

INDUSTRIAL & ECONOMIC SOCIOLOGY HONOURS

2025: SECOND TERM

LABOUR RELATIONS



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INTRODUCTION

Welcome to the labour relations honours module! It involves an advanced study of key themes in contemporary labour relations research and practice. At the core of labour relations is the primary economic relationship in society: the *buying and selling of labour power*. The focus of labour relations is on the organisation and reproduction of the relationship between employees and employers. In other words, scholars of labour relations study *the ways in which the employment relationship is regulated*. Therefore, the fundamental object of inquiry which defines the field of labour relations is not trade unions, management, strikes, etc., but rather the underlying employment relationship that engenders these phenomena. In its most basic form, every employment relationship is an *economic exchange* (an agreement to exchange wages for work) and a *power relation* (the employee 'agrees' to submit to the employer's authority). This relationship is, therefore, characterised by significant uncertainty, divergent goals and interests, and it is contradictory in the sense that labour cannot be treated as a commodity, and employers have to pursue the potentially contradictory goals of control *and* cooperation.

There are contradictory forces at the heart of the employment relationship that Paul Edwards describes as a *structured antagonism*. Antagonism is built into the foundations of the relationship, even though cooperation is also evident on a day-to-day basis. Balancing the needs of controlling employees and securing their commitment to the firm rests ultimately on employers ensuring that a surplus continues to be extracted by exploiting the employees. Since the employment relationship under capitalism is characterised by a structured antagonism between employers and employees, it is necessary for the parties to exercise control over it. This control is problematic and manifests in a complex network of regulatory mechanisms through which the parties to the employment relationship seek to exercise their strategic choices and achieve their goals.

Unlike other factors of production, the employer cannot precisely specify the quantity and quality of tasks to be performed by an employee in advance. This *indeterminacy* of the employment contract is a product of the distinction between 'labour-power' (a capacity) and 'labour' (a process). What an employer purchases on the labour market is *labour power* – the capacity to work – not a predetermined or quantifiable amount of actual work. Consequently, managers must acquire the 'right' to direct the workplace to convert the employee's ability to work into real productive labour. Since employees are likely to resist these impositions by management, converting labour power into productive labour is an inherently contested and contingent process. The employment relationship, therefore, comprises – of necessity, given its structure – a complex 'governance' regime of institutions and rules, with scope for differences over both substance and procedure. For profitable and continuous production to be possible, in other words, the employment relationship has to be *socially regulated* and *institutionally mediated*.

Systems of *labour regulation* tend to persist for as long as they find a sustainable compromise between two conflicting demands: transforming labour relations to enhance competitiveness (employers' needs for *efficiency*) and avoiding the excesses that stem from unconstrained competition (employees' needs for *equity*). Since employment involves an ongoing relationship between the buyer and seller of labour-power, there are constant pressures on and opportunities for both parties to seek to adjust the trade-offs between efficiency and equity in their favour. Hence, the prevailing *wage-effort bargain* in a particular workplace will tend to reflect the shifting balance of powers between the employer and employees.

COURSE REQUIREMENTS

The module will run in the second term, with the usual format being two weekly seminars. Students must prepare for all sessions to facilitate informed discussion and a comprehensive examination of the topics. Attendance at seminars is compulsory. Students who cannot attend a seminar must submit a leave of absence (LoA) form to the departmental administrator. Failing to abide by these requirements will jeopardise your duly performed (DP) certificate.

The prescribed and recommended readings for each seminar are listed below. As post-graduate students, you are strongly advised to read as widely as possible on the topics in this module. The readings listed in this handout are a guide to stimulate independent research and learning. You are encouraged to consult additional material in the library and to explore both the print and electronic media.

You must complete an essay assignment for continuous assessment on any two [2] of the seminar topics. These assignments should be typed in 1.5 spacing, must be about 2,500 words in length (excluding the title page and bibliography), and account for 50% of the module mark. One 5,000-word assignment for summative assessment will constitute the remainder of this module's mark (50%).

Please consult the Sociology Handbook for an outline of the University's policy on plagiarism, guidelines on the formatting and writing of assignments, the departmental rules regarding citations and referencing, and the criteria for assessing written work. A copy of the Assignment Cover Sheet, which must accompany all assignments submitted to the Department, is also available in Handout 1.

