

**SOCIAL WORKERS PERCEPTIONS ON
UNIONISATION AND COLLECTIVE
BARGAINING: AN EXPLORATORY STUDY OF
THE CENTRAL REGION OF THE EASTERN CAPE.**

THESIS

**SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE
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BY

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(i)

ABSTRACT

This study explores primarily the views of social workers in the Central region of the Eastern Cape on unionisation and collective bargaining, and at a secondary level the views of their employers and of the trade unions organising social workers, regarding social workers' involvement and non-involvement in these processes. It examines the paradox of compatibility of professionalism and unionism. There are two schools of thought regarding compatibility of professionalism and unionisation one views these concepts as antagonistic whilst the other views these concepts as complementary.

Some social workers have been reluctant to participate in trade unions in the past until recently. Reasons advanced for their recent accelerated involvement in trade unions are explored in this study. Social workers views on the Labour Relations Act 66 of 1995 as the source of the legal framework, within which trade unions and employers interact, through the process of collective bargaining are explored. Proposed alternative mechanisms to these processes as perceived by social workers are closely examined. Semi-structured, self administered questionnaires were distributed to social workers whilst semi-structured interviews were conducted with employer representatives and trade union officials. This helped the researcher to have a broader view of the situation. Findings point to a scenario of disunity of both employers and employees in the social work profession.

The study is a pioneering effort in the Central region and sets a way forward for further exploration of this subject. It is hoped that this study will make a worthwhile contribution to the social work profession's industrial relations field.

(ii)

DEDICATION

This thesis is dedicated to the late **DORIS NOSHEYI DYAKALA (my mother)** whom I will always remember for her contribution to my life.

I MISS YOU MOM

(iii)

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(iv)

DECLARATION

I hereby declare that this thesis is my own unaided work and that any assistance obtained has been fully acknowledged in the text. No part of this dissertation has been previously submitted to any other University.

TUMEKA DYAKALA

25 November 1999

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CHAPTER 1

GENERAL INTRODUCTION OF THE STUDY

1. INTRODUCTION

This study explores social workers' perceptions of unionisation and collective bargaining in the Central Region of the Eastern Cape.

For the past decade, in South Africa, social workers have experienced fragmented service conditions depending on where they were employed. Some social workers were subjected to demotivating and deplorable service conditions in the sense that they were earning lower salaries than other social workers with similar qualifications, yet some were working for the same employer. Attempts to improve this scenario by way of engaging trade unions as a vehicle for improvement of service conditions have been remarkably minimal, in the sense that there is currently no social work union in South Africa at this stage, which seems to reflect a certain level of lack of working class solidarity amongst social workers as an occupational class.

Perhaps the perception that unions are unprofessional, which professionals in general and social workers in particular have held over the years, is the major reason why social workers' participation in formal unions has traditionally been minimal.

Alexander (1980:480) states that:

The perception of unionisation as "unprofessional" is a commonly held though untested assertion. The related view that unionisation and professionalisation are inherently antagonistic and mutually exclusive is problematic, because it fails to account for the slow yet steady rate since the 1930's of unionisation of professional workers of all types, including social workers, psychologists, lawyers, engineers, occupational therapists, and college professors.

The former part of the above statement seems relevant to the South African social work community where participation of social workers in formal unions has

traditionally been minimal until recently; the central region has seen a scoop affiliation by social workers to trade unions like National Education Health and Allied Workers Union (hereinafter called NEHAWU), South African Public Servants Association (SAPSA) and so on in the 1997/8 period, which indicates a change of events given the history of social work trade unionism in this region. The study serves as a formal attempt to explore reasons why social workers have not been inclined towards collective bargaining or under what conditions they would consider such participation.

1.2 REASONS FOR THE CHOICE OF RESEARCH SUBJECT

The researcher suggests that it is important for a profession to develop a formal understanding of how professionals perceive unionisation, in the context of their own perceptions of the role and function of collective bargaining as a professional sector. The question centres on understanding why social workers (unlike teachers or nurses) have not made use of unionisation and collective bargaining whilst in other countries, like America and Britain they have. In these countries social work unionism appears to be advanced to the extent that social work unions are recognised as string pressure groups for example, the American Federation of State, Country and Municipal Employees; Service Employees; International Union; National Union of Hospital and Health Care Employees in America, and National Local Government Organisation in Britain (Alexander, 1980:480).

From the outset it must be stated that the bias of the researcher is towards the belief that lack of involvement of social workers in collective bargaining processes is partly responsible for poor working conditions which this occupational class generally experiences. What is not clear is whether this perception is shared, and whether or not social workers believe that collective bargaining is a labour relations mechanism that would in the first instance benefit the profession, and in the second instance, be compatible with the way in which the profession defines itself. The study explores how widely the sentiment in social work profession that "unions are unprofessional."

It also looks at whether unions are perceived by social workers as compatible with professionalism in the manner currently defined by practitioners.

In an attempt to qualify the compatibility of unionism and professionalism, the study looks at useful dimensions on which to compare as ideal types, the two organisation forms namely: the unions and the professional associations; their patterns of membership, overall philosophy, and tactics. The study also examines the conditions under which these two processes are viewed as incompatible, and those under which they are seen to be complementary and thus reinforcing.

Whilst popular opinion offers various explanations for the attitudes social workers have had towards unions, there has not been any formal study that explores why social workers have not participated in union driven collective bargaining or under what conditions would they consider such participation. The study therefore serves as a pioneering research effort to explore hitherto unexplored phenomena.

1.3 DEFINITION OF TERMS

The concepts; social workers unions and collective bargaining are all used differently by different interest groups. For the purposes of this study, the uses adopted by the researcher are listed below.

The **researcher defines the "social worker"** as:

... any person who obtained a social work qualification from a college, technikon or university, and is currently registered with the South African Interim Council for Social Work (SAICSW), and is practising as a professional social worker in the field. The definition excludes auxiliary social workers, and people who are social work graduates yet working in non-related fields.

Bendix in Salamon (1992) defined **collective bargaining** as:

"a method of determining terms and conditions of employment which utilises the process of negotiation and agreement between representatives of management and employees" (Salamon, 1992:309).

Unionisation is viewed by the researcher as a process of subscribing to the union idea by joining or participating in union activities.

By "**perceptions**" the researcher means views and opinions of social workers about the subject of unionisation and collective bargaining.

1.4 **RESEARCH GOALS**

The goals of this study were

- * to investigate social workers' perceptions on the subject of unionisation and collective bargaining.
- * to explore social workers' perceptions of compatibility and incompatibility of unionism and professionalism.

1.5 **OBJECTIVES OF THE RESEARCH**

The objectives of the study are to:

- investigate reasons social workers offer for their involvement and non-involvement in trade unions;
- investigate social workers' views on collective bargaining through unions as a strategy for managing employment conditions;
- investigate what social workers understand to be the major reasons as to why a process of unionisation has not taken place on a large scale in their profession;
- explore what social workers perceive to be appropriate and effective means of negotiating for better working conditions;

- explore their understanding of "professionalism" as it affects their profession or employment and unionisation;
- determine employers views on social workers involvement and non-involvement in trade unions;
- explore trade unions' views on participation of social workers in unions;

1.6 SITUATION IN SOUTH AFRICA AND THE EASTERN CAPE

The fact that there is no registered social work union in South Africa coupled with a history of fragmentation between professional associations, often along racial lines, are an indication of lack of unity amongst social workers as an occupational sector which seems to suggest the level at which the social work profession is at the moment. This in a sense is indicative of a legacy of the apartheid era from which the profession is emerging. All registered social workers have been registered with the South African Interim Council for Social Worker since 1996, when the old Social Workers Act no. 110 of 1978 was repealed. South African Interim Council for Social Work (SAICSW) is a statutory body which is not legally empowered to engage in collective bargaining on behalf of social work professionals.

However, the new Social Work Bill seems to make provision for a recommendation to be made by SAICSW Council to the Minister for better service conditions for social workers, without replacing collective bargaining processes.

Social workers in South Africa today are employed in the sectors listed below and each sector has a different method of regulating conditions of service.

1. The Public Service or Government which has a Public Service Staff Code, and Personnel Administrative Standards (PAS) documents containing conditions of service of all occupational classes in the public service including social workers attached as appendices. These are reviewed from time to time.

2. Private Welfare organisations which have their own human resources policy documents covering all their employees, including social workers. In many instances these organisations receive a government subsidy of what used to amount to 75 percent of social work salary costs for approved posts and a contribution towards running costs. This was last adjusted in 1993 and is under review with an envisaged shift from post to welfare programme funding. The post subsidy system means that depending on the individual organisations' financial position, social workers conditions of service vary from organisation to organisation; for example at entry level, a social worker at the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) in East London would receive R26.076 p.a. while the reconstituted rehabilitation organisation (referred to as REHAB) paid less than R25 000 p.a. in 1996 according to the records obtained from these organisations. This has of course been reviewed due to the move by government to match the public service social workers' salaries with those of private welfare organisations for example a new social worker earned R40 836 p.a. in both private welfare organisations and government in 1997. Recently in 1998, organisations like REHAB have had to retrench staff as they could not afford to pay their salaries because of government subsidy cuts especially because government has subsequently revised social workers salary scales with effect from July 1997 to R44 000+ at entry level (PAS, 1997:4).

3. Private sector employers which have varied human resources policy documents containing conditions of service for their employees including social workers for example mines, industries, universities and so on. Again, depending on the nature of the organisation, salary packages and other fringe benefits differ widely.

There have been a number of pieces of legislation governing the conditions of employment of social workers but the ones with the most impact would have been the Public Service Labour Relations Act 103 of 1994 and Labour Relations Act 28 of 1956, as amended by Act 83 of 1988 which applied to all other South African workers. These acts would have resulted in social workers receiving different levels

of protection pending on where they were employed. The Labour Relations Act 66 of 1996, provides for collective bargaining through the bargaining chamber and attempts to rationalise fragmented approaches to collective bargaining and has changed the legal scenario operating for social workers and other employees. This Act, providing in Section 27 for the registration of employee and employer organisations with the Central Bargaining Chamber, has irrevocably changed the role and function of collective bargaining mechanisms in resolving conditions of service and labour disputes (Government Gazette No. 17427:2).

The Labour Relations Act 66 of 1995 is currently being amended by Act 42 of 1996 which has not been passed but it appears that collective bargaining is a mechanism being made more and more available for all occupational groups. Until recently these provisions have not changed, in significant ways, the involvement of social workers in unions. Approximately 100 plus social workers in the Central region of the Eastern Cape are members of the National Education Health and Allied Workers Union (NEHAWU), South African Public Servants Association (SAPSA), Public Servants Association (PSA), Police Prisons and Civil Rights Union (POPCRU), Hospital Personnel Trade Union of South African (HOSPERSA), Public Service League (PSL) and other unions but many attempts to establish a social work union have failed, for example, the Progressive Social Workers Union (PROSWU), which was originally launched as the Border Progressive Social Workers Union (BOPSWU) in 1994 in the Eastern Cape, did not register with the Bargaining Chamber, until it was dissolved in 1997. Of the 20 unions organising the public service and registered with the Central Bargaining Chamber in 1996, very few listed social workers as an occupational class they present e.g. the unions in the Bargaining Chamber, included the unions mentioned above. There are also numerous other unions organising the private sector that might have social workers as members, for example, National Union of Metal Workers of South Africa (NUMSA) for the metal industry the National Union of Mine workers Union (NUM) organising in the mining industry. Again, however, none of these, as well focus on social workers as a specific area of concern.

1.7 RESEARCH DESIGN AND METHODOLOGY

The study is exploratory and descriptive, as it merely explores phenomena and does not necessarily seek to provide theoretical explanation or relationship between variables. It therefore seeks to describe what is happening in the social work industrial relations field rather than why is it happening (Bailey, 1987:38).

The study was guided by three basic assumptions namely that:

- * **social workers, as an occupational class do not bargain collectively** although some are involved in collective bargaining as members of wider organisations;
- * **collective bargaining has the potential to improve service conditions** of social workers;
- * **occupational groups not involved in collective bargaining are at a disadvantage** in terms of their ability to access appropriate remuneration.

The study was conducted in the Central region of the Eastern Cape and was limited to social workers in the public service and in private welfare organisations. The population from which the sample was drawn was a list of registered social workers practising in the Central region of the Eastern Cape, obtained from the Interim Council for Social Workers and the Information System section of the Provincial Department of Welfare. This, however, has limitations for the generalisability of the study but for an exploratory study this is not considered inappropriate. An initial pilot study was undertaken with 10 social workers in the Central region (randomly drawn) who were interviewed to provide context and serve as guidelines for the questionnaire.

A sample of 100 social workers (50 in each of the two employee sectors) was drawn using a stratified random sampling method which means separating the population into non overlapping groups called strata and then selecting a simple random representative samples from within each stratum (Bailey, 1987:90; Rubin and Babbie, 1989:217).

Self-administered questionnaires (based on information gained in the pilot study) were hand delivered to all members of the sample and were collected by the researcher to improve the response rate. Because of the cost associated with this form of distribution, the study focused on the Central region as a cluster of the Eastern Cape. While this has implications for generalisability it was deemed necessary because of the low response rate associated with the alternative, namely, mailed questionnaires.

On the other hand the researcher randomly selected employer organisations or their representatives in the region and undertook a similar process with them. At least 6 organisations were part of this sample. The third aspect of this inquiry was directed towards social work associations and trade unions operating in the region. For the employer representative interviews focused on the attitudes of the employers towards social workers' participation in unions, whilst for trade unions the focus was on the experiences of trade union officials in attempting to collectively represent social workers. Such a process was intended to obtain a relatively comprehensive understanding of the attitudes to collective bargaining in this region. The semi-structured questionnaires were structured into broad sections which covered data needed to answer research questions. The items covered in these sections were ordered in sequence to allow for logical classification and tabulation of data later, as well as permitting easy responses. Interviews were tape recorded and transcribed, the analysis looked at general trends.

The use of a pilot study and also careful literature review prior to the implementation of the research tools was an attempt by the researcher to address some of the issues around reliability and validity.

1.8 SCOPE AND LIMITATIONS OF THE RESEARCH

The findings may not be generalisable as the geographical area covered is small and the Eastern Cape differs markedly from other regions. However, considering the fact that the nature of the study was exploratory, this was not considered inappropriate. The questionnaire was characterised by flaws ranging from being "too lengthy", to complicated technical language used, which some respondents found difficult to content with. In fact the 50% response rate could be attributed partly to the allegation raised by some respondents that the questionnaire was "too complicated and long." The researcher suspects it might have also insulted the intelligence of some members of the sample to an extent that some respondents might have felt they rather not expose their unfamiliarity with the issues raised. The questionnaire was postcoded hence it took much time to analyse.

The study does not offer theoretical explanations for certain concepts relating to collective bargaining but has obviously unravelled a body of knowledge, which seems to be very limited in social work research and literature in South Africa, for further research. Combination of interviews and the questionnaire could have improved the response rate as other subjects preferred to have the researcher present so that they could get an explanation to "sophisticated questions."

1.9 PROBLEMS EXPERIENCED WITH THE RESEARCH

- * The first obstacle the researcher encountered was obtaining appropriate information from relevant sources located in different provinces (e.g. government officials and trade union officials).

- * The researcher struggled to obtain South African literature offering a social work perspective on the subject under investigation.
- * Inaccurate information obtained from the South African Interim Council for Social Work (SAICSW) and Provincial National Information System for Welfare (NISWEL) about social workers addresses in the sense that it did not reflect movements of social workers through relocation or death.
- * The lists obtained from the above named sources also did not classify private practitioners, public service social workers and those working in the private welfare organisations.

1.10 ETHICAL CONSIDERATIONS

The researcher had to respect the respondents right to privacy and respect in the sense that they were not compelled to respond to the questionnaire. Those who did not wish to participate were simply accorded that right without questioning. The researcher also assured respondents of anonymity as they were specifically instructed not to give their names on the questionnaire.

1.11 ORGANISATION OF THE RESEARCH

As has already been outlined the study focused on the perceptions of social workers but also offered their employers' views and those of their respective employee organisations.

Chapter 1 is an introduction and layout of the study.

Chapter 2, 3 and 4 constitutes literature review, with Chapter 2 briefly giving an overview of historical developments of trade unionism in general and in particular in

the social work field, both in South Africa and the Eastern cape, as well as the role of trade unions.

Chapter 3 looks at professionalism and unionism as related concepts and a critical and comparative overview is given with particular emphasis being laid on both conditions under which they are compatible and those under which they are antagonistic.

Chapter 4 gives a broad overview of legal framework of collective bargaining as a labour relations strategy for managing work conditions. It reflects on collective bargaining as a legally sanctioned process, role players involved, its function and the potential it has for improving service conditions.

Chapter 5 is a detailed account of methodology starting from research design, sampling procedure, and data collection techniques.

Chapter 6 presents findings, analysis and interpretation of data gathered.

Chapter 7 draws conclusions and makes recommendations based on findings for further research.

CHAPTER 2

LITERATURE REVIEW

2. HISTORY OF UNIONISM IN SOUTH AFRICA AND THE SOCIAL WORK PROFESSION

2.1 INTRODUCTION

The aim of this chapter is to give a historical overview of the development of trade unionism in South Africa especially as it relates to the Social Work profession. This is not intended to be a detailed account of trade unionism in South Africa but rather focuses on social workers and reflects involvement of social workers in trade unions.

2.2 BRIEF HISTORICAL DEVELOPMENT OF TRADE UNIONISM

The history of trade unionism cannot be isolated from broader industrial relations as it forms a part of industrial relations which takes the shape of a tripartite relationship between the employer, employee organisation or trade union, and the state as a central player which mediates and regulates the relationship between the two role players in industrial relations of many countries including South Africa.

According to Grossett & Venter (1998:30) prior to the first democratic elections South Africa was seen to be following a process of separate development. This dichotomous approach resulted in a society which was deeply divided along racial lines, with discrepancies that were economically, politically and socially entrenched. Emerging from this were two distinct, racially defined classes of people with differing ideologies. The so called "white people" represented the class of "haves" and so called "black people" represented "have nots."

This presupposed that white people enjoyed a socio-political and economic security that ensured their support for a capitalist free market system which was diametrically opposed to the black "have nots" who were aggressively excluded from many of the benefits realised by the whites through racist legislation of apartheid regime. The black population embraced the concept of a socialist society that supported Marxist ideals.

Historically, trade unions in South Africa can be traced as far back as 1919 when Clements Kadalie, a teacher from Nyasaland (now known as Malawi) formed the Industrial and Commercial Workers Union of Africa (ICU) among dock workers in Cape Town (Baskin, 1991:6 & Friedman, 1987:2). The period between 1919 and 1940 was characterised by the mushrooming of blue collar unions which preceded the emergence of white collar unions. The blue collar unions were not only strong unions but were also major role players in the transformation of the industrial relations of this country.

In an attempt to protect white labourers from the encroaching threat of cheap black labour, coupled with the desire to advance Afrikaner Nationalism in South Africa, the white colonial government passed the Industrial Conciliation Act of 1924. This was subsequent to the Rand Revolt of 1922 which saw mass worker uprisings against the Smuts government. According to the Grossett and Venter (1998:30) heralded the codification of national sentiment, since black and white workers had previously worked side by side and shared common interests.

The implications of this Act were that African men were forced to carry passes to prove that they were employed and those who could not produce them on demand were to be "vagrants" who had deserted an employer and had to be tracked down and punished and returned to their employer (Friedman, 1987:12). To parallel the removal of political rights, the legislature had now stripped the black population of its access to protection under the law as employees.

A series of racist and oppressive pieces of legislation were passed during the period between 1924 and 1979 tabulated hereunder:

- Masters and Servants Laws which made it a crime for Africans to desert their employers.
- Security Laws
- Riotous Assemblies Act
- Colour bar which was introduced between 1914 and 1921 empowered employers to preserve certain jobs for white people through government regulations, customary colour bar which was purely an informal agreement between capital and labour which ensured that jobs were reserved for whites on the grounds that they had always done these jobs; as well as status colour bar which attempted to arrive at new job reservation by written agreement between capital and organised labour.

Job colour bar applied particularly where job fragmentation and mechanisation had created new jobs never covered by either statutory or the customary colour bar. As Yudelman puts it:

There is no doubt that White miners saw Blacks as a threat to both their job and their wage rates, and they genuinely felt the need for the various restrictions in the employment of black labour that culminated to make up the colour bar. Besides being a genuine issue, however, the colour bar was an extremely potent political symbol that could be used to mobilise support from all sections of white society, if it was argued that the security of whites was threatened by black encroachment (Yudelman, 1983:144-5).

Between 1936 and 1945 at least 27 unions for black workers were organised. Most unions brought together African and Indian workers whilst white Afrikaner Nationalists attempted to expel all black workers from the Railway Union. This resulted in the launch of South African Railway and Harbour Workers Union (SARHWU) in Cape Town by black workers.

The **period between 1941 and 1947** was characterised by expansion of the union movement and federations like the African Miners Union and the South African Congress of Trade Unions (SACTU), the Trade Union Council of South Africa (TUCSA), South African Confederation of Labour, and the Council of the Non-European Union (CNETU) were formed.

The **period between 1948-1994** was characterised by the following events.

1. Coming into power of the National Party in 1948 which marked the beginning of a particularly dark period for black trade unions, the liberation movement, black South Africa as a whole, and particularly African indigenous communities.
2. In 1950 the National Party government outlawed the Communist Party through the enactment of Suppression of Communism Act. This broke up into separate racial branches that had multiracial membership. The African National Congress (ANC) became the centre of mass mobilisation in the fight against the extension of Apartheid, which culminated into the launch of the SACTU, with about 19 affiliates, and a membership up to 20 000.

Some of the white unions, Trades and Labour Council joined forces with ultra right Afrikaner Nationalist unions, fighting for white worker privileges and racial segregation. The National Executive Council of the Trade and Labour Council decided in 1950 to support the exclusion of African unions from it. Other white unions aligned themselves with the African National Congress and became part of the South African Council of Trade Unions (SACTU). In spite of these splits, generally white unions were seen as supporting the free market system epitomising the capitalist system, whilst black unions featured in the struggle for Marxist and socialist economic systems. There were both implicit and explicit alliances.

Consequently, the so called white-collar unions were totally committed to and aligned with the Boer National Party government and lent much of their support this government (Grossett and Venter, 1998:31).

3. Mid 1960's represents a dark period as political, military and trade union resistance to apartheid had been effectively crushed by Apartheid. Labour Laws were tightened further with the twin aims of controlling workers and channelling their labour to meet the requirements of white employers. With the banning orders of political movements, unions were also banned.
4. Period 1973 to 1985 saw the emergence of aggressive black unions according to Maree (1987:14).

First era, from 1973 to 1976 was a struggle for survival as these black unions battled to obtain recognition in a hostile environment with both state and capital opposed to their very existence, especially in the light of setbacks experienced by white capital as a result of the Soweto uprisings by African youths.

Second era, from 1977 to 1979, which was the period of reconstruction and consolidation in that these unions had laid the foundations for recovery during the preceding four years through their organisational methods involving shop stewards as well as rank and file participation. Most unions changed their names and strategies during this time.

Third era, which Maree (1987) regards as period of rapid expansion of unions. This was in part due to the state's switch in policy to recognise African unions after the Wiehahn Commission's first in 1979. Unions like the National Union of Mine Workers led by Cyril Ramaphosa and the African Allied Workers Union emerged during this period.

Attempts to unify majority African unions into a democratic federation continued until COSATU was launched in November 1985 at the University of Natal. COSATU was formed by 33 unions representing over 460 000 organised workers after many failures of unity talks. Sydney Mufamadi led the United Democratic Front

aligned unions, whilst Cyril Ramaphosa led non aligned unions and the Azanian Congress of Trade Unions drawn into the Azanian People's Organisation and the Black Consciousness Movement.

5. The **period between 1986 to 1994** marks the violent confrontation between labour and capital as well as the state. The trade union movement became more militant than ever and was instrumental in the struggle against Apartheid.

The history does not reflect on when white collar unions emerged, since these became apparent in later years . Apparently white collar workers like doctors, nurses, teachers, not to mention social workers were more difficult to organise than other sectors.

2.3 RISE OF PUBLIC SECTOR AND PRIVATE SECTOR UNIONISM

The period beyond 1986 is characterised by the rise of both the public sector and white collar unionism. This period was greatly influenced by the 1979 Wiehahn Commission's recommendations.

Before 1984 public servants were not allowed to unionise. It is not clear when professional employees started getting involved in unions especially social workers as their field of employment is vast and very broad. Some social workers were working in the mines and might have joined mine workers' unions. The same applies to those in government. For example, some social workers have joined public service unions like Public Servants Association (PSA) and so on.

Reddy & Sing (1988:81) stated that the South African system of labour relations was based on six fundamental human rights, recognised universally as being basic to all systems of the industrial world (Wiehahn in Reddy & Sing, 1988:81) namely:

- the right of every person within the country's borders to work for a living;

- the right of every employer and employee to associate in an employers organisation or a trade union;
- the right to negotiate on the contents of the relationship between the employers and the trade unions;
- the right to temporarily break the relationship by a lockout from the opportunity to work or through a strike;
- the right to protection from victimisation and dangers of the work situation; and
- the right to development through education and training for suitable employment.

The Public Service Act of 1984 provided for the formation of staff associations, as a mechanism for managing employer/employee relations by the joint committee system. It operated through a sixteen-member Public Service Joint Advisory Council. This presupposed that four recognised associations had to nominate eight members and the commission for Administration nominated eight officers. The Public Service Joint Advisory Council was a forum where matters affecting public servants such as salaries, services, bonus, grievances, and service conditions were discussed. Staff associations had to make their recommendations to the Council and the Commission consulted the Council on legislation and service conditions Van Niekerk (in Reddy & Sing, 1988:87).

The sixth right applied to employer-employee relations to a much greater extent in the private sector of the economy than in the public sector. For example, the core provisions of the Labour Relations Act of 1956 did not apply to the Public Service, the South African Transport Services and the Department of Posts and Telecommunication. Public Service personnel namely, public servants including social workers, did not have the right to strike and were banned from using labour relations mechanisms such as industrial councils, conciliation boards and industrial courts Publico February, 1988:131(in Reddy & Sing, 1988:87).

Reddy and Sing claimed that this system of joint consultation enabled the government as the employer to seek the views of public servants through the Commission for Administration prior to making decisions. The final decision was taken by the government. According to Wiehahn (in Reddy & Sing, 1988:87):

"... a very important characteristic of the employer/employee relationship in the public service was that of paternalism, the employer determined the salaries and conditions of service of those employees without their having much of a say in the form of collective bargaining in such a determinations" (Ibid.).

Public sector employees in most of the Western industrialised nations belonged to trade unions which negotiate on their behalf with public sector management Wiehahn (in Reddy & Sing, 1988:88).

The government then began to support collective bargaining mechanism for public sector employees in South Africa in 1986, mainly for the following reasons according to Wiehahn (in Reddy & Sing, 1988:88), namely:

- the Republic of South Africa was moving away from the paternalistic attitudes in most relationships and people wanted to share in decisions that may affect them;
- job security in the public sector and very importantly the Public Service was almost as vulnerable as in the private sector;
- the honour of working for the state was loosing its cachet; and
- government at all levels had shown an appreciation of the value of negotiations in labour relations and thus demonstrated a willingness to consider developments in that direction (Ibid.).

