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Exploring Unitarism and Employer Resistance to Collective Bargaining in the Public Service in Botswana

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Abstract. *The origins of collective bargaining in Botswana are relatively young. Compared to other African countries like South Africa and Zimbabwe, collective bargaining can be considered a late developer in Botswana. The government has been a dominant player in industrial relations in the public sector in Botswana. Unitary approach does not believe in third-party intervention, such as trade unions. Trade unions are at best antagonists and impostors to matters that are a prerogative of the employer. The paper explores the unitary tendencies and employer resistance to collective bargaining. To realise this objective the paper adopted a social constructivism approach within a qualitative framework, to solicit people's subjective views about the phenomenon of interest. The paper used a sample size of fifteen (15) participants from the public service and trade unions. Semi-structured interviews were used for data collection. The findings of the study revealed resistance to collective bargaining as demonstrated by several government unilateral decision-making tendencies. The study recommends that the government as the employer should accept a paradigm shift from a unilateral way of doing things and embrace collective bargaining as a genuine means for joint decision making.*

Keywords: Unitarism, Collective Bargaining, trade unions, Government, Public Service

JEL Codes: J5; J45 & J52

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1. Introduction

The origin of collective bargaining in Botswana is relatively young Compared to other African countries like South Africa and Zimbabwe, collective bargaining can be considered a late developer in Botswana. In the



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1970s, government control of labour relations extended when national wealth started to be significantly increased by diamond revenues (Selolwane, 2012). This had a detrimental effect on the relative freedom of the trade unions, including their ability to independently recruit members and participate in politics. Collective bargaining became functional in Botswana between 2010 and 2011, and the government was never ready for a paradigm shift. The core elements of a just industrial scene are embodied in ILO Conventions 87 and 98. Organisations should equalise the effects of hierarchical inequalities through collective bargaining.

The motivation for the study was born out of concerns over unilateral action by the government as the employer. Since the PSBCs inception, it has been apparent that the government as the employers is not ready to cooperate with trade unions. This motivated me to explore why governments and employers call for employee participation, yet disregard platforms such as bargaining councils, which would ensure this. The fight against the marginalisation of workers requires political will and practical cooperation between the social partners. Most importantly, a sincere employer that understands the importance of placing workers at the forefront through worker involvement, worker engagement, and worker consultation, is necessary. This could be an antidote for poor performance in the public sector. Several motivational theories emphasise the significance of higher needs, which are crucial as opposed to lower needs. Recognition and consultation with employees through collective bargaining is a higher need because employees feel valued when they participate in decisions that affect their work lives and hence livelihoods.

1.1 Background of the Study

According to Mogalakwe (1994, p. 20), *“the state-society relation in Botswana is a complex mixture of repression, corporatism and paternalism”*. This is what Michels refers to as the “iron law of oligarchy,” where politicians dominate the electorate, mandatories dominate mandators, and delegates dominate delegators (Mwacha, 2015). Unitarism was demonstrated during the first bargaining council meeting in 2014 for the 2014/15 financial year salary negotiations, when then-president, Lieutenant-General Ian Khama, made a unilateral salary adjustment announcement during a kgotla meeting. The announcement was made when the bargaining council meeting was in progress, and the announcement by the President was just one way



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of nullifying the bargaining council (Mosikare, 2014). The President demonstrated that there are two centres of power responsible for salary increments and that the other one is junior and irrelevant. The government decided to award salary increments to certain cadres in the public service, with the proposition that they are excluded from bargaining outcomes. The employer went ahead and awarded a four (4) percent salary adjustment to the Botswana Police, the Prisons Service, the Directorate of Intelligence Services, the Botswana Defence Force (BDF), as well as senior management and other executive management cadres not eligible to unionise. Unitarism is so rife in Botswana that for the 2016/17 and 2017/18 financial years, the government repeated the same stance and unilaterally decided to award a 3% and 4% salary increment to public servants, respectively. When negotiations were about to start in 2017, the DPSM struck all trade unions with a letter, stating that they are not recognised under the new dispensation of Section 46 of the PSA. Trade union recognition means that trade unions are formally acknowledged by management as the legitimate representative of all or a subset of employees. Section 48 of the Trade Unions and Employers Organisation Act states: 'If a trade union represents at least one-third of the employees of an employer, that trade union may apply for recognition'. The Trade Dispute Act's Section 37(2) provides the same information regarding trade union recognition.

