

MAJORITARIANISM AND ITS IMPACT ON EFFECTIVE COLLECTIVE BARGAINING

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Abstract

Within an employment context, majoritarianism necessitates that all legally enforceable organisational rights, including collective bargaining, is only fully enjoyed by majority trade unions in the workplace. Consequently, minority or lesser unions are excluded from collective bargaining processes. This paper's objective was to determine possible restrictions that majoritarianism has on effective collective bargaining in South Africa. To realise this objective, a qualitative phenomenological research design was adopted, where semi-structured interviews were conducted to collect data from research participants. In total, twelve research participants contributed to the study. Results of the present study revealed that participants attribute union rivalry to majoritarianism, where a negative organisational culture emerges characterised by superiority and inferiority complexes, leading to the loss of valuable contributions by minority unions in collective bargaining processes. It is recommended that organisations increase employee participation and inclusivity in the workplace, characterised by broader organisational engagements and a neutral management approach to union relations. Moreover, all trade unions should adopt a macro-focused approach to collective bargaining, considering the sustainability of both the organisation and individual employment prospects.

Keywords: Majoritarianism, Collective Bargaining, Majority Trade Unions, Minority Trade Unions, Organisational Rights.

1. INTRODUCTION AND BACKGROUND

Within an employment context, the Labour Relations Act 66 of 1995 (hereafter referred to as the LRA) was enacted to give expression to the constitutional right to associate. The LRA makes provision for several elements to realise this right, including various measures of employee participation, the most prominent of which is collective bargaining (Bendix, 2010). Collective bargaining involves a process of participation and engagement between employers and employees on matters that affect employment conditions in workplaces (Grogan, 2009). The LRA makes provision for employees to participate in collective bargaining; however, it does not enforce a duty to bargain onto bargaining or employment parties. Instead, the LRA is inundated with organisational rights, enforceable by employees, employers, their trade unions and employer organisations, developed to encourage collective bargaining (Finnemore, 2013). The Constitutional Court and the LRA have declared that a duty to bargain can be judicially prescribed where it arises from legislation or a signed collective agreement between the employment parties; however, a right to collective bargaining is not articulated.

At present, collective bargaining is an organisational right fully enjoyed by only majority trade unions in South Africa. A majority trade union is one that represents 50% + 1 of employees in a certain workplace or organisation (Finnemore & Koekemoer, 2018). Promoting collective bargaining by only majority unions is protected through a legal principle, namely

majoritarianism. Conversi (2011) defines majoritarianism as a governance practice based on the majority rule, where dominant groups are awarded some type of supremacy in respect of decision-making processes. Within an employment context, majoritarianism necessitates that all legally enforceable organisational rights, including collective bargaining, is only fully enjoyed by majority trade unions in the workplace. Consequently, minority or lesser unions are excluded from collective bargaining processes. This has the effect of excluding minority trade unions from bargaining processes, meaning that these lesser unions are unable to advance or promote the interests of their members in the workplace.

1.2 Problem statement, research question and objective

Where elements of employee participation are limited, depending on the type of trade union that an employee belongs to, the value created by certain unions towards these employees can be adversely affected in the workplace. Furthermore, when minority unions and their members are excluded from collective bargaining as a form of employee participation, their inputs and suggestions are not considered within this bargaining process. This exclusion of minority unions and their members from an important employment relations process needs to be explored, to determine its impact on effective and sustainable collective bargaining.

1.2 Research question

In light of the research problem, the study explores the following research question:

- Does the principle of majoritarianism restrict effective collective bargaining in South African workplaces?

1.3 Research objective

The primary objective of the study is to:

- Determine possible restrictions that majoritarianism has on effective collective bargaining in South Africa.

2. LITERATURE REVIEW

Majoritarianism influences employment relations in a country, as these two elements often interplay within the labour law framework of a country. Ioannou (2020) mentions that labour law is commonly treated as a component of the background context of employment relations. Therefore, it provides the institutional background and procedural framework through which employment relations role players interact (Ioannou, 2020). Within a South African context, Uys and Holtzhausen (2016) report that employment relations has a rich history linked with a country's economic and socio-political environments. Trade unions and their federations play an influential role in this environment, as they shape a democratic country through their behaviour and political alliance with the ruling party within government (Uys & Holtzhausen, 2016). Bormann and Golder (2013) postulate that it is commonly acknowledged that the growth and, by consequence, the development of employment relations in each nation, is distinctive since numerous elements influence this development.

Collective bargaining is an important employment relations process that allows trade unions and their members to bring about improvements in employment conditions. Collective bargaining therefore contains elements necessary for the liberation of employees, where their voices are heard in determining workplace terms and conditions. In a nutshell, collective bargaining becomes an important process through which trade unions advocate and promote the interests of employees in workplaces.