Public Servants Association of South Africa (PSA)'s manoeuvre for public servants for the institution of an appropriate formal bargaining mechanism began in 1978. These efforts were met with success when, on 3 March 1988, former Minister A. Schibusch informed Parliament that investigation in respect of revised bargaining

procedures for public servants was enjoying high priority (Public Servant, 1988:3, in Reddy & Sing, 1988:12).

The office of the Commission for Administration prepared a memorandum on one organised bargaining mechanism for cabinet consideration. The envisaged mechanism was based on some normative criteria and administrative considerations ranging from the maintenance of public accountability, the principle of efficiency, freedom of association within government context, promotion of sound labour relations, the formal constitution of a bargaining council, creation of an external body for dispute resolution, and acknowledgement of the worker's right to protection and development.

It must be that up to this stage in the historical development of both public and private sector unionism, the level of unionisation amongst skilled and professional employees had been very low. For example not much is documented on the historical development of white collar unions in South Africa namely those of teachers, doctors, nurses and social workers especially in the period before 1985. Doctors and dentists had been affiliated to professional associations like the National Medical and Dental Association (NAMDA), the same applies to nurses which had a number of staff associations and unions like South African Nurses Association (SANA), Ciskei Nurses Association (CINA), Transkei Nurses Association (TRANA) to mention a few. These were rationalised into a broader organisation called a Democratic Nurses Association (DENOSA) in 1996 S.A Labour Bulletin (1995:12).

The same applies to teachers who have paved the way to many professional employees by coming together as a professional body and formed a major teachers union federation namely the South African Democratic Teacher's Union (SADTU) Sitesteward Manual (1995:3).

2.4 THE HISTORY OF SOCIAL WORK UNIONISM IN SOUTH AFRICA AND THE EASTERN CAPE

In Britain social work trade unionism emerged in the early 1970's, apparently as a result of Seebohm-instigated reorganisation of personal social services in local government. Social workers were part of a strong local government employees trade union called National Local government organisation (Paul, Paul & Mike 1988:43).

Whilst in America an estimated 125 000 social workers which constitutes 25 percent of a 438,000 member social work labour force were union members mostly employed in the highly organised public sector. Most unionised social workers estimated at 55 000 were part of organisations organising professionals like American Federation of, County and Municipal Employee Employees (AFSCME) and the Service International Union (SEIU). Most social work AFSCME were located in local governments for example District Council 37 represented 16 000 members primarily classified as caseworkers and master's level social workers whilst Council 1707 represented 20 000 members based in voluntary agencies. As a result of salary cuts faced by Philanthropic Societies, Association of Federation Social workers (AFSW) was formed and made history by conducting a first social work strike a two hour work stoppage according to Fisher cited by Tambor (in Encyclopedia of Social Work 1995:2419).

In South Africa social work profession was no exception to the norm, it has been characterised by racial fragmentation and proliferation of professional staff associations. There was the South African Black Social Workers Association (SABSWA), for black social workers, the South African Social Workers Union (SASWU) which was predominantly white, the Concerned Social Workers, and the Progressive Social Workers Union both of which were non-racial structures which was subsequently dissolved in 1997.

There has been attempt to form an Interim Committee of Social Work Associations (ICSWA) in 1997, according to South African Interim Council for Social Work (SAICSW) (S.A.Council Newsletter 1997:1).

The social work profession is a female dominated profession in South Africa just like nursing and therefore its affiliation to unions tended to reflect such tendencies just like it was the case with blue collar workers. According to Marks (1994:105) nursing profession has emerged from a period of refusal of white nurses to intermingle with black nurses, non-Europeans' (as they were regarded in their professional associations like South African Nurses Association (SANA) which is one of the oldest nurses staff association), to a period of transition epitomised by the dissolution of racially based organisations. The apartheid regime planned to effectively exclude black people from industrial relations through passing oppressive legislation like pass laws and therefore black nurses were expected to practice in homelands only.

Teachers similarly had their rough patches in attempting to mobilise themselves, but were helped by the spirit of unity encapsulated in a statement by Mary Futrell, the first President of the newly established Education International, who emphasised the imperative of unity at the international congress held in Stockholm, Sweden in January 1993; when she stated:

"We need a new world order ... not an order that keeps everybody in their place, but an order that makes a place for everybody. We need expanded unionism ... solidarity among the working people of all nations tongues and origins. And we need unity in our ranks ... sturdy bonds of respect and co-operation among all educators. We must never forget that the violation of the rights of any educator is a violation of the rights of every educator" (Van der Heever, 1993:239).

The history of social work unionism in South Africa is very shallow and very recent. Traces of union ideology could be traced as far back as 1988 when social workers in the Border region of the Eastern Cape under the leadership of Dalindyebo Maxegwana, came together and discussed the plight of social workers and the status of the profession in general and resolved that formation of a union of social workers from all racial backgrounds, and political persuasions, was imperative and a necessary undertaking. The majority of these social workers were based in the East London and the King William's Town areas. These attempts spread evenly to Port Elizabeth,

Grahamstown, Queenstown, Transkei, and former Ciskei areas with time. The spirit of solidarity amongst social workers was prevalent in 1993 when a series of meetings were held in King William's Town, Grahamstown and Transkei.

Some of these social workers were members of various organisations like South African Black Social Association (SABSWA), South African Social Workers Union (SASWU), Public Service League (PSL), Public Servants Association (PSA), Police, Prison and Civil Rights Union (POPCRU) and so on. Meanwhile some were not affiliated to any organisation whatsoever. This mobilisation was at its peak in 1994 when social workers of the Border Ciskei area launched a Border Progressive Social Workers Union (BOPSWU) on the 18th of June 1994 at King William's Town Motel. Social workers' unity spirit was very strong. This was evidenced by the fact that even the Executive Committee reflected the demographics of the country. Maxegwana was elected President with Bebeza as General Secretary. The interesting dynamic was that these social workers were prepared to relinquish their membership of their respective organisations to form a strong professional social work union. They shared a sentiment that a purely social work union would strengthen solidarity amongst social workers as a sector and enhance a sense of identity and belonging to a professional home.

The rationale behind a launch of a regional union was that such a structure would serve as a basic nucleus of the envisaged National Social Workers Union with strong regional and Provincial base.

An attempt to market the existence of this union was undertaken by the Ciskei social workers who were BOPSWU members, when they went on a wildcat strike which was engineered by the Ciskei Social Workers Forum under the co-Chairpersonship of Tumeka Dyakala and Mzimasi Bebeza (General Secretary of BOPSWU). The strike took place from the 9th of August 1994 to 10 September 1994, and there were divergent views about the legitimacy of the strike action as the social workers concerned did not abide by the union's constitutional procedures before going on a strike. BOPSWU was not registered as a legal entity with the Central Bargaining Chamber for it to be recognised structure with bargaining powers, to be able to go on a legal strike according to the provisions of the Labour Relations Act of 1956.

It would appear that the Ciskei social worker's action was an attempt to short circuit the process (Ciskei Social Workers Forum records, 1994).

Despite criticism of the strike by the members of the union, it, however, benefited members of Ciskei Social Workers Forum in the short and long term. Inter-alia the grievances and demands of these social workers were the following:

- i) Provision of adequate facilities for social work offices e.g. like photocopiers, fax machines etc;
- ii) Provision of adequate vehicles for social workers and introduction of a car subsidy scheme to enable social workers to do home visits at flexible time slots and possible over weekends;
- iii) Construction of conspicuous social workers offices so that social workers can become visible in the community, and to overcome the problem of social workers sharing offices;
- iv) Upgrading of social work scales in line with Relevant Value of Qualifications (RVQ) as they believed their scales were not based on this framework. The social workers scales were still based on the old format of salary recognition i.e. that of clerical ranking whereby a social worker's entry notch was that of a clerk, as well as rationalising of salary in line with those of the Transkei and former R.S.A.;
- v) Doing away with maintenance grant applications to be done by clerks at the pensions office as it was regarded as routine and non-professional work;
- vi) Dismissal of the Directorate of the former Ciskei Social Welfare Department. The list is endless, and the important thing to note from

of this wildcat strike is that some of those demands were met in the short term.

A Working Committee was formed with the aim of working out the modalities of meeting the demands presented by the Social Workers. The Working Committee immediately thereafter engaged the Task Team, Directorate and Management in serious discussions on how the grievances could be resolved in the manner mentioned hereunder;

- the maintenance grant was done away with immediately, clerks were provided from the health and pensions section of the Department of Health and Welfare to process such applications either in their offices or they were redeployed to social workers office.
- an audit of government vehicles was undertaken to identify under-utilised vehicles;
- restructuring of the public service took care of the Ciskei Directorate, they were either redeployed, or took severance packages;
- photocopiers were purchased and even computers were supplied in some offices in the Ciskei;
- salary issues were referred to the National Government as it was said to be a national competency; in fact it was said to be a function of the Department of Public Service Administration and Labour Unions;
- office accommodation was provided in some Ciskei districts e.g. in Mdantsane a social workers office was constructed in 1995 even though it was an old building which was just renovated (Ciskei Social Workers Forum records, 1994).

Meanwhile BOPSWU was crumbling because some former Nehawu members did not see the need for continued existence of an exclusively social work union, they felt it was unnecessary waste of time and money as building a new union was seen to be costly. They proposed that BOPSWU dissolves and the membership be transferred to NEHAWU.

Progressive forces within BOPSWU including the Ciskei Social Workers Forum were vehemently opposed to this move. The problems confronting the progressive forces within BOPSWU for continuing, amid the attempts to thwart union mobilisation which emanated from the fact that the Executive itself was divided on the issue. Meanwhile a group of social workers in the Port Elizabeth area were popularising the NEHAWU idea. This era was characterised by propaganda which dismayed and disillusioned the social workers who wanted to continue with BOPSWU. They ended up suffering from apathy as they were no longer interested in attending any meeting as they felt betrayed by the BOPSWU leadership which they believed sold them out.

The Ciskei Social Workers Forum continued to represent aspirations of social workers in the Province in the Public Service Forum which was formed in June 1994 in order to assist the new government of National Unity in the restructuring of the Public Service in the Eastern Cape Province.

The Ciskei Social Workers Forum continued to attempt to mobilise social workers in the region. A series of meetings were held to reassess the position in the Province including social workers in the old Eastern Cape (Port Elizabeth region) who were alleged to be pro-NEHAWU. This propaganda strategy was apparently a ploy to persuade pro-BOPSWU social workers to join NEHAWU.

There was a general sentiment that establishment of a pure social work union was imperative according to views expressed in a number of BOPSWU meetings. On the other hand NEHAWU was talking its plans of establishing a Social Workers Forum within NEHAWU as it had for nurses. There were questions about the timing of this

proposal, since it coincided with the establishment of a pure social workers union. High on the agenda was restructuring of the Public Service, as well as the decentralisation of bargaining resulting in the establishment of provincial bargaining chambers, which unions like NEHAWU and SADTU opposed. These sentiments were clearly echoed in the words of NEHAWU's national organiser of the time Mark Sweet, in a launch of the Public Service Forum held on the 4 of October 1994 in Bisho when he stated that:

"decentralisation of bargaining will result in fragmented conditions of service for civil servants, in all provinces with other provinces having better service conditions than others" (Public Service Forum Minutes, 1994).

Nevertheless, the Provincial Bargaining Chamber was launched despite ill feelings expressed by Cosatu affiliates like SADTU and NEHAWU. In this Forum BOPSWU was accorded an observer status pending registration with the Central Bargaining Chamber as required by the Public Service Act 104 of 1993. This presented problems as BOPSWU supporters either did not understand the operations of a union, namely, that they had to pay subscription fees as well as prove substantial membership for them to be registered, hence BOPSWU was never registered.

When informed about requirements for registration pro-BOPSWU social workers became apathetic and disillusioned. There was also a split in the executive which complicated matters even further. BOPSWU had to meet the requirements as provided by the law if it were to register and become part of the decision making process on service conditions of social workers, it could not do that in the light of tensions that existed, the organisation had to reconstitute itself by having a new executive if it were to remain as is or had to choose to dissolve and rename itself and launch a new organisation.

In 1995 the social workers which supported the social work union idea re-mobilised themselves and consulted lawyers in an attempt to resuscitate BOPSWU. Lawyers advised them that they should amend their constitution and rename it in order to elect a new executive as they could not dissolve the BOPSWU executive.

In October 1995 a new organisation was launched named, the Progressive Social Workers Union (hereinafter called PROSWU). This organisation seems to have had a dwindling support base and was subsequently dissolved in 1997 as a result of many social workers in the Central region have joined other existing general unions like NEHAWU, Hospital Personnel Trade Union of South Africa (HOSPERSA), Public Servants Association (PSA) and other went back to their original organisations (for instance some former Ciskei social workers and a substantial number of East London social workers joined NEHAWU).

Currently, there is a talk of rationalisation of all social work staff associations and the non-registered social workers union into a single body, hence the Interim Committee of Social Work Associations (ICSWA) (S.A Council Newsletter, 1997:1). This history encompasses both public and private sector social workers in the Eastern Cape, however it does not include affiliation trends of social workers to other general unions nationally and attempts made by organisers of other unions to recruit social workers.

2.5 **REASONS ADVANCED FOR UNION AFFILIATION**

The question one might ask is why is there any need for employees to want to join or form unions for that matter? There is no single answer to this question, simplistically answered one can simply say employees are simply exercising their legal right to do so, as this legal right to form or join employee organisations is provided for by the labour relations legislation in many countries.

Literature suggests that people join unions for a number of reasons:

Guest and Dewe et al. (in Haberfeld, 1995:657) who conducted a study in Israel in 1995 offered theoretical explanations which can be grouped into four categories.

- a) Unions provide workers with a "collective voice" vis-avis employers thus enabling them to eliminate sources of dissatisfaction and frustration;
- b) The second type of explanation is based on one form or another of work related utility considerations whereby Perlman (in Haberfeld, 1995) suggested that workers join unions in order to obtain job security and better employment conditions.

On the contrary Haberfeld (1995:657) suggests that money affects unionism in two ways namely:

- i) The consumption effect which relates to the whole notion of workers having to pay for union affiliation in the form of subscriptions. Haberfeld (1995:657) hypothesised that the higher the pay, the lower the likelihood of joining a union which is a positive hypothesis.
- ii) He also hypothesised that workers are influenced by the supposed pay enhancing instrumental role of unions, and that demand for services is therefore greater among low-pay workers; hence, the higher the pay, the lower the likelihood of joining a union . (This does not seem to be applicable in the South African social work field as the majority of social workers have been underpaid yet have not been joining or participating in unions actively).
- c) The third framework suggests that workers expect union membership let them get their non-related health and life insurance, credit cards, and legal aid, for instance, all at below market rates. Workers might join such unions because they find these commodities and services attractive.
- d) Class movement with the objective of challenging and transforming the capitalist system. Capital was seen to have hidden behind the curtains of "apartheid and racism" while the political energies of the masses were focused

on challenging the state. Foster claims that these struggles diverted attention from the fact that capitalists had used apartheid over the years to accumulate large profits by exploitation (Finnemore & Van Der Merwe, 1989:41).

However Tambor (in Encyclopedia for social work (1995:2418) cited Warner, Chrisholm, & Munzenrider, who believe that among the state social services professionals, major reasons for joining a union were found to be similar to those of blue collar workers -to increase wages and benefits, obtain greater job security, and reduce arbitrary management practices.

2.5.1 Political Goals

Trade union literature continues to portray capitalism as exploitative. At the launch of Cosatu in November 1985, nationalisation of the mines and other large monopoly companies was seen as an ultimate goal of workers. However, it would appear that worker supported actions have been directed towards government actions rather than at the capitalist system itself. Similarly in the case of social workers it was apparent that pro-ANC social workers wanted to attract the other social workers into joining NEHAWU, a move which was regarded as maintaining political loyalty to the ANC affiliate COSATU to which NEHAWU is affiliated.

Finnemore & Van der Merwe (1989:42) state that:

"in democratic countries where workers can exercise their political rights, political action is accepted as an important part of union activity; thus political goals of unions are frequently pragmatic rather than radical and are directed at ensuring that legislation passed by the state is in the workers' interest."

2.5.2 Economic Goals

According to Finnemore & Van der Merwe (1989:42) a major objective of all unions is to negotiate tangible benefits for their members. Among these benefits are :

- negotiated wage agreements which improve members standard of living, hours of work, payment for overtime, shift allowances, and the like may be important aspects of these substantive negotiations.
- negotiated additional benefits such as annual leave, pension, provident fund, sick pay, maternity benefits, parental rights, paid public holidays, transport to work, loan facilities, housing subsidies, education bursaries;
- negotiated improved working conditions which might include the provision of uniforms, the improvement of safety and physical conditions, the upgrading of health services at the plant and rehabilitation centres for those injured on the mines, the provision of child care facilities at work, good canteens and hours of work and shift times take cognisance of family life.

Employers predominantly prefer employees who are perceived less likely to unionise as non-unionised workers are less threatening to the operations as they are unlikely to go on strike.

2.5.3 Procedural Goals

Prendy *et al.* (in Finnemore & Van der Merwe, 1989) believe that:

"... in the long term, unions have made only modest economic gains for their members and that their main purpose is in negotiation of collective miles through diplomatic use of power" (Finnemore & Van der Merwe, 1989:44).

Thus, in attempting to reduce management's prerogative or unilateral control over various aspects of decision-making in a company some of the common target areas are as follows:

- discipline and grievance procedures: the right to represent members and to appeal to higher authority;

- retrenchments: the right to challenge the circumstances and methods of retrenchments;
- manning levels: right to be consulted over the introduction of new machinery, equipment and processes;
- job evaluation: the right to participate directly in the compilation of job descriptions and job grades;
- subcontracting; health and safety; organisation work; and disclosure of information of a financial nature for bargaining purposes.

2.6 CLASSIFICATION OF UNIONS

The trade unions historically organised themselves according to the type of interest they represented ; that is unions were established to represent employees in certain occupations Bendix (1989:57-58). Although trade unions are dynamic institutions and each may have individual reasons for recruiting a particular type of membership they are still being classified into occupational unions, general unions and industrial unions.

2.6.1 Occupational Unions

There are three types of occupational unions namely:

- i) Craft unions: these organise industries and their main aim is to protect the skilled status of their membership, e.g. plumbers and engineers;
- ii) The promotion unions: this type of union recruits amongst workers with a particular skill; but the skill is one which is achieved by on the job training and promotion rather than by an apprenticeship as in the case of established craft;
- iii) Non-Manual or White Collar Unions: these organise workers in a particular industry but some especially those representing certain professions may organise across industries e.g. SADTU .

2.6.2 General Unions

These recruit all workers irrespective of occupation or qualification. NEHAWU is a typical example of this.

2.6.3 Industrial Unions

The purpose of an industrial union is to represent all the workers or at least as many workers as possible in a particular industry irrespective of their skill or grade e.g National Union of Metal Workers Union of South Africa (NUMSA), HOSPERSA, etc.

Whilst the unions resolved to achieve collective goals one of its functions to promote moral physical and intellectual well being of each member. The union therefore needs to constantly reassess it's objectives and ensure that it is adequately representing all the interests of it s members (Bendix, 1989:59).

2.7 THEORIES OF TRADE UNIONISM

According to Wood (1998:1) the manner in which individuals, firms and unions approach labour relations issues largely depends on the frame of reference or the paradigm through which they view the social world. Three schools of thought have been offered by various authors namely:

2.7.1 Unitarism

According to Hyman (in Wood, 1998:1) unitarists believe that:

... employers and employees share the same basic goals, with the result that it is possible to envisage a completely strike-free workplace. Central to unitarism is the assumption that all employees of an enterprise constitute a team, unified by a common dedication to

organisational goals. Whilst Reddish (in Wood, 1998:1) argues that dedicated unitarists even question the term "worker" as this ... implies that management doesn't work (Wood 1998:1).

There is little space for organised labour in the unitarist world view. If employers and employees have the same basic objectives, then industrial conflict is neither necessary nor desirable. Unitarism discounts the importance of wider social inequality and the unequal distribution of power in the workplace (Wood, 1998:1-2).

2.7.2 Pluralism

In contrast to the unitarist approach, pluralists argue that industrial conflict is both normal and to be expected (Jackson in Wood, 1998:4; Poole, 1981:14). Trade unions are seen as fulfilling a crucial role, in that they do something to redress the unequal power relationship between employers and employees in the workplace, shielding their members from market fluctuations, and constraining employers "freedom" of action. By balancing conflicting interests and managing conflict in the workplace pluralists believe that the long term welfare of the enterprise can be ensured (Fox & Flanders in Wood, 1998:4). More broadly pluralists hold the view that the authority of the state does not override the rights of individuals to form their own associations, to represent their interests, and to pursue their objectives.

2.7.3 The Radical Conflict Perspective

Many writers within the Marxist tradition have tended to be critical of the role of established trade unions.

Thompson (in Wood 1998:1) notes:

"Lenin was insistent that trade union consciousness could only develop from within the labour process; socialist consciousness arose from the relations between all classes, the state and the government."

Trade unionism comes in a variety of forms and ideologies, but its essence is a bargain between capital and labour over the terms of the sale of labour power. The radical tradition holds that industrial relations are essentially politicised, and part of the class struggle (Farnham & Pimlott in Wood, 1998:2).

COSATU is for instance more Marxist inclined than the Federation of South African Labour (FEDSAL).

Social work unionisation has also received minimal empirical attention. A few small empirical studies have examined professional social workers attitudes towards and perceptions of unionisation and collective bargaining (Alexander, Lichtenberg & Brunn 1980, Shaffer & Aheam, 1982a, Lightman 1982,1983; Kirzner 1985 cited by Minahan (in Encyclopedia of social work 1987:793).

2.8 CONCLUSION

The history of trade unionism in South Africa has been dominated by blue collar trade unionism and has also been tainted by the racism of the past Apartheid era. White collar unions were therefore preceded by blue-collar unions which were instrumental in the political transformation of this country to a large extent. White collar unions are professional unions have, however played a limited role in this regard, however their efforts in the improvement of the service conditions of their members has been lagging behind blue collar unions, perhaps because of the perception that unions cannot tackle professional issues. This perception is carefully examined in the next chapter (**Chapter 3**)

The next chapter then look closely at **professionalisation and unionisation** of social workers as professionals.

CHAPTER 3

3. PROFESSIONALISATION AND UNIONISATION IN SOCIAL WORK

3.1 INTRODUCTION

This chapter presents an overview of a contentious debate about professionalism and which this is not the case.

3.2 DISCUSSION OF COMPATIBILITY OF UNIONISATION AND PROFESSIONALISATION IN SOCIAL WORK

Before getting into the debate of unionisation of social workers as a professional group perhaps an attempt to classify social workers as white collar workers is necessary. Jenkins & Sherman alluded to some difficulty in defining white collar employees to which social workers belong. Jenkins & Sherman(1979:12) suggest that many people have attempted to define white collar unionism by white collar employees who mainly use their brains. Meanwhile another perceived difference was based on fringe benefits and the fact that blue collar workers receive wages whilst white collar workers receive a salary. These authors seem to think that that the term white collar is male chauvinistic in that it tends to bias against women who predominantly wear shirts with white collar.

Social work is therefore classified as one of those occupations classified as professionals. The concise Oxford English Dictionary (1994 sv "prof") describes professionalism as "the methods, character, status etc.of a professional".

Friedson (1994:17) views professionalism as synonymous with occupation and it refers to specialised work by which one gains a living in an exchange economy.

Professionalism according to Engval (1997:55) is an ethical code, a social bond, a pattern of mutual regulation and is seen as a way of organising an occupation. It represents much more than only a status for it produces distinctive occupational identities and exclusionary market shelters which set each occupation apart from (and often in opposition to) the others. There are two very different usages which according to Friedson (1994) are sometimes confused: namely:

1. ...the concept of profession that refers to a broad stratum of relatively prestigious but quite varied occupations whose members have all had some kind of higher education and who are identified more by their educational status than by their specific occupational skills;
2. ...the concept of profession as a limited number of occupations which have particular institutional and ideological traits more or less in common.

The first usage seems to be vague and general compared to the second one in that it refers to the profession as an abstract phenomenon. The second institutional model of professional is also problematic in that it is very difficult to apply to the entire range of occupations (Friedson 1994:17). Flexner and Millerson (in Friedson 1994:14) alluded to some difficulty in defining professionalism .

Friedson claims that ... sociologists have been inclined to see professionals as:

honoured servants of public need, conceiving of them as occupations especially distinguished from others by their orientation to serving the needs of the public , the schooled application of unusually esoteric knowledge and complex skill.
On the contrary policy makers have been inclined to see professional experts as overnarrow insular in their vision of what is good for the public(Ibid).

Each profession therefore has it's own definition or perception of itself as a profession based on its value system and practice. Each profession, therefore, has set goals which it sets out to achieve through the activities of its personnel called professionals. For example, one of the goals

of social work profession is to enhance the social functioning of people as individuals, groups and communities. It would appear that in keeping with this goal a majority of social workers in South Africa have been involved in organisations aimed at achieving professional goals rather than union goals such as the improvement of the welfare and living standards of its members.

Alexander (1980:476) argued that

"the perception of unionisation as 'unprofessional' is a commonly held though untested assertion." She further argued that the related view that unionisation and professionalisation are inherently antagonistic and mutually exclusive is problematic, because it fails to account for the slow yet steady rate since the 1930's of unionisation of American professional workers of all types including social workers, psychologists, lawyers, engineers and college professors.

According to Alexander (1980), Minahan (in Encyclopedia of Social work (1987:793) white collar unions including those that organise professionals have shown dramatic gains as opposed to blue collar unions, as approximately 30 percent of all professional and technical employees (excluding managers and the self employed) were represented in collective bargaining efforts. Although there were no firm statistics on the membership of professionals and social workers belonging to the three major unions organising social workers in America namely the American Federation of State, the County and Municipal Employees (AFSCME), Service Employees International Union (SEIU), and Union of Hospital and Health Care Employees in America there was evidence of accelerating participation in unions by social workers (Alexander 1980:476). Tambor (in Encyclopedia of Social work 1995:2418) estimated social work membership to be 55,000 in 1993. Some of these giant unions were rank and file unions and prominent leaders in social work, educators and practitioners with reputations as radicals and left-wingers advocated on behalf of social work unionisation.

Mary cited by Tambor (in Encyclopedia in Social Work 1995:2420) suggests that social workers in trade unions would not only gain a voice in determining their own working conditions but they would also increase the effectiveness of labour movements social programmes. On the other hand Bertha, Carpen & Reynolds referred to by Tambor (in Encyclopedia for Social work)

claimed that ethical treatment of clients was inseparable from protecting one's condition as a worker.

Meanwhile in Britain the real beginnings of social work trade unionism (which is not the same as the start of trade unionism amongst social workers) occurred in the early 1970s, when newly established social services departments were set apart from other departments as centres of union activism. Social work trade unionism is subject to uneven development, with the result that all the issues and dilemmas studied by us exist and are being faced by contemporary social trade unionists somewhere today (Paul J., Paul C. and Mike 1988:38). Social work unionisation is therefore occurring within this context of increased labour activism.

Whilst in South Africa teachers and nurses, engineers have made inroads in the unionisation and professionalism debate. Teachers, for example, started mobilising themselves into unions in the seventies this culminated in the rationalisation of about 10 teacher organisations and the launch of the South African Democratic Teachers Union (SADTU) in November 1987. There is currently no social workers' union in South Africa. However social workers are affiliated to either industrial unions or general unions like Public Servants Association, Nehawu and so on.

3.3 AFFILIATION TRENDS OF PROFESSIONAL EMPLOYEES

In South Africa there were altogether 302 unions with a total union membership of approximately 2,9 million workers in 1995. This figure obtained from the Department of Labour represents 39% of economically active labour force employed in the formal sector.

