

TOPIC: TRADE UNIONS

Definition of a trade union

A trade union is an organisation formed by workers to represent workers when they need to negotiate with their employers.

A trade union is an organisation that protects the rights of workers.

Trade unions are the link between employers, employees and the government.

The trade unions work on behalf of employees to make sure that government **legislation** (set of laws) gives employees' rights.

These rights should protect employees from **exploitation** (bad treatment of someone to get what you want) and mistreatment by employers.

It is the responsibility of every employer and employee to know the legislation and to enforce it in the workplace.

The relationship between employers and employees or between businesses and trade unions is called **industrial relations**.

Role of the government

The government has the responsibility to protect the rights of all individuals.

Government has developed legislation to control the relationship between employees and employers.

Examples of legislation:

- Basic Conditions of Employment Act
- Labour Relations Act
- Employment Equity Act
- Health and Safety Act

Rights of employees

- The right to work
- The right to choose your work
- The right to a safe and healthy work environment
- The right to be paid a fair wage
- The right to work for a limited amount of time each day
- The right to receive paid leave
- The right to be treated equally and fairly by the employer.

The functions of trade unions

- Negotiate with employers for decent working conditions, remuneration and benefits for employees in order to improve their standard of living.
- Negotiate recognition of the union and the shop stewards by the employer.
- Represent the employees in meetings and disputes with employers.
- Protect employees from discrimination and abuse.
- Protect employees from unfair labour practice and unfair dismissal.
- Inform employees of their rights and how to enforce these rights.
- Take legal action on behalf of members when necessary.

Rights of trade unions

Government legislation gives trade union leaders a number of rights in terms of what they can and cannot do / request from businesses.

- The right to enter business premises to recruit members.

- The right to conduct elections among members
- The right to collect membership fees from members, which can be deducted from workers' salaries or wages.
- The right to represent and assist members during a disciplinary proceeding

Roles and responsibilities of trade unions

Trade unions negotiate with businesses about workplace issues.

Examples of issues are wage increases, working hours, safety at the workplace, unfair treatment and duties of workers and employers.

These negotiations are called **collective bargaining** because the trade unions negotiate on behalf of the workers as a group.

Collective bargaining is good for workers because it gives them power by standing together.

In South Africa the law allows workers to go on strike if they cannot reach an agreement with an employer.

For a strike to be legal the trade union must follow a strict procedure.

They first take part in **conciliation**. **Conciliation** is when someone from outside the organisation tries to help opponents to agree.

If this fails there is a waiting period.

After that they must give formal notice that they plan to strike.

Workers who go on an illegal (unprotected) strike can be fired.

Workers on a legal (protected) strike cannot be fired for not going to work, but the employers have the right to say '**no work no pay**'.

The effect of trade unions on businesses

The trade union usually appoints one or more workers as shop stewards to act as the union's representatives.

Shop stewards recruit new members for the union and communicate with the managers on behalf of the workers.

The law requires businesses to allow shop stewards time off to attend trade union meetings.

The **Labour Relations Act** gives workers and their trade unions the right to form, join and take part in a trade union.

The right to settle disagreements with their employers through an independent third party, **the Commission for Conciliation Mediation and Arbitration (CCMA)**

Industrial action

Strikes

A strike is when employees within a certain industry organise themselves into a group and refuse to work.

It is a form of organised protest, usually in an attempt to have their demands met by their employer.

The demands can be about remuneration, conditions of employment, potential job losses or dissatisfaction with management.

A protected or legal strike takes place when the requirements of the Labour Relations Act are met.

This requires negotiation with the employer, followed by referral to the CCMA.

If negotiations are unsuccessful after 30 days, protected strike may take place.

Employees may not be dismissed or retrenched during a protected strike, but employers do not have to pay the employees.

Go slows

It is a form of industrial action in which work or progress is deliberately delayed or slowed down.

It is a form of protest to reduce the company's productivity or efficiency.

Lockouts

It is when the employers keep their employees from their workplace until certain terms of a negotiation are agreed upon.

Employers must give its employees at least 48 hours written notice that it intends to lock the employees out.

Employers use a lockout when employees are on strike in order to ensure the safety of their premises, equipment and anybody who is still working.

Trade unions in South Africa

Today South Africa has a large number of trade unions, at least one per industry who is active in securing better wages, benefits and working conditions for their members.

About 3.1 million workers in South Africa belong to trade unions.

COSATU (Congress of South African Trade Unions) was established in 1985 and is the biggest labour federation in the country consisting of over 1.8 million members.

Examples of other trade unions are:

National Union of Mineworkers (NUM)

South African Democratic Teachers' Union (SADTU)

FOOD AND Allied Workers Union (FAWU)

South African municipal Workers Union (SAMWU)

South African Transport and Allied Workers Union (SATAWU)

TOPIC: TRADE UNIONS – ACTIVITY

1. Read the scenario below and answer the questions that follow.

Trade unions are mainly established to protect and promote the rights of workers in the workplace focusing on negotiating with employers for their members. These negotiations often result in employees and trade unions taking to the streets to protest against unfair labour practices, working conditions and low wages. These protests or strike actions have a negative impact on businesses and the South African economy because of working hours lost and loss of income. They also create an image of instability in the country which may discourage foreign investment. Business contracts could be lost causing some businesses to close down and causing more job losses. Workers usually suffer a loss of income for the duration of the strike, go – slow and stay away because of the “**no work no pay rule**”. After 1990 the government adopted the following laws that would protect the right of workers – The Labour Relations Act; The Basic Conditions of Employment Act; The Employment Equity Act and the Skills Development Act.

- 1.1 Mention the law that outlines the procedures to follow when workers want to strike. (2)
- 1.2 List **ONE** reason for industrial action. (2)
- 1.3 Explain the negative impact of strikes and stay – away on businesses. (4)
- 1.4 Differentiate between a stay – away and a go – slow. (4)
2. Explain the concept trade union. (2)
3. Name **THREE** trade unions in South Africa. (3)
4. Define the term *collective bargaining*. (2)
5. Name the largest trade union federation in South Africa. (1)
6. Describe the rights of employees. (6)
7. Discuss the functions of trade unions. (8)
8. Elaborate on the rights of trade unions. (4)
9. Explain the role of the shop steward. (4)
10. Mention **THREE** types of industrial action. (3)