2.1 Determining collective bargaining

The LRA's purpose involves enhancing economic progress, social equality, employee peace, and democratising workplaces. Such is attained through satisfying and understanding the LRA in a way that grants effect to key objectives contained in it. Such objectives include actualising constitutional requirements and international law values, creating frameworks for negotiations regarding remuneration, "terms and conditions of employment and other matters of mutual interest". Furthermore, under section 1 (d) (i)-(ii), the LRA promotes orderly collective bargaining at sectorial levels. This demonstrates that the LRA places importance on collective labour law as opposed to individualised employment law (Grogan, 2009). Moreover, in *Association of Mineworkers and Construction Union v Chamber of Mines*, the court stated that this contention is irrefutably consistent with objectives contained in the Constitution.

Selala (2014) advances that collective bargaining contains elements of the right to organise, as well as rights to freely associate. This is so because it creates a foundation that permits unions and employees to negotiate or bargain with employers and their organisations. This establishes voluntary processes that ensure "workplace governance" instead of judicial interference (Du Toit, 2015). To supplement the voluntary facet, legislation has been promulgated to create organisational rights. These organisational rights allow trade unions to operate legitimately in workplaces. Furthermore, to embolden workplaces, the LRA offers a system of representativity through which various unions can engage in collective bargaining (Cohen, 2013).

2.2 Majority unions

Unions that are registered and represent fifty percent plus one of employees in a specific workplace are regarded as majority unions (Budeli, 2009). A majority status is usually achieved through one union owning this proportion or two or more acting jointly to achieve this threshold (Du Toit, 2015).

Although the LRA ceases to explicitly offer descriptions of majority unions, its core entails the diverse organisational rights that they possess (Theron, et al., 2015). Should a trade union reach this threshold, the union is allowed all privileges, as per the LRA (Grogan, 2009). Rights to nominate representatives in workplaces and information disclosure, as per the LRA's sections (14) (1) and 16(1), respectively, are solely kept for majority unions. The aforesaid sections explain that representative unions are either a solitary union or two or more unions acting together who hold most employees as members in an organisation (van Niekerk, et.al, 2015). The LRA's section 14(2) permits individuals to nominate representatives, depending how many are members of such a majority union. Du Toit (2015) states that a shop steward holds the responsibility to defend members in grievances and disciplinary matters. This safeguards

members of such unions as it ensures that employers comply with substantive and procedural requirements for fair practices, as outlined in the LRA, collective agreements or other guidelines relating to workplaces (Finnemore, 2013). If these are not observed by employers, unions have the recourse of referring such non-obedience to institutions like the CCMA and the Labour Court.

The LRA's section 16 requires employers to share information for purposes of aiding unions in conducting their tasks and allowing unions to effectively negotiate. However, employers do not need to share information it regards as legally privileged or confidential (Theron et al., 2015). Bendix (2010) asserts that the disclosure of confidential information is permitted where unions are informed in writing, which information is classified as private, or in situations where approval is granted by the party that considers the information to be confidential. The LRA's section 18 envisages unions that represent most employees as having rights to finalise collective agreements with employers to create a threshold where unions can acquire selected organisational rights. In a nutshell, a majority union can establish greater thresholds for representativity in future (Finnemore, 2013). Smaller unions would then be disadvantaged by these agreements in the future, since majoritarianism enables this. These smaller trade unions, which are referred to as minority trade unions, will be looked into next.

2.3 Minority unions

van Niekerk et al., (2015) avers that minority unions are regarded as those who lack sufficient representativity in workplaces. Holding sufficient representativity is the usual requirement to attain organisational rights within an organisation (Grogan, 2009). Furthermore, this sufficiency depends on thresholds that majority trade unions may have developed with employers through a collective agreement. Nevertheless, it is notable that density and thresholds are not exclusive ways of acquiring workplace rights (Bendix, 2010).

As per the LRA's section 20, unions may finalise collective agreements with management in standardising workplace rights. In *Bader BOP v Numsa & others (2002)*, the LRA's section 20 was interpreted to suggest that unions, notwithstanding their representivity, may attain workplace rights external to parameters of part A of the LRA, which regulates union rights. This can be done by utilising strike action, as was the case in *Bader Bop*. This would mean that members from minority unions withhold their labour from employers as a means of power testing. The disadvantage of this route of action is that the "no work, no pay" rule would apply, where members of minority unions lose wages and income in pursuit of their objective (Finnemore & Koekemoer, 2018). As regards to the applicability of the LRA's section 20, a limiting element exists. Restrictions laid on the section relates to agreements that are concluded, and terms of these agreements are only enforceable on trade unions that form no part of its differences with the LRA's section 18 (van Niekerk et al., 2015).