WEEK 1: THEORIES IN LABOUR RELATIONS

Since labour relations is a field of study that comprises some distinctive insights that are more than the sum of contributions from individual disciplines, it follows that the focus should be on theories *in* labour relations rather than theories *of* labour relations. The various theories in labour relations are all inescapably rooted in a particular conception of the organisational and institutional context in which the employment relationship is embedded. There are three broad approaches to organisations: unitarist, pluralist, and radical. Unitarism finds theoretical support within Parsonian sociology and through economic theories that advocate utility as the source of value. Pluralism finds theoretical justification in the sociological work of Durkheim and in theories that derive value in economic activity from the factors of production. The radical or class-conflict approach draws on the Marxist tradition, which views value as the product of human labour. Each approach also bears the mark of its origins: unitarism in the human relations traditions, pluralism in organised collective bargaining, and radicalism in accounts of workplace discontent that seemingly evades all attempts at institutionalisation. Despite the continuing significance of unitarist and conflict approaches – in understanding the views and actions of managers and trade unionists, respectively – pluralism (broadly defined) constitutes the orthodoxy among labour relations scholars and practitioners as well as most democratic governments and international labour organisations.

The orthodox or ‘mainstream’ literature on labour relations may be divided between (a) *systems-orientated* approaches, which prioritise information about patterns and focus on form and universality; and (b) *action-orientated* approaches, which prioritise information about processes and focus on content and variability. The former highlights a labour relations system’s objective and enduring (structural) features, while the latter underscores its subjective and changing (agential) aspects. Although radical labour relations scholars have developed a trenchant critique of the liberal-pluralist conception of the organisation, which informs systems approaches (concerned with the institutions of ‘job regulation’) as well as action approaches (concerned with the ‘negotiation of order’), pluralism continues to dominate research on labour relations. While important conceptual innovations arose from this research, the mainstream literature is primarily characterised by fact-finding and description rather than theoretical development and explanation. Increasingly, however, scholars of labour relations share a common objective: to recast the subject as a broad field of study, open to diverse influences, and committed to theory building as well as problem-solving.

Seminar 1: Outline how unitarist, pluralist, and radical approaches conceptualise the employment relationship. In your answer, indicate which approach you find most persuasive and why

Prescribed Readings

Abbott, K. (2006). A review of employment relations theories and their application. *Problems and Perspectives in Management*, Vol. 1 (1), pp. 187–199.

Ackers, P. (2002). Reframing employment relations: The case for neo-pluralism. *Industrial Relations Journal*, Vol. 33 (1), pp. 2–19.

Bennett, T., Saundry, R. & Prior, M. (2024) *Managing employment relations: Theory, policies and practice*. London & New York: Kogan Page. [Chapter 2]

Budd, J. & Bhawe, D. (2008). Values, ideologies, and frames of reference in employment relations. In: P. Blyton, N. Bacon, J. Fiorito & E. Heery (eds.) *Sage handbook of industrial relations*, pp. 92–113. London: SAGE Publications.

Kaufman, B. E. (2010). The theoretical foundation of industrial relations and its implications. *Industrial & Labor Relations Review*, Vol. 64, No. 1, pp. 74–108.

Clegg, H. A. (1975). Pluralism in industrial relations. *British Journal of Industrial Relations*, Vol. 13 (3), pp. 309–316.

Heery, E. (2016). *Framing work: Unitary, pluralist, and critical perspectives in the twenty-first century*. Oxford: Oxford University Press. [Chapters 2–4]

Hyman, R. (1989). *The political economy of industrial relations*. Basingstoke: Macmillan. [Chapter 3]

Khan, A.S. & Ackers, P. (2004). Neo-pluralism as a theoretical framework for understanding HRM in Sub-Saharan Africa. *International Journal of Human Resource Management*, Vol. 15 (7), pp. 1330–1353.

Recommended Readings

Adams, R.J. (1983). Competing paradigms in industrial relations. *Industrial Relations*, Vol. 38, pp. 508–531.

