social partners, ILO (2015). Governments which are in doubt as to the meaning of provisions of an ILO Convention or Recommendation may request the Office to express its opinion. The Office, always with the reservation that it has no special authority under the Constitution to interpret Conventions and Recommendations, has assisted governments when asked for its opinion. Where the request is for a formal or official opinion or the issue raised is likely to be of general interest, a Memorandum by the International Labour Office will be published in the *Official Bulletin*, containing the Office's opinion, ILO (2012).

### Challenges of Labour trade unions in a state

Collective bargaining hardly takes place in Chinese companies. They resort to union bashing strategies to discourage their workers from joining a trade union. In many instances, Chinese businesses were supported by host governments who defended Chinese investments against the demands of labour. Trade unions see the practices of Chinese companies as a threat to the limited social protection that unions have achieved over the years through collective bargaining. Chinese employers violate several of the core ILO conventions, <sup>[14]</sup>. For example, in Ukraine, collective bargaining at higher levels (national, regional, and sectoral) has never taken off in a meaningful way as it has always been confronted with problems of legitimacy and significance. The representativeness of those who bargained, and their selection has been contested time and again and these challenges have contributed to its insignificance, <sup>[15]</sup>. These include the rights to join trade unions, to bargain collectively, to receive equal remuneration and to be protected against discrimination. Basic rights such as paid leave are often ignored and workers are forced to work overtime – at times without any additional remuneration. They feared that refusal to do so would result in their dismissal. A particularly grave case of workers' rights violations is the "locking-in" of workers during working hours, which led to deaths during fires in Nigeria and Kenya <sup>[14]</sup>. Most unions are finding it difficult to bargain in different countries, for example, <sup>[16]</sup>, the Dutch case, where already in 2010 trade unions were looking for

ways to extend collective agreements on pension rights and disability benefits to the self-employed, by introducing clauses on conditions and tariffs for self-employed in collective agreements. However, their wish to contrast 'false self-employment' run into problems with EU competition law, as shown in a 2014 ECJ ruling on the legality of minimum fees in collective agreements for self-employed musicians hired to replace employees on a temporary basis. In most cases, <sup>[15]</sup>, the lack of proper worker representation by the union contributes to the denial of workers' right to negotiate with management on employment terms and conditions. Workers are not consulted about collective agreements, which mainly replicate the minimum legal requirements. The wages of rank-and-file workers are arbitrarily set by management, mostly at the minimum wage level so as to minimise their labour costs.

### Discussion

Trade unions has several functions, some of which are more prominent than others at different periods in history. As the history of trade unionism has unfolded we now know that trade unions has at least the following five functions: a service function, a representation function, a regulatory function, a government function and a public administration function, these different functions represent a different stage in the emerging maturity of trade union organisation, the service function is thus the activity of a fledging and immature organisation, and the public administration function in some respects the apotheosis of trade union ambition in a social democratic society, <sup>[17]</sup>. For example South Africa, <sup>[18]</sup>, given South Africa's persistent high unemployment levels, sclerotic competitiveness, and the perceived political power of the union movement, the impact that trade unions may have on raising average wage levels has long dominated the debates around trade union power and job creation. This section then first aims to assess the legal rights afforded by the country's legislation specifically to trade unions. In turn, we then present a more considered set of trade union wage premia, based on recent econometric evidence for South Africa.

In <sup>[19]</sup> it is asserted that usually future decisions about whether to get involved in organisations such as political parties or interest groups are already predetermined in school or at university. However, the fact is that in almost all countries the young people in the educational system learn virtually nothing about unions. And what they do hear is almost always second-hand information, which usually comes across in a negative way. Furthermore, <sup>[19]</sup>, if we regard educational institutions for youths and young adults as the first step in their working lives, this makes us realise that the unions need to pay particular attention to this aspect of the working world. In fact, they must present themselves here in an adequate manner. This not only applies to information about trade unions and their work but also to practical matters that are of concern to young people over the course of their training. This includes both the content of education and training and conflict situations where students need to stand up for their own interests. Why should they not do so with support from their trade union? One of the things that devalues the importance of trade unions is, <sup>[20]</sup>, because a union leader's authority derives from the party state which values social stability and not strong action against unwilling enterprises, and because company employees are not called into action to bargain for a better

deal, employers usually find themselves in a comfortable position and able to give in selectively to union demands, while at the same time withholding substantial concessions. The whole top-down organisational process has become characterised by serious flaws which allow management to largely dominate and control trade unions.