Minority trade unions can be perceived as being less effective when compared to majority trade unions (Finnemore, 2013). This can be attributed to the fact that most organisational decisions are made between management and officials from majority unions owing to the superior organisational rights possessed by the majority. This view is supported by Grogan (2009), who

suggests that excluding minority unions and its members from important organisational engagements and decisions can present a feeling of inferiority within minority trade unions. Venter and Levy (2017) further mention that these feelings of inferiority, at a higher level, could affect the service and support that minority unions provide to their members. Once this situation comes into being, it may present varying challenges for minority unions in workplaces, as providing a service to members is one of the fundamental duties that a trade union has towards its members. van Niekerk et al., (2018) hold a slightly different view to the above-mentioned situation. The said authors posit that minority trade unions, in most organisations, face challenges relating to legitimacy and effectiveness. The challenge for minority trade unions to overcome this is to establish, even with limited organisational rights, standards of fairness and conducive employment relations for its members (van Niekerk, et al., 2018). Allan (2017) advances this notion, as the presence of any trade union, whether large or small, plays a role in protecting members, whilst ensuring that their treatment in a workplace is fair and just.

2.4 Implication of majoritarianism on multilateral consensus

The effect of majoritarianism leads to rights and activities of lesser unions being limited (Cohen, 2013). The issue then arises whether the majoritarian principle could be considered as an acceptable rationale for constraining smaller trade unions (Grogan, 2009).

Justifying the rationale of majoritarianism involves a consideration of the proportionality principle, involving the evaluation of competing interests (Selala, 2014). Esitang and Van Eck (2016) posit that majoritarianism, as per section 23 of the Constitution, is disproportional as no element contained therein asserts that unions' privileges be restricted by legislative methods. Furthermore, the framework in the LRA's chapter II associated with freely associating belays mandating a threshold system (Esitang & Van Eck, 2016). Cohen (2014) deems it unfavourable to decline lesser unions rights within organisations merely in accordance with clerical motives relating to proliferation.

Allan (2017) further highlights that unions who fail to reach a specified threshold within workplaces are prevented from possessing a representation. This results in employees belonging to a minority union or sufficiently representative one being unable to have representation in disciplinary disputes (van Niekerk, et al., 2015). This is because members of minority unions have rights to representation tied to threshold requirements set by majority unions and management (Finnemore & Koekemoer, 2018). Theron et al. (2015) argue that parties to collective agreements should accept that every employee has a choice in terms of who represents them in workplace disputes. There seems to be an inordinate importance attached to preserving conservative systems, resulting in other aspects being ignored (Theron et al., 2015). As much as the principle of majoritarianism is justified through legislation and jurisprudence, van Niekerk et al., (2018) postulate that it may not be suitable any longer within the present employment relations system. The principle needs to progress, allowing for flexibility and adequacy in the realisation of constitutional rights (van Niekerk et al., 2018). As per section 21 of the Constitution, a system of democracy should be promoted based on founding values including freedom, equivalence and multilateral regulations. Bendix (2010)

maintains that principles such as democracy and equality are some of the reasons why South Africa promotes a pluralist employment relations system in the country. Pluralism creates a model of multi-party democracy, which is specifically found in political spheres (Finnemore, 2013). This allows all individuals to associate freely and be treated with fairness and dignity based on such choices (Finnemore, 2013). Esitang and Van Eck (2016) state that minorities possess a voice within their individual political parties and, therefore, it should also apply in employment relations. Malan (2010) argues that utilitarian concepts associated with majoritarianism are inequitable, as they reinforce majority rules only. The Constitution's section 23 must be interpreted considering section 1, expressing that bargaining should be executed by unions equally, allowing for fairness and inclusion of most employees in the workplace (Malan, 2010).

Du Plessis and Fouche (2006) posit that smaller trade unions have the capability to sustain their members' interests, providing for effective communication channels and participation. Furthermore, Kruger and Tshoose (2013) advance that lesser unions also influence the balance of bargaining authority in the workplace. It is subsequently inferred that multi-unionism can be accomplished in line with a multilateral framework.

2.5 Rivalry amongst trade unions

Where more than one trade union exists in an organisation, rivalry may ensue, as this has become a common occurrence in the workplace (Ncube, 2016). Finnemore (2013) postulates that inter-union rivalry commonly occurs owing to a multiplicity of trade unions in an organisation. Moreover, union-rivalry cuts at the heart of unionism, reducing collective bargaining power and decreasing the effectiveness of employees in safeguarding their legitimate rights (Grogan, 2009).