Blyton, P. & Turnbull, P. (2004) *The dynamics of employee relations* (third edition). Basingstoke: Palgrave Macmillan. [Chapter 2]

- Budd, J.W. (2008). A meta-paradigm for revitalising industrial relations. In: C.J. Whalen (ed.) *New directions in the study of work and employment: Revitalising industrial relations as an academic enterprise*, pp. 48–67. Cheltenham: Edward Elgar.
- Chidi, C.O. & Okpala, O.P. (2012). Theoretical approaches to employment and industrial relations: A comparison of subsisting orthodoxies. In: A.L. Azcárate (ed.) *Theoretical and methodological approaches to social sciences and knowledge management*, 263–278. London: IntechOpen.
- Darlington, R. & Dobson, J. (2013). Objective but not detached: Partisanship in industrial relations research. *Capital and Class*, Vol. 37 (2), pp. 285–297.
- Donnelly, E. & Dunn, S. (2006). Ten years after: South African employment relations since the negotiated revolution. *British Journal of Industrial Relations*, Vol. 44 (1), pp. 1–29.
- Donnelly, E. & Dunn, S. (2007). Policy directions for transforming states: Labour relations reform and the new South Africa. *South African Journal of Labour Relations*, Vol. 31 (1), pp. 6–24.
- Habib, A. (1997). From pluralism to corporatism: South Africa's labour relations in transition. *Politikon: South African Journal of Political Studies*, Vol. 24 (1), pp. 57–75.
- Kaufman, B.E. (2008). Paradigms in industrial relations: Original, modern and versions in-between. *British Journal of Industrial Relations*, Vol. 46 (2), pp. 314–339.
- Kaufman, B.E. & Gall, G. (2015). Advancing industrial relations theory: An analytical synthesis of British-American and pluralist-radical ideas. *Industrial Relations*, Vol. 70 (3), pp. 407–429.
- Sodhi, J.S. & Plowman, D.H. (2002). The study of industrial relations: A changing field. *Indian Journal of Industrial Relations*, Vol. 37 (4), pp. 459–485.
- Thompson, P. & Newsome, K. (2004). Labor process theory, work, and the employment relation. In: B.E. Kaufman (ed.) *Theoretical perspectives on work and the employment relationship*, pp. 133–162. Champaign, IL: Industrial Relations Research Association.
- Webster, E. (2015). The shifting boundaries of industrial relations: Insights from South Africa. *International Labour Review*, Vol. 154 (1), pp. 27–36.
- Wood, S. & Elliott, R. (1977). A critical evaluation of Fox's radicalisation of industrial relations theory. *Sociology*, Vol. 11 (1), pp. 105–125.

WEEK 2: LABOUR RELATIONS AND HUMAN RESOURCE MANAGEMENT

Although its roots can be found in the human relations approach of the 1950s and 1960s, human resource management (HRM) became increasingly popular in management circles from the 1980s onwards. HRM shares several features with the human relations approach: a concern for the internal dynamics of the workgroup, a desire to create social cohesion and value consensus through corporate culture, an attempt to integrate personnel issues within the overall business strategy, and an effort to generate higher levels of employee 'commitment' and 'involvement'. The importance of HRM to labour relations lies in its association with a strategic, integrated, and highly distinctive approach to the management of employees. It is closely tied to managerial interests and has a strong aversion to treating employees as a collective through institutions such as a trade union. As such, HRM constitutes a direct challenge to many of the basic assumptions underlying the theory and practice of pluralist labour relations (in its mainstream and radical variants). In fact, some HRM scholars regard labour relations as an outmoded residue of industrialism that is ill-suited to the current knowledge- and network-based economy and allege that HRM offers a better account of the 'human factor' in the contemporary workplace and therefore constitutes a grave challenge to labour relations as a 'discipline'.

The empirical research on HRM tends to be 'ideological' in that it creates a distorted image of work under capitalism, legitimising existing human resource practices and favouring the interests of entrepreneurs and managers. This research also tends to prioritise the 'problems' confronting senior management, such as performance- and commitment-related variables, while other HRM practices are largely ignored; it mainly surveys organisational elites in large enterprises, thereby reflecting their interests to the exclusion of others; it paints a unitarist picture of the workplace in which the actions of employers and the role of HRM are mostly depicted in a positive light; and it either overlooks or regards workplace conflict, distrust, and other 'deviations' from best-practice, (ostensibly) employee-friendly HRM strategies as relatively rare anomalies, which can be remedied through relatively trouble-free and largely technical changes. As labour relations scholars point out, HRM actively avoids a joint-regulation approach involving the negotiation of collective agreements with (independent and militant) employee representatives, emphasises utilising labour to its full capacity, and is fundamentally about exploiting the labour resource more intensively.

How does labour relations differ from HRM as a field of study and a practice domain? Several attempts have been made to distinguish HRM from personnel management and labour relations. Paul Edwards suggests that several possible relations between HRM and labour relations may be identified: (a) HRM and labour relations can be regarded as co-equal, with labour relations handling collective bargaining and HRM dealing with personnel administration;

(b) HRM can be regarded as the generic term, with labour relations being a subordinate and possibly waning sub-set; (c) HRM can challenge labour relations by claiming to be more proactive and even strategic; and (d) labour relations can retain analytical dominance, with HRM regarded as one particular technique to manage the inherent contradictions of the employment relationship.