Being the public service employer, through the DPSM, the government took a unilateral stand on negotiable issues, rendering the bargaining council ineffective. This is the divide-and-rule approach, which demonstrates a lack of commitment to institutions of social dialogue. Consultation should occur before decisions are made. Both parties should believe in consultation and collective bargaining involvement as a sincere method of furthering the goals of their constituents rather than merely as a means of consolidating power. Management and the government, as the employer, must believe and must be perceived as having faith in their participating staff. Befort (1985) notes that in a small number of jurisdictions without comprehensive bargaining legislation, unilateral action is significantly more widespread. Zvobgo, (2019, p. 35) opines that such tendencies "contribute to dilapidated society and an exploited labour".

1,2 Objective of the study



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The paper aims to explore the unitary tendencies and employer resistance to collective bargaining in Botswana.

2. Literature Review

Facets of industrial democracy necessitate employees' participation, sharing of information, comprehensive approach to resolving problems, sharing of power, shared responsibility in terms of successes or failures, and a variety of combined resolutions (Randolph and Bauer 1999). Inclusive governance is important to organizations, and notwithstanding some of its challenges, there are many approaches to engage employees right through the process. One key motive of employee involvement is to meet several social goals in planning to better decision-making, create trust in organizations, reduce industrial conflict, and make cost-effective decisions. A robust inclusive approach requiring consultation with those affected is believed to enhance the sustainability of decisions and advance the prospects for proper design and execution (Bräutigam, 2004). In most countries, workplace inequalities are rampant because democratic institutions are important only for their symbolic value. It is important to note that, the group that dominates decision-making is likely to influence decisions more than any other group and the extent to which the group forces allegiance with other classes. For example, if the employers solely dominate decision-making, decisions and labor laws will likely be more exclusively targeted toward the employers. Therefore, the workers do not even realize that the so-called democratic institutions are symbolic because oppression in decision-making is cumulative and ever-present, which occupies a person's psyche while restricting his/her body (Speight & Vera, 2004). This is condemned by Marxists, that democratic institutions are just a creation of the state to lobby for its support. In a high power distance culture like in most Sub-Saharan countries, it is possible that decision-making in organizations may be taken over by a small, authoritative group of people with specific interests who may likely enact decisions and make choices of investment that satisfy their selfish interests as opposed to the interest of workers. Even in a comparatively well-functioning state like Botswana, the expression of the working class may not be strong, process of decision-making may be unclear, informal or not open to be influenced by evidence-based discussion, which may erode employers' responsibility towards workers (OECD, 2007). Employee's participation is the heart



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of industrial relations, it provides mutual understanding and partnership, in the workplace. More actions are required for a more informed and stronger voice for the workers and their representatives. The workers are on the margin in decision making and in Botswana, the degree of marginalization is worsening as the government has revoked their last hope, the bargaining council.

Gollan and Patmore (2002), compared the European democracies with Australians that under the law of the Commonwealth, Australians lack the general right to become industrial citizens or to be consulted. They also lack the right to select a consultative body to partake in the governance of the workplace. Gollan and Patmore, (2002) point out that in Western Europe, there are quite vast legislative procedures which grant employees general representative and consultative rights. This demonstrates the commitment of leaders in Europe to make workers' participation a reality. Worker participation is made mandatory, and the directives provided are binding on members and associate member states. Gollan and Patmore, 2002), argue that more significant is the Commission Directive for Information and Consultation (CDIC), a new EU order enacted in 2002, which provided a holistic framework to improve information and consultative rights of workers in small and medium-sized organisations. These are ranges of reforms through legislation to encourage organisations to adopt the partnership concept as a best practice initiative in the workplace. Reforms need deliberate efforts from the leaders, to commit through resources, time and energy. All these are progressive movements in making workers' participation a right if not a way of life.

