

The Role of Public Sector Trade Unions in the Representation of Civil Servants

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Abstract: As long as there are employees who are disappointed with the way things are being run in their organisation, as long as there are executives who trample upon the rights of employees on the lower strands, and as long as management and the employees cross each other's path, the formation of public sector unions is not only unavoidable but should even be encouraged. As long as the government has responsible public sector employee unions which will uphold public interest to private interest, good governance will no longer be an aspiration but a reality. As long as there is a responsive management which lends a sympathetic ear to a responsible public sector union which supports the country's mission and vision, we will achieve the government worthy of the trust and confidence of the people.

Keywords: Public sector, role, trade unions, representation, civil servants.

INTRODUCTION

A public sector trade union (or public sector labour union) is a trade union which primarily represents the interests of employees in the public sector or governmental organisations. Around the world, cases are being reported in which the rights of public service workers to organise and to bargain collectively are being restricted and even denied [1]. Attempts are being made in numerous countries to exclude public service workers from national law aimed at implementing International Labour Organisation conventions 87 and 98 which are international legal instruments that protect the fundamental rights to form and join trade unions and to engage in collective bargaining. In a number of countries, attempts are made to ban certain groups of public services workers from joining or forming trade unions. These attempts are always predicated upon an attempt to define certain services or roles as essential services [2]. Such exclusions are not permitted by ILO Convention 87. Under the convention all public service workers must enjoy the right to form and join unions and their unions must enjoy freedom to organise their activities. The fact that workers may be providing an essential service does not change this fact, the basic right to form and join unions should apply [1].

As Chambers [3] postulates, in the field of public sector labour-management relations, many authors agree that government labour-management relationships are unique when compared to the relationship between labour and management in the private sector. The uniqueness of public sector labour management relations lies in the non-profit nature of governmental business. The main issue surmised from the literature is that when applied to private sector business, collective bargaining is tied to monetary gains for labour in the form of increased wages and other forms of compensation such as pensions, bonuses and annual wage increases [4]. However, when collective bargaining is applied to public sector business, it must be tailored to achieve proper alignment with tax payers' interest who are the major shareholders in public-sector services.

Emergence of Public Sector Unions

Public Sector unionism emerged and increased as unionisation declined in the private sector [5]. Growth in public-sector unions was due to the enactment of union-friendly legislation. In addition, the sovereignty doctrine (the rights of the state) is the catalyst for several issues in public-sector labour management relations. As Devintas [4] postulates, more important government employees are limited in their attempt to collectively bargain with their employer

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because their salaries come from taxes, not profits. If government employees were allowed to bargain collectively, tax increases would follow, which would cause conflicts with organized pressure groups outside the government that pursue tax reduction as their primary aim.

In the United States of America for example the financial sector crisis of 2008, public sector unions came under increasing attack. The Great Recession of 2007 as Chambers [3] observes, followed with elevated levels of unemployment exacerbated by unrestrained government spending. Several articles in the news media during this period accused government unions of contributing to excessive spending. In addition, the public called for tax cuts, reductions in the size of government and easing tax burdens on taxpayers. In addition, as Blackburn [1] states, given the issues continuing to plague public education, teachers' unions were regarded as an obstacle to implementing education reform and continually blamed for refusing to align education learning outcomes to student academic performance and their resistance to charter schools [4, 5]. Specifically, critics argued that public-sector unions were the main party responsible for imposing large government deficits by demanding and obtaining large salaries and pensions through collective bargaining.

Historical Overview of Public Service Trade Unionism in the World

The evolution of Public Service trade unions has been bound by the contexts of legislative frameworks and doctrine of sovereignty. At the start of the Public union movement recognition of the right to form trade unions was either delayed or denied in many countries [6]. This lack of recognition formed the legislative frameworks on which laws governing industrial relations in the public service were formulated. The doctrine of sovereignty informs and is also informed by political systems. Different political systems result in different labour relations processes and practice in the public sector. For example, some countries have extended the right to bargain collectively while others deny the same right. In some cases, the right to strike is denied while in some cases public service workers enjoy that right. Italy, Newland, Spain and Sweden practice central collective bargaining, but countries such as Pakistan and Dominican Republic governments unilaterally fix conditions of work and salaries [7].

A study of three European countries, France, Germany and Finland revealed that these countries had stronger labour market institutions when ranked on membership density. By ranking, France sits at 12% density, Germany is between 30 to 35% while Finland ranked the highest at 70% of unionised workers.