The study conducted in 1996 presents a bleak picture of unionisation trends covering the period 1985-1995 Source: SA Labour Bulletin 1996. The figures seem to suggest that membership of registered unions fluctuated between 1 391 423 in 1985 and 2 470 481 in 1995 whilst non registered unions comprised 382 594 members in 1993 and 595 379 in 1995.

Meanwhile Cosatu comprises 331 000 plus of the total union membership in 1991 and constituted 43% of the total workforce in 1995.

Table 1 Share of union membership by national centre(1994)

Congress of S.A. Trade Unions	COSATU	43% -1 568 514
National Council of Trade Unions	NACTU	11%-234 675
Federation of Salaried Labour Unions	FEDSAL	8%-212 700
South African Confederation of Labour Other federations & unaffiliated unions		38%

Baskin (1996) acknowledged that it is often difficult to desegregate union membership by sector because many unions have membership across sectors and official department of Labour figures present only aggregate economy wide data. There is an observable growing trend of white collar and professional employees to unionise. In the past collective bargaining tended to favour blue collar workers, since they formed the core of the union movement in fact it has been a global trend that blue collar workers unionise first and white collar workers follow suite (S.A. Labour Bulletin (1996:12, Grossett 1998:91).

Data provided by salary consultants suggests that in the last five years (1989-1996), whilst the CPI has increased by 72% "lower skilled" workers have seen their pay increasing by 73,3% over the same period whilst the white-collar and office employees ("general staff") have seen their pay eroded by inflation, with salaries increasing by only 67,5%. Cosatu unions report an increase in white collar membership. The current rapid unionisation of nurses reflects their realisation that without unions they will see the real wages decline, affiliation by some former Ciskei workers and social workers in the East London area to NEHAWU, affiliation of S.A. Society for Bank officials is also a dramatic illustration of the trend.

On the contrary Paul *et al.* argue that:

rightly or wrongly it is usually assumed that white collar workers turn to militant trade unionism as their market position deteriorates.

In particular it has been often assumed that declining income differentials over manual workers pushes white-collar workers reluctantly into industrial action.

But in the case of British social workers, their pre-1960 history was characterised by low salaries and they appear to have suffered no sharp reduction in salaries in the 1960's or early 1970 that would justify the outbreak of their industrial militancy namely: the famous 1978 social workers strike which lasted for forty two weeks (Paul J. Paul C. & Mike 1988:43).

Paul *et al.* contends that there other possible reasons which might have influenced such militancy of social workers namely:

- the growth of radical political ideas amongst social workers
- development militant form of professionalism as result of failure of professional bodies
- changing organisation of social work as a labour process (Ibid).

Table 2 below presents trade union affiliation trends by race and gender. However one would have wanted to see the percentage of unionisation of social workers in South Africa and the Eastern Cape, by sectors of employment as well as by race and gender.

When this study conducted there were no available statistics on social workers affiliation to trade unions in South Africa.

Table 2 Unionisation by race and gender in South Africa in 1994

RACE	WOMEN	MEN	TOTAL
Black	351	360	354
Asian	327	332	329
Coloured	295	315	303
White	269	165	227
TOTAL	324	293	313

(Source Baskin in S.A Labour Bulletin 1996:12)

Although this table does not indicate much difference between trade union affiliation between men and women it however indicates that generally men are more likely to be involved in trade unions than women. Reasons for this trend are not clear however, perhaps the explanation within the social work profession would be the fact that there are more women than men.

Statistics provided by Baskin in his study categorise Eastern Cape as the second highest province in union density after Gauteng Province and the yet social workers are the least unionised occupational group especially in 1994 when Baskin's study was conducted .

According to Rabban (1991:97)

“Leaders of traditional unions who once invoked collective bargaining as an alternative of the allegedly bankrupt ideology of professionalism, now emphasise that collective bargaining can and should address distinctively professional concerns. Correspondingly, many professional associates have shifted from the view that collective bargaining is unprofessional to support for unions as a means to achieve professional goals”

Because this study focuses on perceptions of social workers on unionisation of social workers as an occupational class, unionisation is viewed as a mechanism for statutory collective bargaining which is provided for by the Labour Relations Act 66 of 1995 in South Africa. There is however non statutory bargaining which will not be covered in this study. There is however a difference between a staff association which professional employees were traditionally affiliated to, and a trade union. The difference is not in the semantics but rather statutory powers accorded to trade unions by labour relations legislation in many countries.

A study conducted by Lightman (1982:134) indicates that the union has its area of expertise and strength presumably dealing with its traditional concerns such as wages and job security; and the professional association for its part also has its own fields of competence, focusing on ethical norms and the like. Rabban's study identified and evaluated a broad range of contractual agreements covering many professions and organisations. He actually examined over one 100 collective bargaining agreements covering professional employees like social workers, teachers,

nurses, professors, engineers, librarians, journalists, curators, doctors, lawyers performing artists, and discovered that many aspects of these collective agreements of professional unions were similar to those of their counterparts in the industrial (private) sector.

The overwhelming majority of these contracts included provisions on salaries, fringe benefits, the-grievance-arbitration procedure and the range of other subjects commonly found in labour contracts, but some with varying degrees of specificity frequently addressed distinctively professional issues as well. However, other studies conducted focused specifically on social workers as a professional occupational class namely Alexander 1980, Lightman 1982, Tambor 1995, Fisher 1987, Levine 1977, Shaffer G.L (1982a) Shaffer G.L & Ahearn K (1982b) etc. These looked at various dimensions ranging from the views of social workers on unions as well as issues facing social work unionism e.g. professionalism.

3.4 What are the professional issues?

Rabban identified the following as professional issues

1. Establishing professional standards
2. Providing mechanisms for professional participation in organisational policy-making
3. Regulating professional work
4. Providing training and professional development.
5. Committing organisational resources to professional goals
6. Elaborating the criteria for personnel decisions and role of professionals in making them

3.4.1 Establishing professional standards

It became obvious in Rabban's study that contractual language does not reveal the status of professional values prior unionisation. Organisations moreover, Rabban argues may respect professional values even though these values are not addressed in contracts, in fact many

organisations and unions agree that professional values are best protected by keeping them outside the collective bargaining relationship.

On the other hand; contractual provisions that explicitly protect professional values may be ignored or evaded in practice and may not govern many crucial aspects of relationships at work. Yet, the same people who caution against equating these provisions with workplace realities also acknowledge that they offer important insights into how unionisation has affected professionalism. A mixed picture emerged from the agreements observed, enough to refute the frequent assertion that unions inevitably undermine professionalism.

The study discovered that:

- many collective bargaining agreements covering various professions to professional
- contractual protection of professional standards is often quite specific.

Minahan (in Encyclopedia for Social Work (1987:793) argues that:

professional unionisation has a dual thrust certainly professionals embrace unions as that they also join unions to enhance professional standards.

Whilst Lightman (1982:131) maintains that among the most troubling of the commonly held concerns about unionisation for many social workers is that of compatibility with one's stance as a professional.. Amongst the most troubling of the commonly held concerns about unionisation, for many social workers is that of compatibility with one's stance as a professional.

The issue of professionalism in South African social work context remains a grey area in that it is not clear whether it is related to better service conditions like higher salaries based on qualifications. There have been interesting developments in social work field whereby clerks, and administration officers were earning more than social workers in the Ciskei department of welfare with lesser or no qualification at all whilst social workers had to possess either a diploma or a degree in social work in order to be appointed.

This ideology of social work professionalism earlier on referred to as bankrupt by Rabban has not been developed and well documented in South Africa it seems to be an abstract concoction created by social workers when they avoid dealing with issues head on. For example it is not clear to the researcher what is meant by behaving professionally when in fact social workers fail to challenge employers through their professional bodies to improve their working conditions, like salaries, office accommodation, for instance in areas like former Ciskei, and Transkei some social workers were still sharing offices, some were without telephone not mention basic office equipment like computers, fax and photocopier(Ciskei Social Workers Forum records 1994.

In South Africa most homeland social workers were not registered with a the South African Council For Social Work. It is not clear as to who was responsible for monitoring professional issues of social work practice in these homelands during that period.

However Tambor (in Encyclopedia of Social Work 1995:2419) argues that ...union contracts may directly influence the conditions and organisation of the work of managers, supervisors etc. It is hoped that the study would come up with a clear definition of what is professionalism from a South African social work perspective really is which impedes or make it difficult for social social workers to be highly unionised to the level of having their own union as an occupational sector. There was a time in history of social work trade unionism when social work trade union activists were regarded as radicals. Complex social work and labour employment patterns have tended to discourage systematic study of unionisation. Whereas unions provided social workers with a strategy for confronting greater productivity demands,new managerial technologies and bureaucratic constraints associated with routinisation, monotony, discipline, the loss of control overwork.

It is hoped that from this study would emerge a clear definition of what professionalism mean from a South African social work perspective in order to understand whether it has anything to do with the low levels of unionisation of social workers as an occupational sector.

3.4.2 Influence on organisational policy

The findings of Rabban's study(1991:101) regarding unions through collective agreements which are viewed as able to influence organisational policy, by establishing a formal role for professional employees in institutional decision making, were as follows:

- i) Although councils of professionals for example the Council for Social Work, joint committees of professionals and administrators, and direct union involvement, are most frequent mechanisms for professional participation agreements studied typically emphasised that these forms of professional influence are advisory with final authority resting with management.

- ii) Professional participation in the development of organisational policy often occurs through joint committees of professionals and administrators rather than through councils composed entirely of professionals. In the South African context, this has been lacking as people are nominated to serve on decision-making committees for example members of social workers' conditions of service committee situated in Pretoria were nominated by a government Department of Administration and were not necessarily social workers or union members; and were therefore neither representing social workers interests nor union interests for that matter. The consequence of this is that social work management in the public service was unilaterally deciding with the Public Service Directorate of Remuneration and Conditions of Services on social workers conditions of services. The Council for Social Work was not and still is not legally empowered to participate in the process hence it has been calling for social workers to form a strong union to bargain on their behalf since 1994 and that has not happened. However the only power it has is merely to recommend. It seems at this stage in South Africa and the Eastern Cape social work management and the Public Service commission machinery of bargaining the Public Service Bargaining Chamber both central and provincial levels lacks contribution from the Social work fraternity (as there is no registered social work union legally

sanctioned to bargain for social workers) as occupational class except through general and industrial unions like (NEHAWU) and (HOSPERSA).

- iii) Methods for selecting professionals to participate on these councils and joint councils and committees have varied greatly. They included the majority vote of all professionals, appointed by the administration, designation by the union, and combinations of all three techniques. In public education, for instance, parents and other members of the community sometimes serve with teachers and administrators on joint committees. Rabban (1991:101) notes that a few unions have negotiated to councils of professionals and joint committees. The union representatives had a right to present to the trustees the union's position on such policies. For example, the Minnesota hospitals have agreed to consult with unions of interns and residents over inspections by accreditation bodies and social services agencies have agreed to consult with unions of social workers over efficiency studies. In South Africa, it is not clear if social workers are actively involved in decision making structures especially those in government, whilst the situation in the private welfare organisations and the industrial sector, varies from one place of employment to another.
- iv) Occasionally labour contracts provide that representatives from the professional bargaining unit serve as members of the organisation's key committees and boards. Union representation on governing boards need not preclude and often coexist with, councils of professionals and advisory councils. In order to promote innovative professional participation in decision-making, unions have to agree to consider the purpose of collective bargaining agreements. Shaffer (in Lightman 1982: 135) has examined eight collective bargaining agreements covering social workers in four states, and he found that none of the contracts "explicitly dealt with issues of...ethical practice and quality service to clients. Apparently his view was that social workers should attempt to cover these areas in union contracts in the future, for he cited with approval the nursing and medical professions, whose members have been effective in incorporating such

provisions into their contract in order to improve service to the clients (Lightman 1982:135).

While Shaffer (in Lightman 1982) suggested that unionisation could in principle, enhance the attainment of service ideals an alternate interpretation would consider these omissions to be deliberate. Union bargaining committees may have believed that these are not areas which are amenable to resolution in a collective agreement and that limited union strength could best be directed towards more conventional and readily attainable goals such as wages. Meanwhile Goldberg and Levine (in Encyclopaedia for social work 1995:2421) claim that “unionisation also has been seen as a responsible and logical means of dealing with power and decision making within the social agency workplace.

- v) Union control over representation might promote selection based on union membership and activity, just as management control over union membership and activity, just as management control over representation might promote selection based on phability to bureaucratic directives. The professionals best qualified to serve on policy making bodies and most committed to professional standards may often be those who are independent from both the management and the union.

3.4.3 Regulating Professional work

Rabban found that regulating the amount of work and nature of the performed by professional employees, many unions maintain, combines professional interest with self interest and contributes to professionalism as effectively as participation by professional employees in the development of organisational policy. Many employers complain on the other hand that unions too often use the theoretic of professionalism as a digeneous pretext to win concessions from management and public support from the same selfish benefits that traditional industrial unions seek more openly and honestly. For example unions may dress up proposed provisions on maximum caseloads as essential to achieving quality in the delivery of professional services, but

actually may be concerned only about reducing work obligations that already seem reasonable to employers and administrators.

Lightman 1982 states that “pure professional practice has long been constrained by its exercise within bureaucratic work settings, and the concern is that unionisation may impose further. Thus, the relevant empirical issue is whether the organisational structure and priorities of a trade union are such as to interfere significantly in practice with the exercise of a professional service orientation.

Some collective bargaining agreements specifically linked regulations limiting work with professional values. Similar limitations on work, many would argue, support professional values even when the collective bargaining agreement does not make the relationship explicit.

Contractual provisions include minimal staffing levels, restrictions on the workload and hours of individual professionals and incremental responsibilities for new or untrained professionals. Collective bargaining also stipulated maximum caseloads for social workers and lawyers.

For many professional employees commitment to the profession entails elimination of non-professional duties as well as restrictions on the amount of work. For example in 1994 in the former Ciskei social workers fought amongst other things for maintenance grant caseloads as they believed it was manual or routine tasks which only required applicants to be produce death and birth certificates for applications to be processed which could have been done by pension clerks. This was effected as also social work administration accepted this as a fact. Professional are employed because they are uniquely qualified to perform essential professional work in an organisation but they are not only on professional dignity and fulfilment but they are also counterproductive for the organisation.

Although many of the contractual provisions regulating professional work seemed to foster professional standards others have led to abuses. The relationship between e.g. doctors request for 15 minutes interval between appointments in order to do administration alleging to improve professional services, but accumulated this time to leave work two hours early each day.

The relationship between the elimination of non-professional work and professional values may also be ambiguous because professionals are assigned substantial amount of work that may temper with their ability to perform professional services which they are trained and hired to do, but provisions that preclude professional/employee from performing even in infringement and minor tasks that do not depend on professional training often seem inflexible and needlessly expensive.

3.4.4 Providing training and professional development

Collective bargaining agreements also address professional concerns about training and professional development. Provisions in collective bargaining agreements may specify the nature and timing of training. Adequate supervision by designated supervisors or by professional peers may also be guaranteed by the contract. Some provisions stipulate periods of additional training before professional employees can be given new duties before nurses for example, can be assigned to critical areas.

Collective bargaining agreements require employers to support the continuing education as well as the training of professional employees. Employers usually agree to initiate and provide, often in consultation or co-operation with the union "in service" programs such as courses, seminar and conferences intended to strengthen the skills and knowledge of their professional employees. Agreements stipulate that employer will subsidise attendance at similar programmes outside the workplace such as weekly gallery visits by the professional staff of a museum to keep abreast of developments in their respective fields. Each professional employee may have a contractual entitlement to specific annual amounts of time and money for continuing education; alternatively, each may receive a discretionary imbursement, often with the involvement or under the control of representatives of professional consultants Rabban (1991:105).

Long leaves of absence for professional development may also be provided by contracts.

Sabbaticals for professors are a common feature of a university life before collective bargaining

are often treated in great deal. Some contracts established funds to support research projects requiring less time, and allow professional leaves of absence without pay for research study and travel.

In the case of South African social workers social workers are still grappling with the basic issue of having their own union which is going to take up issues like comprehensive training and development of staff as a requirement to be covered by the labour contract. Ideally, all organisations, industries and government departments are supposed to have staff development programmes or in-service training programmes (as they are referred to in most agencies) but what you find in the South Africa social work agencies is crash courses, one-day seminars, workshops and office case discussions by social workers and that is being regarded as in-service being which constitutes staff development. This concept of staff development is really a luxury and privilege in South African social work context.

3.4.5 Committing organisation resources to professional goals

Rabban noted that personal and institutional interests also overlap, and potentially collide when unions negotiate for organisational resources to support professional work. Those in essence extends to unions a right to be part of the organisation's decision making process regarding human resources hiring and evaluation. In 1994 the former Ciskei social workers went on strike for inter- alia adequate provision of facilities like photocopier and fax machines, and more offices so that professional standards could be maintained (Rabban 1991).

Collective bargaining agreements frequently establish both procedural and substantive rights of professional employees regarding hiring, evaluation and termination of contract. This, in simple terms, may mean preferential hiring of current employees over outsiders as long as the employee is equally or minimally qualified or the outsider is significantly better qualified. Poor evaluation is also a common feature covered by collective bargaining agreements. The criteria for evaluation related to professional concerns are sometimes specified by the contract. Collective

bargaining agreements do to a certain extent weaken individual effort, creativity and commitment to excellence often associated with professionalism by adopting the standardised pay scales which is typed of industrial unionism. Yet many contracts do allow or require differences in pay for professional employees based on evaluation of their individual merit. Merit scales either fall within the discretion of the employer or may be determined jointly by representatives of the employer and professional staff. The former has a potential for abuse according to the researcher's experience some authorities representing employer in the chain of bureaucracy may use power at their disposal to oppress subordinates. For instance in the case of the former Ciskei in 1994 there was a system of confidential reports which were to be submitted by a supervisor for the evaluation of a social worker. It turned out that some social workers whose personal relations with the supervisors were strained and became victims. Incidents of sexual harassment of subordinates also emerged as some social workers who did not accede to their supervisor's sexual advances ended up losing merit pay as their evaluation reports were negative and merit salary increases were turned down.

Many clauses governing termination addresses professional bonuses. Contracts eliminate the context of just cause by referring concerns such as serious professional misconduct, gross neglect of professional duties, and incompetence. They occasionally define just cause more specifically in relation to a particular professional discipline such a falsification of records, false representations to a court and knowing participation in a violation of professional code of conduct.

Some contracts may limit strict seniority in ways that respects professional values. Provisions may for example require preference for more senior employees only when ability and experience are equal. It is also important to recognise that job preferences for existing employees may be related to issues of professional concern and may not simply reflect effort to promote security over merit.

Rabban (1991:109) asserts that

"any assessment of the impact of unionisation on professionalism must consider the extent to which professional values were accommodated at the workplace before the introduction of collective bargaining."

Labour contracts that seem to compromise or reject some professional values may nevertheless constitute an improvement over prior arrangements which means it is crucial to consider past experience so that problems of the past are resolved or covered by certain clauses in the collective bargaining agreement. Indeed professional employees often organise or unionise precisely to obtain influence that management has refused to grant. On the other hand, collective councils of professionals with direct union representation seem to sacrifice professional values. Rabban concludes that contractual support for professional values varies widely both across and within professions and many provisions straddle an uncertain and debatable border between professional interests and self-interest. Yet the existence of substantial unambiguous support for professional values in many agreements suggests at a minimum, that unionization and professionalism are not compatible, and directs attention to identifying factors that may account for widespread variation in the contractual treatment of professional concerns.

3.4.6 Elaborating the criteria for personnel decisions and the role of professionals in making them

Rabban noted that many unions believe in the power of decision-making and professional unions are therefore not susceptible to this practice and therefore play a major role in decisions as to who should be employed in the particular profession and which qualifications should they possess. Here in South Africa this has been characteristic of unions like Nehawu, whereby Nehawu would intervene in cases of this nature to influence the decision as to who to appoint ultimately like the the case of East London Child Welfare Society where there was apparently some controversy over the appointment of a Director in 1997.

3.5. CONDITIONS UNDER WHICH PROFESSIONISATION AND UNIONISATION ARE COMPATIBLE

Alexander 1980 approached the subject from a different path as he chooses to view the unionisation professionalization debate from a different angle, what she does is to examine the conditions under which these two processes are incompatible and those under which they are complementary and reinforcing.

Alexander (1980:476) suggests that:

"one way around the seeming paradox between the negative view of unionization for professionals and its growth is to examine unions and professions theoretically, as ideal types."

The usefulness of such a contrast is that:

- i) this comparison seems to underline the widespread sentiment in social work that unions are unprofessional
- ii) such a comparison of ideal types results in the need in the inevitable conclusion that unionism and professionalism as principles, and process as well as unions and professional associations as modes of organisation are in fact, contradictory and incompatible.

Whilst majority of respondents in Lightman's study conducted with a random sample of 121 members of the Ontario Association of Professional Social Workers in Metropolitan Toronto, saw no incompatibility indeed, many felt that unionisation may facilitate service goals offsetting workplace bureaucracy. Respondents also saw virtually no overlap between areas of greatest effectiveness of a union and professional association. Three quarters of the sample did not feel that membership in a union was unprofessional for social workers and two thirds saw

compatibility with professional social work values; only 13 percent and 21 percent of the respondents felt the contrary.

It is only when the realities are examined, both of the less established professions such as social work and of the unions organising them, that the compatibility and mutual reinforcement emerge. The paradox disappears and more substantive debate about the pros and cons of unionisation for professionals is possible. The occurrence of unionisation for professionals is possible. Studies conducted by Alexander 1980, Lightman 1982, Lichtenberg, & Brunn, 1980; Levy, 1964; Shaffer & Ahearn, 1981). The occurrence of unionisation for professionals as complementary process, then appears least likely when both are examined as ideal types exemplifying to most mature and successful of each. All these research have consensus that unionisation and professionalisation are compatible.

3.5.1 Comparison of trade unions and staff associations

Rabban's useful dimensions on which to compare as ideal types the two organisational forms of union and professional association are patterns of membership, overall philosophy, and tactics.

3.5.1.1 Membership

As regards membership, unions have typically been associated with wage workers involved in manual labour for low pay. The professional association on the other hand, is generally associated with middle-class people involved in non-manual, more exotic prestigious, and lucrative work. In the South African Social Work field there has been a multiplicity of professional associations with no bargaining powers which unions have. Social class and status differences have been stressed continuously in the literature by famous writers like Carr-Saunders & Wilson, Prendy (in Hill 1981:216) when they state that

"class has subjective as well as objective features, in that people have views about their own position, the class to which they belong, and the relationships amongst classes"

Meanwhile Prendy has concluded that professional associations are status bodies which seek to enhance professional prestige, whilst unions are seen as class bodies that reflect their members proletarian social image and engage in collective bargaining with employers. The class ideology is therefore held to be incompatible with the status of the

ideology of the professions (Hill 1981:232).

Professional unions are therefore seen as less likely to go for militant actions like a strike, and less likely to affiliate to other class agencies. Carr-Saunders and Wilson classic work on professions pointed out that, those aspiring to professional status should avoid unions at all costs:

"indeed association with the movement (labour) is generally regarded even among the more economically dependent of professions as calculated to depress rather than elevate their social status and is therefore avoided even in cases where one might expect it to be sought after" (Alexander 1980:477).

Whilst Shaffer cited by Minahan (in Encyclopaedia of social work 1987:793) indicates that unionisation is clearly a fact of contemporary social work employment. However social workers are not adequately socialised either in schools of social work or through on the job training, to deal with their roles as managers or employees in unionised social service programs.

This kind of attitude has been prevalent amongst many social workers over the years although it has been an implicit rather than explicitly expressed attitude. The resistance to unionism on grounds of prestige has endured and it forms part of what C. Wright Mills (in Alexander 1980:477) defined in the 1950's as the "principled" rejection of unions by many white collar employees. The following is a good example of their principled rejection of the unions.

"then after all, we are all workers approach has served to eliminate many professional persons from labour movement who might otherwise be sympathetic. Unionism's endeavour to organise professional personnel by appeals to worker solidarity, when professionals regard themselves as a group set above the common herd, has been a tactic seen as self defeating as it is persistent"
Alexander 1980:477.

The cleavage created by differences in status and image seems almost insurmountable. Unions serve direct interests of their members by responding to a wide range of their needs conceptualised into the three levels namely:

1. those needs comparable to the needs of any citizen e.g. needs for health services and
2. those needs derived from status as labour force participant for example, needs for day
3. those needs that develop out of the specific job an individual holds for example needs for

Increasing the labour movement has expanded the delivery of service in the interest of the social well being of members and their families. The number and variety of services can be expected to increase, bringing social workers directly into the union network Saunders & Turner (in Encyclopedia of Social Work 1997:73a)

J.J. Gievers who was first president of the National Union of Teachers said in his inaugural address;

"there is no class of men whose daily duties and personal interests are more frequently interfered with by legislation and hence teachers most of necessity unite and influence such legislation." Turner (1988:60)

Thus it could seem that the teacher's approach to more narrowly defined trade-union issues during those early years was informed by both the strategy of occupational professionalism and the issue of status professionalism (Ozga & Lawrt 1981:13). It would appear that professional employees including social workers experience class tension.

Thus trade unionism in the normal sense of the word was almost a term of abuse for these professional employees not because it was an appropriate model of organisation as such, but because they were ideologically opposed to its principles.

Another important dimension of membership patterns in trade unions and professional associations relates to the exclusionary practises of both unions and professional associations. Both exclude potential members but on the basis of opposite criteria more or less. Unions

typically reject those above a certain level in the organisational hierarchy for example, those defined as management whereas professional associations tend to exclude members on the basis of insufficient education or experience. A good example of this is the Border Progressive Social Worker's Union which systematically excluded administrators like Assistant Directors, Deputy Directors, Directors who are not exactly management. The implications of these exclusionary measures eligibility status to professional associations and short-term eligibility status which lasts until they are promoted to management. Unions eligibility based on criteria also results in a fair amount of turnover, with a large percentage of the membership being younger professionally less experienced individuals who remain members until they are promoted to management.

3.5.1.2 Philosophy

These two forms of organisations, namely, professional associations and unions vary considerably in terms of their overall philosophy and goals. In the union's ethos, a very real and inherent conflict of interest exists between union members and management. No such inherent adversary relationship exists in the professional ethos. Unions are narrowly focused, in terms of their activities as they predominantly concentrate on improving wages, hours and conditions of work.

Whereas higher status is expected, though often denied, the outcome of unionisation, relies on the instrumental dimension, the realisation of economic and job benefits is most critical to a union's success. Otherwise potential members will not be interested in joining unions if they are not seen to improve their economic situation. The established professions lack this extreme dependence on outside economic influence. The professional spirit, on the other hand, extends beyond narrow economic and professional issues. Professional associations' concern for the enhancement of standards of proficiency within the profession, reputation in the community, service to clients, and above all, autonomy, are all within its expensive interest.

Autonomy and independence on the job are key issues for professional associations, whilst unions leave determination of who does the work, and the nature of its content up to management; professional autonomy, however, includes defining and controlling the nature of work, not just the surrounding conditions (Alexander 1980).