There are effective methods of workers' participation like board-level representation, common in Western Europe. It is a method where employees are represented in the governance structures of the organization mainly at the board level. According to Gollan and Patmore (2002), boards are composed of the leaders from the organization, hence with employee representation at the board level, automatically employees become part of the organizational leadership. In that way employees are part of the decision-making, and answerable for the organization. Gollan and Patmore (2002) argue that it recognises workers as genuine stakeholders, who should provide an avenue of a close watch on the management's activities. However, there are challenges on both the employer and employee's side, especially when people trusted with



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leadership are not ethical. When leaders or employee representatives lack virtues such as temperance then representation is likely to be hopeless, as they may engage in corrupt activities such as bribery. It takes a temperate leader to exercise self-control despite the personal benefits presented before them. On the employer side, it takes a just leader, seeking a just society to treat employee or their representatives as partners. The absence of such would trigger some of the challenges of the unitary approach, which forms the theoretical framework of this study.

2.1 Theoretical Framework: Unitary Approach

Despite accolades of good governance, the practical industrial landscape in Botswana seems to have taken a unitary approach. The unitary approach is oblivious to conflict, as it is viewed as unnecessary and inexcusable. The unitary approach does not believe in third-party intervention, such as trade unions. Trade unions are at best antagonists and impostors to matters that are a prerogative of the employer. The employment relations in Botswana seem to have taken a unitary approach in the sense that the employer reigns, and has the right to manage, little is discussed nor negotiated with employee representatives. Closely related to the unitary approach is the autocratic leadership style. The authoritarian leadership style also known as the classical approach to leadership, puts decision-making powers in the hands of the leader (Van Gramberg, 2002). Organizational leaders and managers make policies, assign tasks, give orders, demand and even threaten, if need be, to get work done. The organizational leader is separated from the workers and workers are required to obey orders without getting any explanations from the leaders. In most cases, the employees are not trusted enough by the leader to do things by themselves. Authoritarian leadership is characterized by a unilateral decision-making process. This leadership style was common during the Industrial Revolution period, unfortunately, its effects are still prevalent in the 21st-century organizations. In such organizations, group initiatives are always suppressed, and group or organization members do not have much of a choice but to follow. This leadership style also stresses the need to recognize and respect hierarchy in an organization to ensure clear lines of command and there is no room for criticism as there is no room for discussion of the decision made (Cullinane & Dundon, 2014). The demarcation is always clear, one makes the decisions and the other one follow.



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2.2 Unitarism in Botswana

The employer in Botswana has not aborted unilateralism in decision-making. There are instances where the employer nullified collective bargaining and made pronouncements before negotiations could be exhausted. The system of government is not receptive to bargaining in good faith as collective bargaining is still characterized by intimidation. In 2014 the employer unilaterally awarded a three percent salary increment to workers, and the trade unions took the employer to court. The trade unions won their case in court, but the ruling was only limited to unionised workers. The court argued that *“the non-unionised employees and the unionised employees, whose unions were not part of the Public Service Bargaining Council (PSBC), were not members of the PSBS and, therefore, not parties to the bargaining process”* (Ifezue, 2016, p. 220). In terms of the 2016/17 and 2017/18 unilateral salary adjustment, where the trade unions won their case in court, the ruling was also limited to unionised workers and excluded non-union staff members and unionised employees whose unions were not part of the PSBC, in *BLLAWU and others v The DPSM, BOPEU, PSBC and others –MAHGB-000343/16*. The ruling by the courts was a defeat to collective bargaining. The court decided that *“...the respondents’ unilateral increase to non-union public service employees cannot be impugned because such increase was purely a contractual matter between the respondents and non-union employees, who are not subject to the Public Service Bargaining Council”* (Ifezue, 2016, p. 224). This ignores the fact, that when negotiations are concluded, they are extended to all public officers bound by the PSA.