Foundational Factors of Public Service Trade unions in Great Britain and the United States

The history of the trade union is traced to the 18th and 19th century epoch. The place of birth of Industrial Revolution is Britain and later Europe and America, where the establishment of factories and the deskilling of labour as result of industrialisation led to workers seeking security through collective bargaining agreements. However, these early efforts at unionisation were generally deemed to be illegal and punished by imprisonment or 'transportation' to the colonies, such as in the case of the Tolpuddle Martyrs [8, 9]. The Tolpuddle Martyrs is about six agricultural labourers who were convicted and sentenced to transportation to Australia and their crime was swearing a secret oath with the union. However, in the nineteenth century many of the laws that prevented the formation of unions were repealed. The repeal of the prohibitive laws led to rapid growth of trade unions and the repeal was supported by the passage of further laws such as the 1906 Trade Disputes Act, which protected employees from being sued for going on strike for as long their strike was carried out by a trade union and complied with certain rules [10]. To the present day, trade unions are the only accepted vehicle through which workers can carry out industrial action or collective job action.

The Industrial Revolution took place between the 18th and 19th centuries. This was the period when the predominantly agrarian, rural societies in America and Europe became industrial and urban. Prior to the Industrial Revolution, which started in earnest in Britain in the late 1700s. A number of factors contributed to Britain's ascendancy to it as the birthplace of the Industrial Revolution. To begin with, it had great deposits of coal and iron ore, which proved essential for industrialisation. Other drivers for industrialisation besides iron ore were textile industries. The development of the steam engine played a central and facilitating role in the Industrial Revolution, alongside improved systems of transportation, communication and banking. Manufacturing was a home industry which took place in people's homes and mainly the manufacturers used rudimentary machines and hand tools, giving rise to the term cottage industry. In addition to the above factors, Britain was a politically stable society, as well as the world's leading colonial power, this meant its colonies could serve as a source for raw materials, as well as a marketplace for manufactured goods.

Industrialisation saw the introduction of powered, special-purpose equipment and machines, factories and mass production. Industrial Revolution while bringing with it bright side of life and improved standard of living, it upset rural communities whose daily existences revolved around farming. Communities produced the bulk of their own food, clothing, furniture and tools. The other dark side of industrialisation were grim employment and living conditions for the poor and working classes. In 1776, Scottish social philosopher Adam Smith (1723-1790) in *Khanka* [11] who is

regarded as the founder of modern economics, published "The Wealth of Nations." Adam Smith, in his works advanced an economic system based on free enterprise and the private ownership of means of production, principles that seemed to resonate well with industrialisation.

In summary therefore, it can be argued that the coming of industrial revolution and supported by the economic principles argued for by the likes of Adam Smith set the trigger for the establishment of trade unions as this relates to the rise of capitalism. The increasing demand for industrial labour and emerging status of workers became an essential trigger for labour organisation. The earliest forms of labour organisations can be traced to the guilds that regulated craft production, although the guilds combined at first combined masters and workers, which explains why guild regulations found their way into objects of the early unionism. Between 1813 and 1814 Britain repealed legislation that provided for the fixing of wages by justices and also set the qualification standards for entry into a trade. This repeal introduced some urgency on the legal status of trade unions and further removal of legal impediments on that prohibited unions [11].

In the United States the first indicator of trade union that cut across sectional interest is recorded in New York in 1768 when the Journeymen of tailors waged a labour strike to protest pay cut. The labour movement then grew around Federal Society of Journeymen Cordwainers (shoemakers) in Philadelphia in 1794. The drive urge towards the formation of these trade unions was the realization that it was only through collective effort that as workers they could enforce the price tag of their labour and that way, they could defend their trades against cheap and diluted labour. In way the consciousness of their jobs while being powerful did not constitute the sole inspiration for trade unionism inspiration. The inspiration to join trade unions was rooted in complex phenomena, which considered distinctive structures of culture, community and ideology as well as craft identity. The ideological phenomena are seen at play at the onset of the 1929 Great Depression when the American national politics became favourable to organized labour. This was the time when President Franklin Roosevelt pronounced the New Deal that turned out to be more responsive to trade unions. Labour movement require state protection on the rights of workers and right to organize to engage in collective job action. The 1933 National Industrial Recovery Act (NIRA) and the National Industrial Relations Act of 1935 largely known as the Wagner Act set a secure framework for pro worker conditions and with employers loosing enormous power advantages [12].

CONCLUSION

Destroying unions would be a mistake. By representing workers, labor unions serve a key function both in our economy and our politics. Unions play a vital role in protecting against abuses in the workplace, and in my experience they are integral to training, deploying and managing a professional work force. The concessions unions have won in the past-like workplace safety rules and the eight-hour day-ultimately benefit everyone by ensuring that the people who do the work live decently, and that government prosperity does not come at the expense of ordinary citizens.

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