Ideally, professionals stress the primacy of the public good, whereas unions stress the primacy of private benefit. However by definition, professionals are not as immune to financial lure as their rhetoric of service might imply. In fact financial success and high prestige are inevitable and necessary requisites of fully-fledged professional status. Though generally masked in professional rhetoric, substantial financial gain is indispensable to assure professional status. Although the professional association does seek collective advancement, the professional ethos both allows, and in fact emphasises individual mobility. Striving for upward mobility is the rule rather the exception. Among the professions, individual advancement is based on merit. The epitome of the professional, according to Alexander (1980) is the autonomous individual practitioner, whereas the epitome of the unionist is the staunch group member. Given a typical social agency, one would expect to find the professional social workers in one bargaining unit and the clerical and maintenance workers in another but that is not necessarily the case.

3.5.1.3 Tactics

A final point of comparison involves the difference in the tactics and the rhetoric of the two modes of organisation. The classic tactics of unions which emerge from their basic and class struggles with management, involve a range of applications of power, from go-slows to pickets to strikes. Union rhetoric, which often involves a public admission of bitterness and hostility, commonly used includes such terms as "arsenal of weapons, open warfare, enemies, class solidarity grievances, demands, militancy and rights (Alexander 1980).

Unions believe in a collectivist spirit. Professional associations on the other hand, are not as blatantly involved in power struggles but rather emphasises more cerebral tactics e.g. developing

code of ethics, raising standards of practice promoting good community relations, and expanding the knowledge base. The rhetoric of professional associations is 'service,' 'individual merit' 'standards' and 'consensus'. The overall tone is dignified, cerebral, and conciliatory. Galper in Lightman (1982:133) views professionalisation in class terms dividing social workers from other segments of the labour force; the social workers is thereby aligned with the state itself...

unionism therefore serves as a counter-ideology to professionalism as it stresses individual differentiation while union roles and strategy focus exclusively on collective benefits according to Larson (in Lightman 1982::133). The professional association deals more at the level of broad public relations. Union on the other hand, through their structure of locals and shop stewards and their emphasis on collective bargaining and redress of grievances, are much more involved on a day to day intimate level with their members (Alexander 1980). The researcher believes that it is a fact that class tensions do exist between professional associations and unions, but it seems as though unions of professionals can fulfil the role that professional staff associations play and still address labour issues of professionals as the bottom line is that professionals are also workers.

3.6 INCOMPATIBLE VIEW OF PROFESSIONALISM AND UNIONISM

Northrip *et al.* in Alexander 1980 concluded that unions and professional associations are inherently incompatible. Their basic membership patterns, philosophies, and tactics are so irreconcilable that they could not coexist without continually violating the sacred prerogatives of the other (Alexander 1980).

According to this view, which assumes ideal standards of unionism and professionalism, any type of unionisation among professionals, social workers included, is an anomaly. Subscribers to this view believe that the idea of unionising is not professional. However, this line of argument invokes ideal constructs and treats all professional union members as though their unionism and professionalism were each fully mature, when this is not, in fact, the case. This view fails to account for the group of exceptions like those persons claiming professional status who have also

been unionised for the last forty years. Twenty one percent of respondents in Lightman's study of compatibility of unionisation and professionalisation viewed these two concepts as incompatible.

Alexander suggested two models involving a certain reluctance and defensiveness in relation to unionisation. Both models view unionism and professionalism as compatible under certain conditions. The first model is called "transitional model" and second Hybrid model.

3.6.1 The Transitional model

According to this model professionalisation and unionisation are compatible only when both processes are at early stages of development. Full professional status is the ultimate outcome. In fact, unionism is not expected to become a permanent fixture at all, but rather will be shed as professional status becomes more secure. Unionisation is regarded as a necessary and effective evil for wresting higher wages and better working conditions from management in the present. The union is expected to serve a purely instrumental function in terms of acquisition of economic and job security, both of which are requisites for professional status. This model suggests that as both unionisation and professionalisation mature union and professional prerogatives will inevitably clash, but this does not matter since unionisation is viewed as only a transitional stage in the pursuit of full professional status. Also when professionals are promoted to supervisory portions, they are generally classified as management and are no longer eligible for union membership.

The limitations of this model are:

- (i) that it ignores the reality that several offspring professions in the U.S. including social workers, teachers, nurses and so on have not rejected unionisation, even though their professional status is more secure than it was in the 1930's and 1940's when they began to unionise. Teachers and nurses are a good example in the South African context.
- (ii) also the model is too optimistic about the prospects of many occupations for Epstein & Conrad (in Alexander 1980) point to the limited descriptive and predictive

validity of measures of social work professionalism as either an independent or intervening variable. They conclude that "a more empirically based de-professionalised model would view claims to social work professionalisation as in fact expressions of social work professionalism, an ideology associated with aspiration to professional status rather than as an expression of the central norms of social work as a "professional community"(Alexander 1980).

- (iii) Thirdly it fails to take into account for the environmental constraints, especially highly unionised context in which professionals work.
- (iv) Fourthly it fails to account for an inevitable interaction process: when unions and

3.6.2 The Hybrid Model

This model assumes that when unions and professionals interact over time each begins to assume some of the characteristics of the other. New forms emerge that borrow from but do not entirely conform to, either the traditional union or the traditional professional model. In the latter instance, union and professional forms remain separate but borrow from and influence each other. In both instances, the need for union protection, particularly in areas of salary and working conditions is seen as a permanent requirement.

Wilensky in Alexander 1980 has identified two other critical points of comparison:

- * firstly, newer professions are salaried and housed in bureaucracies, both of which
- * secondly because their knowledge base is either too broad or too narrow and restricted, the claims of these professions to exclusive jurisdiction and autonomy are also threatened.

Wilensky views this as a major obstacle to full professional status, although the issue of social work's weak knowledge base is critical, it is viewed as much less controversial than the issue of the professional status which Parrow in Alexander described as certainly the hottest single topic in the field of organisational analysis, one that is obviously complex. Wilensky in Alexander has declared :

There is another way to view what is happening to professionalism: it is not that organisational revolution destroys professionalism, or that newer forms of knowledge (vague human relations skills at one extreme, programmed instruction at the other) provide a poor base for professionalism, but simply that all these developments lead to something new. The culture of bureaucracy invades the professions; the culture of professionalism invades organisations. (Alexander 1980 :479).

If bureaucracies are a threat to professionals, so are professionals to bureaucracies too. They lack appreciation for the rules and regulations. They focus on the unique rather than the routine aspects. The issue of bureaucracy has also been emphasised in the literature on professionals in unions. Almost all the authors in the field view the bureaucratic setting as predisposing professional social workers to unionise, particularly when the bureaucracy becomes extremely large and impersonal (Ibid).

Having looked at the hybrid model the question is what characteristics distinguish unions of professionals from unions of 'blue collar workers'. The first thing which Alexander observed is that bargaining units in professional unions tend to be smaller and more scattered. They also have a tendency to reject the use of strikes and other more extremes tactics (like toyi-toyi) in the South African situation in favour of arbitration and mediation. The potential use of the strike in particular creates a serious dilemma for many professional union members. Shaffer cited by Minahan (in Encyclopedia of social work (1987:797) maintains that "the possibility of strike action is worrisome to many professionals hence the incidence of strikes in work is very low". In the US the use of strikes has always been a major issue in the debate within social work over unionisation.

According to Alexander 1980 some recent data on the use of strikes by a select group of social workers suggest that for most of them, the threat of a strike is more a matter of form than substance since no-strike and no lock out clauses were commonly included in labour contracts covering social workers. There were of course indications that many social work union members strongly favoured arbitration over strike action. Some unions in an attempt to reflect the ethics of professionalism have demanded to include such things as the size of classes and caseloads, course content, and office space prerogatives which were previously regarded as belonging to management. In some cases, union members have also demanded that they be given a right to meet and discuss professional issues during working hours.

Notwithstanding such structural differences that distinguish the union of professionals from those of blue-collar workers perhaps most attention has been devoted to differences in style, and tone which reflect the middle-class professional bias. For example among the unions of professionals the class struggle or inherent conflict between the union and management has usually been underplayed, with workers often expressing dual loyalty to both management and the union; emphases have been used such as calling a grievance committee and office relations committee; middle class organisers have been used, and merit, rather than seniority has been stressed for promotions. Finally, unionisation is promoted as a way to promote rather than impede professional standards.

There is evidence to the effect that professionals join unions for the same reasons as blue collar workers, although when they are in unions they tend to want their organisation to reflect professionalism. The potential for professional unions to serve functions of associations and social change is present, just as it is for blue collar unions; however the purpose and the emphasis is also the same as that of blue-collar unions: obtaining higher wages, better hours, and better working conditions.

3.7 CONCLUSION

Whilst many studies have supported the notion that professionalisation and unionisation are compatible contradictory views encapsulated in the models suggested under incompatible views have been advanced although not well substantiated. Just like in America and Britain South African social workers seem to hold divergent views on the compatibility of unionisation with professionalisation of social workers.

The next chapter provides **legal framework for collective bargaining.**

CHAPTER 4

4. LEGAL FRAMEWORK FOR COLLECTIVE BARGAINING

4.1 INTRODUCTION

This chapter looks at collective bargaining as a legal provision provided for by the labour relations legislation in order to regulate the inherent industrial relations conflict. An attempt is made in this chapter to give a brief overview of this process, its definition, nature, levels, legal provisions, and the role players involved.

4.2. DISCUSSION OF COLLECTIVE BARGAINING AS A LEGALLY SANCTIONED PROCESS.

4.2.1 Definitions

In 1992 defined collective bargaining as a :

method of determining terms and conditions of employment which utilises the process of negotiation and agreement between representatives of management and

Bendix defined it as

“a process by a conflict of needs, interests, goals, values, perceptions and ideologies, but resting on a basic commonality of interest whereby employees/employee collectives and employees/employer application of pressure and counter pressure, attempt to achieve some balance between them, the organisational and strategic effectiveness of each party, the type of bargaining structure and on prevalent economic, socio-political and other conditions”
(Bendix 1989:92)

Edwards (in Engval1997:105) views it as “a subtle blend of legal requirement and voluntary contract, of local flexibility and general impact, and of public policy and

Engval 1997:105) states collective bargaining refers to the organising of employees for the purpose of negotiation and administration of a contractual or legally enforceable agreement between the employee and the employer”

Central to these definitions are the following important features of collective bargaining.

- a method of determining terms and conditions of employment
- means of regulating industrial conflict through negotiations and persuasion.
- involves power struggles between management and employees
- develop a sense of co-operation between workers and management, as compromises are occasionally struck by the two bargaining agents viz. management and unions.

4.2.2 The nature of collective bargaining

The essential characteristics of collective bargaining according to the Donovan Commission method, is that employees do not negotiate individually and on their own behalf, but do so collectively through representatives. Clearly, therefore, collective bargaining can exist and function only if:

- the employees themselves are prepared to identify a commonality of purpose, organise and act in concert and
- management is prepared to recognise their organisations and accept a change in the employment relationship which removes or at least constrains, its ability to deal with employees on an individual basis.

In essence the collective bargaining process provides a formal channel through which the differing interests of management and employees may be resolved on a collective basis.

(Salamon 1992:311).

There seems to be a correlation between the absence of social work unions coupled with low levels of affiliation to general unions by Social workers and the fragmented approaches to

collective bargaining currently prevalent in South Africa in the recent years. As a result social workers' individual employers do not deal with them in the collective.

Walton and Mackersie in Murray (1996:239) have distinguished at least five distinct facets of the collective bargaining process.

- **distributive bargaining** which settles conflict of interests between two or more represents a gain for one party and a loss for the other. The use of force, minimum
- **integrative bargaining** - this according to Murray 1996 occurs where there are elements of common concern and where parties can explore objectives that are not in fundamental conflict. Both parties accept that "neither will gain advantage unless the other gains too" Chamberlain & Kuhn in Murray (1996: 239). This can be seen as a win-win situation. For this approach to succeed it requires not only managerial acceptance of a restricted prerogative, but also a willingness on the part of the union to forsake an adversarial stance and accept joint responsibility for the running of the firm.
- **destructive bargaining** - the parties persist in a fruitless confrontation and neither is willing to compromise. For example uncompromising management and labour who are unwilling to compromise in a deadlock situation.
- **intra-organisational bargaining** - involves the seeking of consensus amongst members for the terms of the settlement and a promise of adherence for a specific period. The two negotiating teams are not only negotiating with each other, but also with often diverse constituencies that each team represents.
- **attitudinal structuring** which involves the fostering of certain attitudes between management and labour. It involves an attempt by one through its actions to change the attitudes of the other party. These attitudes can be cultivated and maintained through adopting certain stances such a hostility towards each other, containment aggression,

grudging acceptance, accommodation, co-operation and conclusion with each other (Dekker 1990, Bomela 1983:3).

4.3. LEVELS OF BARGAINING

Employer organisations are not compelled to use collective bargaining and dispute resolution structures of the Labour Relations Act except where one of the parties seeks to access the legislative bureaucratic agents and procedures like the Labour court or intends embarking on lawful industrial action. There are various levels at which bargaining takes place according to (Marcus 1991:31, Kritizinger 1992:1992:6, Sing and Panceliah 1982:4, Reddy and Sing 1988; Grogan 1997:105, Dobson in S.A.Labour Bulletin 1996:36, and Murray 1996:258).

Kochen in Murray (1996:253) identified three levels of bargaining namely :

- centralised (multi-employer; multi-plant) bargaining;
- part centralised (single employer: multiple) bargaining and decentralised (single employer: single plant bargaining)

4.3.1 Centralised multi- employer bargaining

According to Salamon(1992:324) this generally refers to a multi employer agreement which covers employees of a given description within a specified industry of sub-industry. An ideal example would be a central bargaining council for all private welfare organisations whereby all National councils of private welfare organisations will be bargaining with national social work unions or general unions representing social workers.

The non-federated organisation and its employees, do not have access to any dispute resolution procedures which have been negotiated between the Employers Association and the trade unions for resolving differences relating to interpretation and application of the national agreement.

Three main categories of multi-employer collective bargaining institutions: statutory, formal voluntary and ad-hoc.

Marcus (1991:31) states: the choice of bargaining levels can be a key factor in determining the power balance between the party in industrial relations and can often secure important advantages for a party (whether employer or union) in the power play that characterises the collective bargaining process.

Employers' choices of bargaining levels will be informed by their experiences in negotiations, the opportunities represented by the different levels and their assessment of trade union power. Hence it is likely that in sectors where employees have a weak capacity for co-ordination and lack strategic power at the central level unions will encounter considerable opposition to centralised bargaining Murray 1996). Strong, centralised bargaining structures may prevent the government from subordinating the interests of labour to its economic policies and developmental strategies.

Uniform pay structure negotiated nationally removes the jobs covered in such agreement from local and regional variations in collective power and hence wages with centralised bargaining normally becomes the right to extend collective agreement to non-parties to the agreement. For example according to Paul et al. 1988 British social workers were on a single national salary scale which ran, in terms of the National Joint Council's Scheme of Conditions of Service. The end of the 1978-79 field workers' dispute, in particular, with its introduction of the three levels of social worker, has evoked a range of strong reactions (Paul et al. 1988:185). This gives trade unions influence and power in workplaces where they do not have strong presence Murray (1996:259). Centralised agreements on wages are thus likely to reflect the state of the entire sector whereas shop floor bargaining will open wages up to far greater variation.

There is evidence to suggest that countries with centralised bargaining institutions have tended to have less unemployment rate and lower inflation rate than countries whose bargaining is fragmented (Brown in Murray 1996: 260).

Market conditions have a crucial bearing on the level of bargaining that employers will favour. Under conditions of mass unemployment and contracting markets, shop stewards structures may be so engaged with local issues that central bargaining takes a back seat. Whilst a highly competitive market also leads to decentralised bargaining as employers seek to lower the costs of labour in the face of weak trade union opposition. Centralised bargaining is said to be particularly important where training agreements are industry-wide. There is little incentive for employer to incur training costs.

4.3.2 Disadvantages of Centralised Bargaining

- It may encourage a rupture between trade union leadership and the members and tends to undermine democracy .
- Employers' organisations tend to be dominated (numerically and ideologically) by the large corporations and this encourages employers in small and medium sized firms to seek exemptions from centralised agreements or form separate organisations to represent their interests. Large corporations also tend to override employer bodies when it suits them or to lobby members of government directly.
- Centralisation runs counter to developments in technology. The emphasis on flexibility, decentralisation and the union avoidance strategies of human resources management currently fashionable in the global marketplace. Conflicts can and do arise between single and multi-employer bargaining. In some cases trade unions insisted on negotiating single-employer agreements reached in multi-employer negotiations.
- Strong employer opposition to the perceived inflexibility which treats all firms the same, over-regulation and undue advantages to unions stemming from centralisation.

- It cannot always cater for small- and medium-sized enterprises who lack the economic muscle to impose their priorities. They are overburdened by complex and detailed regulations inappropriate for them (Murray 1996; Finnemore & van der Merwe 1996: 164).

In South Africa centralised bargaining generally takes place under the auspices of registered bargaining councils provided for by the Labour Relations Act 66 of 1995. However, centralised bargaining over wages remains voluntary according to the Labour Relations Act. This has been a matter of dispute at NEDLAC as COSATU wanted to impose compulsory centralised bargaining over wages (Finnemore and van der Merwe (1996:164).

4.3.3. Bargaining at industrial level

Sections 27 - 38 provide for bargaining councils to promote bargaining at a sectoral level, that is, in a specific industry or service.

They are provided for both in the public and the private sector. Bargaining councils agreements, which may cover amounts of wages, benefits and working conditions specific to that sector, bind only the parties to the agreement but may also be extended to non-parties under certain circumstances (Finnemore and van der Merwe 1996).

According to Salamon 1992 the purpose of industrial level bargaining is two fold

- i) From the trade union point of view it ensures that a common rule is applied across as wide an area as possible, and even outside those federated organisations which are obliged to follow the national agreement. In the wages it reinforces the concept of a 'rate for the job' based on the inherent nature of the job rather financial or productivity position of a particular organisation or its geographical locality.

- (ii) It equalises the union's bargaining strength across organisations and establishes minimum conditions which may be enhanced, but not reduced at organisational level whose union has sufficient strength or the organisation's financial productivity position warrants such enhancement. From the management point of view it allows the organisations to present a collective response to trade union pressure.

4.3.4 Organisational single employer bargaining

The term "organisational bargaining" may be used to cover a variety of different levels and forms of collective bargaining.

1. Company or group level bargaining - where all employees of a given type within the organisation irrespective of their place of work are covered by a single bargaining arrangement. In non-federated organisations it is more likely to involve the enhancement of nationally agreed terms and the determination of terms not covered by the national agreement.
2. Plant or site bargaining in multi-site organisations - This level of bargaining is particularly important in those organisations which are multi-industry as well as multi-site and therefore the nature of the work and processes involved will vary between the sites and require different terms and conditions of employment. At the same time each site may vary on an individual basis, be either federated or non-federated to the appropriate Employers' Association for that industry and therefore the agreement reached at this level may be either comprehensive or an enhancement of nationally agreed terms.
3. Departmental or workshops bargaining - relates to such issues as bonus or other PBR schemes and work arrangements. This level of bargaining may often take place within the operation of the organisation's grievance/disputes procedure (Salamon 1991; Murray 1996, Kritzinger,1992).

According to Salamon (1992) there are two important advantages of organisational bargaining.

- a) It encourages management to develop a more positive approach to industrial relations within the organisation - particularly in respect of wage bargaining. Industry level bargaining tends to weaken management's control of its wage costs in that determination of wage rates and other substantive terms is outside its direct control and may even be inappropriate to its circumstances. Management by bargaining at the organisational level, is better able to link wages with changes in work methods and increased productivity. At the same time, its wage bargaining may be conducted within a comprehensive and organisationally related framework of industrial relations.
- b) Both management and employee representatives become responsible for and committed to, the agreement they reach. The terms of the collective agreements are no longer decided by for them but by people outside the organisation and over whom they have little direct control or even influence, but are decided by themselves in the light of their needs and aspirations.

4.3.5 Disadvantages of single employer bargaining

1. In the area of pay bargaining, it may provide greater scope for "compatibility infraction." The granting of a pay increase in one organisation, because of changes in work methods or improved profitability, can easily give rise to expectations that similar increases will be given in the future or other organisations where there is not the same willingness or opportunity for such productivity/ profitability based pay increase.
2. Without a coherent policy and co-ordination of the various bargaining arrangements within the organisation, it is easy for organisational bargaining to become fragmented and degenerate into a sense of "catching up" or "leap frogging" claims.

3. Because of multiplicity of negotiations and agreements, organisational bargaining is less susceptible than industry bargaining to external verification and regulation during any period of incomes policy (Salamon, 1992).

According to Murray (1996) South African employers favoured centralised bargaining during the 1980's when the labour movement was still relatively weak and lacked the resources to sustain industry wide bargaining. The unions soon realised that centralised bargaining can extend their influence throughout the industry, cover firms where their presence is weak and provide trade union security arrangements.

4.4. DECENTRALISED BARGAINING

Salamon (1992:327) states that:

“much of the non-substantive aspects of collective bargaining (i.e. those related to job as opposed to pay regulation) have always been and need to be, conducted at the immediate workplace or point of production.”

The central issue in respect of decentralisation of collective bargaining relates to what is the most appropriate level for the determination of pay and other terms and conditions of employment (substantive terms).

Deaton and Beaumont (in Salamon 1992) pointed out that there are two distinct dimensions to decentralization:

the move away from multi-employer to single-employer structures, and secondly, within the single employer category, the decision to bargain at either the company or plant level. decentralisation need not be either/or situation in that the "two arrangement" has applied, and continues to apply in many situations with companies "topping-up" national terms and conditions to a lesser or greater extent (Salamon, 1992:327).

4.5 STRUCTURE OF COLLECTIVE BARGAINING LEGISLATION

The Labour Relations Act 66 of 1995 promotes collective bargaining at sectoral level and employee participation at the workplace, and promotes dispute resolution and labour peace. This LRA protects the right of the employees including social workers to join and form trade unions and employers to join employers associations in sections 4 -10 of the Labour Relations Act 66 of 1995 (Government Gazette 16861). The act considers the fact that without the employees or employers in the industrial area there could be no collective bargaining. Chapter III of the Act deals specifically with collective bargaining starting from the formation and registration of employer and employee organisations with the bargaining chamber to formalise bargaining status.

Sections 23 - 26 deals with collective agreements which means a matter agreement concerning terms, conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions and one or more employers or registered organisations. The Act gives significant status to collective agreements. For example parties may establish their own internal labour relations. Structures and their own dispute resolution processes (Grogan 1997:181, Finnemore & van der Merwe 1996:84).

It actually puts in place mechanisms to ensure that collective bargaining is procedural at whatever level it occurs, and which ever path it takes whether non-statutory and statutory! Sections 27-38 provide for bargaining councils to promote bargaining at a sectoral level than in a specific industry or service. They are provided for in both the public and the private sector. Bargaining council agreements may cover the whole gamut of wages, benefits and working conditions in a specific industry of service, are provided for both the public and private sector. Bargaining council agreements which may cover the whole game of wages, benefits, working conditions specific to that sector, bind only the parties to the agreement but may also be extended to non-parties under certain circumstances (Finnemore and van der Merwe 1996:84).

Statutory councils are provided for in section 39-48 . In sectors where there is bargaining council neither a representative union or employer which meet requirements of representative, may apply to the minister to establish such as statutory council. Any agreements reached may not include wage agreements unless both union and employer parties agree to include such issues. The statutory council is established at a meeting chaired by the Commissioner for Conciliation , Mediation and Arbitration. Its required constitution is similar to that of bargaining councils.

The powers and functions of statutory councils are more limited than those of bargaining councils. But the members of the council may agree to the inclusion of any other functions of a bargaining council in their constitutions.

Their functions are to:

- resolve disputes
- promote and establish training and education schemes
- establish and administer pension, provident fund, medical aid, sick pay, holiday pay, and unemployment schemes or funds and
- conclude collective agreements to give effect to the matters above.

Statutory councils therefore seek to provide some of the advantages of centralised organisation, but are thus limited non-wage issues. Wages may only be negotiated in statutory councils if both employers and unions agree thereto. Another body provided for by the Act is the Commission for Conciliation, Mediation and Arbitration(CCMA), whose function is to attempt to resolve the disputes through conciliation, assist in the establishment of workplace forums and the compilation and the publication of information and statistics about its activities. The CCMA as it is commonly known has jurisdiction all over the country.

Another mechanism provided by the Labour Relations Act is the Labour court which also has jurisdiction in all the provinces of the Republic. The Labour court has greater status than the old industrial court, as it has concurrent jurisdiction with the Supreme Court in respect of any

violation by the state in its capacity as employer of any fundamental right set out in Chapter 3 of the Constitution (Grogan 1997:182, Finnemore & van der Merwe 1989:85).

4.6 BARGAINING AGENTS/ROLE PLAYERS IN THE PROCESS OF COLLECTIVE BARGAINING

The discussion on collective bargaining cannot be complete without reference being made to parties involved hereafter referred to as bargaining agents. The LRA recognises and provides for the formation and registration of three institutions to represent employers and employees in the collective bargaining process, trade unions, employer organisations and workplace forums Grogan (1997:182).

4.6.1 Trade Union

A trade union is defined by the LRA as

"an association of employees whose principal purpose is to regulate relations between

4.6.1.1 Methods used by trade unions attempt to achieve their objectives

1. Collective bargaining with employers
2. Collective Action
3. Representation at Company level.
4. Affiliation with other Bodies.
5. Collective Bargaining with Government
6. Representation on local and national Bodies
7. Representatives to Government and Employer organisations
8. Political Involvement
9. Benefit funds
10. Education and Social Programmes

The discussion of these union strategies cannot be exhaustive. Suffice to say that for the purposes of this study the union needs to use some or all depending on the nature of the union and relevance of a particular strategy (Salamon 1992:327, Journal of Labour Relations 1991:12, Grogan 1997:182, Murray 1996:226, Bendix 1989:65, Rycroft & Jordan 1990:10)

4.6.2 EMPLOYER ORGANISATIONS

4.6.2.1 Types of Employer Organisations

Because employers have interests other than the regulation of the employer-employee relationship, employers may belong to various organisations some of which play no role in industrial relations. So for example employers have traditionally established trade organisations for the purpose of promoting and protecting common business interests. One purpose of a chamber of commerce or business is to serve as useful representational liaison and advisory bodies and in so doing many succeed in promoting healthier labour relations but they do not actively intervene in the relations but they do not actively intervene in the employer-employee relationship and do not engage in collective bargaining. It is employers association which have the duty to bargain for employers.

4.6.2.2 Collective Bargaining Associations

In contrast to the employee, an employer may not need to combine with other employers in order to hold power in the labour relationship. Because he already holds power, he does not have to elicit concessions from his employees. All employers are interested in when they come together to ensure that there is sound labour relations if so that productivity can be enhanced. They can also attempt to effectively counter union power if they act in collective bargaining. This is non-existent in the South African field of social work.

4.6.2.3 Functions of employer Associations

The primary function of an employers' association is to represent the collective interests of the employers vis-à-vis the union. They engage in regular collective bargaining with unions and the main purpose in doing so is to ensure uniformity in wages conditions of employment and procedures; in so doing they are trying to prevent 'wage leap frogging' This occurs when a union uses an agreement with the next employer.

- Employers' associations also represent the interests of their members with government and other agencies.
- They act as advisors to employers in an industry on matters such as procedures and the general conduct of labour relations and officials may serve as mediators between a particular employer and union.
- Their combination enables them to establish comprehensive benefit funds.

