

# GOVERNANCE OF BARGAINING LEVELS AND BARGAINING COORDINATION

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## Abstract

This article examines bargaining levels and coordination for collective bargaining in the public service in Botswana. Bargaining level coordination ensure that levels and bargaining units are integrated to harmonise the public service. To understand levels and coordination better the article explored how single and multi-employer bargaining relates to bargaining levels and coordination. Corporatism theory was incorporated to understand bargaining levels and coordination. The study used an Exploratory-Descriptive Qualitative (EDQ) research design. Fifteen participants were purposively selected from the public service and interviewed face to face. It was evident that the public service in Botswana does not have pre-established criteria for bargaining levels, coordination, favourability principle and derogation. The present analysis demonstrates that there is a hierarchical coordination of bargaining despite the ambiguity surrounding the bargaining levels. It was also evident that, due to the lack of public service bargaining councils, bargaining coordination has been challenge. Currently, there is no single bargaining council in Botswana. Establishing negotiating councils is crucial for the parties engaged in negotiations, as it will facilitate the establishment of mechanisms for coordinating negotiations, upholding the favorability principle, and ensure that all bargaining levels and units are well-aligned. To guarantee that bargaining levels and units are well-aligned, statutes establishing bargaining councils should include provisions for coordination processes, the favorability principle, and derogation. Baccaro (2003) noted that hierarchy and democracy are significant ways of bargaining level coordination. In order to prevent the risk of arbitrary abuse, it is advised that choices pertaining to all of the above be made in advance. Laws should expressly outline the situations that allows for favourability principle and derogation. The study made, theoretical, methodological as well as practical contributions.

**Keywords:** Collective Bargaining, Bargaining Levels, Bargaining Coordination, Single-employer Bargaining, Multi-Employer Bargaining, Bargaining Decentralisation, Derogation, Favourability Principle.

## 1. INTRODUCTION

To determine the scope of coverage and collective agreement extensions, collective agreement levels are crucial. It is possible for collective bargaining to take place at one level or at multiple levels, contingent upon national laws and labor market conditions. It could also occur between different participants to the negotiation. The main issue, though, is typically sufficient coordination to prevent overlaps between the various levels. There has been a growing trend towards decentralisation in collective bargaining. According to OECD (1994, p. 168), "this takes the form of increased bargaining at an enterprise and/or establishment level." This article examines ways in which Botswana's public sector manages collective bargaining levels and ways in which different levels are coordinated. Bargaining levels, can be at national/regional level, sectoral/industry, branch level and at enterprise level. Bargaining at all these levels needs proper collaboration and coordination, and this is what is referred to as bargaining coordination.

Bargaining coordination refers to the degree of relations between the various bargaining units that enable parties to uphold coherence for wages and working conditions (Visser et al., 2017). This article also looked at institutional framework for collective bargaining, which can either be multi-employer bargaining or single-employer bargaining system. Single-employer bargaining refers to collective bargaining where individual employers negotiate employment conditions or agreements at company or enterprise level with labour unions or other worker representatives such as work councils (Doellgast & Benassi, 2014). Multi-employer bargaining occurs when trade unions or a trade union confederation negotiates employment terms and conditions with the employer. "These agreements can cover the workforce in a particular industry or occupation; or they can cover a range of sectors at national level, often with the involvement of government agencies through 'tri-partite' arrangements" (Doellgast & Benassi, 2014, p. 3). This article therefore examines the bargaining levels and coordination for effective governance of collective bargaining. This is because the results of collective bargaining are significantly impacted by the level of coordination of the process (Visser et al., 2017).

According to Mogalakwe (1994) the relationship between the state and the workers in Botswana is a complicated blend of paternalism, corporatism, and repression. The government demonstrates unitarism, backed up by corporatism, as: ministries of government initiate policies; persuasion is portrayed as consultation; participation is restricted; government controls communication channels; and ministries form and oversee the majority of organised groups (Holm cited in Mogalakwe, 1994). It was also observed that corporatism is another sham approach used by the state and its allies to muzzle and placate workers. The social partners must find a common ground through which collective bargaining levels can be effective. In situations where sectoral or industrial employers' groups exist, they bear the task of determining their own specific terms of employment as opposed to being determined at national level (Fashoyin, 1998). Bargaining at national level usually displays features of corporatism. This is because agreements negotiated at national level by the few ruling elites must be incorporated at enterprise level. In nations with a history of "corporatism, trade union confederations frequently negotiate national pay agreements with major employer organisations and occasionally enter into further agreements with governments to define wages or income policy guidelines (OECD, 1994). This is against the developing trend of decentralised collective bargaining. The lowest level of bargaining, which is enterprise level is recommended.

## **2. THEORETICAL FRAMEWORK: CORPORATISM THEORY**

A tripartite strategy for industrial relations is corporatism. There needs to be genuine tripartite cooperation across all governmental entities that are directly involved in policies that affect labor concerns, either directly or indirectly (Alby et al., 2005). Theorists categorize the government as a representational system of interest or a mechanism for forming norms due to its dominance under corporatism (Sheridan & Dabscheck, 1990). Moreover, there is a tendency to restrict collaborative decision-making to predetermined labor-related issues (Alby et al., 2005). Because governments and a small group of elites have the authority to make important economic choices, corporatism is therefore an interest representation system. Similarly,

monopolistic, centralised, and internally non-democratic associations, along with a policy-making process typified by "concertation" or "social partnership," are what constitute corporatism, according to Baccaro (2003). According to Siaroff (1999), the country's economy is managed in a coordinated, cooperative, and methodical way by the state, employers, and centralised unions (the latter two directly collaborating in industry). This is likely to be to the relative advantage of all three parties. The country is also depicted as having a developed industrial society and democratic government. It refers to collaboration between the government, certain trade unions, and its friends in the business sector to form an alliance over important economic choices.

As to Bacarro (2003), corporatism can take various forms, such as a welfare state, the paternalist attitude of employers, or a liberal corporatism state characterized by strong and powerful financial actors in control. There is less freedom of speech and association in a corporatist setting since policymaking gives the government and its allies centralized wage negotiating leverage and labor resource power while marginalizing and subjugating social partners. According to Bacarro (2003), the corporatist paradigm emphasizes vertical control and organizational concentration in trade unions as structural requirements for policymaking. It is distinguished by low union density, restricted industrial action, centralized pay determination, and centralization of decision-making. Because corporatism engenders limited participation, a limited number of actors (perhaps as few as one) should be allowed to sit on either side of the bargaining table and exert pressure on their lower-level affiliates (Baccaro, 2003). This is especially important at the workplace level. The economy is doing well overall, notwithstanding the concentration of wealth in a small number of hands.