Ncube (2016) highlights that political affiliations have played a role in the increasing occurrence of union rivalry. Unions are commonly unable to take constructive approaches owing to severe union rivalries and the multiplicity of unions that exist (Ncube, 2016). It is, therefore, reasonable to infer that politics matter to unions, as the power of a union is the product of membership and actual influence at the bargaining table, as well as in politics. Botha (2015) equates union rivalry to union raids that can be construed as a waste of time and resources when considering that employees are not involved in the matter. This could lead to industrial conflict and tensions that add no value to the competency and capabilities of the union movement, in general (Botha, 2015). From this perspective, it can be inferred that union rivalry defeats the purpose of unions by compromising the strength and power of unions in the workplace. Moreover, Schnabel (2002) mentions that the degree of rivalry amongst unions can potentially lead to workplace disputes and, if not managed effectively, could lead to decreased union growth. Effectively, union rivalry diminishes solidarity amongst unions and generates needless competition that weakens employee representation in workplaces (Ncube, 2016). Therefore, Le Roux (2012) declares that union rivalry is a waste of union resources. Furthermore, instances of union rivalry should be eliminated, or at least reduced, to ensure that unions are able to execute their mandate effectively on behalf of their members (Nel, et al., 2017).

Ncube (2016) states that since unions compete for legitimacy, recognition, and acceptance in the workplace, this scenario could lead to disharmony between union leaders. Such situations could further lead to management capitalising on the union divide that could occur as a result (Ncube, 2016). Addison (2014) affirms that union rivalry counteracts the union movement and management may choose to take advantage of weakened union leadership in the workplace. This could lead to management implementing unilateral decisions, excluding employees from participation initiatives and reduced wage increase offers (Addison, 2014). Simply stated, employees and union leaders fight and lament amongst themselves while management has the 'last laugh.' However, neglecting union rivalry and tensions that could occur may not be the best solution for employers. An uncondusive workplace environment and disharmony in workplace relations could lead to decreased employee morale, poor productivity and the establishment of a toxic organisation (Du Toit, 2015). Therefore, Albertyn (1987) submits that when managing inter-union conflict and rivalry, employers should resist applying hard and fast rules. Management should adopt a neutrality approach to union rivalry, where they explore the contentious issues, invite union leaders to solve the problem collaboratively, and develop amicable solutions for issues (Bhorat, et al., 2014). Furthermore, Albertyn (1987) proposes that should union rivalry escalate to extreme levels, management should seek to avert any acts of intimidation or violence in the workplace (Albertyn, 1987). Therefore, management staff should be directed not to act in any partisan manner when dealing with union rivalry.

One of the leading factors that contribute to union rivalry is the battle for employee representation in the workplace (Budeli, 2012). Unions are collective organisations and the more members a union represents, the higher their density and power over organisational and collective processes (Finnemore, 2013). Ncube (2016) mentions that unions do everything in their power to heighten and increase their membership, which could spark intense union rivalry, where two or more unions exist. Competition for union density results in union leadership channelling energy into fighting amongst each other (Venter, 2014). This could lead to unions abandoning their mandate towards advancing employee interests (Venter, 2014). However, it cannot be denied that union presence and power in the workplace is thus seen as important to establish and maintain effective levels of representation (Schnabel, 2002).

3. RESEARCH METHODOLOGY

The current study adopted a qualitative research approach to address the research question. The study was undertaken within the Johannesburg area in South Africa, utilising a phenomenological research strategy. Research participants were selected from my professional network, utilising a purposive sampling technique. Semi-structured interviews, supported by field notes, were used for data collection purposes. This allowed for data to be collected within a natural setting, where fact-to-face interactions with participants were possible. The primary reason for utilising a qualitative approach was to gather an in-depth understanding from research participants on their lived experiences around the phenomenon under study. Qualitative research focuses on exploring phenomena over time, which gathers importance as theories linked to management usually develop as a process (Babbie & Mouton, 2011). Furthermore, qualitative research is intrinsically inductive, often resulting in the creation of

new theories (Babbie & Mouton, 2011). The present study sought to explore participants' perceptions and experiences of majoritarianism and how it influences effective collective bargaining. Twelve research participants formed part of the study, and all individuals have personal experiences of the phenomena under study having participated in collective bargaining in one form or another. For data collection purposes, an interview guide was designed (See table 1 below). A profile of research participants within the study is provided in Table 2 (See table 2 below).

Table 1: Interview guide questions

1. Does the principle of majoritarianism restrict effective collective bargaining in South African workplaces
1.1 What impact, if any, has majoritarianism had on collective bargaining processes?
1.2 When applied, what effect does majoritarianism have on the relationship between minority and majority trade unions?
1.3 In your experience, how would you describe the relationship between minority trade unions and management within the workplace?