In justifying the unilateral salary increment pronounced by the president in a kgotla meeting in 2014, the government pointed out that the president did not undermine the PSBC or stop negotiations. They argued that the *“President does not only represent the union members, but equally stands to represent the interests of all personnel employed by the government”* (Ifezue, 2016, p. 221). Hence, *“the president had the responsibility to protect the interests of those personnel in as much as he is charged with the responsibility of protecting the entire government’s workforce”* (Ifezue, 2016, p. 221). It is crucial to note that the president was not wearing a ‘political hat’ but an ‘administrative hat’ in this instance. As head of the implementation machinery, the president should act within the limits of his responsibility and respect the



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same institutions that his government established. To go against the PSBC is counter-productive and sends a clear message that the president does not have any regard for institutions of industrial democracy. Such actions create enmity and place pressure on trade unions not to make demands systematically. Under such circumstances, parties end up engaging in distributive-type bargaining. Befort (1985) posited that considerations for the political process are in some instances represented in statutes that preserve some specific matters for managerial decision or, inhibit mandatory bargaining to some listed items. Trade unions are entitled to consultation and participation in negotiations regarding mandatory items. For the president to have announced salary increments before negotiations were concluded, was a total assault on collective bargaining. The president should understand that collective bargaining is meant to attain industrial peace and democracy, and not at any price. Parties must demonstrate commitment to collective bargaining, both in letter and spirit.

To further demonstrate that joint regulation of work is a bitter pill to swallow for the government, unitary tendencies continued in the public service. When bargaining parties were to kick-start negotiations on salaries and other conditions of service for the 2016/2017 financial year, the employer shifted the goal post and requested that BOFEPUSU AJA should demonstrate that it meets the threshold of 1/3 to remain a member of the PSBC as required by PSBC Article 6.1.1. The employer derecognised trade unions and thereafter made unilateral salary adjustments of 4% for the 2017/2018 financial year, effective 1st April 2017. It may be possible that the derecognition of trade unions was just a 'goal post shifting 'to pave the way for the unilateral salary increment'. While the trade unions were busy trying to sort out the derecognition issue with the court of law, the DPSM went ahead to implement the salary increment, arguing that business must continue because the PSBC was dysfunctional. The government demonstrated unitarism, backed up by corporatism, as: *"policy initiation takes place within government ministries; persuasion is presented as consultation; limits are placed on participation; government dominates communication processes, and ministries create and control most organised groups"* (Holm cited in Mogalakwe, 1994, p. 20). In such circumstances, the government or employer will use conjunctive bargaining, which goes hand in hand with the need for agreements to be made for the operations that both parties have relied on to continue or even exist (Olafemi & Habeeb, 2018). Such 'goal post shifting' in collective bargaining is not something new as the Committee of Experts observes that promoting collective



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bargaining needs a legislative framework and measures to address the improper practices in collective bargaining such as proven bad faith, and unwarranted delays just to frustrate other parties (ILO, 2012). According to the Committee on Freedom of Association, the concept of good faith entails putting forth all reasonable efforts to reach a mutual understanding, engaging in sincere and productive negotiations, avoiding needless delays, and adhering to and implementing agreements reached in good faith (ILO, 1996a). It may also include the acknowledgement of representative trade union organisations.