For the sake of national progress, the ruling class or government asks social partners to work together and support the government. Trade unions and workers' interests are meant to be subordinate under corporatism. While the government deliberately works to limit union activity in the hopes of achieving more stable labor relations and fewer industrial strikes, corporatism assures that trade unions are weakened (Mogalakwe, 1994). Under corporatism, workers are forced to give up some rights and benefits in exchange for an unknown amount of money down the road (Baccaro, 2003). For the interests of the public to prevail, workers are made aware of this and urged to comply. Social partners are forced to accept the paternalistic method of doing things, particularly trade unions.

Another name for corporatism is habituation, which is the process by which the working class becomes obliging to the exploitative social ties of the production system (Mogalakwe, 1994). This kind of control is carried out through intellectual manipulation or persuasion, whereby the government or its agents attempt to persuade the working class to accept the unequal distribution of the products of their labor by framing the capitalist interests as the interests of all people (Mogalakwe, 1994). In essence, corporatism connives to convince workers that the interests of the country should take precedence over those of their own. A corporatist approach to industrial relations has made the government the main actor in collective bargaining. In Mogalakwe (1994), Kraus asserts that most African nations have embraced a corporatist paradigm of labor relations, emphasizing. In some African countries, tripartite meetings are

perceived as a type of state-run governance where trade unions are coerced into taking part in decision-making. The incorporation of bargaining parties' interests into governmental institutions through corporatism makes tripartism absurd (Alby et al., 2005). This is because, national bargaining typically exhibits corporatism-related characteristics. This allows what is negotiated at the national level to be implemented at the enterprise level.

### 3. LITERATURE REVIEW

Collective agreement levels are important to ascertain the extent of coverage and collective agreement extensions. Collective bargaining may occur at different levels depending on the national legislation and labour market conditions; hence, it could be one level or a mixture of different levels. It could also be between individual bargaining parties. The Committee of Experts states that the parties involved in negotiations are free to choose the best level of bargaining; however, they are wary of laws requiring bargaining at levels higher than enterprise level (ILO, 2012). The ILO further declares that the decision regarding the appropriate level of negotiation is left to the parties engaged in collective bargaining (ILO, 1994). According to Recommendation No. 163, “measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the enterprise, the branch of activity, the industry, or the regional or national levels” (ILO, 1994, p. 98). Even for countries with a strong labour relations emphasis like South Africa, the legislation (Labour Relations Act) does not specify the bargaining level (Budlender, 2009). Collective bargaining may happen at any level or at a combination of levels (International Labour Office, 2015a). It “is thus possible within a given country for separate collective agreements to have different geographical and sectoral scopes – addressing a workplace, an enterprise or a group of enterprises, an industry or a branch of activity, or even the entire economy” (ILO, 2015a, p. 34). However, in most cases, the key challenge is adequate coordination to avoid overlaps between the existing levels and structures of collective bargaining.

At an enterprise level, one or more employers and one or more trade unions engage in collective bargaining (ILO Flagship Report, 2022). Apart from the enterprise level, it may occur at higher levels like “the sectoral and territorial level, between one or more trade unions or trade union federation(s) and one or more employers and their organizations” (ILO Flagship Report, 2022: 29). Sectoral bargaining versus enterprise bargaining may take place individually or simultaneously, depending on the issues involved. Sectoral bargaining typically demonstrates a concern for coordination, as well as a sign of union strength, whereas enterprise level bargaining aims to reach agreements that meet their specific requirements (Koçer & Hayter, 2011b). The Committee of Experts observed that laws mandating higher-level collective bargaining raise problems with compliance with Convention No. 98 (ILO, 1994). The USA, Japan and the UK are examples of countries that are dominated by enterprise bargaining (Visser et al., 2017), while sectoral bargaining is more common in Austria, Germany, the Netherlands and Switzerland (OECD, 1994).

Another common important level of bargaining is national bargaining to regulate substantive employment conditions. While national bargaining involves tripartite partners at a macro level, collective bargaining is typically referred to as a bipartite procedure. This level of negotiation, like NEDLAC in South Africa, typically deals with broad policy concerns and does not result in customary collective agreements (Fashoyin, 1998). There are a few exceptions, most notably in Swaziland, Lesotho and Botswana, where national level consultations are periodically held to decide on particular matters like the national minimum wage (Fashoyin, 1998). For most of the countries, national level bargaining only deals with policy, as well as other general labour and social concerns. Hence, “consultation at this level does not, as a rule, lead to the determination of specific conditions of employment, leaving this responsibility to sectoral or industrial employers’ associations, where they exist” (Fashoyin, 1998, p. 38). Bargaining at national level usually displays features of corporatism. This is because agreements negotiated at national level by the few ruling elites must be incorporated at enterprise level.

The extent of collective bargaining is also correlated with its levels. They are linked to how centralised or decentralised collective bargaining is. “Centralised bargaining implies that national or industry agreements are the dominant form to regulate terms and conditions of employment; ‘decentralized bargaining’ implies that company or establishment-level agreements dominate” (Doellgast & Benassi, 2014, p. 3). According to Calmfors and Driffill, in Doellgast and Benassi (2014, p. 10), “macro-economic performance was strongest in countries with either highly centralized systems, characterized by national bargaining such as the Nordic countries, where encompassing unions were more likely to support wage moderation; or highly decentralized systems such as the US, where unions had little power over wage structures”. In South Africa, the LRA of 1995 encourages centralised negotiation methods; however, decentralized bargaining is also common in South Africa. The trend of decentralisation in collective bargaining has been increasing. “This takes the form of increased bargaining at an enterprise and/or establishment level” (OECD, 1994, p. 168). In “countries with a tradition of “corporatism”, trade union confederations often negotiate national wage agreements with central employer organisations and sometimes enter into additional agreements with governments to establish wages or income policy guidelines” (OECD, 1994, 168).

Collective bargaining levels differ from one context to another. According to the OECD (1994, p. 177), “there is no country where bargaining is exclusively conducted at one level; indeed, in some countries it occurs at all levels”. Kocer and Hayter (2011b, p. 42) note that “in some countries there is also vertical differentiation in respect of collective bargaining, that is, while most of the issues are determined at sectoral level, the way in which they will be implemented or interpreted is negotiated at enterprise or workplace level”. In certain instances, “while general work conditions are determined at national level by an open-ended tripartite bargaining agreement, wage determination is left for sectoral or enterprise level negotiations” (Koçer & Hayter, 2011a, p. 42). Germany operates a dual system of employment relations, with industry-level collective bargaining and establishment-level co-determination. This dual system has separated different spheres of negotiable aspects. Trade unions and employer organisations, which primarily function at an industry level, are tasked with handling issues like pay, working

hours, and working conditions. These organisations have the authority to demand industrial action on these matters. Conversely, work councils are permitted to have peaceful discussions with management at an individual establishment level, but they are not permitted to call for industrial action or engage in collective bargaining (Artus, 2016). In most countries, the level is determined by an independent body such as the NEDLAC in South Africa. The institutional framework of collective bargaining, which is divided into multi- and single-employer bargaining systems, must be discussed to be able to provide a broad picture of the landscape of collective bargaining.