Source: Author's fieldwork

Table 2: Profile of research participants

Research participant	Age	Gender	Working experience	Seniority	Current designation	Industry	Highest educational qualification
P1	56	M	32 years	Senior management	Head of HR	Music and entertainment	Masters Degree
P2	50	M	25 years	Middle management	Training and Development Specialist	Higher Education	MBA
P3	50	M	26 years	Senior management	Head of ER	Broadcasting	LLM
P4	53	M	35 years	Supervisor	Compliance Officer	Broadcasting	Diploma
P5	35	M	13 years	Middle management	Policy and Regulatory Specialist	Broadcasting	MBA
P6	59	M	36 years	Senior management	General Manager of HR	Mining	MBA
P7	68	M	42 years	Executive management	Retiree	Broadcasting	Higher Certificate
P8	53	M	31 years	Supervisor	Stock Controller	Steel and Engineering	Technical Certificate
P9	79	M	53 years	Top management	Retiree	Steel and Engineering	Diploma
P10	42	F	17 years	Top management	Manager: Litigation	Legal	LLB
P11	51	M	28 years	Middle management	Engineer	Technology	Masters Degree
P12	37	M	17 years	Supervisor	Team Leader	Retail	Matric

Source: Author's fieldwork

4. FINDINGS AND DISCUSSION

This section presents the findings and interpretation of themes that emerged from the data, as provided by participants in terms of their experiences and interactions with the phenomena under study. Responses of participants is graphically displayed as per figure 1 below.

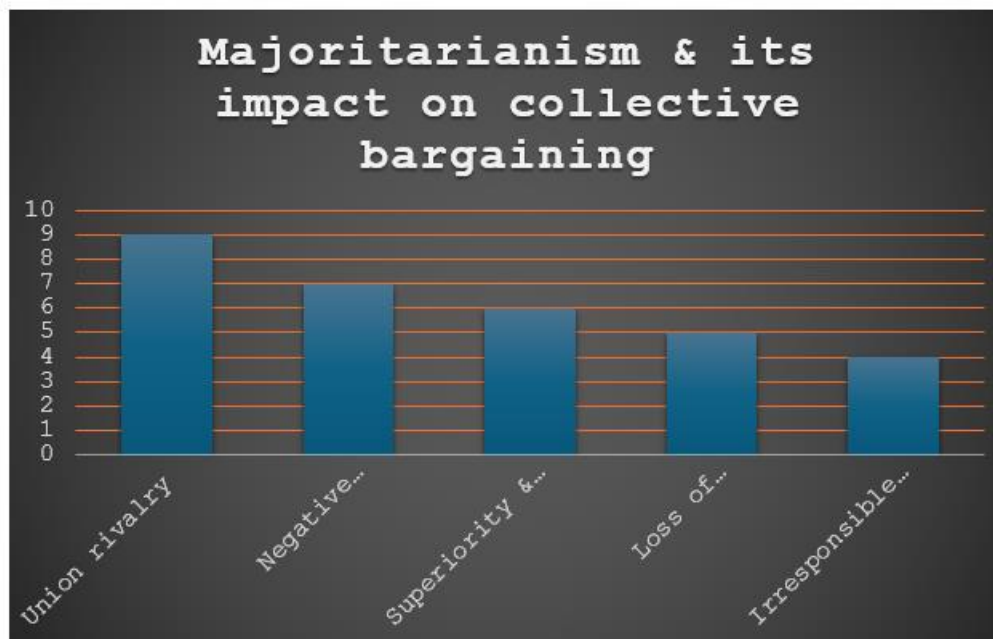


Figure 1: Dominance at which themes emerged based on majoritarianism and its impact on collective bargaining

Source: Author's fieldwork

4.1 Restrictions that the principle of majoritarianism places on effective collective bargaining in South Africa

With regards to the above, the following emergent themes are discussed below:

Union rivalry

Rivalry between trade unions has proven challenging for the trade union movement in South Africa as membership figures determine unions' strength and authority in the workplace. The current study found that majoritarianism increases rivalry and competition for membership between trade unions because of the power limitations placed on minority unions when majoritarianism is applied in organisations. This was observed by RP4, as shown below:

"The rivalry can be expected between the smaller and larger unions due to their different constituencies and because minority unions are not privy to negotiations. But it depends how this rivalry is handled; it could still result in positives for the workers on the ground if it is managed correctly".

This was echoed by RP6, who mentioned:

“It is that of resentment. In my experience, the minority union is resentful of the fact that they cannot participate in negotiations, and this plays itself out in the relationship between bigger and smaller unions”.

The findings of the present study align with the research of Ncube (2016), who contends that unions do everything in their power to heighten and increase their membership, which could spark intense union rivalry, where two or more unions exist. Likewise, one of the leading factors that contributes to union rivalry is the battle for employee representation in the workplace (Budeli, 2012). This further aligns with Venter’s (2014) view, advancing that competition for union density results in union leadership, channelling energy into fighting amongst each other (Venter, 2014).