3. Methodology

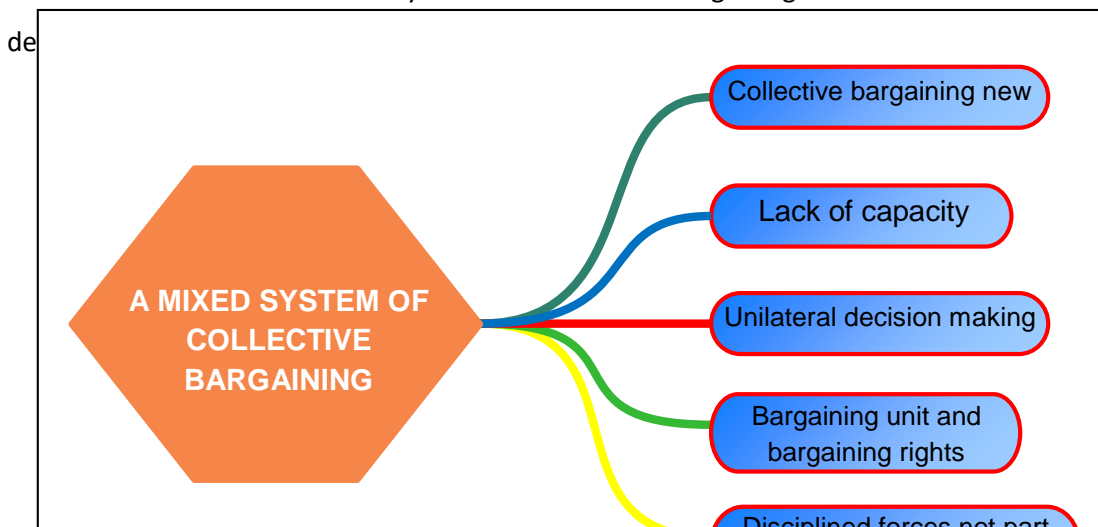
It is important to state the researcher's philosophical viewpoints so that the direction of the research is clear to both the researcher and the reader. Kovalainen and Eriksson (2008) contend that philosophical questions and aspects lurking behind every research method and methodological approach should be taken into account at the outset of any research project. The research strategy for this study was phenomenological; hence, analysis was conducted to obtain experiences, opinions, and perceptions from participants to generate meanings and write a compelling story about the phenomenon of interest. The researcher's philosophical belief is that it is appropriate to understand social actors' worlds from their viewpoints and experiences. The current study was anchored within an interpretivism (also called anti-positivism) research paradigm because the researcher views truth and reality as social constructs and believes that the world is ever-changing. Aliyu et al. (2014, p. 82) note that interpretivists are "anti-foundationalists, who reason that there is no single way or better way of knowledge generation". An interpretivist inquirer "holds the view that uncommitted and indifferent impartiality is impracticable and realism or practicality of framework and background is imperative; there is nothing like worldwide and universal truth" (Aliyu et al., 2014, p. 82). Therefore, interpretivists play an active role in investigating and interpreting reality according to their understanding. Quantitative and qualitative approaches also depart from each other through their different ontological and epistemological assumptions. Quantitative research operates under the ontological assumption that there is only one, unchanging truth, regardless of the researcher (Sale et al., 2002). Conversely, a single reality does not exist; rather, several realities are depending on how each person constructs and interprets reality (Slevitch, 2011). The study did not lend itself to the quantitative approach, but rather a qualitative approach. In the social sciences, the qualitative



approach is frequently used to capture peoples’ perceptions, feelings and lived experiences. This study adopted a qualitative research design to understand the challenges and prospects of collective bargaining in Botswana. Among a plethora of qualitative research strategies, which include narrative, ethnography, phenomenology, case study and grounded theory (Creswell, 2007), the research utilised a phenomenological research strategy. Phenomenology offers new ways of understanding why things happen the way that they do from a first-person point of view. It explores people’s lived experiences in respect of the studied phenomenon (Creswell, 2007). A sample size of fifteen (15) participants was selected from public servants who are governed by the Public Service Act of 2008. Qualitative research frequently uses non-probability, hence purposive sampling was used for the selection of the sample. This is because purposive sampling is regarded as the most appropriate sampling technique for Exploratory-Descriptive Qualitative (EDQ) research design to maximize representativeness and to select participants who have insights into and experiences about the phenomena of interest (Hunter et al., 2019). Semi-structured interviews were used to gather data for this study. Semi-structured interviews were suitable for this research to learn more about respondents' perspectives regarding the phenomenon of interest. For data analysis the study followed the conceptual framework for thematic analysis, based on the six step-by-step frameworks for thematic analysis created by Braun and Clarke (2006). Research ethics were certainly adhered to, there was negotiated consent, privacy and confidentiality of research participants was upheld.

4. Findings of the study: Unilateral decision making

This section presents the study’s findings based on views, perceptions and experiences about the extent of collective bargaining in the public sector in Botswana. A theme and sub-themes emerged when participants were asked about their views on the extent of collective bargaining in Botswana. The emergent theme was that Botswana has a mixed system of collective bargaining and several sub-themes emerged as





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Figure 1: Theme and sub-themes

Source: Authors' fieldwork

However, this paper will focus only on one sub-theme; which is unilateral decision-making by the employer. Participants cited employer actions that demonstrate a lack of respect for bargaining agreements. Almost all the participants remarked that the employer usually demonstrates unilateral decision-making tendencies.