“In ‘single-employer bargaining’, individual employers negotiate agreements at company or workplace level with labour unions or other worker representatives with legal rights such as work councils” (Doellgast & Benassi, 2014, p. 2). Japan and the United States are examples of nations with single-employer bargaining, but their coverage rates are generally lower than those nations with strong employer organisations and union federations, as well as higher levels of bargaining (OECD, 1994). According to a study conducted in Australia by Forsyth and McCrystal (2023), there are lots of high-profile disputes in Australia demonstrating the ability of employers’ refusal to engage in collective bargaining under the FW Act in the face of employee and union demands to negotiate. According to Forsyth and McCrystal (2023), these include the Australian Manufacturing Workers Union's and higher education sector in 2022, with several institutions refusing to enter talks initiated by the National Tertiary Education Union (NTEU). It is noted that, employers use all tactics, intimidation and intrusion to avoid negotiations.

Multi-employer bargaining enhances joint regulations and collective agreement extensions; however, it may limit the independence and self-governance of local unions and individual businesses (Visser et al., 2017). Doellgast (2014, p. 3) posits that “though multi-employer bargaining can establish minimum wage levels or overall wage increases at industry or national level, individual employers are free to negotiate supplementary agreements with unions and/or work councils at the company and establishment levels, allowing substantial pay individualization”. Summarily, for the purpose of gaining negotiating leverage and cutting expenses for the company, multi-employer bargaining is preferable for single-employer bargaining. This is supported by the OECD (1994, p. 177), “since in most countries there is a clear predominance of one specific level, with sectoral, multi-employer bargaining prevailing most often”. It creates a united front and affords inclusive and effective labour protection (Visser et al., 2017).

At a sectoral or national level, the most inclusive kind of bargaining is multi-employer collective bargaining (Visser et al., 2017) and tends to standardize wages and working conditions. In addition to helping employers, it is generally good for society and the economy. For instance, “labour legislation establishing ground rules for collective bargaining was in many cases initially promoted with the intent of ensuring stability and social peace” (OECD, 1994, p. 169). “It can facilitate certain kinds of economic restructuring through provisions for training and skill formation, where both market and government “failure” are likely impediments, and it may also standardize employment conditions, removing wages from

competition” (OECD, 1994, p. 167). Furthermore, strong bargaining partners' "autonomous" regulation of employment conditions can absolve governments of direct accountability in this area, enhancing the legitimacy of the political system (OECD, 1994). With multi-employer bargaining, bargaining agreements are applied to non-parties (Zvobgo, 2019). Multi-employer bargaining offers a “more inclusive labour protection for vulnerable categories of workers, those in non-standard forms of employment, and workers employed in small firms by establishing minimum standards for working conditions” (Visser et al., 2017, p. 7).

### **3.1 Degree of Coordination between Bargaining Levels**

The level of coordination between existing levels of bargaining is critical to avoid overlaps and encroaching on each other's territory. “Coordination refers to the extent to which the different levels are integrated to prevent them from mutually blocking their respective purposes” (OECD, 1994, p. 171). For instance, there must be measures to guarantee that macro-economic goals are upheld, say, at industry level, if negotiations at economy-wide level are to be successful (OECD, 1994). According to Recommendation No. 163, Paragraph 4, since there are various levels of collective bargaining, coordination is necessary amongst these levels. A variety of approaches can be used to coordinate bargaining, from casual talks to coordinating the wishes of multiple bargaining units to the formal centralization of collective bargaining at a federal level, which represents the maximum level of coordination (Visser et al., 2017).

According to the ILO (2015a), it is feasible for various collective agreements to have varying sectoral and geographical scopes within a given nation. This should be well coordinated so that the different levels do not overlap or overstep each other. “In situations where multiple agreements apply to the same group of workers such as when a national agreement exists alongside an industry or branch agreement and enterprise-level agreements, a hierarchy is frequently established where power of lower level agreements may be limited by higher level agreements, except in situations where the provisions of lower level agreements provide more favourable conditions for the workers” (ILO, 2015a, p. 68). Baccaro (2003) postulates that hierarchy and democracy are significant ways of bargaining level coordination. According to the ILO Flagship Report (2022), in most countries (91 countries) there is a hierarchy that applies the principle of favorability between national laws and collective agreements. “Where bargaining takes place at more than one level, the favourability principle provides the procedural means to order standards in agreements concluded at the various levels concerned, either by law (41 countries) or through collective agreements (8 countries)” (ILO Flagship Report, 2022:17).

The principle of favorability regarding the law states that standards set at lower levels, like collective agreements, cannot have an impact on “standards established at higher levels of the hierarchy of sources of labour law, like a nation's constitution or national laws” (ILO Flagship Report, 2022, p. 57). When the lower source contains more favourable standards for employees, it ought to come before the more authoritative source (ILO Flagship Report, 2022). As previously mentioned, coordination is crucial when extending collective bargaining agreements because it restricts the rights of non-parties, which may be further restricted in multi-employer negotiations. Visser et al. (2017) argue that multi-employer bargaining can

limit the independence and autonomy of individual businesses and local unions, but it also strengthens joint regulation and the expansion of bargaining agreements . To address the drawbacks of multi-employer bargaining, it is advisable to “combine sectoral and enterprise level bargaining in a multi-level bargaining system” (Visser et. al., 2017, p. 8). 71585977

Most countries use the favourability law without being explicit or aware that they are using it. According to the ILO Flagship Report, (2022) among the 125 nations examined, 91 either acknowledged the principle in plain sight or implied by general legal principles. “There are also countries where favourability, in relation to the law, is not regulated (for example, Botswana, China, Cuba, Cyprus, Ghana, Indonesia, Ireland, Japan, New Zealand, Nigeria, the Republic of Korea and the United Kingdom); however, the absence of the principle in legislation or in an agreement does not preclude its use in practice, including through judicial practice” (ILO Flagship Report, 2022, p. 57). Such coordination allows those at the lower level to have room to deviate from agreements reached by peak level organisations.

These could be cases that warrant derogations from the law. This could be through legislation that specifically states the circumstances in which this is permissible and/or the matters that can be derogated (ILO Flagship Report, 2022). This could relate to issues that are unique to a sector or an enterprise. This way “permits lower-level collective agreements to deviate from higher-level agreements through various adaptability clauses such as derogation clauses (12 countries) or hardship/ opt-out clauses (15 countries)” (ILO Flagship Report, 2022, p. 17). Adaptability clauses should be domesticated by nations and implemented according to the guidelines provided by the ILO’s labour standards.

