

Collective bargaining: Adapt or die

By Iwan Pienaar

Last week (December 2), the *Mail & Guardian* in conjunction with the political foundation Konrad-Adenauer-Stiftung hosted a Critical Thinking Forum examining the collective bargaining process and labour relations in South Africa.

The panel consisted of John Brand, consultant and alternative dispute resolution specialist at Bowman Gilfillan; Gerhard Papenfus, chief executive of the National Employers' Association of South Africa; Success Mataitsane, general secretary of the National Union of Public and Allied Workers; Piet du Plooy, general secretary of the Confederation of South African Workers' Unions; and Ian Macun, director of collective bargaining at the department of labour.

Moderator Iman Rappetti, a journalist and radio host, started proceedings by asking the panel what needs to change to move labour relations from an all-time low in the country to one that creates jobs and prosperity for all.

Outdated approach

Brand said: "This is a complex, multi-faceted subject. Not only do strikes cause work stoppages, but they have a significant financial impact on the South African economy. The irrationality of most strike action is lost on the media and general public. There is a pattern of trying to recover lost wages as a result of days lost during strikes, but statistics show us that workers never really achieve a net gain as a result of strikes. For example, workers lost 43% of their annual wages in the platinum strike of 2014."

He said South Africa has among the highest rates when it comes to



Critical Thinking Forum on Collective Bargaining. John Brand, Gerhard Papenfus, Success Mataitsane, Piet du Plooy and Ian Macun. Madelene Cronje

strike action, in addition to being one of the most violent countries in the world. "The way we bargain is 50 to 100 years out of date, and that has to change if we are to resolve the massive discrepancies associated with strike action."

Papenfus felt that striking has become a habit in South Africa: "There is definitely an immaturity in the way negotiations take place. The workers and companies start off ridiculously far apart, with a lot of power plays happening inside the unions. These unions know in advance for how long they will strike and not much is done to curtail this way of thinking."

Mataitsane argued that this is simply not true. "Nobody likes to strike.

This is not what we do. In most instances, it is the attitude of the employers resulting in strike action. For our part, strikes are not predetermined and they will take place as long as our demands are not met."

Keeping up with changes

Du Plooy said: "In South Africa, we see collective bargaining as positional bargaining. The focus then gets shifted to what the demand is to protecting your position. That invariably leads to a position where there is a power play. If you talk about what to do in collective bargaining, you want to look at the moral of collective bargaining."

Macun said the time has come to

deepen and strengthen the collective bargaining process in South Africa.

"The culture has not kept up with the times or the tools that are available. We are too bound by the set ways of doing things, with very little innovation happening in bargaining."

Brand referred to the massive social wage deficit in South Africa that is still causing challenges.

"Lack of housing, adequate infrastructure, water, electricity, and so on are massive issues. Take Marikana as an example. You can go into Wonderkop with mine workers spending 10 hours underground, getting paid R10 000 per month, and still living in shacks with no electricity."

This, he believes, creates a lot of

anger directed at employers.

"The government has gotten off very lightly. There is a massive ideological battle between socialism and social democracy taking place at the moment. Which system is going to deliver best on reducing social wage deficit? Until we address this we will have a difficult situation."

Leadership required

For Brand, strong political leadership is required: "Somebody needs to take the lead at the highest level to implement the National Development Plan."

Papenfus said the voting rights of bargaining councils need to change and SMMEs need to understand their rights. "The voting power of SMMEs need to be restored, with the department of labour having to play the role of an honest broker," he said.

Mataitsane echoed the sentiment. "The right to bargain should be reinstated. For as long as it is not there, there are serious consequences. At the moment, the political leadership is lacking to take us forward on the right path."

According to du Plooy the need to engage with the rest of the value chain is essential when it comes to bargaining. He said labour and producers must engage all stakeholders to come up with a solution.

Macun concluded: "Unions have to have the backing of the majority of their members and should not rely on intimidation against [those not backing] them. A way needs to be found to strengthen trade union unity. If the national minimum wage is introduced in the right way, it can go a long way to address the underlying features that continue to give rise to [poor] labour relations — inequality and poverty."