The field of labour relations research has expanded considerably in the last 30 to 40 years. This expansion is primarily concerned with embedding the employment relationship in its broader socio-economic, political, and cultural context. Its emphasis on the 'structured antagonism' at the heart of this relationship contradicts many of the cosy assumptions in the HRM literature about strategic 'integration', employee 'involvement', 'high-commitment' management, and so on. Management's attempts at restructuring the workplace are far less conclusive, uniform, and purposeful than the technical-organisational discourses of HRM suggest. Nevertheless, the development of HRM has encouraged labour relations researchers to analyse the role of management in the workplace and beyond much more closely. However, there is still much scope for expanding this analysis. If we are to understand management and managerial decision-making, we need to look much broader and deeper than most HRM scholars have done and acknowledge that the management of human resources is one aspect of a complex process of managerial decision-making and workplace contestation.

Seminar 2: Has human resource management displaced labour relations as an explanatory and practical framework? Use examples from South Africa to support your argument

Prescribed Readings

Abbott, K. (2007). Employment relations: Integrating industrial relations and human resource management. *Problems and Perspectives in Management*, Vol. 5 (1), pp. 61–71.

Bacon, N. (2003). Human resource management and industrial relations. In: P. Ackers & A. Wilkinson (eds.) *Understanding work and employment: Industrial relations in transition*, pp. 71–88. Oxford: Oxford University Press.

Boxall, P. (2014). The future of employment relations from the perspective of human resource management. *Journal of Industrial Relations*, Vol. 56 (4), pp. 578–593.

Harney, B., Dundon, T. & Wilkinson, A. (2018). Employment relations and human resource management. In: A. Wilkinson, T. Dundon, J. Donaghey

& A. Colvin (eds.) *The Routledge companion to employment relations*. London: Routledge, pp. 122-138.

Horwitz, F.M., Nkomo, S.A. & Rajah, M. (2004). HRM in South Africa. In: K.N. Kamoche, Y.A. Debrah, F.M. Horwitz & G.N. Muuka (eds.) *Managing human resources in Africa*, pp. 1–18. London: Routledge.

Kaufman, B.E. (2002). Human resources and industrial relations: Commonalities and differences. *Human Resource Management Review*, Vol. 11 (4), pp. 339–374.

Lewin, D. (2002). IR and HR perspectives on workplace conflict: What can each learn from the other? *Human Resource Management Review*, Vol. 11 (4), pp. 453–485.

Purcell, J. (1993). The challenge of human resource management for industrial relations: Research and practice *International Journal of Human Resource Management*, Vol. 4 (3), pp. 511–527.

Townsend, K. & Wilkinson, A. (2014). Time to reconnect the silos? Similarities and differences in employment relations and human resources. *Human Resource Management*, Vol. 53 (2), pp. 203–210.

Wood, G. & Bischoff, C. (2020). Human resource management in Africa: Current research and future directions – evidence from South Africa and across the continent. *International Journal of Human Resource Management*, DOI: 10.1080/09585192.2019.1711443.

Recommended Readings

Abbott, K. (2015) The totalitarian dynamic behind HRM's democratic façade. *Asia Pacific Journal of Human Resources*, Vol. 53, pp. 204–220.

Adeleye, I. (2011). Theorising human resource management in Africa: Beyond cultural relativism. *African Journal of Business Management*, Vol. 5 (6), pp. 2028–2039.

Delbridge, R. & Keenoy, T. (2010). Beyond managerialism? *International Journal of Human Resource Management*, Vol. 21 (6), pp. 799–817.

Godard, J. (2014). The psychologisation of employment relations? *Human Resource Management Journal*, Vol. 24 (1), pp. 1–18.

Godard, J. & Delaney, J.T. (2000). Reflections on the 'high performance' paradigm's implications for industrial relations as a field. *Industrial and Labor Relations Review*, Vol. 53 (3), pp. 482–502.