There are three primary categories that can be used to categorise countries: “one with uncoordinated bargaining, one characterised by covert coordination and a third relying on overt co-ordination” (OECD, 1994, p. 174). First, uncoordinated bargaining tends to occur at enterprise level negotiations. This negotiation strategy is typical of “Canada, New Zealand (since 1991), the United States and, increasingly, the United Kingdom. In Switzerland, too, there is little bargaining co-ordination, although negotiations are primarily at sectoral level” (OECD, 1994, P. 174). Second, covert (indirect) bargaining co-ordination is common in Austria, Germany and Japan, where the majority of collective bargaining occurs at plant level (OECD, 1994). The last type comprises “overt forms of co-ordination, institutionalised as multi-tier systems of collective bargaining” (OECD, 1994, p. 176). The co-ordination is hierarchically ordered, where lower levels only feed or supplement the higher levels. This can also be classified into two-tier and three-tier systems, where the former comprises sectoral bargaining and tripartite negotiations.

“In practice, such agreements constitute guidelines rather than bind provisions, as some peak associations may allow sectoral adjustments to the central agreement or sectoral union affiliates may, without authoritisation from their confederation, deviate from the central agreement to attain better bargaining results” (OECD, 1994, p. 176). With a three-tier system, a hierarchical bargaining system is provided for in the law. “Economy-wide agreements are concluded by the peak associations in the National Labour Council, and subsequently provide a framework for sectoral agreements signed in the Joint Committees; these may in turn be further elaborated by



company agreements” (OECD, 1994, p. 178). Co-ordination among the three levels is such that agreements by peak organizations make binding provisions for lower levels.

#### 4. METHODOLOGY

Research methodology enhances the overall nature of academic investigations and is crucial for guaranteeing the validity, trustworthiness, and rigor of research findings (Creswell, 2014). According to Creswell (2007), research designs can be roughly divided into three categories: explanatory, descriptive, and exploratory. In explanatory study focuses on managing variables and identifying correlations between them, or cause-and-effect linkages to clarify causes that result in particular consequences (Yin, 2017). Since the goal of the current study was not to examine cause-and-effect relationships or provide an explanation for any causes that result in certain consequences, it did not adhere to an explanatory research design. The goal of the current study was to precisely comprehend the phenomenon while also providing a description of it. The current study examined the levels and coordination of collective bargaining levels in the public sector in Botswana. As a result, the study employed an exploratory-descriptive qualitative (EDQ) research design, which allowed the researcher to converse with the informants and elicit fresh perspectives while examining the phenomenon from an alternative angle.

Research philosophy and methodology are related, because our perceptions of reality influence how we define and obtain legitimate knowledge (Guba and Lincoln, 1994). Research technique makes use of a variety of alternative knowledge claims or philosophical presumptions. Diverse ontologies, epistemologies, and models of human nature are among these philosophical presumptions, which are likely to lead social scientists in diverse directions in terms of methodology. This can be based on objective and subjective ontology. The objective approach in epistemology raises the possibility that there is a universe outside of researchers and is theory-neutral (Eriksson & Kovalainen, 2015). It maintains that reality is a creation of the researcher's imagination and refutes the idea that objective truth is predetermined (Creswell, 2014). The study took a subjective stance known as interpretivism or constructionism, which holds that reality is socially created (Eriksson & Kovalainen, 2015). According to the researcher, reality is ambiguous and changeable, depending on the circumstances, the surrounding environment, and the individuals perceiving it. On the other hand, research approaches can be divided into three general categories: mixed, qualitative, and quantitative (Creswell, 2014). The quantitative method's emphasis on theory and hypothesis testing makes it deductive, clear-cut, and reliable. Conversely, a qualitative research strategy involves explaining the phenomenon using verbal qualitative data rather than numerical data (Myers, 2015).

The study employed a phenomenological research approach to comprehend the levels and coordination of collective bargaining in Botswana. The phenomenological approach was appropriate because it is possible to develop new interpretations and values that can reframe or even inform how one perceives reality (Laverly, 2003). The study was conducted in the public sector, as well as public sector trade unions in Gaborone. The study population included fifteen

(15) participants that were sampled from public service trade unions, the employer (DPSM), the MELSD, industrial court judges, and public service employees (shop stewards). There are plethora methods of qualitative sampling, such as heterogeneity sampling, modal instant sampling, convenience sampling, purposive or judgmental sampling, snowball sampling, and theoretical sampling (Etikan, 2017). The study used purposive sampling, which is also called judgemental sampling. According to Hunter et al. (2019), the best suitable sampling strategy for maximizing representativeness and choosing individuals with knowledge of and experience with the phenomena of interest is purposeful sampling. It is acknowledged by qualitative researchers that certain participants are 'richer' than others, and that these individuals are more likely to contribute novel insights to the study (Marshall, 1996b). Face-to-face semi-structured interviews were employed in the study to gather data. Semi-structured interviews were a good way to find out more about respondents' viewpoints on the relevant phenomenon for this study.

The present study employed the thematic approach of data analysis to examine participant data to address research objectives and inquiries. This required interpreting the shared viewpoints, beliefs, and experiences of the study participants. Braun and Clarke's (2006) six-step thematic analysis framework was utilised for data analysis. The process involves, getting acquainted with the data, create initial codes, searching for themes, going over the themes, themes, defining and naming and finally producing the report. To aid the whole process of content and thematic analysis, the researcher used ATLAS.ti. Unlike in the past, when data was analysed manually, using Qualitative Data Analysis (QDA) and CAQDAS have rendered qualitative data management to be much more user-friendly.

The study employed strategies to ensure quality research. Quality research in quantitative research is ensured through validity, reliability, generalisability and objectivity, while qualitative research ensures quality through the eight 'big-tent' (Tracy, 2010). According to Tracy (2010, p. 849), to ensure quality research, the following aspects should be factored into the research process:

- (a) Worthy topic;
- (b) Rich rigour;
- (c) Sincerity;
- (d) Credibility;
- (e) Resonance;
- (f) Significant contribution;
- (g) Ethics; and
- (h) Meaningful coherence.

Alternatively, Guba and Lincoln (1985) state that qualitative studies encompass trustworthiness, dependability, conformability and transferability, which are analogous to the quantitative terms, namely validity, reliability, and generalisability.

