

The Role of Trade Unions During Disciplinary Hearings in Public Schools

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Abstract:

The protection of the interests of employees is imperative for a healthy work environment and productivity. There are limited studies that have explored on the role of trade unions in public sector, and in public schools. The aim of the study was to explore on the role of trade unions in protecting the interest of workers during disciplinary hearings at public school in Limpopo province, South Africa. Exploratory qualitative research was adopted to achieve the aim of the study. Fifteen educators affiliated to two educator's trade unions were interviewed to address the aim of the study. The stakeholder theory was adopted as a theoretical lens in the study. The primary data was analysed using content analysis. The findings of the study made a significant contribution by revealing how these trade unions are involved in representing the interests of educators during disciplinary hearings. The results uncovered that trade unions advise members in cases where the evidence is overwhelming to avoid dismissal. In addition, the study made significant contribution and offered recommendations to stakeholders in public schools. Lastly, the study offered future research directions on the topic.

Keywords:

Disciplinary Hearing, Promotional Interviews, Trade Union, Workers Interest.

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Introduction

Trade unions are associations of workers struggling collectively for enhanced operational circumstances for their members (Nel, Kirsten, Swanepoel, Erasmus, & Jordaan, 2016). A trade union's most important aim is to fortify and improve the welfare of its members in the workplace. This role of trade union was applicable in both private and public institutions such as schools. According to Nel et al. (2016), most trade unions are autonomous of any employer. A trade union was governed by the belief that unity is power. In other words, a gathering of citizens working collectively was more powerful than single individuals. Organisations usually use workers, especially uneducated ones, to work for long hours while earning minimal salaries primarily because their employers keep most of the profits. Most of the time, this does not enable the employers to provide good working conditions and makes it difficult for the workers to get higher and better wages. The resultant effect of all the above makes the workers upset, and they, therefore, form trade unions. However, Adi and Sambe (2018) argue that trade union are formed by workers with believe that collectively, they can protect themselves against exploitation and social injustices in workplaces.

The formation of these unions appeared to be exclusively aimed at improving conditions of service of workers in institutions such as schools. Collins (2013) added that apart from the visible role of protecting workers interest and improving their conditions of service, trade unions further play a role which may not be obvious, improving teachers' productivity. This chapter provided the background of the study, problem statement, aim of the research, research questions, significant of the study, and the format of the research report.

The previous studies demonstrated that there was an existing debate regarding the role of trade unions in various sectors of the economy including public sector, which incorporates public schools. In addition, during the review of previous studies, there were limited studies on trade unions that focused on how trade unions protect the interest of workers and promote trust and relationships in the workplace in public sector and in schools. The problem statement addressed by this study was the lack of sufficient academic literature on the studies that focused on the holistic role of trade unions in protecting the workers interests during disciplinary hearings in public schools such as Kgotloana Public School. In summary, the study addressed the gap in the academic literature on trade unions by focusing on role of trade unions in the representation of worker interests during disciplinary hearings in public schools in Limpopo Province, South Africa. The aim of the study was to explore on the role of trade unions in the representation of Worker Interests during disciplinary hearings at a Public School in Limpopo Province, South Africa.

Theoretical Background and Literature Review

This section provide literature review of previous studies and the discussion of the relevant theory in this paper.