Participant 3 said:

“In 2020, the government suspended salary increments unilaterally. They were citing COVID challenges until we threatened court action to say the law is very clear, you cannot alter Collective Labour Agreements (CLA) or suspend it unilaterally”.

The parties negotiated around conditions of service in 2019. From the foregoing, the employer delayed and later implemented the agreements partly. In this instance, the employer unilaterally decided to defer the salary increment that was supposed to be effective in 2019, and implemented the increment a year later, after the trade unions threatened to take legal action.

In this regard, Participant 5 submitted:

“In 2019 we had a two-year agreement to implement 6 percent for C scale to D scale, then 10 percent for A and B. This was to be effective in April 2019. Then the next increment was supposed to be implemented on the 1st April 2020, but it didn't effect due to COVID-19. But it was implemented 3 months later after trade unions threatened the employer”.



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The findings demonstrate that although salary adjustments were implemented a year later, other agreements lagged. This has strained the relationship as the employer seemed reluctant to implement the collective agreements. In a similar vein, Participant 5 averred:

“We went for negotiations in 2019, where we agreed on some conditions of service. But we didn’t implement this. We went to the table and agreed on new timelines. So we are now under pressure, we should have started in June, but still lagging behind. Some of the outstanding issues are job evaluation, remuneration policy, i.e. a fan-shaped salary structure but only manual workers needed pyramid, review of transfer guidelines, development of recruitment, selection and appointment procedure, SHE department to formulate OHS. Once all these are implemented, it will better our relations because lots of issues would be resolved”.

Participants continued to demonstrate concern over the employer’s unilateral tendencies. However, the employer is undeterred by its unilateral tendencies. From the participants' views, the employer made a unilateral 3% salary increment for the financial year 2016/2017.

On this note, Participant 1 mentioned:

“There was an instance when negotiations were in progress and the employer unilaterally increased salaries by 3 percent. They made a 3% salary increase for the 2016/2017 financial year”.

Participants further demonstrated that the salary adjustment was not the only aspect where the employer made the decision solely. Participants provided other examples of instances where the employer acted unilaterally.

Participant 2 remarked:

“The time before 2018, we had a situation where laws were crafted overnight, and the Trade Dispute Act was changed. Almost all workers became essential service workers without engagements with federations. We ended up with a case in the ILO, and we still working on ILO recommendations and conclusions”.



Other participants also lamented about unilateral decision-making through savinggrams and directives that alter negotiable employment conditions without consultation with trade unions and trade union federations.

Hence, Participant 3 stated:

“We see so many of the savinggrams and directives issued by the employer altering conditions of service without the involvement of unions. For example, changes for pay dates, pool housing and rental subsidies”.

Participant 5 concurred with Participant 3, and said:

“Another good example is the one for the change of pay dates, unions were not consulted. A saving gram was leaked, and the unions came to know about it informally. The government responded that it was an idea on the table that they are yet to discuss with trade unions”.

Participant 6 posited:

“Like we have deferred pull housing and rental subsidy. Government is trying to increase rental subsidies to market price. Unions felt they were not consulted and took the government to court”.

Participants also noted with concern the unilateral tendencies of government as the employer. They remarked that the employer implements actions, which are deviant to collective labour agreements.

Participant 5 submitted:

“During the time of the bargaining council in the financial year 2012/13, there was an aspect in the CLA to say overtime will be done in accordance with applicable labour laws,Then, outside the bargaining council, deviant from the collective bargaining agreement, the government altered and wrote a savinggram¹ through the Director of the DPSM to say overtime will be given half as money, then half as off days”.

¹ Savinggram = a piece of administrative correspondence that uses the informal and abbreviated language of a telegram, but sent by mail, which is less expensive. That is what is used by government in Botswana for administrative correspondence.



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Similarly, Participant 8 mentioned:

“We negotiate with ministries and have an agreement with them on a particular issue, when the outcome comes, it is something else. The outcome will be contrary to what we agreed on”.