In terms of ensuring transparency, there was an audit trail to provide detailed documentation of all research decisions, challenges encountered, how the researcher's own biases threatened the research, and how this was addressed. Another strategy to ensure quality research in qualitative inquiry is *credibility*. This concerns trustworthiness, broad descriptions, and multivocality. The researcher ensured that the research is sufficiently descriptive, telling the reader a compelling story. The researcher collected ample data to obtain latent assumptions and meanings. Good qualitative research does not merely scratch the surface, but goes further to explore assumed, implicit issues, which are more often perceived to be common sense (Tracy, 2010). Trustworthiness was also safeguarded through multivocality, which included a variety of voices that are represented in the analysis and the qualitative report (Tracy, 2010). The researcher paid attention to data that was collected from all participants and made sure that they were all mirrored in the research findings.

There is also a concern about *transferability and naturalistic generalisation*, which is analogous to generalisability in quantitative research. Qualitative research emphasises transferability of knowledge to other contexts and situations, when the readers can relate the story to their own experiences and be able to apply the same principles to their own circumstances (Tracy, 2010). Transferability was guaranteed by providing broad meaning, transparency, multivocality and reflexivity when reporting the results. This helped to develop a rich, realistic, and compelling story that readers, especially employee relations stakeholders, can easily relate to, allowing them to make an informed judgment about the transferability of the research results.

*Dependability*, which is equivalent to reliability in quantitative research, involves consistency and replicability of the findings with similar subjects and under similar conditions, environments, or contexts, with similar results being obtained. Dependability is linked to the results' credibility and confirmability (Lincoln, 1985). Human behaviour is affected by the economic, political, and socio-economic environment. Therefore, human behaviour will change as the environment changes, making the stability of the results over time complex in qualitative research. Dependability is determined by triangulation (using multiple methods) in qualitative studies, and through member checking and by clarifying research bias through reflexivity and bracketing (Merriam, 1998).

Dependability was ensured through an inquiry audit, where others examined, explored, and questioned how the research was carried out to the end-product. (Creswell, 2003). Member checking involves the investigator verifying the precision of the results by asking the participants to review the final report to see if it captures their comments accurately (Creswell, 2003). To make auditing for dependability easy, the researcher provided a detailed and rich account of methods and strategies, as well as decisions that were made throughout the study. Member-checking was another strategy that was utilised to check the findings' accuracy. Indeed, participants in the study confirmed the accuracy of the findings.

The study followed all research protocols and ethical principles by engaging in the university's *ethical clearance* process. There was negotiated consent, where the researcher communicated the reason for the study, which was purely for academic purposes, and this assisted participants'

decision to participate in the study. Participants received information about their freedom to decline participation in the study at any time, the right to ask questions and/or to seek further clarity, if they so wished. During negotiated consent, the researcher clarified the significance and advantages of the research for the individuals and the community at large. The researcher then requested the participants to sign the consent form as a way of agreeing to the provisions of the research.

In terms of harm and risk, the study did not involve a vulnerable population, minors or children, prisoners, mentally challenged participants, or any other vulnerable groups. However, it involved trade unions, which are usually not considered vulnerable, but given the political nature of the research project, there was medium risk. The topic was a bit sensitive; hence, the researcher gave the research participants an explanation of the goal of the research and the importance of their participation. It was, however, observed that the discomfort was not beyond any normal level of inconvenience.

Complete transparency regarding the study facilitated participants' understanding of its purpose and gave them the freedom to choose whether to take part. The researcher explained to the participants that they were permitted to withdraw from or discontinue the interview without adverse consequences to them, should they feel uncomfortable and/or emotional at any stage during the interview. The participants were also advised that if the interviews caused them any emotional distress, they could seek counselling services at the Princess Marina Hospital Counselling Centre, free of charge.

Privacy and confidentiality were also upheld during the research process. Pienaar (2010) argues that although informed consent may mean that the participants waive their right to privacy by giving information voluntarily for public use, this does not mean giving up the right to privacy and anonymity. Participants were guaranteed of confidentiality and anonymity. To protect participants from victimisation, the researcher did not solicit their contacts, which was crucial so that the organisational gatekeepers would not know who participated in the study. To ensure participants' privacy and confidentiality, no identifying information was captured. Instead of names and any other identifying characteristics, the researcher used pseudonyms to protect the participants' identities.

## 5. FINDINGS

Participants were asked to comment on the extent of collective bargaining coverage in Botswana. This was posed to elicit participants' views, experiences, and opinions on the levels of collective bargaining that exist in Botswana and bargaining coordination between the existing levels.

### 5.1 Theme: No Clear Terms on Collective Bargaining

A theme emerged that there are no clear terms on collective bargaining, and two sub-themes emerged that, levels of bargaining are not clear and there is hierarchical bargaining coordination. However, participants indicated that it is not a complete form of hierarchical bargaining coordination, because there are no bargaining councils.

### 5.1.1 Sub-theme 1: Levels of bargaining not clear

Participants remarked on the procedure for bargaining at national level. They stated that bargaining at national level is referred to as policy level. In this regard, Participant 2 said:

*“At national level, that’s where we find federations. We call it policy level. It’s a tripartite platform for federations, government and business Botswana. We do not have something like NEDLAC, but we pushing to have a national level social dialogue structure”.*

Participant 2 stated that though there is no bargaining council at national level, there are platforms for negotiations at national level. He submitted:

*“At national level, we have tripartite bodies like the minimum wage board, the labour advisory board, and the main high level consultative committee chaired by the president”.*

Participant 10 opined that, ideally, there should be a platform like NEDLAC at national level. In this regard he stated:

*“No national bargaining like NEDLAC in South Africa. Federations are the ones consulted at national level. For example, at minimum wage board you will have BFTU, BOFEPUSO, Business Botswana and the government as the employer”.*

Participant 3 declared:

*“We have the minimum wage board at national level, because it is under the tripartite, of government as the regulator, Business Botswana as the employer, and BFTU and BOFEPUSO as labour centres”.*

It is apparent that the absence of a national bargaining council was felt more during the covid-19 pandemic. There was no council to decide on issues that affected both the private and public sector. In this regard, Participant 3 indicated:

*“There were issues that we cutting across all sectors/industries. When an employee was in isolation, it was not known whether that should be deemed as sick leave or not. Employers were of the view that its not sick leave but employees were saying they were told by medical practitioners to be in isolation. Issues that cut across all sectors should be discussed at national level in a Joint Industrial Council, because it is not specific to the public sector only, nor tourism nor mining, but to all sectors. We ended up having loose arrangements, whereby it’s a meeting of employers, ministry of employment and trade union federations”.*

Participant 6 supported the above views and remarked:

*“There was lot of social dialogue that needed to take place during the covid-19 crisis. Our labour laws did not have anything on how to deal with a crisis. They ended up using sub-HLCC to deal with issues of covid-19 to engage trade unions”.*

Participant 12 stated:

*“For national bargaining to effectively take place, there should be a national bargaining body similar to NEDLAC in South Africa. The PSBC, if resuscitated, only caters for the public service employees”.*

Participants also remarked that since Botswana has a unitary service, enterprise-level bargaining will apply mainly to parastatals.