The interesting thing is that whilst the LRA makes provision for setting up of Bargaining Councils per sector that there is no indication at this stage of possible establishment of a welfare sector. The fragmentation of the social work field, and the absence of both social workers union and an employer organisation presents problems for the field as it enhances the implications of this for both social work employees as well as their employer.

According to Murray 1996; management's control goal in collective bargaining is the maintenance of an industrial peak, while that of the trade union is the maintenance of employment standards

“By bargaining collectively with organised labour management seeks to give effect to this legitimate expectations that wages and other conditions of work should be such as to guarantee a stable and adequate form of existence and as to be compatible with the physical existence and as to be compatible with the physical integrity and moral dignity of the individual, and also that jobs should be seasonably secure” (Davies and Friedland in Murray 1996:226).

Collective bargaining is the process of negotiation between an employer or a group of employees and a trade union or a group of trade unions. It forms the central mechanism of establishing the wage-effort bargain between employers and employees. Collective bargaining lives at the heart of Labour Relations and is the method of conducting the collective employment relationship.

According to Murray it has been referred to as a right which should belong to every worker in a democratic society as the "great social invention" regulating conflict in the workplace. ILO in 1949 adopted the Right to Organise and Collective Bargaining Convention (No 98). Article 4 states that "measures appropriate to national conditions shall be taken where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employees and employers' organisations with a view to the regulation of terms and conditions of employment and institutionalisation of conflict. These measures have a number of organisational and political prerequisites.

4.7 ESSENTIALS FOR COLLECTIVE BARGAINING

- Employees are prepared and allowed to identify a commonality of purpose, organise and act collectively throughout formation of trade unions.
- management is prepared to recognise the organisations of employees and accept a change in employment relationship which constrain the ability to deal with employees on a individual basis.
- The state through policy such as Labour legislation and wage boards provides the necessary institutional framework to support the process of collective bargaining.

To promote the process of collective bargaining international conventions, regional structures like NEDLAC and labour legislation in many countries including (South Africa) provide for certain organisational rights namely

- Trade unions access to the workplace
- Deduction of trade union subscriptions
- Trade union representatives

- Leave for trade union activities
- Disclosure of information
- Agency and closed shop agreements
- Right to strike

Whilst employers are having their own right like the right to lock out striking employees especially how the conditions of employment are going to be dealt with. The findings seem to reflect the level at which the industrial relations situation in the South African social work field is organised leaves so much to be desired. Nevertheless the study will look at such issues, as they relate to social workers conditions of services and how social workers view themselves as workers.

4.8. CONCLUSION

Collective bargaining is seen as a process which is available to be utilised by social however the choice of a particular occupational group to either use collective bargaining or not it is 'not a cast in stone'.

For social workers to be involved in collective bargaining they should form or join trade unions just like everybody if they are to make an impact in their working conditions.

The next chapter looks at **methodology which was employed in this study.**

CHAPTER 5

5. METHODOLOGY AND RESEARCH DESIGN

5.1 INTRODUCTION

The chapter looks at the methodology employed in the study. This includes research design, data collection techniques, sampling design and procedure.

5.2 RESEARCH DESIGN

Research design is a blueprint or detailed plan of how research is to be conducted from the first to the last according to Grinnell (1993:94), Bless & Smith (1995:63) and Rubin & Babbie (1989:79).

The subject studied is an under researched area in the social work field especially in South Africa, and therefore the researcher opted for an exploratory and descriptive design. Exploratory design means exploring a research question about which little is already known (Grinnell,1993:136; Mouton and Marais, 1990:43).

Whilst descriptive design means the researcher observes and describes situations and events (Rubin & Babbie, 1989:80). In so doing the study attempted to describe a dichotomous relationship between unionisation and professionalism, and analyses conflicting and contradictory arguments concerning the compatibility of unionisation with professionalism.

The study did not necessarily seek to explain why things are happening the way they are but rather looked at reasons offered by subjects regarding issues like their involvement and non-involvement in unions.

The aims of the exploratory design were:

- to gain new insights into the phenomenon under investigation; hence the focus was on the comprehension and insight of social workers themselves rather than to solicit views from people who are not directly the situation; however the views of employers and trade union officials were solicited in order to provide the context within which social workers were operating.
- to determine priorities for future research this was very critical in that it has now placed the researcher in a position to propose areas future researchers can look at when approaching the subject in the Eastern Cape, as well develop new hypotheses (Grinnell, 1993:136; Mouton and Marais, 1990:43; Rubin & Babbie, 1989:80);
- to uncover generalisations as there have been so many assumptions about perceptions of social workers about unions epitomising collective bargaining and professional associations which epitomises professionalism.

For example arguments by authors like Rabban (1991:97) and Alexander (1980:477):argue that

some people including professionals themselves claim that unionisation is incompatible with professionalism whereas some argue that the two are compatible.

These arguments were investigated with a view of checking their validity in the South African context in order to develop new hypothesis about an existing phenomenon.

The researcher is now in a position to make a hypothesis based on data obtained from the study for future.

The disadvantage of using an exploratory design is that it is limiting as it does not make provision for description of phenomena hence it was combined with a

descriptive design which allowed the researcher to describe phenomena being investigated (Grinnell, 1993:136).

5.3 METHODOLOGY

Bailey states:

"By methodology we simply mean the philosophy of the research process. This includes the assumptions and values that serve as rationale for research conclusions. A researcher's methodology determines such factors as how he or she writes the hypothesis and what level of evidence is necessary to make the decision and the standards or criteria the researcher uses for interpreting data and reaching whether or not to reject hypothesis" (Bailey, 1987:33).

Because of the exploratory and descriptive nature of the study there was no formal hypothesis. However the study was guided by three basic assumptions namely, that:

- social workers as an occupational class do not bargain collectively although some collective bargaining as members of wider organisations is taking place;
- collective bargaining has a potential of improving service conditions of social workers;
- occupational groups not involved in collective bargaining are at a disadvantage in terms of their ability to access appropriate remuneration.'

The researcher was operating from a premise that social workers do not have a trade union of their own whereas teachers, nurses and other professional employees do, however social workers are affiliated to various unions which are either industrial or general unions. These unions according to the researcher's opinion do not seem to represent social workers as independent professional sector but however represent them as part of the working class. They also do not appear to be a uniting force for all social workers in the broad practice field. Furthermore, there is general fragmentation of salaries and other service conditions as well as proliferation of staff associations of

social workers which remains unresolved although there are attempts to rationalise existing staff associations to form one body.

For example, a hospital social worker does not earn the same salary as prison or police social worker yet they are working for the same employer. The same applies to social workers working for private welfare organisations although the difference between former and the latter is that their employers are not the same.

Although a questionnaire was used, the study was not purely quantitative in that the questionnaire was semi-structured as it had both open ended and closed ended questionnaires. The researcher conducted semi-structured interviews in the pilot phase as well as with employers and trade union officials in the main phase of research methodology. According to Bryman & Burgess (1999:87) qualitative methodology yields rich, in-depth and complete data because of the close involvement of the researcher.

Before the researcher conducted the pilot study she first conducted a literature review in order to establish available data on the subject in order to enable the researcher to have a better and objective frame of reference before conducting the study.

Available literature fortunately presented both arguments in favour and against unionisation of social workers as professional employees and as a result this helped the researcher to eliminate her own biases which could have been detrimental to the study (Bless-Higson & Smith, 1995:23).

5.3.1 Preliminary Interviews

Preliminary interviews were conducted with government officials in the Directorate of Remuneration in Pretoria in order to determine the procedure followed in deciding service conditions of social workers working for the government. This Directorate of Remuneration is a subsection of Public Service Commission of the National Department of Administration which is responsible for service conditions of all

occupational groups in the Public Service including social workers. The registrar of trade unions nationally was also consulted in order to ascertain the procedure followed in the registration of trade unions. The Provincial Department of Administration was consulted and has availed documents containing service conditions of all public servants including social workers, namely:

- i) Public Service Staff Code containing general regulations governing public service employees (attached as appendix 4);
- ii) Public Service Act 103 of 1994 which is public service policy on conditions of service;
- iii) Personnel Administrative Standards (PAS) document which contains salary scales of social workers and their ranking procedure (see appendix 5 attached).

Private welfare organisations were also approached to obtain their service conditions documents (see Appendix 3 attached). Subscription to the journal of Labour Relations based at the University of South Africa formed part of the continuous literature review undertaken in order to keep the researcher abreast of developments in the field of industrial relations.

All this information served to assist the researcher understand the sequence and procedure followed in determining service conditions of employees.

This enabled the researcher to provide a context for the questionnaire. This was deemed to be in line with the objective of establishing from social workers whether they understood the procedure so as to be in a position to make informed opinions regarding the role of unions in collective bargaining aimed at improving their service conditions.

5.3.2 Pilot study

After a carefully conducted literature review the researcher then requested lists of all registered social workers in the Eastern Cape from South African Interim Council for Social Work (SAICSW) and the National Information System for Welfare (NISWEL) in Bisho, in order to compile a sampling frame. A list of all unions and staff associations registered with the Bargaining Chamber in Pretoria was also obtained with a view to establish the legal status of employee organisations to which social workers are affiliated.

The researcher randomly selected 10 social workers which was 10% of the overall sample(100) and interviewed them in an attempt to refine the questionnaire. The researcher conducted a semi-structured interviews with these social workers. McNeil (1990:34) suggests that in the pilot study the researcher tries out the questionnaire on a number of people who are similar to those who will be investigated in the actual research. Hence the researcher conducted semi-structured interviews with the pilot sample so as to complement data yielded by the questionnaire.

Data emerging from this pilot study pointed to a need to structure some of the questions raised in the questionnaire. It also assisted obtained from the pilot study did assist in the structuring of the questionnaire into broad sections covering a clustered series of questions relating to professionalism and unionisation in order to facilitate analysis of the questionnaire data easier. It also helped with the phrasing of certain questions which reflected some bias on the researcher's part which may have seriously affected findings if the pilot study had not been conducted. It also eliminated ambiguity of questions.

The use of a pilot study and a careful literature review prior to the implementation of the research tools attempted to address some of the issues around reliability and validity, in the sense that, data gathered from these was tested on the subjects as it was incorporated in the questionnaire. Issues raised in the pilot interviews were either validated or invalidated by the findings.

The researcher also conducted interviews with trade union officials and social work employer representatives. On the other hand, semi-structured questionnaires which yielded both quantitative and qualitative data were hand delivered to social workers and collected by the researcher. Mouton and Marais (1990:30) suggests that an integrative model which summarises five dimensions of social research are three subsystems, which interact with each other and with the research domain as defined in a specific discipline these are:

- the intellectual climate of a specific discipline;
- the market of intellectual resources within each discipline;
- the research process itself.

The intellectual climate according to Mouton and Marais (Ibid) is used to refer to the variety of meta-theoretical values and beliefs which are held by those practising within a discipline at any stage. This refers to beliefs, values, and assumptions which because their origin can usually be traced to be non-scientific research. One of the reasons for the the researcher's choice of self-administered questionnaire as data collection technique was to minimise costs associated with interviewing a big sample of 100 within the constraints of time. Otherwise it would have meant that the researcher was supposed to employ and train interviewers to conduct interviews or administer a structured questionnaire which she could not afford.

5.3.3 SAMPLING PROCEDURE

To compile a sampling frame, the researcher used the lists obtained from the South African Interim Council for Social Work (SAICSW) and National Information System for Welfare (NISWEL) in Bisho. These lists indicated that there were 953 registered social workers in the Eastern Cape in 1997, as 469 were working for the government and 484 were either working for private welfare organisations, some as private practitioners, and academics, while some were working in non-related fields

(Welfare Statistics Report, 1997:9).

These lists obtained from SAICSW had some discrepancies in that it reflected names of people who were either deceased or have left their respective agencies. Hence it was complemented by the list obtained from NISWEL which indicated exactly where the social work offices were situated around the province. The researcher then phoned the agencies to confirm particulars of social workers in each agency as social workers resign and move from one agency to other all the time.

The criteria for inclusion in the sample was Council registration; geographical location; and place of employment namely, Government and Private Welfare Agencies only. In other words this study was limited to registered professional social workers working for government or private welfare organisation based in the Central region of the Eastern Cape. The Central region was selected as a cluster of the Eastern Cape. The Eastern Cape is a geographical area which is a geographical area which stretches from Humansdorp in the South Eastern tip of South Africa to Umzimkulu on the north east and Middelburg and Graaff-Reinet on the south west projecting to the interior of the five regions of the Eastern Cape.

The central region has got five districts namely:

- i) Albany (which includes areas like Albany, Alicedale, Alexandria, Bathurst, Port Alfred and Grahamstown);
- ii) Butterworth (which includes Butterworth, Idutywa, Centane, Ngqamakhwe, Tsomo and Willowvale);
- iii) East London (which includes East London and Mdantsane);
- iv) Victoria East (Alice, Fort Beaufort, Adelaide, Bedford, Middledrift, Mpofu/Seymour, Balfour);
- v) King William's Town (which includes Cathcart, Keiskammahoek, King William's Town, Komga, Peddie, Stutterheim, Zwelitsha, Bisho and Dimbaza).

These are places where social workers offices (both public and private are situated) as they render services to these magisterial districts.

The researcher listed all social workers in private welfare organisations and public agencies into non-overlapping groups called strata and then selected 100 (50 social workers in the public welfare agencies and 50 in the private welfare agencies) which was a simple random sample selected from within each stratum according to Mendenhall (in Bailey, 1987:90). Although the word strata implies rank ordering (from higher to lower strata) the method of stratified sampling can be applied to any mutually exclusive, non-overlapping group regardless of whether or not they are rank ordered.

The researcher listed private welfare social workers as one homogenous group and public welfare social workers as another homogenous group. After that a random sample was drawn from within each stratum or homogenous group. This sampling strategy is one which Rubin and Babbie(1989:188) refer to as a method of obtaining a greater degree of representativeness by decreasing the probable sampling strategy.

In addition the researcher listed employers of both public service and private welfare social workers in the region and went through a similar process with them. Four private welfare organisations and six government employer representatives were , included in of the sample.

At least two trade union officials were included as this was critical in that this offered a comprehensive view of the attitudes of social workers towards unions.

5.4 INSTRUMENTS FOR DATA COLLECTION

5.4.1 Research Tools

A pilot study was conducted with the 10 respondents randomly selected from social workers practising in the Central region, in order to provide context for the questionnaire, which was administered at a later stage to social workers as respondents.

5.4.1.1 Semi structured interviews

Semi-structured interviews were conducted with the pilot sample.

The semi-structured interviews were also conducted with employer representatives, and trade union officials in the actual study. These were recorded and transcribed (See appendix 2 as a sample)

5.4.1.2 Semi-Structured questionnaire

The researcher designed a semi-structured (meaning closed and open ended questions) self administered questionnaires which yielded both quantitative and qualitative data. Self administered questionnaires are distributed to a random sample of the population and the respondents fill out their answers themselves.

This semi-structured questionnaire yielded both qualitative and quantitative data in the sense that it had both open ended and closed-ended questions.

This is supported by Brannen 1992: who stated that:

... social survey instruments, like structured interviews and self-administered (Brannen, 1992:70).

Bailey (1987:107) indicates that there are some considerations to be noted by the researcher when questionnaires are used as a data collection method namely:

- relevance of the study to the respondent in the sense that it addresses some of the respondents concerns as the respondent is donating his or her free time to the study. The respondents are not paid except in certain studies. This study concerned issues which were assumed to be of particular interest to subjects as they are issues confronting subjects daily as a result the researcher considered it unethical to pay respondents for a study of this nature as the study was also contribution to the scientific base of social work;
- relevance of questions to the goals of the study; the questionnaire was
- relevance of questionnaire to the individual; the questionnaire had to accommodate the diversity of respondents in terms of their unique workplace dynamics as a result the questionnaire was so long and broad and obviously some response categories were not applicable to all respondents.

Self administered questionnaires have a clear advantage in terms of cost, since interviewers do not have to be trained and paid to conduct interviews (Grinnell, 1988:307). The researcher delivered the questionnaires and arranged to pick them up after completion and in-between made follow up calls trying to secure appointments to come pick them up in an attempt to improve the response rate which is usually low in mailed questionnaires (Rubin and Babbie, 1989:288).

The questionnaire was structured into broad categories which covered the data needed to answer research questions posed in the form of goals. The items in these questionnaires were ordered in sequence to allow for logical classification and tabulation of the data later, as well as to permit easy responses. There were both

closed ended and open ended questions in order to allow respondents to be able to express their own opinions (See the questionnaire attached as appendix 1).

5.5 ANALYSIS OF DATA

The study used both qualitative and quantitative data collection techniques, thus both qualitative and quantitative data analysis techniques had to be used. The questionnaire was post coded for computer analysis. Statistical Package for Social Science for Windows 8.0 (SPSS) was used to present data on statistical tables and graphs where relevant in preparation for analysis.

Qualitative data yielded by open ended questions in the semi structured self administered questionnaire and semi structured interviews were analysed according to emerging themes.

5.6 LIMITATIONS OF THE RESEARCH

Problems which the researcher encountered ranged from non-completion of questionnaires to inaccurate information which needed to be validated. The researcher acknowledges the fact that the findings may not be generalisable as the geographical area (Central region) covered was small and the Eastern Cape may differ markedly from other regions or provinces. However, for an exploratory study this is not considered inappropriate. The questionnaire seems to have had some limitations in terms of structure which impacted on the response rate as it was "too long" and "complicated" for some respondents. The study may not offer theoretical explanations for certain concepts relating to collective bargaining and unionisation, but has nevertheless begun to develop a body of knowledge, to serve as a beginning for further research in social work. Industrial relations literature is very limited in South Africa social work .

5.7 CONCLUSION

The research design used in this study was a combination of exploratory and descriptive designs. The advantages and disadvantages of combining two designs were acknowledged with particular emphasis laid on advantages which outweighed disadvantages to this study. Limitations of the research instruments used, namely: the semi structured interviews semi-structured questionnaire have been acknowledged.

The next chapter presents findings, analysis and interpretation.

CHAPTER 6

6. PRESENTATION AND DISCUSSION OF FINDINGS

6.1 INTRODUCTION

This chapter will review and discuss the major themes emerging from data obtained from the semi-structured questionnaires administered and relate those to the literature on trade unionism and collective bargaining. The purpose is to reflect what social workers perceive to be the role of unions and professional associations as ideal types of organisational forms representing unionism and professionalism, for their service conditions and to look at what they propose to be other alternative mechanisms to improve their service conditions. Views of employers and trade union officials on social workers' involvement in unions will also be reflected. The chapter is structured according to the questionnaire. Statistical figure tables and graphs are used to present data to described correlation and make inferences where necessary. The chapter will reflect on arguments raised in Chapters 3 and 4. Data gathered from interviews will be analysed according emerging themes. Pseudonyms were used in order to accord respondents their right of anonymity as promised in the section on ethical considerations.

6.2 DISCUSSION OF FINDINGS, ANALYSIS AND INTERPRETATION

6.2.1 Findings of the Pilot study

Although the intention of the pilot study was to refine the questionnaire and are therefore integrated in the study the researcher feels its worth reporting some of the interesting findings.

The 10 social workers randomly selected to form part of this sample. The sample comprised 8 female social workers and 2 male social workers whose age range was between 25 -40. The respondents had between 4 years and 10 years social work experience and their salaries were interestingly the same except for two who were from

private welfare organisations which have not matched their social workers salaries with those of government. They all had a 4 year BA (SW) degree. Six were working for the government whilst four were working for private welfare organisations (Busi 24 years, Cynthia 31, Sphokie 30, Zoleka 29, Maureen 32, Vincent 38 years) .

Khuthala 34 years, Mziwonke 33, Zimasa 32, Pat 32 years were employed by private welfare organisations.

All were unfortunately occupying the rank of social worker although some were long overdue for promotions at varying levels of course. They were all unhappy with their fringe benefits as they considered them to be unfavourable those working for private welfare organisations did not have a housing subsidy scheme except for pension fund and medical aid.

a. **Do you know about the policies governing your service conditions ?**

Cynthia, Zimasa were not clear about what the question required, whereas Spokie, Zoleka, Maureen and Vincent have never seen the documents although they knew about their existence. The other four respondents knew exactly what these documents were although they did not mention all of them. For instance Busi said ‘ I know that our service conditions are contained in the PAS document’. Other mentioned the Public service Act. None of them mentioned the Public Service Staff Code and the Service Contract documents as they are regarded in private welfare organisations.

Regulations around promotions and upgrading of salaries were a priority to all respondents when they were asked to identify things they wanted changed in their service conditions.

b. **What do you think is the role of trade unions in work life of social workers ?**

Trade unions can help improve the poor service conditions of social workers according Pat, Mziwonke, Zimasa, Zoleka whilst Busi, Cynthia, Sphokie, Zoleka, Maureen, Vincent, Khuthala, feel that social workers need their own union which is going to address their own professional interests. They do not have confidence in general trade unions capacity to handle professional issues although they are affiliated to them. The

researcher got an impression that they expected the union whoever it refers should do something about their service conditions not them as members.

Their views are consistent with the compatible view of professionalism and trade unionism espoused by authors Alexander 1980, Lightman, Rabban 1995 and others.

c. **What do you know about the Labour Relations Act?**

All the respondents at least knew about the existence of the Labour Relation Act 66 of 1995. However only four of them knew about its collective bargaining provisions.

Two of the respondents have at least attended a workshop on Labour Relations Act 66 of 1995 and indicated that it was an eye opening experienced which they were recommending for other social workers. They think it help open their eyes about their rights as employees namely the right to freedom of association for instance Pat , did not know that even professional employees had a right to join unions “I thought unions were for labourers not professionals”. However they did not believe that the employer also had a right to form or join employer organisations.

6.3 **DATA FROM QUESTIONNAIRES**

6.3.1 **Demographic Data**

6.3.1.1 **Age**

Of the 100 subjects sample only 50 completed the questionnaire. The reason offered for non-completion are discussed in Chapter 4 under limitations.

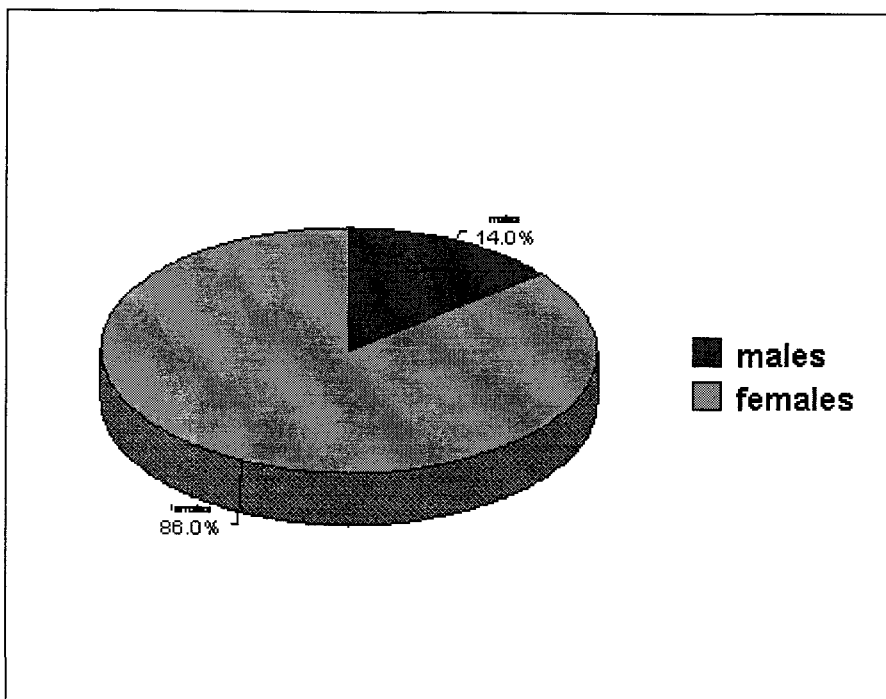
Table 3: Age Distribution

Valid		Frequency	Percent	Valid	Cumulative percent
	0-30	25	45.5	50	50
	31-40	17	30.9	34.0	84.0
	41-50	8	14.5	16.0	100
	total	50	90.9	100.0	
Missing	System	5	9.1		
Total		55	100.0		

The above age distribution table seems to suggest that the sample comprised a majority of young social workers, it is not clear whether age has anything to do with the expressed views concerning unionisation, if there is, the data gathered here did not suggest any direct correlation.

6.3.1.2 Gender of Respondents

Figure 2: Gender of Respondents



females = 43

males = 7

N total = 50

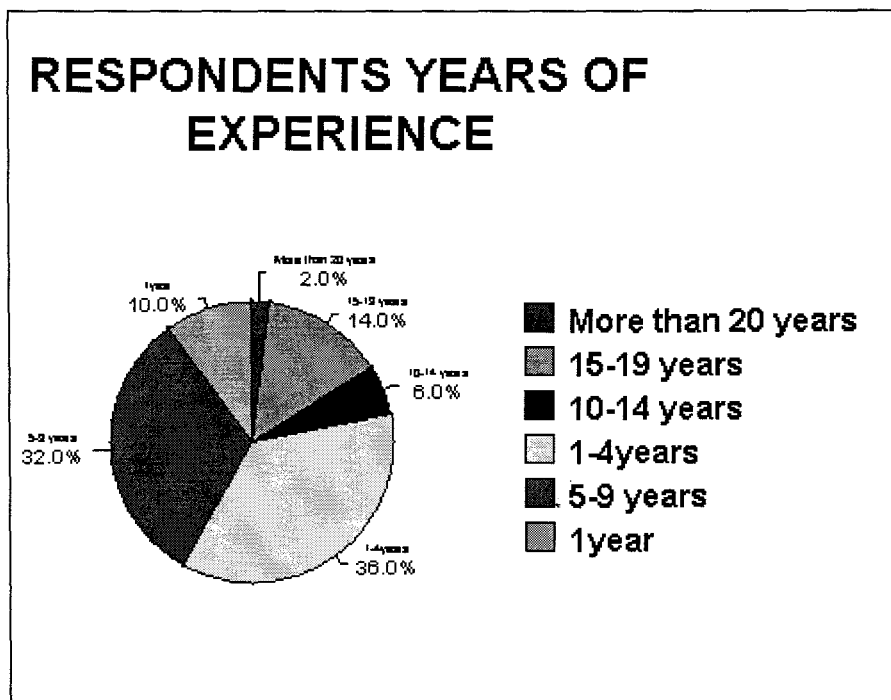
Of the 50 respondents, 14% were male whilst 86% were female. This pie chart indicates that the majority of respondents were female. Data obtained from the National Information System on Welfare (NISWEL) Provincial Office in Bisho reflected that there were more female social workers in the Province than male social workers both in the public and private welfare organisations. Based on this evidence an assumption can be made that in the Eastern Cape, social work is a female dominated profession which seems to be a general trend filtering through the South African social work population for example, the Free State Province had 265 social workers during

1996/97 financial year, 232 of which were females and 33 were male (Welfare Statistical Report, 1997:27). Again this seems to be a gender issue in that one of the reasons women are not actively involved in trade unions appears to be linked to the argument advanced by some respondents that unions are time consuming, bearing in mind that women are having other domestic responsibilities like taking care of children and their partners. However domestic responsibilities cannot be considered as an obstacle to participation in trade unions. There are many women who participate in many aspects of public life including trade unions, yet they still carry out their domestic responsibilities, sometimes without the assistance of domestic engineer or assistant.