The present study’s findings further reveal that the rivalry and competition for membership creates division amongst unions, weakening the trade union movement in the workplace. This is reflected by RP10’s statement below:

“Division. It divides because at the end of the day, as employees, whether you are in the majority or minority, I think there should come a point where you are united and come to the organisation or employer as a united front, but then this majority rule causes divisions amongst the employees and the unions and also kills the confidence of those in the minority and kills the leadership of their unions because they would simply believe the union is not capable of executing their mandate successfully so”.

The findings of the present study are in line with the views of Grogan (2009), who declares that union-rivalry cuts at the heart of unionism, reduces collective bargaining power, and decreases the effectiveness of employees in safeguarding their legitimate rights. Botha (2015) confirms this, equating union rivalry to union raids that can be construed as a waste of time and resources when considering that employees are not involved in the matter. This could lead to industrial conflict and tensions that add no value to the competency and capabilities of the union movement, in general (Botha, 2015). Trade union rivalry not only threatens the safeguarding of employee rights in the workplace, but also leads to the creation of a negative organisational culture within organisations. This outlook is discussed further next.

4.2 Negative organisational culture emergence

The present study established that majoritarianism leads to the creation of a negative organisational culture in the workplace. This is owing to competition for membership and rivalry between two or more unions.

This was noted by RP11, who said:

“From my experience, and what I've gathered from union colleagues is that there's a constant polarisation that happens within the labour movement itself, there's also an 'I and them' posture”.

RP5 agreed and stated:

“I would say it negatively affects workplace dynamics where there should be an equal playing field when there is bargaining activities”.

The findings of the present study align with the work of Finnemore (2013), who outlines that in situations where a union is perceived to be ineffective or weak owing to membership density, employee interests and issues of fairness could be jeopardised. Moreover, a union density crisis severely hampers the effectiveness of the union in terms of promoting member interests and ensuring a conducive workplace environment for its members (Ncube, 2016).

The present study’s findings also point to management fuelling tensions between competing unions in certain instances, which influences workplace relations negatively. This is done by applying the majoritarian principle in a harsh and strict manner within the workplace. RP2 noted:

“If there is particularly not a good relationship between shop stewards or key people within the majority union and minority, if management has courted the majority union and there is a war relationship now between the unions, management can influence their decisions by giving the majority certain benefits; therefore, compromising the essence of what the general employees are looking for”.

RP4 concurred with this view and mentioned:

“I think it depends on the situation. The principle of majoritarianism tends to be abused in certain instances and I am thinking here about the current situation we are faced with; remember I indicated to you that we are left with two unions who do not necessarily see eye to eye on important bargaining issues in the workplace. This often leads to heated exchanges and near fist fights have occurred in the past”.

The present study’s findings corroborate the findings of Budeli (2009), who advocates that union leaders should avoid being co-opted by management at all costs, as protecting employee interests is an agenda that should never be compromised. Moreover, Nel et al., (2017) promote this and called for effective relations and transparent communication between management and union leaders to ensure that the organisation thrives instead of declining.

This is as an unconducive workplace environment and disharmony in workplace relations could lead to decreased employee morale, poor productivity and the establishment of a toxic organisation (Du Toit, 2015). Moreover, a negative organisational culture leads to superiority and inferiority complexes emerging in the workplace, and this aspect is discussed further below.

4.3 Superiority and inferiority complex

Due to unequal power existing between majority and minority unions, the potential arises for the development of superiority and inferiority complexes amongst union leaders and members. The current study found that this situation leads to the workforce being disgruntled owing to the inequitable benefits offered by majority and minority trade unions. This was noted by RP6,

when he stated:

“Majority unions will enjoy the big brother position where they lead any negotiations or discussions with management, where they prescribe their agenda to some extent to say this is what we are going to discuss, they make demands in terms of salary increments and other packages that go with employment. Even if the minority unions have a different view, the majority will always have it their way”.

RP5 confirmed this majoritarian consequence, and stated:

“Yes, it definitely forms tensions both in the workplace and in corridors (the expression is the water cooler talk). I feel as though in a sense one being superior and one being inferior”.

The findings of the present study support Grogan’s (2009) view, suggesting that the exclusion of minority trade unions and its members from important organisational engagements and decisions like collective bargaining can present a feeling of inferiority amongst minority trade unions. Venter and Levy (2017) further mention that these feelings of inferiority, at a higher level, could affect the service and support that minority trade unions provide to their members.

The present study also found that management adds to these feelings of superiority and inferiority instead of attempting to form a more balanced approach when dealing with unions of varied sizes. Ncube (2016) avers that management may choose to ignore or exclude weaker unions from organisational processes because of the union’s lack of power and representation. Moreover, management could use such circumstances to unilaterally implement adverse decisions without any form of communication or information sharing with employees (Finnemore & Koekemoer, 2018). RP12 observed this situation playing out in the workplace and cited:

“Because the majority unions are more involved and can organise in larger numbers, management will always give them preference in terms of whatever it is they are seeking or asking for. I cannot blame management for this approach, but it definitely demeans and embarrasses the smaller unions”.