In terms of this, Participant 2 posited:

*“Enterprise bargaining is mostly for parastatals. Most parastatals are represented by BOPEU. There are instances where parastatals want the same increment as public servants. This will now depend on the CLAs they signed as parties, like in terms of salaries, that whatever is given to government employees, should also apply to the parastatals”.*

Similarly, Participant 3 remarked:

*“We have a unitary public service. Enterprise bargaining will be confined to a specific company in each sector”.*

Participant 4 mentioned:

*“Enterprise bargaining is minimal, and it is usually for issues of allowances, etc. One would say enterprise level bargaining is there, but is not genuine. Parastatals are constrained by the ceiling put by government. Whatever happens at enterprise level, especially for parastatals, it is cosmetic bargaining, because the figure that the parastatal would have agreed on has a ceiling”.*

Participant 9 listed parastatals that the BOPEU represents and, which are affected by enterprise bargaining:

*“The Botswana Unified Revenue Services (BURS), Botswana Examination Council (BEC), Botswana University of Agriculture and Natural Resources (BUAN), Botswana International University of Science and Technology (BIUST), Botswana Accountancy College (BAC), Botswana Housing Corporation (BHC), Motor Vehicle Accident Fund (MVA), Botswana Institute for Technology Research and Innovation (BITRI), Botswana Vaccine Institute (BVI), Public Procurement & Asset Disposal Board (PPADB), ERB Engineering, Statistics Botswana (SB), Botswana Institute of Chartered Accountants (BICA), Botswana Bureau of Standards (BOPS), Human Resource Development Council (HRDC), and Local Enterprise Authority (LEA).*

Participants also demonstrated concern that there is only one level of bargaining, which is treated as the national bargaining level, when it is just one sector, namely the public service. They note that under the PSBC there could be sectorial councils.

Hence, Participant 3 postulated:

*“The challenge in our collective bargaining is that we seem to have only one level, which is between the DPSM and the 6 cooperating trade unions. If we were to have a bargaining council, we are endeavouring a situation whereby we will have the PSBC and then underneath the PSBC we will have a sectoral council, like for education. In this sense, what has been agreed upon at the level of education will be binding only to education but not binding to the PSBC”.*

Similarly, Participant 12 remarked:

*“The workers themselves would decide looking at the issues they have if they feel that those issues are best dealt with at sectoral level or national, they will indicate that to their unions”.*

The data generated from the research participants’ responses showed that national-level bargaining is referred to as policy level. It is a tripartite between the government, as the employer, trade union federations and Business Botswana. It was noted that there is no national bargaining council or joint industrial council at national level. They remarked that the only available bodies at national level are the Minimum Wage Board, the Labour Advisory Board and the Main High-Level Consultative Committee. Participants noted with concern that it became evident during the Covid-19 pandemic that there is no national council or platform where issues that cut across all industries can be discussed. The data generated from participants' responses demonstrates that enterprise bargaining occurs mostly within parastatals albeit with limitations on the part of government owing to the pay structure ceiling. The section below discusses how bargaining levels are coordinated.

### 5.1.2 Sub-theme 2: Hierarchical co-ordination

Seven of the participants commented on co-ordination between bargaining levels. Others stated that they are not aware of bargaining levels co-ordination. A few participants remarked that no clear demarcation exists between the bargaining levels. The reality is that what has been agreed upon at a higher level is binding on the lower levels, which occurs by default. The participants’ views in this respect are presented in Table 5.6 below.

**Table 1: Participants’ responses on co-ordination between bargaining levels**

Participant	Response
Participant 1	<i>“The top levels will bind all the levels underneath. But you cannot have a situation where the level underneath binds the upper level”.</i>
Participant 10	<i>“Whatever is said at bottom level should align with what was said at national level”.</i>
Participant 8	<i>“What is agreed at national level trickles down to the sector, then the enterprise”.</i>
Participant 9	<i>“All levels are equal. Negotiations become conditions of employment. If it happens that national negotiations clash with sectoral negotiations, affected trade unions can show their grievance through the commissioner of labour to intervene”.</i>
Participant 12	<i>“The coordination is hierarchical in the sense that if an agreement is made at national level, it would be difficult to deviate from that agreement at lower levels”.</i>

Source: Author’s fieldwork

Participants seemed to perceive that there is hierarchical or top-down coordination between the bargaining levels. It is top-down since whatever is agreed upon at national level is binding upon the lower levels. However, it was observed that there are no rules or procedures for coordination of the bargaining levels. This may be owing to the fact that there are no bargaining councils.

## 6. DISCUSSION OF FINDINGS

This section provides discussion of the findings of the study. It states the theme that emerged with regards to the extent of collective bargaining in the public sector in Botswana. The discussion of findings makes reference to theory and extant literature to answer the objective of the study.

### 6.1 Levels of Bargaining not clear

The findings of the current study revealed that there are no clear lines of bargaining levels for public service. Ideally, collective bargaining should happen at different levels, and parties should decide the best level suitable for bargaining. The ILO recommends collective bargaining to be at the lowest level possible. ILO Committee of Experts caution against legislation that makes it mandatory to bargain at levels higher than the enterprise level (ILO, 2012). This was also noted by Participant 3 who remarked that:

*“It is advisable to have collective bargaining at all levels. Even ILO best practice recommends the same so that employees participate at all levels”.*

This is well supported by ILO Recommendation No. 163, which states that “collective bargaining should be possible at any level, the enterprise, the branch of activity, the industry, or the regional or national levels”.

The current study's findings revealed that there is no bargaining council at national level. The current arrangement at national level is that, there are bodies like, the minimum wage board, labour advisory board, the Main high-level consultative committee chaired by the President, and it is referred to as the policy level. The above was noted by Participant 2, who remarked that:

*“At national level, that’s where we find Federations. We call it policy level. It’s a tripartite platform for federations, government and Business Botswana.....”.*

On a similar vein, Participant 6 remarked:

*“There are sectoral/ministerial high level consultative committees, but still at national level), for example sectoral High level Consultative Committee for Ministry of Labour, Agriculture etc”.*

There is also Botswana’s National Employment Manpower and Income Commission (NEMIC), which has closest resemblance to NEDLAC. According to Fashoyin (1998, p. 37), negotiations at this level, “deals with general policy issues and do not produce the traditional collective agreement”. The present study found that the players or parties at this level are the



government as the regulator, Business Botswana as the employer and Federations (BFTU and BOFEPUSO) as labour centres. Due to a unitary public service, and corporatism tendencies, Botswana has tendencies to produce collective labour agreements at the national level. This finding is consistent with Fashoyin (1998) that Botswana is one of the few exceptions where consultations at national level determines some employment issues, such as the minimum wage. Given a unitary state and unilateralism tendencies by the government as the employer, this finding will imply that Botswana public service bargaining will be highly centralised. This result is in tandem with Doellgast & Benassi (2014, p. 3) who observed that in such instances of centralised bargaining, “national agreements are the dominant form for regulating terms and conditions of employment”.