6.3.2 Service Conditions

6.3.2.1 Experience as a Social Worker

Figure 3: Experience as a Social worker



N value[5 (10.0 %) = 1 year,]
 [18 (36.0%) = 1-4years]
 [16 (32.0) = 5-9 years]
 [3 (6%) = 10-14 years]
 [7 (14%) = 15-19 years]
 [1 (2%) = More than 20 years]
 N Total[50(100%)

[1 (2%) = More than 20 years]

N Total[50(100%)

The respondents' social work experience ranged from less than a year to over 20 years, with 10% having worked less than a year, whilst 36% worked for between one to four years, 32% worked for five to nine years, 6% worked for ten to fourteen years, 14% worked for fifteen to nineteen years; 2% worked for more 20 years and more, whilst 2% did not respond to this question.

This above pie chart (Figure 3) seems to suggest that the majority of respondents had between 1 to 9 years of experience. There does not seem to be any correlation between expressed views on unions and collective bargaining and length of social work experience. Ideally experience is associated with more income. This however, was not the overriding factor influencing how much a social worker earns in this study. A typical example is the comparison between a social worker with 26 years experience and a Master degree, yet she was earning in the range of R46 000 - R51 000 and is still is a social worker by rank.

Previous experience like nursing or teaching is not considered as related professional experience for salary grading purposes at entry level according to these results. A social worker just gets what could be regarded as merit achievement bonus, which is payment in lieu of 50% of the years of such previous experience on appointment and gets paid like any other new employee who is fresh from school.

6.3.2.2 Educational Qualifications

None of the respondents held a social work diploma. Two percent of the respondents held a BA Social Work, three years university degree. Meanwhile 64% held a BA (SW) four years degree, whilst 12% held an Honours degree in social work, which are regarded as basic qualifications by the PAS for social workers. Six percent (6%) had a Masters degree in Social Work degree, considered to be a post basic qualification, whilst 12% had additional Honours degree in Psychology, and 4% had either a three or

four years degree in Social Work supplemented with an additional diploma either in Marital Counselling or in Nursing and related fields.

It would also appear that there is no consideration of the duration of the degree (whether it is a three year or four year degree at entry level, there is blanket system of grading. This variable is associated with more income. Habermas's hypothesis which states that the more qualified an employee, the better paid they are likely to be paid, the less likelihood of joining a union. However this is disputed by findings of this study which revealed that qualifications alone did not bring about more income. The hypothesis is based on the understanding that this is the case in other professions like teaching. However, this did not prove to be the case in the social work field.

6.3.2.3 Workplace

Of the 100 respondents working for both government and private welfare 50 completed and returned the questionnaires delivered to them. It turned out that 24% of the 50 respondents was working for private welfare organisations whilst 70% was working for government, meanwhile 6% was working for non-governmental organisations.

Table 4: Workplace

GOVERNMENT		PRIVATE WELFARE		OTHER		TOTAL
70%	35	24%	12	3%	6	50

The above table suggests that there were more government social workers than private welfare social workers. In the 1996/97 financial period there were 362 social workers working for private welfare organisations while there were a total 469 social workers in the Eastern Cape (NISWEL Statistical report, 1997:19; NISWEL Social Workers List).

It is a fact that government social workers were better paid than private welfare social workers during over the past years, because only 75% of the private welfare social workers' salaries were subsidised by government. As a result of funding shortfalls these organisations like REHAB were unable to pay their employees including social workers decent salaries, instead they have had to retrench staff in 1997.

This has also affected the Department of Welfare in that Welfare department was reportedly grossly underfunded by the government in the report of the standing committee published in the Daily Dispatch Newspaper (30 March 1998:2).

According to this report the total budget for the Department of Welfare was R3,808 billion for 1998/1999 financial year which was an increase of 4,8% from the 1997/1998 financial year. The report also stated that with the present allocation the department would not be able to pay its present employees in the current financial year as that would constitute over-expenditure which would contravene Treasury Regulations (Ibid).

Seventy percent of the respondents have worked for their current employer for a less than a year to five years: 12% worked for a period between six to ten years, while another 12% worked for a period from 11-15 years, while 4% worked for a period from 16-20 years, and 2% for over 20 years.

However within these sectors social workers are working in the diverse fields of practice. Tambor (in Encyclopaedia for Social Work 1995) pointed that complex social work and labour employment patterns have tended to discourage systematic study of unionisation. Among the factors to be considered in such research are dispersion of social workers in heterogeneous bargaining units, membership in different unions; location; location in both public and non-profit sectors; and employment in such diverse institutions as hospitals, clinics, welfare departments schools corrections facilities, and voluntary" Tambor (in Encyclopaedia of social work 1995:2418).

This could however be linked to a lack of feeling of homogeneity or unity amongst social workers in that their circumstances are very different and broad such that it may not be easy for them to find a common ground or uniform predicament as some in a better position than others. Some social workers earn better salaries and have favourable working conditions compared to others.

There are discrepancies within government departments in terms of salaries and benefits; for example prison and police department social workers have better fringe

benefits; compared to hospital social workers and primary agency social workers. There are also discrepancies between salaries of government and private welfare.

6.2.2.4 Salaries Earned in 1998

Table 5: Salaries Earned in 1998 (in Thousands)

AMOUNT	PERCENTAGE	NUMBER
< R40 000	2%	1
R41 000 - R45 000	70%	35
R46 000 - R51 000	10%	5
R52 000 - R57 000	2%	1
R58 000 - R63 000	6%	3
R64 000 - R69 000	6%	3
R69 000 >	4%	2
TOTAL	100%	50

The above table indicates that gross annual salaries of respondents ranged from less than R40 000 to over R69 000 per annum. Regardless to qualifications, experience and place of employment, 70% of respondents earned R41 000 - R45 000 in 1998. This seems to have been influenced by the attempts to rationalise social work salaries, which unions organising social workers, fought for. However, rank promotions currently processed during this period are hopefully going to change the scenario, so that social workers are remunerated according to experience and qualifications in line with the Personnel Administrative Standards document (PAS, 1997:3).

The average salary earned per annum was between R41 000 - R45 000. Whereas the medium annual package income of a social worker with seven years experience was R61 000 in the public sector. A social worker with 6 years experience was earning per annum R47 000 in the private sector (HSRC Register of Graduates, Newsletter, 1998:9).

These salaries are quite an improvement compared to what social workers were earning ten years ago.

According to the PAS (1997) with effect from July 1997 a social worker will now earn R44 000± at entry level per annum. However because of financial constraints which private welfare organisations are generally confronted with, there might still be discrepancies as some may not be able afford to pay their social workers at that rate because of their dependence on government subsidy. For example as a result of subsidy cut in 1997/1998 financial year REHAB has had to retrench staff in order to be able to inter-alia increase social work salaries from R27 383 to R40 000+ per annum.

Haberfeld (1995:675) hypothesised that workers are influenced by the supposed pay enhancing instrumental role of unions and that demand for union services is therefore greater among low pay workers hence "the higher the pay, the lower the likelihood of joining a union." But there is no evidence to suggest that when private welfare social workers were in the previous dispensation of being the least paid social workers were joining unions more than their counterparts in the public service as a result of being underpaid compared to latter social workers. Therefore this postulate or proposition does not necessarily seem to be consistent with what actually happens in the social work field.

It would appear from this data that a competitive salary is not necessarily influenced by qualifications but also by other variables like collective bargaining.

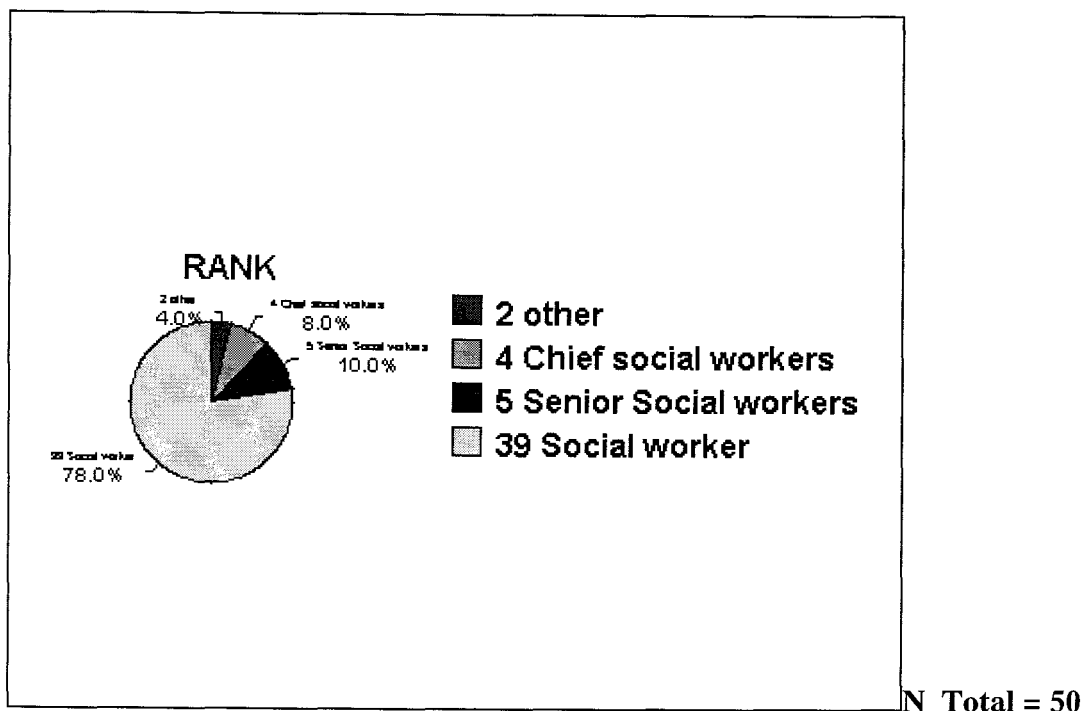
Baskin (in the S.A. Labour Bulletin, 1996:12) presents evidence to the effect that there is a correlation between higher wages and trade union affiliation when he states that:

"lower skilled" workers have seen their pay increasing by 73% over the same period, whilst the white collar and office employees have seen their pay eroded by inflation, with salaries only increasing by only 67,5%. The rapid unionisation of nurses in 1996 and the subsequent scoop unionisation of significant proportion (52%) of respondents and perhaps the Central region social workers, is their realisation that without unions they will see the real wages decline, which is a dramatic illustration of this trend.

Contrary to Baskin's thesis, the researcher is of the opinion that individual preferences or interests actually determine social worker's interest or disinterest in union-involvement, because social workers have been underpaid for a long time and had seen other workers associated with them having their salaries increased as a result of trade

6.3.2.5 Rank

Figure 4 . Rank of Respondents



As figure 3 illustrates, the majority of respondents were occupied the rank of social worker, while 10% were senior social workers. Eight percent were Chief social workers whilst the other 4% was at Directorate level. It would appear that government social workers were not ranked according to experience as the PAS would have it . The PAS would have it ; actually stipulates that a social worker can be promoted from the rank of a social to senior social worker after 3 years of service.

Of the 50 respondents occupying the rank of social worker constituted 78% . Seventy four percent were in the salary range of between R41 000 - R45 000 in 1998 whilst 4% were in the range of R46 000 - R51 000. It would appear that while experience and qualifications are among the salary determinants, that is not always the case because one of the respondents was in the rank of Assistant Director and earned R89 000 with a BA (SW) 4 yours and has worked for 5-9 years whereas another respondent had a Masters degree, 26 years' experience, yet she is still in the rank of social worker working for a private welfare organisation which at this stage does not seem to be paying her a competitive salary.

6.3.2.6 Promotion and Upward Mobility

Eight percent of the respondents stated that they have been promoted in the past three years, while 92% was not promoted over the said period. Eight percent was promoted, four percent of which moved from the rank of social worker to senior social worker, 2% from the rank of Chief social worker to Assistant Director, whilst 2% progressed from Chief social worker to Deputy Director which was quite a move indeed. It seems as if upward mobility is restricted in the social work profession. The organogram of the social work occupation does not allow adequate upward mobility.

6.4 FRINGE BENEFITS

Fringe benefits referred to are car schemes, pension scheme and medical aid.

Respondents were requested to put on an ordinal scale how they viewed their service conditions.

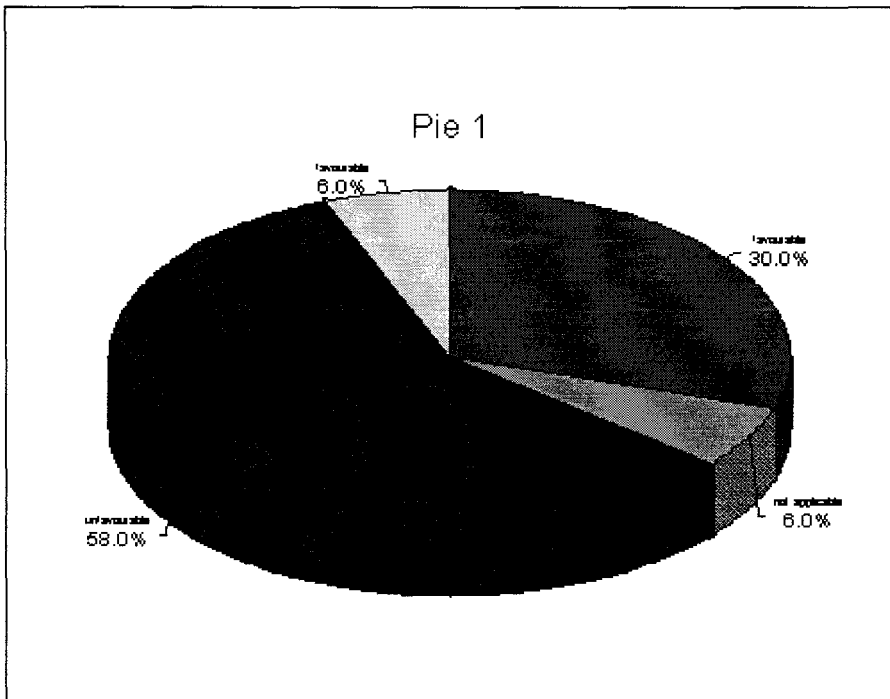
Forty eight percent perceived the car scheme as unfavourable whilst it was not applicable to 52%. As regards pension scheme 16% of respondents described their pension scheme as unfavourable whilst 36% regarded their scheme as favourable, and 4% said it was very favourable, and 44% did not have any pension scheme.

Twenty eight percent of respondents had an unfavourable medical aid scheme whilst 36% deemed their medical aid to be favourable, meanwhile 4% claimed it was very favourable, and 32% did not have any.

Regarding study subsidy, 38% of respondents had an unfavourable scheme, whilst 15% had a favourable scheme, whilst 46% had a very favourable scheme.

6.4.1 Thirteenth Cheque

Figure 4: Thirteenth Cheque



N values 15 (30%) favourable

29(58%) unfavourable

3(6%) not applicable

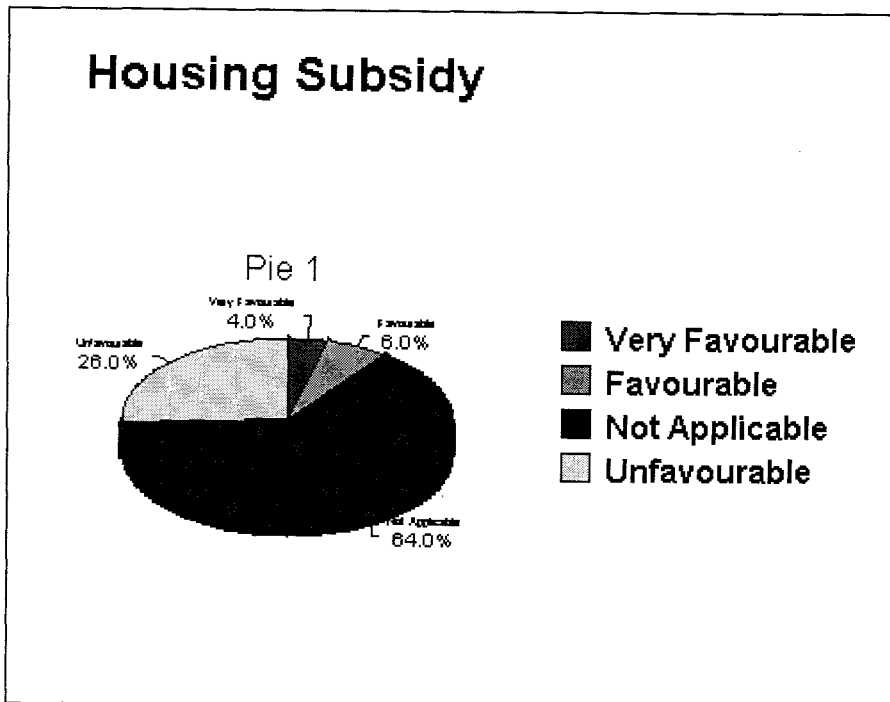
3(6%) favourable

N Total =50(100)

The thirteenth cheque illustrated by the pie chart Figure 4 is usually an incentive which many employees receive. It is interesting to note that 58% was not happy about it. However a reasonable percentage (30%) seems happy about it whereas (65% claimed it's very favourable. Six percent said it was not applicable to them.

6.4.2 Housing Subsidy

Figure 6: Housing Subsidy



N value 2(4%) Very Favourable

3(6%) Favourable

32(64%) Not applicable

13(26%) Unfavourable

N Total = 50(100%)

Figure 5 above seems to indicate that Housing subsidy is one of the fringe benefits which are not applicable to a significant proportion (64%) of respondents. However this seems to apply to both private and public service social workers.

Only 2% of respondents claimed to have other benefits whilst 98% did not have any. The next response category looked at policies governing service conditions of social workers and solicited the social workers views on the latter.

All these service conditions discussed above are provided by various pieces of legislation like the Conditions of Employment Act 75 of 1997 (regulating conditions of employment), Public Service Act 103 of 1994, Personnel Administrative Standards, Public Service Staff Code and Private Welfare Conditions of Service documents (see appendices attached).

6.5 KNOWLEDGE AND UNDERSTANDING OF POLICY DOCUMENTS

It is interesting to note that 66% (33) of respondents knew about the existence of policy documents containing their service conditions, whilst 24% (12) did not know anything about such documents meanwhile 10% (5) was uncertain if they knew about such existence documents.

When asked to name such documents 14% (7) said it was Personnel Administrative Standards (PAS), whilst 4% (2) claimed it was the Public Service Act, whilst 8% (4) named Public Service Staff Code, 2% (1) claimed their was a social work manual meanwhile 22% (11) was conditions of service document, whilst a breakdown of 8% (4). Two percent each said their service conditions were contained in more than one document namely combination of PAS, Public Service Act 103 of 1994, Public Service Staff Code for public service social workers, a combination of Public Service Act, Public Service Staff Code and other documents while 32% (16) did not respond to the question.

Regarding their inputs as individuals in the formulation of such documents 30% had some kind of involvement whilst 64% (32) was never involved, and 6% (3) did not respond. As regards familiarity with such documents, 52% (26) claimed to have read the documents whilst 42% did not. Of the 52% (26) only 40% (20) seems to have understood the contents whilst 32% did not meanwhile 14% (7) was uncertain.

Findings of Rabban's study regarding role of unions in influencing the decision making process unions were often regarded as mechanism for influencing organisational policies.

When respondents were asked to list according to their needs what they consider to be their target for change, 14% (7) mentioned salaries that are commensurate with qualifications as their priority, whilst 10% (5) named conditions of service needing to be changed as a whole; 12% mentioned other things, whilst 2% (1) did not see anything needs to be change, 30% combined commensurate salaries with conditions

of service, and things like the structure of bureaucracy or organogram which was viewed as restrictive upward mobility by this proportion of respondents.

6.6 VIEWS ON TRADE UNIONISM AND PROFESSIONALISM

6.6.1 Affiliation Trends to Employee organisations

In response to the question on affiliation to trade union and professional staff association affiliation, 82% (41) were affiliated to unions whilst 6% (3) were members of staff associations only whilst 8% (4) affiliated to both, 4% (2) considered joining a trade union, 6% (3) were not affiliated and were not considering joining at all, 84% (42) did not respond to the question on affiliation to a staff association, whilst 24% (12) was not affiliated to any employee organisations at all.

Table 6: Affiliation Trends to Employee Organisations

ORGANISATION TYPE	NUMBER	PERCENTAGE
Trade Union	41	82
Staff	6	12
Both	3	6
TOTAL	50	100

This table suggests that the majority of respondents were affiliated to trade unions for a variety of reasons ranging from feeling compelled due to the implementation of shop agency fees introduced by government in the Eastern cape, to a feeling of despair brought about the absence of a social workers union in the Eastern Cape which was dissolved in 1997 (Progressive Social Workers Union documents, 1994).

Names of organisations respondents belong to were NEHAWU was 74%, Public Servants Association 6%, South African Public Servants Association 2%, 12% belong to other organisations not listed, whilst 4% belonged to the South African Black Social Workers Association (SABSWA) and NEHAWU.

The preference of a union over staff association is associated with economic role of improving economic situation unions play against professional associations, whose

main concern is enhancement of standards of proficiency with the profession, reputation in the community service to clients, and above all autonomy (Alexander, 1980:479). Paul et al. (1988 :50) maintains that the changes in the labour process might have instead promoted involvement in professional associations. Johnson in Paul et al. (1988) states:

professionalism is associated with a homogenous occupational community. Homogeneity of outlook and interest is associated with a relatively low degree of specialisation within the occupation and by recruitment from similar social backgrounds... However, culturally divisive tendencies of specialisation may be contained within an occupation already characterised by professional institutions (p.50) (Ibid).

The fact that only 56% and 60% respectively of 82% of respondents who claimed to be members of unions seem to suggest that the majority of the unionised are either not clear about significance of registration of trade unions with either the Bargaining Chamber for 66 of 1995 which is imperative for according a legal status to the trade union. The purpose being to give the organisation a legal mandate to bargain on service conditions. If a union is not registered the employer can refuse to bargain with it. This either points to lack of education about trade unions or unfamiliarity with the Labour Relations Act. Same applies to the involvement of their organisations in policy formulation.

A substantial number (52% of respondents) joined during 1997-1998 period. This is consistent with the history of social work trade unionism in the Eastern Cape which reflected social workers as having difficulty to organise (see Chapter 2). It can also be associated with the implementation of agency shop agreement between government and public sector unions which implied that free riders have to pay monthly levy which is higher than union subscription. Reasons for trade union affiliation ranged from improving working conditions to protect from harassment and unfair labour practices, solidarity or collective voice, job security and other benefits like funeral cover and loan facilities which seems consistent with available literature on trade unionism, which suggest that unions provide workers with a "collective voice" vis-a-vis employers thus enabling them to eliminate source of dissatisfaction and frustration.

Haberfeld 1995:657) suggested that workers join unions in order to obtain job security and better employment conditions, whilst Finnemore & Van der Merwe (1989:41) claimed that class movement had an objective of challenging and transforming the capitalist system. Capital was seen to have hidden behind the curtains of "apartheid and racism" while political energies of the masses were focused on challenging the state. Foster (in Finnemore & Van der Merwe, 1989:41) claims that these strugglers diverted attention from the fact that capitalists had used apartheid over the years to accumulate large profits by exploitation.

As regards registration of trade union and staff association with either the department of labour or the Bargaining Chamber 56% claimed that their trade unions were in fact registered with the department of labour whilst 60% stated it was also registered with the Bargaining Chamber, 2% said it was not registered with the Department of Labour whilst 8% and 16% did not know whether it was registered with either their Department of Labour or Bargaining Chamber respectively. Meanwhile 56% did not respond to these respective questions.

With reference to involvement of their organisations in policy formulation 18% claimed their organisations were involved whilst 6% said they were not, meanwhile 48% did not know. On the contrary Rabban's study (1991:101) suggested that unions exert some kind of influence on organisational policy, by establishing a formal role of professional employees in institutional decision making.

With reference to non-affiliation to trade unions reasons advanced by 24% of non-affiliated respondents ranged from absence of a social workers union (8%), to still choosing the relevant union, 2% were ignorant about the role of an employee organisation, to a combination of these reasons which averaged to 6%.

For those respondents who were affiliated to either a trade union or a professional association, 4% joined the period between 1990-1993, whilst 2% joined during 1994-1996; meanwhile 52% joined during 1997-1998 period. Reasons advanced for joining a trade union ranged from improving working conditions (2%); fighting for and protection of rights (14%); protection from harassment and victimisation or unfair

labour practises (10%); other, which includes payment of shop agency fees, recently introduced; to a combination of reasons namely, improvement of working conditions, job security and solidarity or collective voice (44%).

6.6.2 Advantages of Trade Union Affiliation

These were presented as follows:

- Representation of employees in labour disputes negotiations or unfair labour practises (10%);
- Expertise in labour relations legislation (2%);
- Collective voice (2%);
- Vehicle for worker involvement in organisational decision-making (10%);
- Protection from victimisation and exploitation (20%);
- Other benefits like funeral cover and loan facilities (10%);
- Combination of some of these reasons (4%).

This is consistent with literature on reasons advanced for trade union affiliation by Haberfeld (1995:657) who claimed that unions provide workers with a collective voice vis-a-vis employers, and workers join because inter-alia, they find benefits like health and life insurance, credit cards, and legal aid attractive.

Whereas Saunders & Turner (in Encyclopedia Sv"labour" 1987) alluded to the fact that when either collective bargaining or through employers unilateral efforts to achieve union membership growth and loyalty. Responding to the situation, unions began to develop a system of direct service to members alongside the occupational social welfare that is essentially fiscal. Such a trend is in keeping with the concern about the quality of life especially at the workplace.

Saunders & Turner (Ibid) quoted John Lewis address to social workers entitled "welcome to the ranks of labour" in which he noted that...organised labour growing out of the daily needs of the people, is the most powerful ally of those professionally committed to a humanistic public welfare and social service program.

6.6.3 Disadvantages of Trade Union Affiliation

Disadvantages of belonging to trade unions were offered by both members and non-members of trade unions were as tabulated here under:

- Twenty two percent did not see any disadvantages;
- Two percent saw potential for misuse of power by trade unions as a problem;
- Too much militancy (2%);
- Coercion of minorities to participate in union activities (2%).
- Those who did not know whether there were disadvantages or not (4%);
- Binding decision taken by leadership on behalf of all members which they might not be happy with (10%).

Other disadvantages including unfavourable tactics unions normally use, involvement in unions being viewed as time consuming, as well as being generalist in terms of combining both blue and collar workers (20%); Combination of some of the disadvantages (20%); 32% did not respond to the question. Similarly disadvantages of trade union affiliation which ranged from the wish to participate in union activities to being bound by decisions taken by minority which forms the leadership of the organisation to militant tactics which some respondents were viewing as having potential for abuse of power which unions have.

Alexander (1980:478) seems to be confirming some of these tactics viewed as disadvantages of belonging to trade unions when she states:

the classic tactics of unions which emerge from their basic and class struggles with management; involve a range of applications of power, from go-slow to pickets to strikes. Union rhetoric, which often involves a public admission of bitterness and hostility, commonly used includes such terms as arsenal of weapons, open warfare, enemies, class solidarity, grievances, demands, militancy and rights.

6.6.4 How Do You Feel About Social Workers Belonging to Unions?

Forty four percent of the respondents were either comfortable or supportive towards social workers whilst 4% was ambivalent; with 2% feeling a sense of betrayal of the professional, 14% feeling it was good as it demonstrated some sense of commitment to the profession. Meanwhile 2% was disappointed by dependency of social workers on other people's organisations, 8% feeling that social workers should form their own union, with 2% feeling that social workers are obliged to join unions because "the current government is forcing people to join," by shop agency fees imposed by government on all free-riders. Eighteen percent offered a combination of these sentiments. Six percent did not reject trade union affiliation by social workers. Minahan (in Encyclopaedia of Social 1987: 793) are of the opinion that professional unionisation has a dual trust, on one hand professionals embrace unions as traditional vehicles for improving wages and conditions, protection, and providing, and providing career education and expanded career opportunities. Chamot cited by Minahan (in Encyclopaedia of social work 1987:793) maintains that social workers also join unions to "enhance professional standards of practice and improve service to clients. This perspective views union protection as central to assuming high quality service to clients, has always been integral to the unionisation of social worker.