Guest, D. & Bryson, A. (2008). *From industrial relations to human resource management: The changing role of the personnel function*. National Institute of Economic and Social Research Discussion Paper No. 315,

Available at: https://www.researchgate.net/profile/Alex-Bryson-2/publication/5200662_From_Industrial_Relations_to_Human_Resource_Management_The_Changing_Role_of_the_Personnel_Function/links/0046351a6418684e9b000000/From-Industrial-Relations-to-Human-Resource-Management-The-Changing-Role-of-the-Personnel-Function.pdf

- Horwitz, F. (2015). Human resources management in multinational companies in Africa: A systematic literature review. *International Journal of Human Resource Management*, Vol. 26 (21), pp. 2786–2809.
- Jackson, T. (2004). *Management and change in Africa: A cross-cultural perspective*. London: Routledge. [Chapter 12]
- Janardhan, V. (2003). Arguing for ‘industrial relations’: Journey to a lost world. *Economic and Political Weekly*, Vol. 38 (31), pp. 3254–3260.
- Kaufman, B.E. (2010). The theoretical foundation of industrial relations and its implications for labor economics and human resource management. *Industrial and Labor Relations Review*, Vol. 64 (1), pp. 74–108.
- Legge, K. (1995). *Human resource management: Rhetorics and realities*. London: Macmillan. [Chapter 8]
- Malik, A. (ed.) (2018). *Strategic human resource management and employment relations: An international perspective*. Singapore: Springer. [Chapters 1-4, 6]
- Thompson, P. (2011). The trouble with HRM. *Human Resource Management Journal*, Vol. 21 (4), pp. 355–367.
- Thompson, P. & Harley, B. (2007). HRM and the worker: Labor process perspectives. In: P. Boxall, J. Purcell & P. Wright (eds.) *Oxford handbook of human resource management*, pp. 147–165. Oxford: Oxford University Press.
- Watson, T.J. (2010). Critical social science, pragmatism and the realities of HRM. *International Journal of Human Resource Management*, Vol. 21 (6), pp. 915–931.
- Voos, P.B. (2002). An IR perspective on collective bargaining. *Human Resource Management Review*, Vol. 11 (4), pp. 487–503.
- Wood, G. & Mellahi, K. (2001). Human resource management in South Africa. In: Budhwar, P.S. & Debrah, Y.A. (eds.) *Human resource management in developing countries*, pp. 222–237. London: Routledge.
- Wood, G. & Glaister, K. (2008). Union power and new managerial strategies: The case of South Africa. *Employee Relations*, Vol. 30 (4), pp. 436–451.

WEEK 3: DYNAMICS OF COLLECTIVE BARGAINING

A country's bargaining structure is central to how its economy is managed and its labour markets function. While collective bargaining has undoubtedly improved the lot of the lowest paid in some sectors of the South African economy, it is unclear whether these gains were made at the expense of profits rather than other workers. Preventing a decline in the percentage of national income that accrues to labour depends as much on collective bargaining (in the narrow sense) as it does on broader processes of 'political exchange' involving capital, labour, and the state. Collective bargaining, therefore, is not only a market mechanism shaping the sale of labour but also a political mechanism to regulate the power relations between management and unions. It is in the latter sense that Allan Flanders described collective bargaining as a form of 'industrial government'. However, the efficacy of collective bargaining is dependent not only on the strategic choices made by trade unions and employers but also on (among others) the statutory rights of workers as well as the embedded informal norms, conventions, and expectations that are (re)produced through daily struggles in the workplace. In short, politics is central to any discussion of bargaining structure.

Collective bargaining is, by definition, a collective act by workers. It does not require collective action on the part of employers. Trade unions can enter into bargaining relationships with individual employers as well as employers' organisations. Multi-employer bargaining can be national or regional and/or single-industry or multi-industry in scope, depending on the organisational structure and resources of employers' organisations. Single-employer bargaining can be either workplace bargaining or conglomerate-level bargaining. Besides the various levels at which negotiations can take place, collective bargaining also varies in terms of its coverage, range, process, the extent of trade union influence, autonomy and responsibilities of the parties, and the form of collective agreements. There is, thus, considerable scope for variation in bargaining structures. Nevertheless, national bargaining structures tend to reflect the power of trade unions in the labour market and the country's socio-economic and political history.

Seminar 3: Outline the key statutory, institutional, and strategic features of collective bargaining in post-apartheid South Africa



Prescribed Readings

Brassey, M. (2013). Labour law after Marikana: Is institutionalised collective bargaining in SA wilting? If so, should we be glad or sad? *Industrial Law Journal*, Vol. 34, pp. 823–835.