The findings of the present study align with the view of Uys and Holtzhausen (2016), who state that management should adopt a proactive approach to managing unions of different sizes in the workplace to ensure that engagements with union leaders are purpose driven and conducive. Totally ignoring and excluding minority unions from collective bargaining not only fuels an inferiority complex, but also leads to the loss of valuable contributions in the workplace. This viewpoint is discussed below.

4.4 Loss of valuable contributions

The present study’s findings demonstrate that organisations lose out on valuable information and contributions owing to minority trade unions being totally excluded from organisational and collective bargaining processes. This not only relates to resolving collective bargaining impasses, but also contributes to the establishment of a conducive workplace environment. This finding is in line with the view of Botha (2015), who argues that trade unions are the primary

means through which to achieve social justice in the workplace and society. There can be no doubt about the important role that unions play in promoting their members' interests and advocating for improved working conditions (Nel et al., 2017). In this respect, RP5 stated:

“I think it lessens the contribution that minority unions can make to a degree because you want everybody to participate in what would seem like a democratic style system; however, when you are the lesser union and the points you bring across are not taken into consideration, it defeats the purpose”.

RP6 concurred with the vital role that trade unions play in the workplace and the lost opportunities experienced by sidelining minorities, and mentioned:

“To some extent, and given the organisational structure in some companies, like I said in the beginning, the minority union sits at the lowest or maybe middle levels of employment, so someone with a bright idea will never be heard because their voices are being silenced”.

The current study's findings further reveal that valuable contributions are lost owing to the competencies, skills and institutional knowledge of members of minority trade unions. In this vein, RP1 remarked:

“It is a serious lost opportunity because some of the minority members have been employed for a very long time. But if the negative attitudes of the majority will lead to animosity, it becomes a shame. An employment relationship is managed by listening to the other party, looking at the pros and cons at what can benefit both parties and making decisions for the benefit of the employer and employee. So, if the minority members have quality suggestions, I believe it must be considered”.

The view of RP12 coincides, when he stated:

“Some of the guys in the minority have institutional knowledge and know the organisation inside-out. If they could have a voice in wage negotiations, to a certain extent, I believe that they would add some kind of value and make a difference in the process”.

The findings of the present study reveal the productive role that minority trade unions can contribute to collective bargaining, should a more inclusive approach be adopted to the majoritarianism principle. The findings further highlight the important role that trade unions play in a South African context. This aligns with the work of Venter and Levy (2017), who argue that trade union activities are not confined specifically to political arenas; they extend into economic and social domains of society through their conduct and actions. This is achieved by balancing the interests of union members, while bargaining in a responsible manner and contributing to wealth development and job creation within organisations (Botha, 2015). The next section discusses how irresponsible majority union demands threaten this approach owing to the influence of majoritarianism.

4.5 Irresponsible union demands

The last theme under the current research objective portrays a negative light, where majoritarianism results in majority trade unions enjoying too much power over smaller unions. The current study's findings show that absolute power by majority trade unions lead to irresponsible demands being placed that may not be in the best interests of union members. This was conveyed by RP8 when he said:

“Yes, they sometimes do not act in the best interests of the members. Like I said, they won't ask for directives or get mandates from the members when they say this is what we want as the members, but their opinion will not be regarded. I do not know how to put this, but for me it is fruitless”.

RP3 agreed and stated:

“To answer your question, I have a problem with the principle of majoritarianism, but it depends on who is in the leadership at the time. If you have irresponsible leaders, you will find them abusing this principle of majoritarianism to achieve whatever objectives they want, which is likely to not be in the interests of the members on the ground”.

The findings of the present study align with Botha (2015), who advocates that trade unions should display some form of social responsibility within an economy. Social responsibility, in this context, refers to a responsibility on the part of unions to protect the interests of their members and that of the broader economy (Botha, 2015). In summary, trade unions should consider the financial stability and economic conditions within the country when placing collective bargaining demands to protect the long-term interests of their members. The present study's findings also reveal the need for a holistic understanding of collective bargaining issues by majority unions to comprehend how demands and union wishes impact the workplace, as well as their members. This was evident by the experiences of RP11, who mentioned:

“Sitting around the bargaining table with comrades that don't necessarily understand the ramifications of certain demands that they make can be very frustrating at times. It is all good and well to get huge salary increases, but how does that impact the longer-term sustainability of the business - do they think about that?”

RP5 concurred and stated:

“I have witnessed discussions around policy changes and amendments with majority trade unions. They would agree to changes that they may not always fully understand, and I sit there thinking about what impact these changes may have on employees on the ground”.