The majority of respondents (44%)(14%)(8%) concur with the views expressed by Marry van Kleck cited by Tambor (in Encyclopaedia of social work 1987:793) when he states that "social workers in trade unions would not only gain a voice in determining their own working conditions but they also increase the effectiveness of labour movements programs".

It would appear from the data available that significant proportion of respondents were supportive or comfortable, or felt it was a good idea that social workers were affiliated to unions, although some of those respondents were in fact not union members themselves. This proportion seems to be holding a view that social workers need their own union which they believe will serve their professional interests. Some respondents supported unions provided that "they behave in a professional manner." Professional

unions were therefore seen as less likely to go for militant actions like a strike, and less likely to affiliate the other class agencies, and that seems to be also favoured by the proportion of respondents who claim that social workers should have their own union.

6.7 COMPATIBILITY OF UNIONISATION AND PROFESSIONALISM

Views of respondents were placed on an ordinal scale and data suggested that 60% of respondents disagreed that unionisation and professionalism are incompatible, 4% feeling very strongly about it, meaning that they agree, whilst there was 8% there was a response variance of 52% between question 28 (4) and 29 (2) which asked the same thing but differently. Eight percent was consistent that the two are incompatible whilst 2% felt very strongly about it, with 8% attaching some conditions to respective arguments.

Given the above findings it would appear that a significant proportion of respondents realise that even professional employees are workers and therefore also have a right to organise themselves into unions. Baskin (1996:12) suggests that COSATU reported an increase in white collar unions in 1996. Furthermore, the rapid unionisation of nurses in 1996 reflects their realisation that without unions they will see the real wages decline, which is consistent with data emerging from this study which reflects that 58% joined NEHAWU in 1997-1998 period. This category of respondents seem to concur with Rabban's (1995:674) argument that collective bargaining is often the most effective method of achieving and maintaining professional values even under a system of labour law that imposes barriers and that may not cover professional employees who play a significant role in institutional governance is confirmed by 82% belonging to trade unions. This is consistent with Lightman's study referred to in Chapter 3 within social work of incompatibility between professional status (implying a service norm) and unionisation (reflecting self-interest indeed) many felt unionisation may facilitate service goals, offset workplace bureaucracy. Respondents also do overlap between areas of greatest effectiveness for a union and professional association (Lightman 1982:13).

On the contrary there is a category of people including professional employees who believe that selection of a union entails rejection of key professional values such as collegial participation in organisation decision-making, professional independence from hierarchical control, and expectations of performance and rewards based on individual merit (Rabban, 1991:97). Only 8% of respondents concurred with this view.

This is the category of respondents favouring the incompatible view of unions which Alexander espoused. Subscribers to this view believe that the idea of unionising is not professional. However, this line of argument invokes ideal constructs and treats all professional union members as though their unionism and professionalism were each fully mature, when in fact this is not the case, according to Alexander (1998:478).

6.7.1 Transformation Role of Trade Unions and Staff Associations

Two percent of respondents felt that unions' role was to protect workers from victimisation, whilst 42% felt that unions power to negotiate for better service conditions to 20% thinking that unions improve salaries, 8% was disillusioned; 6% seem to suggest that unions can impose pressure on the employer to transform or at least bring about programmes of action for transformation. Whereas 2% viewed education about service conditions as the role of a trade union; 2% were involved in policy formulation. Twenty percent offer other transformation issues a union can take part in; 4% offered a combination of issues whilst to 12% this was not applicable.

Fourteen percent of the respondents said professional associations had no role in changing the scenario of their service conditions; 12% saw their role as regulating and maintaining professional standards, whilst 2% though they could market the profession, whilst 8% thought they could bargain for market related salaries of union's equivalent; 4% felt they can promote professionalism through training; 10% think that professional association could get involved in policy formulation.

Four percent saw professional association as fulfilling a limited role, 18% identified other roles professional associations like representing an employee in cases of professional misconduct, 2% offered a combination offered a combination of responses;

26% did not express an opinion, meanwhile 14% did not see any alternative mechanism, whilst 38% did not express an opinion.

Contrary to Rabban's argument that unions can perform functions which are performed by professional staff associations e.g. regulating and maintaining professional standards etc.

Twelve percent 12% believed these can only be performed by professional association. However 8% seems to think that professional association can perform union role provided they are having an equivalent status with union namely registration into the Bargaining Chamber and Department of Labour. Alternative mechanisms suggested as substitutes for trade unions and professional associations were engaging the services of lawyer (8%); staff committees (10%); loose forum of individuals (2%) (like Ciskei Social Workers Forum alluded to in Chapter 2); mass action or pressure groups, some did not know (4%); some saw pressure group or mass action as the way to go (8%); Council for Social Workers (2%) was also amongst the alternatives, 10% raised other mechanisms which included individual bargaining and although these mechanism have been in existence it is not clear from the data how subjects seem to think they can replace the functions of trade union (collective bargaining) and professional staff association. What is it that these alternative mechanisms can do better than the latter organisation. Perhaps if the questionnaire had a provision for that it would have been addressed.

6.8 KNOWLEDGE OF LABOUR RELATIONS LEGISLATION AND COLLECTIVE BARGAINING

Only 66% of the respondents knew about existence of the Labour Relations Act whilst 26% did not know meanwhile 8% did not respond to the question, 22% have read the Labour Relations Act whilst 22% read it partially, meanwhile 6% did not respond. It seems as if the extent to which its implications for social workers as workers and their employers is still not clearly understood by respondents. The meaning of collective bargaining as a process that would otherwise impact on the institutional governance and improvement of service conditions of social workers also seems to be not clearly

understood. Understanding the Labour Relations Act 66 of 1995 and its provisions for collective bargaining and rights of employers seem to be fairly biased in that it seems majority respondents think that the Labour Relations Act 66 of 1995 is only protecting workers interests.

Four percent understood unions to be having a duty to bargain whilst 14% believed unions had power to protect employees; 4% viewed unions as having the responsibility of regulating management and labour relations, 16% think that unions have a right to represent employees meanwhile 12% understood the unions to be responsible for other things like education about workers rights and service conditions.

6.8.1 Understanding the Rights of Employees

On the question of understanding rights of social workers as employees responses were as follows:

- Organising at workplace or freedom of association (6%);
- Decent salary/living wage (4%);
- Bargaining Rights (14%);
- Right too representation as professionals (4%);
- Right to fair disciplinary action and labour practices (20%);
- Good working conditions (2%);
- Other the rights not provided for in the response categories (12%);
- Combination of some of the rights mentioned in the response categories above-mentioned (24%).

6.8.2 Understanding Rights of Employers

Responses to this question were as follows:

- Right of protection from intimidation by employees (6%);
- Right to lockout striking employees (2%);
- Right to freedom of association (8%);
- Right to take disciplinary measure against employers (4%);
- Right to decision-making and policy formulation (10%);
- Right to collective bargaining (2%).

Eight percent of respondents seemed to think that employers had no rights whatsoever, whilst 22% did not respond to the question. Understanding of collective bargaining when these questions were put on an ordinal scale (6%), of the respondents appear to have an excellent understanding of collective bargaining whilst 18% had a good understanding and 20% had a fair understanding respectively, meanwhile 36% was not assigned.

According to the Labour Relations Act 66 of 1995 Statutory Councils are established in terms of Section 39-48 for the purpose of establishing and administering pension, provident fund, medical aid, sick pay, holiday pay and unemployment funds and conclude collective agreements to give effect to the matters above. Therefore the function of trade unions is inter-alia to negotiate additional benefits such as annual leave, pension, provident fund, sick pay, maternity benefits and so on (Finnemore & Van der Merwe, 1989:42). Except for Pension Schemes and Medical Schemes deemed favourable by 36% of the respondents respectively, the rest of the fringe benefits (car scheme, study subsidy, cellular phones etc.) were deemed either unfavourable or were not applicable at all to majority of respondents.

Whilst 60% of the respondents has had some kind of access to policy documents containing their service conditions and seem to know the names of such documents

what is not clear, is their understanding of what needs to be changed in these documents, regarding salaries and other fringe benefits.

6.9 MANAGEMENT VIEWS ON SOCIAL WORKERS INVOLVEMENT AND – NON -INVOLVEMENT IN UNIONS

Interviews were held with four members of management as well as a number of government officials involved in collective bargaining for formulation or administration of service conditions in Pretoria namely, Director of Remuneration and Service Conditions, Registrar of Trade Unions in the Central Bargaining Chamber and so on.

Two of the four members of management were Directors at two Private Welfare Organisations at the time namely, REHAB and Child Welfare Society in East London whilst one was the Provincial Director of Professional Social work services and one was the Deputy Director Community Services of the Welfare Department of the Eastern Cape.

Three of these Management members, except the Director of REHAB, claimed to be members of NEHAWU and seem to think that social workers have the right to belong to trade unions so are they as management. They were clear about one thing, that they were not protecting employer interests in NEHAWU but were protecting their own interests as employees who happen to be members of management but who were not part of decision-making process in so far as service conditions of social workers including theirs are concerned. This was said to be the prerogative of the National Councils, and Management Boards of these respective organisations. Same applies to the Government and management representatives who said this was the prerogative of the Department of Administration Machinery namely the Directorate of remuneration, Public Service Commission, Trade Unions. These are decided upon through the procedure laid down by the Labour Relations Act, which requires employers representation, as well as employee representation.

The situation is slightly different for Private Welfare organisations as there is no particular emphasis attached to representation of employees through their unions unless

employees have expressed such interest through the provisions of a collective agreement which the management and employee organisations have entered into.

Otherwise management here have been unilaterally deciding on service conditions until social workers joined unions which demanded employee representation.

It turns out that the union that seems to be enjoying majority membership amongst these organisations and even in government is NEHAWU, although the evidence of affiliation to other organisations like PSA, SAPSA etc, two Directors were NEHAWU members, one was a member of trade union, whilst the Deputy Director was a member of Public Servants Association. Management members seem to support the view that trade unionism is compatible with trade unionism which is compatible with professionalism but share a strong view that it is ideally a professional social workers union would be preferable.

Management members from Private Welfare organisations claimed their respective organisations were not members of employer organisations.

In summary they had no objections to participation of social workers in trade unions provided that was geared at professional development in fact the Child Welfare Director associated NEHAWU with some positive stimulus since its involvement in a dispute in her organisation.

6.10 VIEWS OF TRADE UNION OFFICIALS

Unfortunately, only two trade union officials were willing to participate in the study, one was from HOSPERSA which does not seem to be enjoying much membership in the Eastern Cape although it does nationally. In the Eastern Cape HOSPERSA had 7 social work members by September 1996, whereas it had about 260 according to 1996 membership records.

Telephone interview was conducted with the person in the Membership Department who claimed that members of social workers joining HOSPERSA were increasing daily

especially in Provinces like Gauteng and Bloemfontein. It would seem as though because HOSPERSA is predominantly organising in Hospitals which are fewer in the Eastern Cape than in other provinces. However, the person was optimistic that their

organiser will ensure that HOSPERSA gets more members in the Eastern Cape as there were not only 7 social workers in the Eastern Cape. Meanwhile on the other hand NEHAWU official seems to think that NEHAWU has already made a significant contribution and still is, in the improvement of service conditions of social workers (Transcript annexed as appendix 2). She feels that Nehawu is the home for social workers as it has a strong social workers forum which is going to be affiliated to an international social workers union.

6.11 CONCLUSION

Both social workers employers and trade unions seem to share a view that affiliation trade unions is the democratic right of all workers whether professional or non-professional. This right is entrenched in Chapter 2 of the Constitution and the Labour Relations Act 66 of 1995. Both the employees and employers have a right to freedom of associations and employer organisations should be seen within that context.

Therefore, opinions expressed by these respective groups in this study suggest all have some kind of understanding regarding unions and the laws regulating their existence and role or functions therefore in so far as collective bargaining is concerned. Majority of respondents (82%) were affiliated to trade unions but however expressed the need for a professional social workers union as there is currently none in South Africa in the period up to 1998 when this study was conducted.

Given the above findings the researcher is of the opinion that they reflect what is happening in social work industrial relations field.

CHAPTER 7

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

The chapter draws conclusions and makes recommendations for further research based on the findings.

7.2 CONCLUSIONS

- **The first objective** was to investigate reasons social workers offer for their involvement and non-involvement in trade unions;

The researcher concludes that social workers hold divergent reasons for their involvement and non involvement in trade unions ; those who joined trade unions did so for job security reasons like higher salaries and better fringe benefits, protection from victimisation by the employer, representation, need for a collective voice and a sense of belonging. It would seem that one of the reasons which influenced some social workers to join unions, was agency shop fees, recently imposed for all government employees which implied that non-union members have to pay agency shop fees which are more than what union subscription cost.

However the same social workers who were members of trade unions felt strongly that there was a need for a professional social workers union as some felt their professional needs were not adequately addressed by the general trade unions they were affiliated to.

Reasons offered for non-involvement in trade unions ranged from the fear of militancy of unions viewed by some as unprofessional, to fear of being bound by decisions taken by trade union leadership. They seem to think that this has a potential for abuse of power.

The study unpacked the reasons offered for disinterest and interest in unions as being diverse, with one school of thought overwhelmingly seeing more advantages in trade union involvement than disadvantages, and another school of thought, having conflicting views.

It would appear that there is a history of apathy amongst social workers in the Central Region and Eastern Cape Province which have hampered social workers trade union mobilisation hence even the idea of a Professional Social Workers Union (PROSWU) fizzled out.

The researcher concludes that findings on advantages and disadvantages of trade union involvement are valid in so far as they are consistent with available literature on trade unions (Finnemore & Van der Merwe 1989; Rabban 1991:677; Alexander 1980:476).

Both the advantages and disadvantages have influenced social workers in either involvement or non-involvement in trade union, or feelings about affiliation of social workers to unions (See Chapter 6).

Whilst Rabban (1991:101) has clearly outlined professional issues which unions can also address through collective agreements which are stated here under:

- ☑ Establishing professional standards;
- ☑ Influence on organisational policy through union representation in professional councils through representation in joint committees of professionals and administrators rather than through councils composed entirely of professional councils rather than through councils composed entirely of professionals, Boards of Trustees, governing councils, advisory councils and councils and policy making bodies;
- ☑ Regulating professional work;
- ☑ Committing organisational resources to professional goals.

- ☑ Providing training and professional development;
- ☑ Committing organisational resources to professional goals;
- ☑ Elaborating the criteria for personnel decisions and role of professionals in making them; there does not seem to be a clear view emerging from the as to what social workers view as being the role a trade union could play in addressing their professional concerns.

Although understanding the role of trade unions seemed to good but the role of these organisations fulfil in terms of collective bargaining seemed unclear to respondents. Many unions believe in the power of decision-making and professional unions are therefore not susceptible to this practice and therefore play a major role in decisions as to know who should be employed in the particular profession and which qualifications should they possess (Rabban 1991:103).

Alexander (1980:677) confirms this argument when he states that:

... unions believe in a collectivist spirit whilst professional associations on the other hand are not so blatantly involved in power struggles but rather emphasises more cerebral tactics e.g. developing code of ethics, raising the standards of practice prompting good community relations, and expanding the knowledge base.

There was no direct correlation between age and gender of respondents and their views on unionisation and collective bargaining ; rather the findings suggest individual opinions seem to influence expressed views besides it would have to unfair to make such comparison as there fewer (14%) male social workers in the sample.

Cumulative experience, educational qualifications, could not be associated with expressed views on union involvement and non-involvement as a indication of involvement in collective bargaining. Habersfeld (in Rabban 1995:675) states that the higher the qualifications the higher the pay and the lesser the likelihood of joining a union. This was contrasted by findings of this study which revealed that even highly

paid social workers were members of trade unions and acknowledged in importance of trade union affiliation.

- The second objective was to investigate social workers views on collective bargaining through unions as a strategy for managing employment conditions. Social workers have limited knowledge and understanding of labour relations legislation which provides for collective bargaining and therefore do not clearly understand its' role in terms of determination and improvement of service conditions. Relationship between salaries earned in 1998 were in some instances not commensurate with qualifications and experience. Whilst the PAS (1997) document stipulates that social work should be promoted to the rank of senior social worker in three years yet a significant proportion of respondents were still occupying the rank of social worker. The worst case is that of a social worker who is still a social worker yet she worked for 26 years, and is holding a Masters degree. It can be argued as a fact that there is a lot of fragmentation of social worker salaries and other service conditions intra-governmental and between government and private welfare organisations. Although there are current moves to address their situation, for instance, government agreed to the proposal by unions fighting for social workers rights, that irrespective of whether social workers are working for government or private welfare organisations they should earn the same salaries. Whilst accepting this principle private welfare organisations are struggling financially and are unable to honour this commitment.

The study revealed that depending on the social worker's place of employment fringe benefits were generally poor. Because the study did not make provision for exploring what social workers perceive to be ideal fringe benefits they would like to get, it would be ideal that further investigation be done in this regard.

Respondents seemed to have a clear understanding of policies governing their services conditions as well as the roles their employee organisations have played in the

compilation of such documents. Whilst 52% claimed to have read policy documents only 40% appears to have understood the contents.

- The third objective was to investigate what social workers understand to be the major reasons as to why a process of unionisation has not taken place on a large scale in their profession

Although there were no specific questions around this objective data revealed that the implicit view or belief held by many social workers in the past (which seems to be changing) was that unions are unprofessional and this therefore prevented them from joining or participating in trade unions on a large scale. The disadvantages cited by respondents can be linked to this belief which held the majority of social workers in the Eastern Cape from being unionised. This study revealed that 52% of respondents joined unions during 1997/8 period. This seems to indicate departure from this stereotype.

- The fourth objective was to explore what social workers perceive to be appropriate and effective means of negotiating for better working condition.

One thing which emerged from the study was that unions and staff associations have diverse roles to play, however evidence suggests that unions can replace professional unions according Alexander 1980.

Alexander suggests that all that is needed is to have professional issues covered in a collective agreement entered into by the employer and employee organisation. The researcher concurs with this view as it was further emphasised by 52% of respondents who claimed that although social workers were members of general trade unions they still needed to have their own union which will cater for their professional needs.

Alternative strategies suggested by social workers namely engaging the services of a lawyer, staff committees, loose forum of individual, mass action, Council for social

workers, individual bargaining amongst other things. All these strategies do not have worked in the past it is not clear how social workers think they will work now.

- The fifth objective was to explore social workers understanding of “professionalism” as it affects their profession or employment and unionisation.

Social workers hold divergent views about the compatibility of professionalism and unionisation. Some social workers as evidenced by 82% affiliated to unions subscribe to the compatible view espoused by authors like Alexander 1980, Lightman 1982, Lichtenberg & Brunn 1980; Levy 1964; Shaffer & Ahearn 1981). The compatible view suggests that the occurrence of unionisation for professionals is possible. The researcher concurs with this view.

Whereas a tiny minority of respondents (8%) belonged to incompatible view. This view suggests that affiliation of social workers to trade unions is an anomaly as it entails rejection of professional values. According to Northrip in Alexander 1980 unions and professional associations are inherently incompatible.

This seems to be reflective of the class tension existing between social workers as white collar workers; and trade unionism which has been associated with blue collar workers by a majority of professional employees over the years. Evidence from this study suggests that this is changing.

- The sixth objective was to determine employers views on social workers involvement and non-involvement in trade unions

Management representatives sampled, overwhelmingly supported to affiliation by social workers to trade unions as some of them were affiliated to unions themselves. Their views seem to be paying allegiance to the provisions of the Labour Relation Act 66 of 1995 are not necessary representative of Management views in the social work field out there.

- The last objective was to explore trade union's views on participation of social workers in unions;

Trade union officials are also supportive of social workers involvement in trade unions however that is to be expected from any trade union official as their interest is to have more members in order to strengthen their power.

The rank promotions currently processed by a task team set up by the Eastern Cape government comprising civil servants including social workers are hopefully going to normalise these discrepancies of social workers earning different salaries yet working for the same employer and also in the same Province.

There is an implicit expectation by social workers that someone from nowhere would come and just change the circumstances they find themselves in. It is filtering through their expressed views on a number of issues raised in the questionnaire that they generally expect unions to fight for their rights, without them having to shape and input in whatever unions are proposing as envisaged dispensation to the employer.

The researcher made assumptions that:

- social workers are not bargaining collectively with their employer although they are not involved in some kind of collective bargaining of some kind, through wider organisations (for example findings revealed that social workers are members of various organisations like NEHAWU, SAPSA, etc.
- collective bargaining has the potential of improving service conditions of social workers (already salaries of social workers in the Central region have improved to a certain extent since they got involved in trade unions in the negotiations for better service conditions for their members including social workers);

- occupational groups not involved in collective bargaining are at a disadvantage in terms of their ability to access appropriate remuneration (social workers in this region were in a worst predicament until they joined unions) now they feel that need for their own union which they believed could better handle their issues as professionals.

These assumptions held true in this study. The only disturbing feature is the lack of unity not only of social workers but also of their employers as they do not seem to be part of employer organisations. Similarly social workers do not have a union of their own.

7.3 RECOMMENDATIONS

- It is recommended that the debate on the compatibility and incompatibility of trade unions be further explored because it is the contention of the researcher that until social workers are clear about the relationship between the two concepts, only then, will they be in a position to decide whether they want a social work trade union to take over some of the professional issues currently by staff associations, or whether they think that these two forms of organisations are antagonistic and not complementary.

Although this is reflected by a tiny majority of respondents the researcher cannot generalise and claim that is not a widely shared sentiment in the social work population.

It is recommended that social workers should stop working at cross purposes and unite as an occupational class if they want to make any improvement in their service conditions as an occupational class. The fact that 82% favoured unions although a significant proportion of this percentage seemed to favour a social worker's union as they seem to believe it is only a professional union which can understand professional issues (See Chapter 6).

- ❖ There is a strong need for workers education around industrial relations issues in general and the Labour relations Act which provides for collective bargaining needs to be studied by social workers if they want to effect any changes through statutory collective bargaining. Non statutory collective bargaining is beyond the scope of this study.
- ❖ Social workers need to learn some lessons from other professionals like teachers, nurses and doctors of how they overcame the obstacles to having their own union which they seem to be facing at the moment.
- ❖ Social workers need to explore all avenues available to them, they could use the alternative mechanisms of negotiating around service conditions, however if they do not work they need to understand that the law is on their side through the Labour Relations Act 66 of 1995.
- ❖ The class tension existing between social workers as white collar workers and blue collar workers an area that needs further attention in the social work profession. This is especially because there sufficient evidence to suggest that there is a correlation between union involvement and improved working conditions as against qualifications(See chapter 2).
Further research which will look at other variables is recommended.
- ❖ Perhaps social workers employers should also get organised and either form an employer association if they are concerned about creating standardising the fragmented social workers service conditions.
- ❖ Given the level of comprehension of social workers regarding Labour relations Act the researcher recommends that employers and trade unions or professional have a role to play in ensuring that workshops and seminars around LRA and its implications for all employees including social workers are conducted.

Education about service conditions and workers rights needs to be done for social workers whether by union as part of trade union's education programme or by the employer.

The employers also should take initiative regarding this issue, so should social workers if they social workers are to take responsibility for their own predicament.

- ❖ Findings seem to suggest that upward mobility of social workers is restricted and it is recommended that the structure or organogram should be opened up to allow social workers space to move up, as it seems to affect the social workers' sense of pride in the profession, and motivation to participate in activities geared at building the profession, whether through professional associations or trade unions.

7.4 CONCLUSION

It was noted in this study that there were more public service social workers in the Central region than private social workers. In the same vain there were more female social workers than male social workers which seems to be cutting across the South African social work population. Both social workers and their employers hold divergent views as regards the debate on professionalism and unionisation. Some think it is compatible some think it is not. This was a topic worthwhile investigating although the researcher had problems ranging from methodological to technical problems e.g. funding, time constraints and attitudes of some social workers. However the concluding chapter suggests a number of possible topics for future research. It is hoped that the study will contribute to the knowledge base of the profession.

7.5 FUTURE RESEARCH

- ☑ There could be many hypotheses made, which could be generated from these findings for future research. For example an investigation into whether, after joining a union there has been an improvement in the service conditions which can be associated directly with the efforts of such a union, because findings suggest that other variables

could come into play here like collective bargaining outcomes of all public sector unions result in all public service employees including having a better dispensation which cannot be attributed to efforts of one organisation.

- ☑ A study focusing on class tensions or the dichotomy between professionalism and trade unionism with social workers as subjects . Such a study could look at variables like caseload, office infrastructure as part of office operation could be explored. One could perhaps look at differences in terms of job functions between blue collar workers and white collar workers (professional employees) preferable social workers, be conducted by any interested researcher.

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QUESTIONNAIRE

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EXPLANATION ABOUT THE STUDY

The study is conducted for a Masters Degree undertaken in the above named University. Your participation in this study will offer valuable contribution to the knowledge base of social work and probably offer a formal perspective of the reality of social work professions industrial relations situation. Thank you for completing this questionnaire.

- INSTRUCTIONS:
1. The Questionnaire takes approximately 35 minutes to complete.
 2. Read questions carefully
 3. You do not need to write your name for the sake of anonymity.
 4. Answer the questions as honest as possible
 5. Place a NR/NA where you have no comment or response in order to ensure that you have answered all questions.
 6. There are no wrong or right answers.

INTERVIEW SCHEDULE

INTERVIEWER

DATE OF INTERVIEW

SAMPLE AREA :CENTRAL REGION

VENUE

MARK RELEVANT ANSWERS WITH A TICK (✓)

1. AGE

1-5

a) 0 - 30

b) 31 - 40

c) 41 - 50

d) 51 - 60

e) 60 and above (specify)

2. Sex

6-7

a) Male

b) Female

SERVICE CONDITIONS

3. How long have you worked as a social worker?

8-13

- a) less than 1 year
- b) 1-4 years
- c) 5-9 years
- d) 10-14 years
- e) 15-19 years
- f) 20 and above (specify)

4. What are your educational qualifications?

14-20

- a) Diploma in Social Work
- b) BA (SW) 3 years
- c) BA (SW) 4 years
- d) BA (SW) Honours
- e) MA (SW)
- f) Other (specify)

5. Place of Employment

21

5.1 Private Welfare Organizations

5.1.1 (specify the name)

5.2 Government

22

5.2.1 (specify the name)

6. How long have you been working for the current employer? 23-27

- a) 0-5 years
- b) 6-10 years
- c) 11-15 years
- d) 16-20 years

e) 20 years and above.....