- Budlender, D. (2009). *Industrial relations and collective bargaining: Trends and developments in South Africa*. Geneva: International Labour Organisation.
- Cheadle, H. (2005). Collective bargaining and the LRA. *Law, Democracy and Development*, Vol. 9, pp. 147–155.
- Du Toit, D. (2007). What is the future of collective bargaining (and labour law) in South Africa? *Industrial Law Journal*, Vol. 28, pp. 1405–1435.
- Fergus, E. & Godfrey, S. (2016). Organising and bargaining across sectors in South Africa: Recent developments and potential problems. *Industrial Law Journal*, Vol. 37, pp. 2211–2236.
- Friedman, S. & Groenmeyer, S. (2016). A nightmare on the brain of the living?: The endurance and limits of the collective bargaining regime. *Transformation: Critical Perspectives on Southern Africa*, Vol. 91, pp. 63–83.
- Godfrey, S., Theron, J. & Visser, M. (2007). *The state of collective bargaining in South Africa: An empirical and conceptual study of collective bargaining*. DPRU Working Paper 07/130. Cape Town: Development Policy Research Unit, University of Cape Town.
- Grawitzky, R. (2011). *Collective bargaining in times of crisis: A case study of South Africa*. Geneva: International Labour Organisation.
- Maree, J. (2011). Trends in the South African collective bargaining system in comparative perspective. *South African Journal of Labour Relations*, Vol. 35 (1), pp. 7–37.

Recommended Readings

- Anstey, M. (2004). National bargaining in South Africa's clothing manufacturing industry: Problems and prospects of multi-employer bargaining in an industry under siege. *Industrial Law Journal*, Vol. 25, pp. 1829–1864.
- Bhorat, H., Van der Westhuizen, C. & Goga, S. (2009). *Analysing wage formation in the South African labour market: The role of bargaining councils*. Working Paper 09/135. Cape Town: Development Policy Research Unit, University of Cape Town. Available at: https://open.uct.ac.za/bitstream/handle/11427/7281/DPRU_WP09-135.pdf
- Brown, W. (1995). Bargaining at industry level and the pressure to decentralise. *Industrial Law Journal*, Vol. 16 (5), pp. 979–989.

- Coleman, N. (2013). *Towards new collective bargaining, wage and social protection strategies in South Africa: Learning from the Brazilian experience*. Geneva: International Labour Office & Global Labour University.
- Coleman, T.E. & Mpedi, L.G. (2023). Collective bargaining and representation in the gig economy in South Africa: A call for a purposive approach. *Journal for Juridical Science*, Vol. 48 (2), pp. 54–88.
- Flanagan, R.J. (2008). The changing structure of collective bargaining. In: P. Blyton, N. Bacon, J. Fiorito & E. Heery (eds.) *Sage handbook of industrial relations*, pp. 92–113. London: SAGE Publications.
- Godfrey, S. & Bamu, P. (2012). The state of centralised bargaining and possible future trends. *Acta Juridica*, Vol. 1, pp. 219–243.
- Godfrey, S., Maree, J. & Theron, J. (2006). Regulating the labour market: The role of bargaining councils. *Industrial Law Journal*, Vol. 27, pp. 731–752.
- Hayter, S., Fashoyin, T. & Kochan, T.A. (2011). Collective bargaining for the 21st century. *Journal of Industrial Relations*, Vol. 53 (2), pp. 225–247.
- Hirschsohn, P., Godfrey, S. & Maree, J. (2000). Industrial policy-making in the auto, textile and clothing sectors. *Transformation*, Vol. 41, pp. 55–88.
- Jirjahn, U. (2025). *Unions and collective bargaining in Sub-Saharan Africa: Some insights from quantitative studies*. GLO Discussion Paper No. 1550. Essen: Global Labor Organization. Available at: <https://www.econstor.eu/bitstream/10419/308106/1/GLO-DP-1550.pdf>
- Jordaan, B. (1997). Collective bargaining under the new Labour Relations Act: The resurrection of freedom of contract. *Law, Democracy and Development*, Vol. 1, pp. 1–9.
- Simamba, B.H. (1989). The International Labour Organisation and the right to collective bargaining: An African perspective. *South African Law Journal*, Vol. 106, pp. 517–533.
- Steenkamp, A., Stelzner, S. & Badenhorst, N. (2004). The right to bargain collectively. *Industrial Law Journal*, Vol. 25, pp. 943–961.
- Vettori, M. (2005). *Alternative means to regulate the employment relationship in the changing world of work*. Unpublished LLD thesis. Pretoria: University of Pretoria. Available at: <https://repository.up.ac.za/bitstream/handle/2263/29308/Complete.pdf?sequence=13> [Chapters 3, 5]