Literature Review and Previous Studies

Number of previous studies had focused on wage negotiations (Magruder, 2012; Lemieux & Riddell, 2020). In the study Magruder (2012) found that working in a sector where a Bargaining Council wage agreement has been reached does increase the wages of workers who are not union members. The study by Card et al. (2020) found that the unionisation rate by wage bin for all workers, in the public and then the private sector, smoothed for clarity. The highest unionisation rates are in the top half of the distribution, although in recent years unionisation rates have risen for public sector workers in the bottom half of the distribution. Other studies in South Africa focused on inequality in the workplace such as (Wittenberg, 2017a; Wittenberg, 2017b, Kerr & Wittenburg, 2021). South Africa has extremely high levels of inequality, driven largely by very high inequality in earnings such as (Wittenberg, 2017a; Wittenberg, 2017b, Kerr & Wittenburg, 2021). For example, Kerr and Wittenberg (2021) the results uncovered that the evolution of the variance of log wages for all workers, union and non-union members and then private and public sector union members. The overall trend in wage inequality seems to be a rise in the 1990s), followed by a decline in the 2000s until 2012 quarter two, after which there was a large increase. In addition, the results uncovered that shows the gap in wages between union and non-union members, and then separately for the public and private sectors. The gaps are extremely large. The gap increases until the early 2000s, after which it declines. The trends for the public and private sectors are the opposite of each other. The private sector gap shrank over the period, whilst the public sector union gap rose consistently. Recall from the analysis above that the unionisation rates in the public and private sectors were constant from the early 2000s, at around 70% and 20% respectively.

In another study that used South African data have generally found that trade union members earn higher than non-unionised workers in the organisations (Kerr & Teal, 2015; Ntuli & Kwenda, 2014; Bhorat et al., 2012). Ntuli and Kwenda (2014) discovered larger premium- around 40–50%, although their sample was African men in the formal sector. In another study, Ntuli and Kwenda (2015) examined the public-private sector wage gap in South Africa using individual cross section data. The results revealed that key factors underpinning the ‘composition’ effect are unionisation, industry of employment and education, while those associated with the ‘price’ effect are education, race and occupation.

In another study Uys and HoltzHauzen (2016) explored on the perceptions of South African trade union leaders on factors influencing the future of trade unions, and the findings uncovered that quality and type of service offered to members is main factor and impeccable knowledge of the relevant legislation

to be able to assist members timeously and efficiently. Some studies suggest that trade unions get power primarily from structural context-related factors such as economic growth in the country. However, trade unions' weakened ability to preserve worker entitlements results from a recent series of intertwined structural and institutional developments (Müller et al., 2019). Structural factors such as slow economic growth and declining manufacturing employment have contributed to a downward trend in union power (Grimshaw, et al., 2018).

Most recently, some studies started to explore on the use of artificial intelligence (AI) to serve members. The main focus of these studies was on how to regulate and ensure 'ethical' AI use in the workplace as the technology is still at an early stage of development, experience on its use was limited and uncertainties about its further development are substantial (Krzywdzinski, Gerst & Butollo, 2023; Krzywdzinski, 2021; Matuschek & Kleemann, 2018). Trade unions were trying to use their previous experience with technological change to tackle AI, but at the same time there have been increasing calls for trade unions (and works councils) to fundamentally change the way they work as a prerequisite for successfully influencing the design. The study of Krzywdzinski et al. (2023) showed that relevant AI applications in organisations consist of use cases in the field of human resources (personnel diagnostics in recruitment or career management) highlighted in public discussions. In addition, the preceding study indicated that key fields of workplace AI solutions consisted of cognitive assistance systems, process monitoring and process optimisation, i.e., applications often less in the focus of the debate.

However, some studies show that when trade unions mobilise their internal power resources, including a wide range of ideas (Benassi & Vlandas, 2016), leaders' identities (Bernaciak & Kahancová, 2017), and alliances with community groups (Bernaciak & Kahancová, 2017; Eaton et al., 2017), these trade unions can fight precarity even in unfavourable conditions. Trade unions can utilise internal mechanisms for democratic worker representation through internal democracy. Internal democracy was employed to build solidarity between members with otherwise potentially heterogeneous interests. This includes the 'internal democratic traditions and procedures that enable the articulation of members' stances across different levels of unions structure' (Marino et al., 2019). The researcher in the current study argued that a two-way relationship between trade unions and workers leads to the union legitimisation, and leaders provide recognition for worker demands and protection of their interest at the workplace. Therefore, the current study explored the role of trade unions in protecting the interests of the workers in public school to strengthen the relations between these workers and trade unions. The study aims to address this gap since majority of previous studies on trade unions discussed in this section were conducted in other parts of the world rather than South Africa. In addition, previous studies focused on different aspects (future of trade unions, use of technology, wage gaps, role of bargaining councils) rather than the holistic role of trade unions in protecting the interest of workers, specifically, in public schools. Moreover, the current study addressed the gap in literature by focusing in public school since some of previous studies