This is also consistent with OECD (1994, p. 168) that in “countries with a tradition of ‘corporatism’, trade union confederations often negotiate national wage agreements with central employer organisations and sometimes enter into additional agreements with governments establishing wage or incomes policy guidelines”. Ideally bodies at national level should be responsible for laying the framework for collective bargaining as opposed to producing collective labour agreements. The details of employment conditions should be negotiated at lower level, i.e., decentralised bargaining. This is supported by Organization for Economic Cooperation and Development (OECD) (1994) report that there has been an increased move towards collective bargaining at the plant level.

It has become apparent that there is no bargaining council at national level. Botswana public service does not have a forum like NEDLAC which obtains in South Africa. A National Bargaining Council is important so that cross cutting issues are deliberated at national level as opposed to Joint Industry Councils. Participants remarked on anomalies noted during covid-19, especially on isolation issues. This was an issue which affected all sectors, from public, private, mining, hospitality, tourism, education, etc. In such circumstances there should be a national bargaining council, to negotiate and standardise employment conditions that are cross-cutting. In line with the above, Participant 3 observed that:

*“During the Covid-19 pandemic, we ended up having loose arrangement whereby it’s a meeting of employers, ministry of employment and trade union federations”.*

According to OECD (1994), bargaining can occur at all levels, and parties should decide on the best level of bargaining. Participants remarked that enterprise bargaining is minimal and it is primarily cosmetic. This is because Botswana has unitary public service, and the salary scale for executive positions for parastatals are tied to the ones in public service. This means that negotiations for parastatals are constrained by the ceiling put by the government.

The current study's findings demonstrate that, though with a single employer, Botswana's public service has traits of a multiple-employer bargaining structure. This is because multiple trade unions negotiate employment conditions with the government as the employer, while the DPSM acts on behalf of the government as the employer. According to Doellgast & Benassi (2014, p. 3), “these agreements cover the workforce in a particular industry or a range of sectors at the national level”.

Multi-employer bargaining is preferred over single-employer bargaining because it is the most inclusive kind of bargaining and tends to standardize wages and working conditions (Visser et al., 2017). It is praised for standardising wages and working conditions and is generally beneficial for the overall economy and society (OECD, 1994). This is because bargaining agreements are applied to non-parties (Zvobgo, 2019) and this also offers protection to for vulnerable categories of workers (Visser et al., 2017). Visser et al. (2017) argue that though multi-employer bargaining can limit the independence and autonomy of individual businesses and local unions, but it also strengthens joint regulation and the expansion of bargaining agreements. Hence, to address the drawbacks of multi-employer bargaining, it is advisable to “combine sectoral and enterprise level bargaining in a multi-level.

## 6.2 Hierarchical Bargaining Coordination

The current study’s findings revealed that all levels are equal. In other words, what has been agreed at one level becomes a condition of employment. Some participants remarked that what has been agreed at national level trickle down to lower levels of bargaining. This arrangement enjoy the support of the PSA, Section 55 (2) that: “*The decisions of a sectoral bargaining sector shall not be binding on the Council, but the decisions of the Council shall bind the sectoral bargaining councils*”. The current study's findings demonstrate that coordination between bargaining levels in the public service is hierarchical. As noted earlier, the three primary categories of bargaining coordination are, uncoordinated bargaining, covert coordination and overt co-ordination” (OECD, 1994).

The overt forms of co-ordination, institutionalised as multi-tier systems of collective bargaining” (OECD, 1994, p. 176) and the co-ordination is hierarchically ordered, where lower levels only feed or supplement the higher levels. Therefore Botswana public service has features of overt form of bargaining coordination, where “economy-wide agreements are concluded by the peak associations in the National Labour Council, and subsequently provide a framework for sectoral agreements signed in the Joint Committees; these may in turn be further elaborated by company agreements” (OECD, 1994, p. 178). Hierarchical coordination is supported by Baccaro (2003), who argued that hierarchy and democracy are significant ways of bargaining level coordination.

This is also supported by ILO (2015a, p. 67) that “where multiple agreements apply to the same group of workers, such as when a national agreement exists alongside an industry or branch agreement, and enterprise-level agreements, a hierarchy is frequently established where power of lower level agreements may be limited by higher level agreements, except in situations where the provisions of lower level agreements provide more favourable conditions for the workers”. This is also supported by the favourability principle.

Coordination of collective bargaining levels could also be through invoking favourability principle and derogation aspect. According to ILO Flagship Report (2022, p. 43), in most countries, (91 countries) there is “hierarchy between national laws and collective agreements, and they apply the favourability principle”. Most countries use the favourability law without being explicit or aware that they are using it. It may be possible that, Botswana may be one

such country that uses favourability law without being explicit, because when the Public Service Act of 2008, merged the previous Acts, it observed this principle. A good example is when the manual workers negotiated salary adjustments for A salary scale, which was extended to all workers on A scale. This was doable because, according to Participant 9:

*“ .....it is not providing anything less than the existing”.*

To clarify further on favorability principle Participant 9 gave an example:

*“For example, issue of housing allowance its already condition of employment for some of our members. So, you can only better it, not take it away. Just because someone reviewed it at national level, they can't revoke at sectoral level, because that sector, may have unique needs that makes it rightful for them to have let's say housing allowance”.*

If there is a national agreement, the favourability principle helps protect what was agreed at a lower level. This is because when agreed it becomes a condition of employment, it can only be changed when the employer brings something more favourable. The employer can only better or improve condition of employment than to take it away. According to ILO Flagship Report (2022:17) favorability principle is helpful in the sense that, “where bargaining takes place at more than one level, it provides the procedural means to order standards in agreements concluded at the various levels concerned”. The signed collective labour agreements also protect the rights of the parties. The right/privileges of the employees cannot be revoked due to changes made at a higher level or national level. If it so happens, the aggrieved party can make a counter proposal to the commissioner of labour or PSBC, arguing a case for unilateral variation of a condition of employment.

As noted by ILO Flagship Report (2022), indeed most countries are not explicit about favourability principle and Botswana is once such exception. However, the absence of the legislation on favorability principle does not imply that it is not used in Botswana. Since the public sector has one employer, the parties must note issues of favorability principle, adaptability clause for derogation and opt-out clauses. The public sector is made up of diverse trades and cannot be lumped as one with similar traits. Though not documented, the current study's findings revealed that, Botswana's public service uses favorability principle.