The findings of the current study coincide with the call for a macro-focused approach by Botha (2015), who argues that collective bargaining should be undertaken in a sustainable manner. Considering the high unemployment levels in the country, South African trade unions should be cautious of negotiating for higher wages, which could lead to job losses and retrenchments (Venter & Levy, 2017).

4.6 Limitations of the study

With every research endeavor, there are certain restraining aspects involved in the study. Firstly, the study was conducted in Johannesburg, where the participants are based and, which rendered them readily available. HR and ER professionals, as well as trade unionists outside of Johannesburg could not be included because of geographical dispersal and timeframes attached to the study. To mitigate this limitation, my study utilised participants who were highly knowledgeable and vastly experienced in respect of trade unionism and collective bargaining. Secondly, qualitative research is regarded as being subjective. This is owing to the data reflecting participants' lived experiences, attitudes, perceptions and knowledge. Hence, the data is subjective in nature and varies from one setting to another. The third limitation attached to the study is that researchers are at the core of data collection within qualitative studies. This could pose the challenge of bias creeping into the study and can alter the quality of the researcher's work. However, limitations attached to a study can be mitigated through the use of reflexivity and bracketing (Cresswell, 2014). The final limitation of the study was that participants were chosen using a purposeful sampling technique. This sampling technique is susceptible to certain levels of bias. To mitigate this bias, I established a criteria to selecting both HR/ER professionals and trade unionists who have experienced the phenomenon during their working lives. Moreover, some of these HR/ER professionals were once trade unionists during the early stages of their careers, which enabled them to have experienced the phenomenon full circle.

5. RECOMMENDATIONS

Based on the findings of the study, the following recommendations are proffered:

5.1 Increase employee participation

All employees, regardless of union affiliation, should be actively involved in decision-making within the organisation. There needs to be genuine discussions on workplace matters, and not mere "lip service" within these participation processes. Furthermore, employees from both majority and minority unions should collaborate to resolve workplace issues and be empowered to bring about any change needed to foster a conducive and productive workplace environment. This will allow for majority union members to collaborate and engage minority union members on improvements and suggestions towards enhancing collective bargaining processes.

5.2 Macro-focused approach to collective bargaining

When engaging in collective bargaining, trade union representatives should embrace a macro-focused approach. This involves adopting a perspective where union representatives protect the interests of their constituents whilst simultaneously considering the broader economy and the organisation's longevity.

In essence, trade union representatives should promote the best interests of their members when negotiating while considering the country's economic conditions and competitive pressures faced by the relevant employer.

This will prevent irresponsible demands from being tabled by majority trade unions, as minority union contributions will be considered to ensure a balanced and responsible approach to collective bargaining that considers present socio-economic conditions.

5.3 Broader organisational engagements

Organisational management should engage more broadly with organised labour in the workplace. This would involve informing and engaging union representatives from all unions about key developments within the organisation, and how these could affect employees' working conditions. Management should consult all trade unions, both majority and minority unions on such matters to ensure that the parties respect each other's interests within the employment relationship.

5.4 Neutral management approach to trade union relations

Organisational management should assume a neutral approach when dealing with trade unions in the workplace. This involves resolving any disputes amicably as opposed to choosing sides between trade unions based on their size and representation in the workplace. In this way, management, HR and ER staff would be acting as employment relations role models in their treatment of trade unions, while simultaneously promoting equality and eliminating discrimination in terms of union relations. Moreover, this will build trust and create an inclusive culture where everyone participates, and employment parties interact with one another in good faith.

6. CONCLUSION

The expression of the research problem suggests that the majoritarian principle negatively impacts on effective and sustainable collective bargaining in South African workplaces. The lived experiences of research participants point to an ineffective status quo within collective bargaining processes. It therefore becomes worthy to note that study findings corroborate the research problem, where minority trade unions and their members cannot contribute or participate in collective bargaining processes, decreasing the actual value that the process should bring for all employees. Accordingly, the present study found that trade union rivalry is fuelled by the majoritarian principle. This is because minority unions compete to attract and recruit members into their labour movements, while majority unions resist to maintain their status and power in the workplace. These competing forces create a negative organisational culture in the workplace, where majority unions feel superior to promote their mandates while generating feelings of inferiority amongst the minority union, its representatives and members. The present study's findings show that these feelings of superiority lead to irresponsible demands that leaders and representatives of majority unions make owing to the uncurbed power that they wield in the workplace. These workplace tendencies that majority unions apply prevent minority unions from participating in workplace and HR processes, culminating in the loss of valuable contributions from minorities. Consequently, organisations are encouraged to increase employee participation and adopt an inclusive and broader approach to collective bargaining. This would lead to trade unions adopting a macro-focused approach to collective

bargaining, where the sustainability of both the employer and employee are promoted. Lastly, organisational management are encouraged to adopt a neutral approach to managing trade union relations, regardless of the size and status of trade unions in the workplace.

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