WEEK 4: EMPLOYEE PARTICIPATION AND WORKPLACE DEMOCRACY

The role of employees in organisational decision-making processes is a highly complex and contested matter that has sparked intense debates over (among others) the particular institutional forms through which employees could or should exercise their influence in the workplace as well as the limits and possibilities of worker participation under capitalism. Notions of 'industrial democracy', 'co-determination', employee 'participation', and employee 'involvement' represent descending levels of control by employees over their work and organisations. Marked variations in employee participation are possible in the extent or depth of employee participation, the range or scope of decisions subject to participation, the form that participation structures may assume, the persons that are party to participatory arrangements, the organisational levels at which participation occurs, and the purpose and outcomes of participatory actions.

In addition, the impetus for more significant employee influence over decision-making processes in the workplace varies considerably. It may stem from demands by employees and their unions for an increased say in the running of the organisation as well as a realisation by management that technological and economic changes could be accommodated more effectively with the active participation of employees. Governments may compel management to open specific decision-making processes to employee influence in an attempt to extend democracy from the political sphere to the economic realm. Finally, participatory structures and practices evolve unevenly and seem to follow a distinctly cyclical pattern. Interest in employee participation has waxed and waned depending on factors such as managerial commitment, trade union organisation, and product market conditions.

In South Africa, there is strong support among organised employees for the idea that their interests should be articulated and defended through a single channel of representation – namely, a trade union engaged in collective bargaining with an employer/s. By contrast, the proponents of workplace forums as a *second channel* of representation argue that a single channel is no longer realistic or viable. They point out that collective bargaining is not geared towards or designed for managing the (increasing) complexity of daily production issues. Employee-based forms of representation, it is argued, must complement prevailing union-based forms in a dual system of representation. It is asserted that the adversarial character of collective bargaining imposes a high social cost and is inappropriate in an increasingly competitive and globalised economy. Moreover, production issues like the restructuring of work are not amenable to autonomous, antagonistic workplace trade unionism. A second channel of representation (such as a workplace forum) is presented as a sensible option because it enables employees to achieve a collective voice that allows them to influence the decision-making processes

at work while employers acquire a means of improving the quality of their decisions.

Seminar 4: With reference to the provisions on workplace forums in the Labour Relations Act of 1995, critically evaluate the limits and possibilities of employee participation

Prescribed Readings

- Adler, G. (1998). Engaging the state and capital: Labour and the deepening of democracy in South Africa. *Law, Democracy and Development*, Vol. 2, pp. 1–26.
- Barchiesi, F. (1998). Trade unions and organisational restructuring in the South African automobile industry: A critique of the co-determination thesis. *African Sociological Review*, Vol. 2 (2), pp. 47–76.
- Danford, A. & Richardson, M. (2016). Why partnership cannot work and why militant alternatives can: Historical and contemporary evidence. In: S. Johnstone & A. Wilkinson (eds.) *Developing positive employment relations: International experiences of labour management partnership*, pp. 49–74. London: Palgrave Macmillan.
- Godfrey, S., Hirschsohn, P. & Maree, J. (1998). Where is management going? Employer strategies with regard to worker participation and workplace forums. *Law, Democracy and Development*, Vol. 2, pp. 85–110.
- Heery, E. (2016). *Framing work: Unitary, pluralist, and critical perspectives in the twenty-first century*. Oxford: Oxford University Press. [Chapter 5]
- Hyman, R. (2016). The very idea of democracy at work. *Transfer*, Vol. 22 (1), pp. 11–24.
- Satgar, V. (1998). The LRA and workplace forums: Legislative provisions, origins, and transformative possibilities, *Law, Democracy and Development*, Vol. 2, pp. 43–62.
- Webster, E., Masondo, T. & Bischoff, C. (2019). Workers' participation at plant level: The South African case. In: S. Berger, L. Pries & M. Wannöffle (eds.) *The Palgrave handbook of workers' participation at plant level*, pp. 537–555. New York: Palgrave Macmillan.
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Recommended Readings

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WEEK 5: 'REGULATED FLEXIBILITY' AND LABOUR STANDARDS

The common law contract of employment – which assumes that contractual arrangements involve the *exchange of equivalents among equals* – is ill-suited to the task of protecting employment rights since it does not recognise the unequal power relations between the parties or the social nature of the employment relationship. Given the significant power disparities between the employer and the employee, the balance between efficiency and equity in the employment relationship cannot be left entirely to the forces of supply and demand in the labour market. Consequently, governments had to take measures to curb employers' power and protect employees from excessive exploitation. Over time, therefore, the ability of the parties to conclude an employment contract on their own terms was increasingly constrained by legislation that prescribed minimum conditions.