Summarily, the above analysis demonstrates a growing concern over the government’s unilateral decision-making tendencies, as an employer. It was noted that the parties had negotiated successfully in 2019, where they agreed on salary adjustments and other conditions of employment. Despite the successful negotiations, the employer demonstrated a lack of respect for the collective bargaining agreements. The employer unilaterally deferred salary adjustments in 2019 without consulting or communicating with the trade unions. In 2016/2017, the employer unilaterally increased salaries by 3 percent. This demonstrates a lack of respect for the collective bargaining council. It is important to note that the government displayed tendencies to implement a collective agreement on monetary aspects, ignoring non-monetary issues. Hence, the implementation of other conditions of services has been executed negatively. This is also because often members do not pay much attention to other conditions of services, as their focus is mainly on salary increments.

Still, concerning the employer’s unilateral tendencies, it was noted that before 2018 some laws were crafted overnight, and the Trade Dispute Act was changed. Almost all workers became essential service providers without any engagement with the trade union federations. It is important to note that the employer issued savinggrams and directives, which altered the conditions of service without the unions' involvement. The findings demonstrate that this was done to change the pay dates, pool housing and rental subsidies. Another instance is when the employer acted contrarily to the collective bargaining agreement and wrote a savinggram via the Director of the DPSM, stating that overtime would be given half as money and half as off-days. Unilateral decision-making on its own is a defeat to collective bargaining and unionisation. It sends a message that the government can decide independently without the trade unions' involvement.



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5. Discussions of Findings

The study found that the government as the employer has numerous times violated collective labour agreements, a tendency that trade unions are not taking kindly. Participants remarked that decisions are made politically, hence they are pre-determined. This is noted by Befort (1985, p. 1256) that *“political process considerations are sometimes embodied in statutes that reserve certain matters for management determination or, which restrict mandatory bargaining to certain enumerated items”*. From the current study’s findings, it emerged that the employer is selective in implementing collective labour agreements. Lack of respect for collective labour agreements strains the relationship. Participants remarked on the 2019 salary and conditions of service adjustment incidents. The government delayed implementing the salary increments until trade unions threatened to take the matter to court. Still in 2019 negotiations, the government as the employer, did not implement the agreed conditions of service. The current study found that the employer seems to be quick in implementing salary adjustments while ignoring other conditions of employment. This was noted by participant 5, when she stated that:

“We went for negotiations in 2019, where we agreed on some conditions of service. But we didn’t implement this. We went to the table and agreed on new timelines. So, we are now under pressure, we should have started in June, but still lagging behind. Some of the outstanding issues are on job evaluation, remuneration policy, i.e. a fan-shaped salary structure but only manual workers needed pyramid, review of transfer guidelines, development of recruitment, selection and appointment procedure, SHE department to formulate OHS. Once all these are implemented it will better our relations because lots of issues would be resolved”.

The findings of the current study demonstrate that the government as the employer has tendencies to partly implement conditions of services. This is condemned by Cullinane & Dundon (2014) that, these are anti-union and anti-collective bargaining tactics and a unitary way of legitimising employer rule. For collective bargaining to be functional, social partners should be veritable with each other and implement collective labour agreements as agreed (Gollan & Patmore, 2002).



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Unitarism is a defeat to collective bargaining because it sends a message that the government as the employer, is the only relevant player. Mwatcha (2015, p. 47) argued that the character of the government might “be seen to reflect what Michels terms the Iron law of oligarchy”, where the politicians are dominant. This has caused unnecessary litigation, which strains the relations between the bargaining parties. The 3% salary increase for the 2016/2017 financial year clearly demonstrates unitarism and bad-faith bargaining. The unilateral salary increment was condemned by trade unions that it was a pure disrespect for workers’ rights (BLLAHWU, 2022). It is evident that, after the 3% salary increment, the government as the employer repeated the same and awarded 4% salary adjustment for the 2017/2018 financial year, effective 1st April 2017. This was noted by Participant 1 when he stated that:

“There was an instance when negotiations were in progress and the employer unilaterally increased salaries by 3 percent. They made 3% salary increase for the 2016/2017 financial year, effective from 1st April 2016 and 4% salary increase for the 2017/18 financial year”.