### Findings

Trade unions membership has become much more diverse over the last 50 years and needs to broaden its appeal even further to reach out to high-skilled workers and workers in the informal economy alike. To achieve simultaneously both diversity and unity is a challenge and certainly incompatible with the command-and-control culture of state or business machineries, <sup>[21]</sup>. This study has highlighted that trade unions has faced a myriad of challenges which have significantly impacted its development. Some countries historically had weak trade unionism owing to various reasons one being the landscape within which they operate. For example, Botswana has always been revered as a democratic, peaceful country inclined towards enhancing human capabilities. Despite the formal perception that, by virtue of being a democratic country, Botswana upholds human and labour rights, union activities have been suppressed. The government of Botswana has always subordinated unions to the role of junior partners in industrial relations. Furthermore, the government has made significant efforts to discourage trade unions from engaging in politics attempting to narrow their focus and scope to mere bread and butter issues. This has contributed to the weak political orientation of the Botswana trade unions. It seems this weakness has worked in favour of the BDP-led government as it managed to reinforce its dominance over the civil servants for many years.

So, trade unions need to change, and are changing, to meet both new and persistent challenges to their advancement of social justice, income security and industrial democracy. Their members want them to be organized in an efficient, strategic, and effective fashion; they also want them to be transparent, democratic, and inclusive. Running a business is simple compared to running a trade union. Business has one objective maximizing profit – and anyone who does not function in accordance with that end gets fired, <sup>[21]</sup>.

### Recommendation

In the view of the findings of this study, the following recommendations are made in the hope that they will help in mending the adversarial industrial relations in a state.

- Trade unions also need to strengthen technical capacity. Lack of financial resources is a concern, but the need for expertise should receive high priority. Lack of policy expertise limits the value an organization can add to the process. There is a danger that the dialogue will become ideological rather than evidence based. Internal capacity can be built up by creating a policy research department and staffing it with the required experts. Unions can also forge partnerships with academics on specific research issues, and they can share their research with one another.
- Government should encourage a Right to join to encourage workers to join a union. As part of a statement of rights for workers, this would set out employee motivation and strength to join a union and the benefits of joining will allow workers to freely ‘opt

in’ to membership on starting employment, with subs deducted from payroll.

- Government should trial auto-enrolment in the gig economy. Building on the success of pension’s auto-enrolment, the government should pilot auto-enrolment into trade unions for workers selling their labour on digital platforms in the gig economy in order to tackle low pay and exploitation in this atomised workforce, <sup>[11]</sup>.

### Summary and Conclusion

#### Summary

Trade unions should make sure they do not lose focus on goals and objectives because, <sup>[19]</sup>, within these growing democracies, the unions are now increasingly being called upon to assume new tasks in politics. They no longer serve as mere executing authorities but rather must frequently develop their own suggestions and present better alternatives than those offered by the political establishment or other advocacy groups. This calls for a higher degree of competency at the central level than has ever been seen before. <sup>[22]</sup>, developments in the globalization process play an important role in the power loss of trade unions. This situation reveals the problems of unionization in the current industrial relations system. At this point, associations with aspects similar to the trade unions and important non-governmental organizations (NGOs), have an important place in terms of understanding the position, the importance, and the functions of today's industrial relations system where different ways of solutions are sought for unionism.

#### Conclusion

The history of trade unions is a history of struggles for greater social justice and against dictatorship, both in societies and at the workplace. Often accused by their opponents of being unreasonable, unable to understand economics, and dinosaurs of the industrial past, there can be no doubt in retrospect that in most battles trade unions have been on the right side of history, <sup>[21]</sup>. Trade unions constitutes an important area of controversy in the contemporary industrial relations system. It is possible to see this situation in the social, political and economic functions of the trade unions, mainly due to the decrease in member numbers, which has become a continuous crisis process due to the social, political and economic changes experienced during the globalization process, <sup>[22]</sup>.

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