were done in other sectors of the economy and in other foreign countries like United States of America and Asian countries. Lastly, the study responded to Visser (2024) argument that trade unions could survive and revive themselves when they are involved in employment relations that produce positive visible results or externalities for society since the current study probed on the role of trade union in working towards building long-term relations in the workplace.

Stakeholder Theory

To achieve long-term relationship between the trade unions and members, a stakeholder theory becomes relevant. The term “stakeholder” was originally coined by Freeman and Reed in 1983 as “any identifiable group or individual who can affect the achievement of an organisation’s objectives or who is affected by the achievement of the organisation’s objectives” (Freeman & Reed, 1983). Stakeholders are accordingly different parties, units and persons in the organisation as well as parties, units and persons from the environment around the organisation that have a relationship with the organisation. Stakeholders are groups who can potentially be affected by a activities of the organisation, or who can potentially be engaged in the activities of the organisation. In the context of this study, trade unions representatives (shop stewards) and affiliated workers are stakeholders as they affected by the activities of the respective labour unions. Stakeholder theory the emphasis is on building and maintenance of sustainable stakeholder relationships within the organisation (Freeman, Dmytriyeu, & Phillips, 2021). The theory emphasises the importance of stakeholder relations and the creation of value for them. The stakeholder theory is relevant and applicable to the study to explore the role of trade unions in protecting the interests of workers at the workplaces such as public schools.

Methods

Saunders et al. (2019) argued that the researcher selected a research design in conducting a research. According to Saunders et al. (2019) research design is the general plan of how you will go about answering your research question(s) (the importance of clearly defining the research question cannot be overemphasised). It contained clear objectives derived from your research question(s). Exploratory qualitative search was used in the study to achieve the research objective. An exploratory study was a valuable and enabled the researcher to ask open questions to discover what is happening and gain insights about a topic of interest and research questions that are exploratory are likely to begin with ‘What’ or ‘How’ (Saunders et al., 2019). Saunders et al. (2019) add that an exploratory study is particularly useful if the researcher wish to clarify an understanding of an issue, problem or phenomenon, such as if you are unsure of its precise nature. Qualitative data provided a detailed understanding of a research problem; therefore, this qualitative understanding was generated through studying a few individuals to discover perspectives in great depth (Leedy and Ormrod, 2014). Sample

size comprised of fifteen or more participants will be used until saturation point is reached. Purposive sampling requires that the researcher to use your judgement to select cases that will best enable you to answer your research question(s) and to meet your objectives. Sampling method used in this study is purposive sampling. This sampling method means that participants were selected because of some defining characteristics that make them the holders of the data needed for the study (Saunders et al., 2019). The population can be defined as the total group of persons or entities from whom information are required (Saunders et al., 2019). The target population included educators and trade union representatives in public schools, and for the purpose of this study only the trade union affiliated educators were targeted. The interviews were conducted as a data collection method using Interview guide containing questions and relevant topics regarding the role of trade unions. Data was analysed using the content analysis approach. According to Saunders et al. (2019), content analysis is described as a quantitative analysis of qualitative data.

Results and Discussions

The findings of the study uncovered that the trade unions in public schools represent members during disciplinary hearings to protect educators' interests. In addition, the findings revealed that in other instances members facing disciplinary with overwhelming evidence against them to avoid dismals. To justify these findings, the verbatims of participants 1, 2, 7, 8, 9, and 14 cited explaining on the process of the involvement of the trade union during disciplinary hearings indicating that each member is represented by their respective unions.