Kocer & Hayter (2011a) observed that the government can usually overrule the bargaining agreements and impose wages and working conditions unilaterally per some ad-hoc policy or concern. The state of collective bargaining emanates from the tone of industrial relations itself, which is a powerful and dominant employer. All these, unilateral salary increments by the government as the employer, changes in the labour statutes, savingsgrams changing employment conditions and altering collective labour agreements on issues such as overtime a clear indications that the employer was not prepared for a paradigm shift. The government as the employer seems to be stuck on obedience and respect for management’s decisions (Tustin & Goldenbuys, 2000). Unilateralism is bad for collective bargaining, and it defies unionism.

The unilateral salary increment is a unitary tendency to view trade unions as intruders in the private realm of the government, wilfully disrupting the ‘natural pursuit of common purpose’ and ‘rational managerial authority’ (Salamon, 2000). As the biggest employer, the government is simply following an ‘employer ideology’ and seeks to co-opt trade unions (Cullinane & Dundon, 2014). The government as the employer is stuck with tendencies of wanting the workers to observe hierarchy in decision-making. Silver (2013) noted that such repressive tendencies do nothing but create strong worker movements as can be seen in the



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mushrooming of trade unions in areas that were traditionally not unionized. There is a need to depart from unitary tendencies and embrace collective bargaining for joint regulation of work.

The present study further revealed that the government has tendencies to unilaterally vary the collective labour agreement. Kraus in Mogalakwe (1994, p. 84) argued that this is a corporatist tendency *“of industrial relations, which emphasises the common interests of the state, capital and labour”*. Participants lamented with regard to laws that are crafted overnight, like the changes made to the Trade Dispute Act, where some workers were listed as essential service workers without consulting trade unions and their federations. The findings of the current study revealed that some savinggrams and directives were issued by the government as the employer, altering conditions of service without the involvement of trade unions. The cases in point are the change of paydates, pool housing and rental subsidy and the postponement of salary increment in 2019. In line with the above, Participant 3 said:

“We see so many of the savinggrams and directives issued by employers altering conditions of service without the involvement of unions. For example, changes on pay dates, pool housing and rental subsidy”.

The same was observed by Participant 9:

“During the time of the bargaining council in the financial 2012/13 there was an aspect in the CLA to say overtime will be done in accordance with applicable labour laws, ...Then outside the bargaining council, deviant from collective bargaining agreement, the government altered and wrote a savinggram, through Director of DPSM to say overtime will be given half as money, then half as off days”.

According to these findings, it can be argued that all these are unitary tendencies by the employer to defeat collective bargaining and legitimize employer rule. In concurrence, Mogalakwe (1994) argued that industrial relations in Botswana are characterized by domination and subordination.



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URL: <http://jedep.spiruharet.ro>

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Summarily, the government, as the biggest employer, has demonstrated an unwillingness to cooperate with trade unions. Botswana's bargaining rules are created, interpreted, changed, and enforced through a social process that is imperfect, reactive, and ever-evolving owing to the lack of formal legislative or regulatory guidance and the lack of real collective bargaining experience among the actors (Tshukudu, 2021). The court's ruling that salary increments to non-unionised workers and trade unions that are not part of the PSBC was procedural, and is against collective bargaining extension mechanism ideals and requirements. However, social partners are cautioned against taking employment issues to courts of law, since the "courts adopt a balancing test that attempts to weigh the respective interests of employees and management concerning a specific bargaining proposal" (Befort, 1985, p.1258). For collective bargaining to be effective, parties should have mutual confidence in each other.

6. Conclusion

The current study showed that the government as an employer is struggling to accept the paradigm shift from unitarism to pluralism. This is demonstrated by several governments' unilateral decision-making tendencies. However, there is a future for collective bargaining in Botswana if the government can accept a paradigm shift from unilateral ways of doing things and embrace collective bargaining as a genuine means for joint palatable decision-making. Employers and management must believe and must be seen to believe in collective bargaining by their actions.

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