7. What is your salary scale per annum?

28-34

- a) Under R40 000
- b) R41 000 - R45 000
- c) R46 000 - R51 000
- d) R52 000 - R57 000
- e) R58 000 - R63 000
- f) R64 000 - R69 000

g) Above R69 000 (specify)

8. What post level do you occupy presently?

35-39

- a) Social Worker
- b) Senior Social Worker
- c) Chief Social Worker
- d) Captain

e) Other (specify)

9. In the past three years have you ever been promoted? 40-41

a) Yes	
b) No	

10. If yes to 9 from which post level to which post level? 42-45

a) Social Worker - Senior Social Worker	
b) Senior Social Worker - Chief Social Worker	
c) Chief Social Worker - Assistant Director	
d) Other (specify)	

11. Evaluate on scale below how you consider your fringe benefits at the moment. 46-53

U - Unfavourable, F - Favourable, VF - Very Favourable, N/A - Not Applicable

	U	F	VF	N/A
a) Car Scheme/allowance				
b) Pension Scheme				
c) Medical Aid				
d) Study subsidy				
e) 13th cheque				
f) Cellular phone				
g) Housing				

h) Other (specify)

12. Do you know of the existence of policy document/s within yo workplace, that contains your service conditions.

54-

a) Yes

b) No

c) Uncertain

13. If yes, were you given a copy?

.....

.....

.....

14. What is/are it/they called?

.....

.....

.....

15. Have you or your colleagues been involved in the formulation of t mentioned document/s.

59-

a) Yes

b) No

16. Have you (ever) read the documents?

61-

a) Yes

--

b) No

--

17. Did you understand the contents?

63-

a) Yes

--

b) No

--

c) Not really

--

18. In your opinion what needs to be changed in your service conditions. List them according to your priority.

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.....

TRADE UNIONISM AND PROFESSIONALISM VIEWS

19. Do you belong to an employee organisation?

67-

Trade Union Staff Association

a) Yes

--	--

b) No

--	--

c) considering joining

--	--

20. If yes to 19, what is it called?

.....

21. If yes to 19, is it registered with the:

70-

	Dept of Labour	Bargaining Chamber
a) Yes		
b) No		
c) Don't Know		

22. If yes to 19, is your employee organization involved when the poli documents containing your service conditions are formulated

73-

a) Yes	
b) No	
c) Don't Know	

23. If no to 19, state your reasons for not joining an employ organisation?
State reasons (maximum 5)

76-

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24. If Yes, when did you join and why?

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25. In your opinion what do you think are the advantages of belonging to a trade union? Mention 3.

83-86

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26. In your opinion what would you consider to be disadvantages of belonging to a trade union? State 3

87-90

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27. How do you feel about social workers belonging to unions?

91

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28. Some Social workers argue that unionisation and professionalism are incompatible. Please comment on this statement.

92

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29. Some social workers favouring unionism claim that professionalism can be protected by unionisation.

What is your view?

93

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30. What role do you think a union could play in changing your service conditions in your workplace.

94

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31. What role do you think professional association can play in changing service conditions in your workplace?

95

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32. Other than trade unions and professional associations what other options are open for negotiating change.

96

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KNOWLEDGE OF LABOUR RELATIONS LEGISLATION AND COLLECTIVE BARGAINING

33. Do you know about the existence of the Labour Relations Act 66 of 1995.

97-98

a) Yes

b) No

34. Have you read the Labour Relations Act 66 of 1995.

99-100

- a) Yes
- b) Partially
- c) No

35. If your answer is a or b to 34 what do you understand about unions in relation to the Act.

101

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36. What do you understand about rights of social workers as employees?

102

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37. What do you understand about rights of employers?

103

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38. What do you understand about collective bargaining?

104

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THANK YOU FOR YOUR TIME

APPENDIX2

TRANSCRIPT

INTERVIEW WITH MRS ROUX

DATE: 18 DECEMBER 1997

VENUE: MDANTSANE NKQUBELA
CHEST HOSPITAL

INTERVIEWER: MS. T. DYAKALA (RESEARCHER)

INTERVIEWEE: MS ROUX (FICTITIOUS NAME)

T.D. : The interviewer started the interview by exchanging greetings with the interviewee (Mrs. Roux). Ms. Dyakala explained the purpose of the interview as being to solicit Mrs. Roux's views as Provincial coordinator of Nehawu Social workers forum as well as a social worker. Ms. Dyakala enquired Ms. Roux's date of affiliation to Nehawu.

ROUX: Mrs. Roux joined Nehawu in 1994 but was not an active member some time for some reasons because of a sentiment shared by social workers at the time that social workers should have their own union, which social workers have attempted to establish but to no avail. Mrs. Roux feels that social workers became realistic when they realised that they could not form a union of their own, hence she rejoined Nehawu which she felt strongly could better handle salary issues which are bargaining issues whilst professional associations and the South African Interim Council for Social Workers can deal with other service conditions. She's been convincing other social workers to follow suit as she regards her move as having been realistic. She feels strongly that social workers should have insight into the advantages of joining a trade union.

T.D. : The interviewer asked for clarity on the issue of social workers not having to form a union of their own, in the light of their potential to form one which Mrs. Roux spoke about earlier on.

ROUX: Mrs. Roux blamed the university training which social workers have attained at Universities. She feels strongly that the University social work lecturers have brainwashed social workers because they never encouraged them as students to participate in community activities. She alluded to some incident involving a former practice lecturer at the University she attended who insisted that social work students had to attend classes regardless of whether other co-students were on class boycott. She thinks that studying psychology only is not enough for a social worker to be able to understand social problems confronting their clients. She feels that the perception that being a professional means being an abstract entity by alienating oneself from unions which were viewed as political activities 'because we look at ourselves as academics. As a result she recalls that this frustrated them when they started practicing they were taught in class was not exactly matching the reality they were confronted with. It is this kind of shortsightedness which she believes has led

to the failure of social workers in the Central region to form their own union as she believes that background serves as a foundation.

- T.D : “how do you feel about the fact that nurses are also professionals but have established unions, what is the difference between their situation and that of social workers, in terms of lack of background training.
- ROUX: Mrs. Roux feels that nurses decided to unionise themselves, after feeling the pain and deciding to do something about it by uniting, which she thinks is what unions are all about. For teachers she believes that teachers stated being progressive at universities hence many students leading students protests were student teachers. Whilst social workers lack this kind of involvement during their training.
- T.D : The interviewer asked about Mrs. Roux’s highlights since her appointments as a Provincial coordinator, whether this has attracted a lot of membership from the social work fraternity.
- ROUX: According to Mrs. Roux the response has been very good especially from private welfare organizations sine they were earning less than the public sector. One of the achievement of NEHAWU since she joined is that Nehawu negotiated with National government that salaries of private welfare organizations be increased by 38% whilst government wanted to give them 8% to be equal to those of government. Currently, Nehawu is negotiating all social workers be employed by government and seconded to private welfare organizations according to their areas of specialisation, and is like to succeed. She thinks that Nehawu is developing social workers by giving them exposure to the international world as Nehawu planning to affiliate its social workers forum to the International union of Social Workers.
- T.D : What specific programmes are there for social workers?
- ROUX: Nehawu has been engaged in educating social workers with understanding the contents, meaning and interpretation of the White Paper thus preparing them for implementation of the policies contained in the White Paper. By doing this Nehawu is preparing social workers for an envisaged shift from institutional care to community care. Nehawu is also running workshops on the Labour Relations Act, so that will be in a position to handle issues that can be exploitative in nature.
- T.D : Roughly how many social workers are members of Nehawu in the Province?
- ROUX: Mrs. Roux referred the interviewer to the office for membership statistics.
- T.D : The interviewer asked Mrs. Roux’s opinion on being a member of a trade union considered to be nonprofessional by some professionals including social workers.
- ROUX: Mrs. Roux has a non discriminatory attitude as she believes in the principle of

inherent worth and dignity of the individual the bottom line is that all working people are workers and they view themselves as such.

T.D : “Tell me about the social workers forum ad how it operates within Nehawu.”

ROUX : Nehawu social workers forum is an unconstitutional substructure, whist branches are constitutional. Policy issues are discussed at branch level. As a Provincial coordinator she receives inputs from the welfare officer, provincial officer and then reports to the provincial secretary. There is a provincial coordinator and a National Coordinator, who is also a social worker. This is done in order to ensure that there is somebody who will be familiar with social workers issues. They have occasional meetings. The Nehawu Social workers forum is affiliated to the National Welfare Forum.

T.D : “Who goes to the Bargaining Chamber to represent aspirations of social workers?”

ROUX : “Office Bearers”

T.D : “In other words office bearers are informed by social forum members what issues to bargain on?”

ROUX : “Yes although the national coordinator is also representing the interests of social workers in the bargaining chamber.”

T.D : “What are the obstacles in Nehawu, in terms of relationship with other social workers.”

ROUX : Mrs. Roux has seen a lot of resistance from social workers who felt betrayed by her joining Nehawu. Although this has since changed social workers have been joining in numbers. Professionalism is an obstacle as she feels that it hinders or prevents active involvement y social workers as some believe that being a union member means that you are unprofessional. They do not help themselves. These social workers who have antagonistic attitude towards unions treat professionalism as some kind of monolic, an untouchable and abstract thing up there.

T.D : “Your perception of difference between being a professional and trade union member?”

ROUX : Mrs. Roux is a member of South African Council for Work and regards this as another Nehawu achievement as she was nominated by Nehawu members.

T.D : The interviewer wanted to know what is happening in the council.

ROUX : Mrs. Roux claims that things are difficult up there, resistance to change is still observable some white people see the Council as elitist body that should be led by whites they don't see a Black person who can be a member of the Council to such an extent that they are surprised by inputs of their black colleagues. They thought some blacks are submissive. They are also puzzled by the guts

which black Council members have, namely; challenging them on issues they disagree with. There is still mistrusted based on racism.

T.D. : “What impact did you make by being part of such a structure?”

ROUX: Mrs. Roux believes Nehawu has made an impact in the working lives of social workers.

T.D : “What happened to the social workers union you spoke about earlier?”

ROUX: It was officially dissolved in 1997.

T.D. : Reason?

ROUX: Social workers became realistic, realised their mistake, saw the light at the end of the tunnel as far as Mrs. Roux is concerned. They have not realised that Nehawu is their home. Nehawu social workers branches are hopefully going to be launched in 1998. Port Elizabeth is the only place in the Eastern Cape that has already launched a branch. They were never part and parcel of the aborted social workers union from the word go.

T. D. : “Do you see the prospect of social workers moving from Nehawu to form their own union, just like nurses?”

ROUX: Mrs. Roux does not believe it will be the case with social workers. She believes they are in Nehawu to stay.

T. D : Mrs. Roux was afforded an opportunity to ask questions which she didn't have, in the absence of questions the interviewer thanked the interviewee thanked Mrs. Roux for her time.

The interview ended at 14h20.

SERVICE CONTRACT BETWEEN

operating under the auspices of

THE ASSOCIATION FOR REHABILITATION OF PERSONS WITH DISABILITY

and

1. Appointment

1. Certified copies of relevant service certificate, testimonials, degree certificates and diplomas must be submitted by applicants. In the case of a social worker or other professional person a copy of registration certificate and proof of payment of current fees to the relevant Council must be submitted.
2. The Employer may, upon appointment of staff and at other stage, require a medical report on the staff member. Such reports are to be completed in a form prescribed by the Employer. The cost will be borne by the Employer.
3. The employee is provided with a job description upon entering service. This does, however, not preclude the employer from requiring the employee from time to time to perform other duties or from amending the job description in consultation with the employee.
4. The recognition of previous experience is at the discretion of the Employer. Relevant experience gained at less than 20 hours per week will be regarded as part-time experience.

2. Probationary Period

Employees shall serve a probationary period of three months before being appointed to the permanent staff. In the case of doubt, the Director may extend the period for a maximum of a further three months, after consulting with the employee concerned. The employee, may, however, appeal to the Management Board of the Association for Rehabilitation of Persons with Disability (hereinafter referred to as the Management Board) against such a decision.

3. Termination of Service

1. Permanent employees shall give one calendar month's written notice before 12 noon on the first day of the month. Employees who give two months or longer notice shall qualify for a pro-rata payment of service bonus, calculated from the 1st day of December of the previous year until the day of termination of service.

2. The employer may terminate the services of an employee for the following reasons:
 1. Gross incompetence or neglect of duty.
 2. Insubordination to any superior or to the Employer itself.
 3. Conviction of any criminal offence involving violence in any form of dishonesty, within or outside the work environment.
 4. Proven dishonesty in the work situation.
 5. Proven intimidation and violence in the work environment.
 6. Conduct which causes damages of any kind to the employer or his reputation or to any fellow employee and his/her reputation.
 7. Any misrepresentation of professional or other qualifications.
 8. Any breach of the Employer's policy of confidentiality.

3. An employee shall not be dismissed for disciplinary reasons referred to at (c) above before a disciplinary hearing has been held. The employee shall be advised by the Director in writing at least 24 hours in advance of the hearing of the venue, date and time thereof, and shall appear in person at such hearing.

4. Please Note! All disciplinary matters will be dealt with in accordance with latest legislation.

5. The Employer may in the case of a social worker, at its discretion, forward a copy of the minutes of the disciplinary hearing to the South African Council for Social Work for its information and any further action.

6. Hours of duty

Hours of duty are a 40-hour week, subject to the requirements of the Employer. Circumstances do not normally require overtime duty. Time-off in lieu of overtime is not an absolute right, but may be negotiated if the overtime is unavoidable and leads to hardship.

7. Work Performance outside Office Hours

Employees must inform the association if they work for gain outside of working hours. The employer is entitled to insist that such work should not in anyway prejudice the employer.

8. Part-time Employment

In the case of part-time employees service benefits are calculated on a pro-rata basis.

9. In-Service Training

Employees may be required to make themselves available for in-service training programmes. The attendance of such programmes is compulsory if prescribed.

10. Service Bonus

A Service Bonus equivalent to 3% of one month's salary is payable at sole discretion of the Management Board Staff members who have not completed a full year's service on 30 November forfeit the pro-rata amount. Staff members who terminate their service before 30 November forfeit the pro-rata amount, except in cases where notice of two months or longer has been given, where services are terminated on account of illness or reduction of staff, where the employee is forced to resign because of a spouse's change of employment, or on other compassionate grounds at the Employer's discretion.

11. Retirement

Every employee shall retire on the last day of the month in which they turn 65 years of age. The Management Board may appoint a staff member on a year to year basis after the age of 65 years. Such continued employment will be at the sole discretion of the Management Board. Such appointment will be for a maximum of two years only.

12. Pension or Provident Fund

Membership of a Pension Fund or Provident, as arranged by the Management Board, is compulsory for all permanent employees. Such funds will be in compliance with current labour and tax legislation.

13. Group Disability Insurance

A group life and disability insurance scheme covers all staff members who are members of the pension or provident fund. Premiums are paid by the Employer.

14. Social workers and other professionals employed by the Employer must be covered by a professional insurance policy approved by the Employer. The Employer may contribute towards the costs of the premium of such a policy at a rate determined by the Management Board. The Board shall have coverage for the Associations liability.

15. Medical Aid

Medical Aid cover is available if required but is not compulsory. Such coverage as is required by legislation will be provided after negotiation with employees.

16. Travelling and Subsistence allowance

- The employer shall refund to employees, at rates determined by the Management Board, transport and subsistence costs incurred when making use of own transport on Employer's business or when forced to stay overnight on Employer's business.

17. Assessment and Evaluation of Employee Performance

The assessment and evaluation of the work performance of employees are part of a continuous and on-going process, the purpose of which is to help staff develop their full potential. Annual salary increments are dependent on satisfactory work performance. Bonuses or additional incremental notches may, however, be awarded at the discretion of the Management Board in the case of above-average or exceptional performance. If at any time, however assessment and evaluation indicate poor or unsatisfactory work performance the employee shall be informed accordingly, and in the case of continued failure to rectify or improve work performance the Employer may resort to one or more of the following measures:

1. Warn the employee of possible termination of employment
2. Allocate a different job function
3. Hold a disciplinary hearing

18. Use of Employer's Motor Vehicles and Motor Vehicles owned by the Association for Rehabilitation of Persons with Disability

The employee will at all times exercise due and proper care in the use of the Employer's motor vehicle.

In the event of any damage being caused to the Employer's motor vehicle/motor vehicles by the negligence of the employee, then the employee agrees and undertakes to repay to the Employer whatever damage has been caused as a result of his/her negligence.

The employee acknowledges that at all times he/she will comply with all provisions of the Road Traffic Act.

The employee further acknowledges that he/she shall be personally liable for all traffic fines/penalties incurred by the employee whilst using an Employer's vehicle.

The employee further acknowledges he/she is not entitled to convey any passengers without the express authorisation of the Director.

The employee further acknowledges that he/she shall not drive any motor vehicle whilst it is in an un-roadworthy condition as contemplated by the provisions of the Road Traffic Act.

19. Salary

1. Salaries are determined in accordance with the position held, appropriate qualifications and experience.
2. Salaries are reviewed annually. Incremental notches are not granted automatically but are based on merit, availability of funds and subsidies.
3. In the event of the employees services being terminated for any reason whatsoever, either at the instance of the Employer of the employee, and the employee is indebted to the Employer for any amount at all, then the employee irrevocably consents to such

indebtedness being deducted from any amount due by the Employer to the employee in respect of salary, pension, bonus or any other remuneration of any form.

The employee confirms reading this clause and knows and understands the implications thereof.

20. Personal conditions

1. JOB DESCRIPTION:

See attached page

2. CHAIN COMMAND

Responsible to: _____

Responsible for: _____

3. SALARY SCALE:

4. DATE OF APPOINTMENT

_____/_____/_____

Agreed to at _____ on this _____ day of _____ /19 _____

EMPLOYEE

PARENT OR GUARDIAN IN CASE OF
EMPLOYEES UNDER THE AGE OF 21

WITNESS

DATE

WITNESS

CHAIRPERSON/DIRECTOR

RESTRICTED

THIS PAS MUST AT ALL TIMES BE READ IN CONJUNCTION WITH PUBLIC SERVICE STAFF CODE K.II/I

FINAL PAS: OCCUPATIONAL CLASS: SOCIAL WORKER

SALARY STRUCTURE GROUP: SOCIAL WELFARE AND RELATED PERSONNEL

SCOPE OF APPLICABILITY

This PAS is applicable to personnel who keep themselves busy with the following:-

The performance of social actions like casework, groupwork, community work, research and social work administration the aim of which is the evaluation of the social functioning of individuals, groups and communities:

As far as item 2.0 to 19.0 are concerned-

- a) Fully applicable to officers and
- b) Applicable, to the extent indicated in item 20.2 to employees which also includes employees on contract if item 20.1 specifically provides for appointments on contract.

IMPLEMENTATION

This PAS is with from 10 June 1994 the generally prevailing measure

NEW PUBLIC SERVICE REGULATIONS

AND

STAFF CODE

CHAPTER C

LEAVE OF ABSENCE

PURPOSE

To regulate an officer's or employee's absence from duty by means of the granting of leave of absence within the framework of provisions and measures as set out in this Chapter.

AUTHORISATION

The directives contained in the Chapter are issued in accordance with the provisions of section 41 (1)(b) of the Public Service Act, 1994.

The authority to approve that leave of absence be granted to an officer or employee in accordance with the provisions in this Chapter and the supplementary measures contemplated in regulation C.14 is vested in the Head of Department who may delegate such authority. The granting of leave of absence to a Head of Department is subject to such approval as the relevant executing authority may determine.

SCOPE OF APPLICATION

Leave of absence may be granted to officers and employees, subject to the provisions of this Chapter:

The following persons are excluded from these measures:

Scholars and students employed during vacations and persons employed for predetermined short periods of less than three calendar months.

Part time employees who are not employed on at least a 5/8 basis.

PROVISIONS

Classification of Leave of Absence

Leave of absence is classified under one of the following headings:

- (a) Vacation leave (accumulative) with full pay
- (b) Non-accumulative leave with full pay
- (c) Vacation leave without pay
- (d) Sick leave with full pay
- (e) Sick leave with half pay
- (f) Sick leave without pay
- (g) Special sick leave with full pay
- (h) Special sick leave with partial pay
- (i) Special sick without pay
- (j) Special leave with full pay
- (k) Special leave with conditions of pay as recommended by the Commission.

Vacation and Sick Leave

Officers and employees shall for the purpose of vacation and sick leave be classified in the undermentioned groups and may be granted leave accordingly. An employee (including a contract employee) who is employed additional to the fixed establishment shall be granted leave in accordance with these regulations and his or her grouping for leave purposes shall be as prescribed insubregulations (c) and (d):

CLASSIFICATION	ANNUAL VACATION LEAVE ACCRUAL (DAYS)	NUMBER OF DAYS SICK LEAVE IN EACH CYCLE WITH	
		FULL PAY	HALF PAY
(a) Officers who were appointed before 1 July 1966 and who were classified in terms of the pre-revised vacation leave in:			
i. Group 1 A	38	120	120
ii. Group 1 B	36	120	120
(b) Officers who were appointed on or after 1 July 1966 and who have completed the following service:			
i. Ten years or longer	36	120	120
ii. Less than ten years			

The provisions in subregulations 2.1 (e) to (b) are not applicable to Nursing Personnel attached to head and regional offices, health centres or clinics which do not provide a 24-hour service per day. In respect of such personnel the appropriate provisions in subregulations 2.1 (a) to (c) shall apply.

The appropriate vacation leave measures of nursing personnel referred to in subregulation 2.1 (e) and (f) who serve in lecturing capacities at training colleges for nursing personnel, must be reduced by one day in respect of each public holiday on which no service is rendered.

The following vacation leave measures, instead of those contained in subregulation 2.1 (I) apply in respect of part-time nursing personnel who comply with the prescribed working hours, but who only work two or three shifts per week: Vacation leave is granted on a working day basis at an allotment of 12 working days per year.

Officers and Employees Employed at Educational and Training Institutions

Non-accumulative leave with full pay may be granted to officers or employees mentioned in regulation C4.2.1 (c) during school or institutional holidays when instruction is suspended. If a head of department requires an officer or employ to remain on duty during periods of school or institutional holidays, he or she may be credited with accumulative vacation leave over and above that mentioned in regulation C4.2.1 (d) equal to half the number of days in respect of which he or she remains on duty, but limited to a maximum of 23 days accumulative vacation leave per year ending 31 December.

Officers and employees who are employed at educational and training institutions and who are required to remain on duty during all periods when instruction is suspended shall be granted leave in accordance with regulation C4.2.1 (a) to (c) above.

Leave of absence which may be granted for other Purposes:

Apart from the vacation, sick and non-accumulative leave referred to in regulations C4.2 and C4.3 a head of department, may, on the basis prescribed by the Public Service Commission, grant leave of absence in accordance with the classification in regulation C4.1

GENERAL MEASURES

Leave of Absence a Privilege

Leave of absence is a privilege and is granted only with due regard to the exigencies of the Public Service.

Leave cannot be claimed as a right, and when an officer or employee leaves the Public Service, for any reason whatsoever, he or she cannot claim payment in respect of the cash value of leave standing to his or her credit.

The provisions of this regulation shall not preclude the payment of leave gratuities on conditions recommended by the Public Service Commission.

Transfer from One Leave Group to Another

If an officer or employee is transferred or is promoted or translated to another rank resulting in a change in his or her classification for leave purposes as indicated in regulation C4.2.1 he or she-

Shall retain the accumulative vacation leave which accrued during his or her service in the previous group and the accumulative vacation leave of a new group shall become applicable to him or her from the first day of the month during which such transfer becomes effective:

Retains, if the group transferred to have a less favourable sick leave provision. The more favourable sick leave provision for the duration of the cycle; and

Immediately acquires the sick leave provision of the new group in the event of such provision being more favourable, less and apid sick leave already utilised during the relevant cycle.

Unless the provision of regulation C5.9.1 is applicable.

Service which counts for leave purposes

For purposes of this Chapter's service includes the following periods:

A period of service in a full-time or part-time capacity, as well as a full-time contractual basis in respect of which leave priviliges were granted in terms of this Chapter.

A period of full-time service which may be recognised in terms of the provisions of regulation C5.7.1

A period of suspension in terms of section 22(7) of the Public Service Act, 1994

A period of leave of absence, of whatever nature:

Provided that any such period or periods and the period of service of the officer or employee concerned in the latest capacity in which he or she has been appointed or reappointed, shall together extend over one continuous period, subject to the provisions of regulation C5.10.2

Leave Application Forms, Granting and Withdrawal of Leave and Unauthorised Absences from Duty

Application for leave shall be made in writing on a form approved by the Public Service Commission. The submission of a written application for leave, shall not be required in the case of unauthorised absences.

Leave already granted may at any time be withdrawn by the head of department or, in the case of a head of a department, by the relevant executing authority.

Except in the case where an officer or employee is suspended from duty or is on a legal strike in terms of section 19 of the Public service Labour Relations Act 1994 or is prevented by sudden illness, or by other circumstances which are acceptable to the head of department, from remaining on or reporting for duty, or where he or she is absent from duty with non-

accumulative leave in terms of regulation C4.3.1 he or she shall not leave or say away from work until he or she has applied, in writing, for leave and has been advised that the leave application has been approved.

All unauthorised absences from duty, irrespective of any disciplinary action which may be taken against an officer or employee, are deemed to be vacation leave without pay. Section 19(7) of the Public Service Labour Relations Act, 1994 also applies in this regard.

Leave Registers

A department shall keep a leave register in respect of each officer and employee in which all absences from duty shall be recorded in accordance with the classification contained in regulation C4.1

SALARY DETERMINATION AND SALARY OR CASH RECOGNITION

The general measures shall apply

SALARY PROGRESSION MEASURES

The general measures are, subject to (2) applicable.

The granting of the second and third notches of ranges of the salary grading system can only be awarded to individual personnel based on their personal profiles as set out in the general measures.

PROMOTION MEASURES

With due consideration to the general measures, the following apply:-

Requirements

From social worker to rank of senior social worker

Preferentially Promotable

Two years' actual service

Promotable out of turn

Two years and six months actual service

OR

A combined total period of two years and six months' actual service and recognisable experience of which at least one year must be actual service.

Promotable in turn

Three years' actual service and recognisable experience

OR

A combined total of three years, actual service and recognisable experience.

RESTRICTED

ANNEXURE B

RECOGNISABLE QUALIFICATIONS: ITEMS 8.3(1) (b) AND 14.1(3)**OCCUPATIONAL CLASS: SOCIAL WORKER**

(a)	(b)	
QUALIFICATIONS	<u>STATUS OF QUALIFICATIONS</u>	
	BASIC	POST BASIC
DIPLOMA QUALIFICATIONS		
Diploma in Social Work	X	
Senior Post-Graduate/Advanced Diploma in Social work	X	
DEGREE QUALIFICATIONS		
B degree in Social work	X	
Honours degree in Social Work	X	
M degree in Social Work		X
D degree in Social work		X

EXTRACT FROM PAS OF 1997**LEVEL SALARY RANGES AS AGREED TO IN AGREEMENT 12/97**

1.	19002-	19290-	19941
2.	21888-	22683-	23619
3.	25482-	26463-	27633
4.	29976	31074-	32175
5.	35463	36870-	38277
6.	43899	46596-	49293
7.	54684	57501-	60315
8.	68763	72573-	76386
9.	84003-	87126-	90246
		93369-	96489
10.	405849-	110406-	114963
11.	124071-	132729-	141390
12.	150048-	158535-	167025
13.	163260-	170373-	177486
14.	191712-	202056-	212400

REVISED SALARY RANGES W.E.F. 1 JULY 1997

19002-	19290-	19941
21888-	22842-	23784
25659-	26463-	28020
30396-	31509-	32625
35958-	37386-	38814
44514-	47247-	49983
55449	58302-	61155
69381-	73248-	77094
84423-	87561-	90696
	93837	96972
106377-	110958-	115539
124692-	133392-	142098
150798-	159273-	167799
171426-	178893-	186383
197466-	208119-	218775