"On disciplinary hearings, unions are able to represent us and speak on our behalf during disciplinary hearings" (Participant 1)

"I have never been in a dispute and for them to present me, but I saw the union represent other educators in disciplinary hearings and they did a great job and they explained that if we beat learners they cannot represent us" (Participant 2)

"SADTU is union that represents educators, these educators are affiliated to SADTU and are represented by it. The process is a person must be charged, and he/she must reveal a charge sheet, stating you are charged of the following misconduct and when we represent, we know we are representing based on wat. Then during the process, the hearing committee must be constituted, if it's the department that charged me it must have chairperson of the hearing committee there must be a representative of this union, somebody from department is the one who charged you and the person who is charged. If members are having disagreement from school level, I call a site steward to intervene, if he is failing, I get one of SMT's to intervene". (Participant 7)

“It is our task to address our members, if ever our member is wrong we will advise if the evidence is compelling against our member, we explain to our member that this case its got too much evidence then we advise our member to step down (resign)and seek employment in different field, which is better that being dismissed as it remains in your record and it tarnishes your image, then the department will not investigate their non-member.” (Participant 9)

“Every school has site steward at school, if there is an disagreement you report the matter to chairperson and they call committee to engage with members and try to resolve the matter if it is not solved its transferred to branch level”. (Participant 12)

“Even though I didn’t have a case, SADTU I rate it no one, my two colleagues were in logger heads and the other member presented the matter to site stewards and they were called to meeting, they had to consult branch and branch had meeting with the two colleagues and resolved the matter”. (Participant 14)

According to participant 7, in cases where the evidence shows that the affiliated educator appears to be guilty of a serious misconduct, the trade union will advise accordingly for the member to resign from the position and for apply in other departments to avoid dismissal. This finding concurs with the study by Uys and HoltzHauzen (2016) that explored factors influencing the future of trade unions, and the findings that uncovered that the quality and type of service offered to members is main factor and impeccable knowledge of the relevant legislation to be able to assist members timeously and efficiently. According to participant 14, in cases where members belong to a same trade union, these members will be advised to resolve a matter in a meeting called by their union. This finding is significant since it has not be uncovered in previous studies. In addition, the study made significant theoretical contribution by adopting stakeholder theory by discovering that in instances where parties in the dispute belong to same trade union, the union set up meetings to resolve the conflict without referral to disciplinary hearing.

The study further identified another challenge faced by trade unions were representing members in disciplinary hearings on charges against teachers’ code (such as absenteeism, sexual harassments and drunkard-ness) and where there is overwhelming evidence. Another challenge is when trade union member is stubborn and not willing to take advice from the trade union. These findings add new insights to academic literature supports the findings by Bernaciak and Kahancová, 2017 and Eaton et al. (2017) that trade unions strive to fight precarity even in unfavourable conditions to protect the interests of members.

Conclusions

Based on the results of this study, it is recommended that ethical and professional codes should be developed for panel members to reduce dishonest conducts amongst the members.it is further

recommended that trade unions should strive for fair principles in representing the affiliated members during disciplinary hearings. It is recommended that trade unions hold quarterly awareness campaigns to inform affiliated members about the role of trade unions. To strength relationships, trade unions should host annual year-end functions to strengthen relationships with members and further create wellness programmes for members in case of bereavements. In addition, trade unions should create team building campaigns and promote ethical conduct and high-performance culture at the workplace.

The study was qualitative in nature and conduct in one public school in one province. Therefore, future research should be quantitative to cover large sample in other provinces and other sectors of the economy. In addition, a comparison study in other provinces and countries is recommended so that the findings and results can be compared. Moreover, the study recommends that future research should explore more how victims are supported by trade unions before disciplinary and grievance hearings are conducted.

Authors

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