According to ILO Flagship Report (2022, p. 57), of the “125 countries studied, 91 either explicitly acknowledge the principle or imply its validity through general law principles”. If the agreement is concluded with different parties, they must take the most favourable. “According to the principle of favorability in relation to the law, standards established at higher levels of the hierarchy of sources of labour law, such as a country's constitution or national laws, cannot be affected by those set at lower levels, such as collective agreements” (ILO Flagship Report, 2022, p. 57).

When the lower source contains more favourable standards for workers, it should have priority over the higher source (ILO Flagship Report, 2022). In such a case, the upper level, may be used as a floor regulation upon which other plays should rely on (ILO Flagship Report, 2022).

Apart from the favourability principle, there are cases where the law provides derogations from the law. This arrangement permits “lower-level collective agreements to deviate from or modify norms established in higher-level agreements” (ILO Flagship Report, 2022, p. 58). This principle could be applied in unique sectors like Education, by trade unions such as BOSETU, Doctors Union and BONU for nurses. The legislation should explicitly provide conditions and issues that can be subjected to derogation. This helps in reducing litigations as parties will know their rights and boundaries. Derogation provisions are allowed in countries such as “Argentina, Australia, Austria, Brazil, Estonia, Finland, Germany, Hungary, Japan, the Netherlands, Slovenia, and South Africa”, derogation provisions are permitted, and the law provides circumstances under which they can be used (ILO Flagship Report, 2022, p. 58). Derogation is not meant to be used arbitrarily but to protect certain jobs, and as such should be used in a reasonable manner.

## 7. CONCLUSION

This article examined bargaining levels and coordination for collective bargaining in the public service in Botswana. To understand levels and coordination better the article explored how single and multi-employer bargaining relates to bargaining levels and coordination. It was evident that sectoral bargaining versus enterprise bargaining may take place individually or simultaneously, depending on the issues involved. Sectoral bargaining typically demonstrates a concern for coordination, as well as a sign of union strength, whereas enterprise level bargaining aims to reach agreements that meet their specific requirements (Koçer & Hayter, 2011b).

The current study’s findings revealed that the public service in Botswana does not have pre-established criteria bargaining levels, coordination, favourability principle and derogation. It is recommended that decisions concerning all the above should be pre-established to avoid possibility of arbitrary abuse. Legislation should specifically state the circumstances in which this is permissible and/or the matters that can be derogated (ILO Flagship Report, 2022). Bargaining level coordination ensure that levels and bargaining unit are integrated to harmonise the public service. Once bargaining councils are established, the statutes should provide for coordination procedures, favourability principle and derogation from the law to ensure that bargaining levels and units are well harmonized. Baccaro (2003) noted that that hierarchy and democracy are significant ways of bargaining level coordination.

The study recommends that collective bargaining should happen at the lowest level possible. The general trend in collective bargaining structure has been towards decentralising collective bargaining. Parties should attempt to decentralise bargaining arrangements. There is need to shift from higher to lower levels of bargaining. Though it may be a challenge for Botswana’s public service due to a unitary public service, it is highly recommended that the public sector has sub-sectors within the public service so that different sectors may have control over their employment. Decentralisation of collective bargaining can be encouraged and promoted through the sub-sectoral councils within the PSBC. There is a need to establish bargaining councils at all bargaining levels.

There is a need for collective representation and bargaining at all levels to build a strong foundation for constructive negotiations. To have sound collective bargaining, there is a need for proper structures in place. Parties should consider establishing national, sectoral, and enterprise bargaining councils. This will allow proper coordination of collective bargaining. Bargaining councils should be established for the different industries that exist in the public sector. This will create clear lines of collective bargaining coverage and extension mechanisms.

Though the study was comprehensive, it is important to appreciate the limitations of the study. In qualitative inquiry, the researcher is at the center of data collecting; hence, there could be the risk of researcher's bias. This can affect the quality of research work. Creswell (2014) argued that the limitations in qualitative inquiry can be minimised through reflexivity and bracketing. The researcher reduced the risk by setting aside prior experiences, and emotions when transcribing the data collected. An effort was made to conduct the study in a manner that does not reflect researchers' opinions and views. The focus was on understanding the world from the subjective understandings of the participants. Another limitation is that participants were selected through purposeful sampling, which is prone to some level of bias. To minimise this bias, I came up with a criterion to select three senior participants from each selected organisation. The participants were not familiar or close to the research in anyway, but rather information rich participants. This is supported by Creswell (2003) believe that the objective of qualitative research is to deliberately choose well informed participants, to make meaningful input to a study. Having stated the limitations of the study, the next section elucidates on contributions of the current study. Future research could utilise mixed methods to tap on advantages of both qualitative and quantitative methods.

The study has made an immense contribution to literature on collective bargaining in Botswana. Collective bargaining is a new phenomenon in Botswana, and little has been documented about it in Botswana. The current study has provided well-packaged information on groups of workers with bargaining rights and groups of workers that belongs to the current public service bargaining unit. This study came at the right, because public service has been marred with disputes on bargaining unit and bargaining rights. This was also exacerbated due to paucity of literature on collective bargaining coverage and extension mechanisms. This addition to the body of information on collective bargaining is, in fact, unique.

The contributions are informative to bargaining parties, policy makers and the courts on collective bargaining coverage and application of extension mechanisms. Of note is that collective bargaining agreements are applied to non-parties by default, hence, there is a need to formalise these extensions, such that the employer will stop acting on non-parties, while negotiations are on-going. This will go a long way to inform public policy and avoid arbitrary action by the government. To the best of my understanding, this could be the initial research on collective bargaining coverage, extension mechanism, and levels of bargaining in Botswana. These are significant contributions, as the study has made suggestions on how parties can take note of these important aspects of collective bargaining.

The current study also made methodological contribution to collective bargaining as it applies in the Botswana context. Studies on collective bargaining are mainly carried out in developed countries, which have different contexts from developing countries. This qualitative inquiry has tried to comprehend the world through the lived practices of participants in Botswana and the meaning that they attach as the situation unfolds in Botswana (Denzin & Lincoln, 2003). Using a phenomenological strategy, the study has unearthed the challenges and prospects of collective bargaining in Botswana, through the lived experiences, opinions, and knowledge of people in Botswana. This is important because people are wired differently, hence, the lived experiences of people outside Botswana, may not best explain the challenges of collective bargaining in Botswana. In addition, studies about collective bargaining in developed nations may not reflect collective bargaining in developing countries such as Botswana. Hence, a phenomenological research strategy has helped to explore collective bargaining in the context of actual life (Yin, 2017). Through the use of phenomenological research strategy in this study, deep meanings, information, and perceptions have been developed and shared to inform and even re-orient how one understands the phenomenon (Laverty, 2003).

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