Globally, the employment relationship has historically been prone to 'juridification', which entails the greater involvement of the law and the courts in labour relations matters. In South Africa, the Basic Conditions of Employment Act (BCEA) of 1997 sets labour standards for (almost) all employees. The BCEA was part of a broader programme by the Department of Employment and Labour to develop legislation to regulate employment standards and restructure the South African labour market. To these ends, the BCEA seek to find a 'balance' between the need for *regulation* to protect employees by setting mandatory labour standards versus the need for *flexibility* to achieve increased efficiency at the workplace and international competitiveness. The conditions regulated by the Act range from maximum hours of work, limits on overtime, the rate of overtime pay, annual leave, sick leave, maternity leave, notice periods, and minimum wages.

The BCEA provides employees with a measure of ‘security’ by setting a floor of minimum employment conditions with which all employment contracts must comply. However, in an attempt to introduce ‘flexibility’ into the labour market, the Act permits the departure from some basic conditions while prohibiting the dilution of specific core employment standards. A central purpose of the BCEA is to implement a legislative model of *regulated flexibility* in the labour market. This policy approach aims to balance the protection of minimum standards and the requirement of labour market flexibility. The latter relates to the capacity of enterprises to adjust their employment practices rapidly to the increased volatility in product markets. In other words, it refers to the adaptability of the various aspects of the employment relationship to a changing external environment. The BCEA allows the parties some flexibility by providing several methods through which certain basic conditions can be varied. These range from a limited set of conditions that can be varied by individual agreement, a set of conditions that can be varied by a collective agreement, and a more extensive set of conditions that can be varied by a bargaining council agreement and by the Minister of Labour through a ministerial determination or a sectoral determination. The BCEA distinguishes between variable and non-variable rights to allow for the variation of some standards to suit the changing requirements of different workplaces while safeguarding other standards from a ‘race to the bottom’ in labour market regulation.

Seminar 5: Using pertinent examples, show how South African labour legislation seeks to advance economic efficiency and social equity simultaneously



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WEEK 6: INDUSTRIAL ACTION

The struggles between employees and employers derive their character from the capital-labour relation within the prevailing mode of production. In capitalist economies, the employment relationship is legally constructed as an asymmetrical social relation in which the employee is in a subordinate position to the employer and placed under a legal obligation to carry out the employer's (lawful) instructions. Consequently, 'behavioural' problems relating to trust, fairness, legitimacy, etc., are inherent features of the employment relationship. Strike activity is essentially a manifestation of these problems, serving as a primary means through which employees can collectively voice discontent with the exercise of managerial authority on a specific issue/s. Labour law plays a pivotal role in this regard by granting employees certain rights within the employment relationship and limiting these rights in ways that

tend to reinforce its asymmetrical nature – statutory regulation, in other words, sanctions some forms of behaviour by ruling out others.

While the *structured antagonism* in the employment relationship – which is rooted in the employer's efforts to extract effort from the employee in order to generate profits – does not always translate into (overt or covert) industrial action, the right of employees to express discontent collectively through strike action is viewed as fundamental to the functioning of collective bargaining in most democratic countries. This vision is reflected in the truism: 'without the right to strike, collective bargaining becomes collective begging'. Statutory provisions on strikes aim to channel the conflicts inherent in the capitalist employment relationship through the established procedures and structures of collective bargaining. This *institutionalisation* of industrial conflict is always conditional and depends on (among others) an acceptance of the self-limiting boundaries between permissible and subversive acts, a commitment to collective bargaining as the means for distributing economic rewards in a 'fair' manner, and a commitment to compromise and to seeking solutions within the confines of the prevailing labour relations system. At times, however, existing interest representation and dispute-resolution mechanisms cannot manage and contain conflict between the parties. Such conflicts are usually symptomatic of a crisis *of* regulation (rather than a crisis *in* regulation) and may call into question the fundamental underlying values and purposes of an industrial relations system.

Seminar 6: What is the role of strikes in, and what is their impact on, labour relations? Use pertinent examples from South Africa to support your argument

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