

Does size matter? The Labour Relations Act, majoritarianism and union structure

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1 INTRODUCTION

The new Labour Relations Act 66 of 1995 (LRA) has been viewed by many commentators as favouring larger unions and as conferring distinct advantages on unions with majority support at the establishment or industry level. While there was some shift between early drafts and the final version of the LRA, there can be no doubt that the LRA is designed to make union size and, by extension, union organising strategy, a key factor in future employer-union relations.

For the state to have an influence on the operation of unions is not new in South African industrial relations. In future, industrial relations and the labour market are to be regulated primarily through collective bargaining, presumably with little state intervention. To this end, the LRA extends and deepens legislative support for collective bargaining, without imposing a duty to bargain. This stance has been supported by the Labour Market Commission and by the government's macroeconomic strategy. To ensure that collective bargaining can act as an effective regulatory mechanism, strong bargaining partners are required and the implicit assumption in the LRA is that fewer, larger unions will be more effective representatives of workers' interests in the collective bargaining process.

In its attempt to promote larger, more representative unions, the LRA, whether intentionally or unintentionally, places the rationalisation of union structure firmly on the agenda. The issues raised by this involve not only changes to current arrangements in the number of unions and the workers over whom they have jurisdiction, but also changing the way that unions operate so as to make them more effective and efficient in relation to how they organise, represent and mobilise wage earners. These are matters which go to the heart of union goals and strategies in any society and they take on a particular urgency in the context of the rapid macroeconomic and political changes being experienced in South Africa since the demise of apartheid.

This article will address three tasks: firstly, to analyse the assumptions underlying the rationalisation of union structure; secondly, to analyse the way that the LRA addresses union structure; and, finally, to outline current features of organisational structure in the South African union movement.

The broad aim will be to assess whether the assumptions about union structure in the LRA present appropriate and realistic challenges to the organisational strategies of unions and, indeed, whether they are likely to enhance collective bargaining in general.

2 RATIONALISING UNION STRUCTURE

The concern with union structure in the LRA is by no means unique and follows a trend of structural change in the union movements of a number of countries, in many cases initiated by unions themselves, but also induced or supported by legislation. One of the more dramatic comparative examples is that of Australia where the number of unions was reduced from 326 in 1986 to 142 in 1995 (Labour Force Australia 1995). This rapid consolidation was set in motion by the Australian Congress of Trade Unions (ACTU), but was supported by government moves to revise the minimum size required for union registration. The rationale underlying this process of reform was to create fewer, larger unions which were assumed to be more efficient and better positioned to participate in social and policy debates.

In the UK since 1979 there has also been a “progressive and continued concentration of union membership within the largest unions, particularly since 1987” (Willman and Cave 1994: 395). This process has been marked by the formation of “super-unions”, such as the AEEU and Unison,¹ unions which have been established via mergers between large unions, rather than the more usual process of a merger between a large union and one or more smaller unions. But the underlying rationale of this process of reform has been the protection of membership, not only the absolute number of members belonging to unions, but also relative membership. The shift in focus to relative membership in parts of the British union movement has been termed “market-share trade unionism”, a form of unionism which is influenced by the economic constraints of member recruitment. In this case, union mergers are driven not only by a decline in membership, but by the savings achievable through concentrating members in single, large organisations.

Canada has also experienced significant merger activity, although in this situation the reasons have been more varied. The most common reason has been to deal with declining membership, but small unions have also sought to access the resources and expertise of larger unions, and mergers have occurred for political-ideological reasons (Ewer and Yates 1995).

Underlying many of these changes have been a few key assumptions. Firstly, it is assumed that the presence of many small unions should be reduced. Small unions are thought to be inefficient as they are unable to

¹ AEEU: Amalgamated Engineering & Electrical Union. Previously Amalgamated Engineering Union (AEU) and Electrical, Electronic, Telecommunications and Plumbing Union (EETPU).

Unison: Formerly the Confederation of Health Service Employees (COHSE), National Association of Local Government Officers (NALGO) and the National Union of Public Employees (NUPE).

cope with the costs of running an organisation, are not able to service their members properly and are often dependent on idiosyncratic, individual leadership. Moreover, the existence of large numbers of small unions perpetuates fragmentation of a union movement and weakens workers *vis-à-vis* employers.

Secondly, it is assumed that larger unions should be promoted and that union members should be concentrated in larger organisations. Larger unions are supposedly able to derive economies of scale in relation to bargaining strength and the level of membership service. Larger unions are also seen to be more powerful by virtue of numbers and their ability to make greater gains in the collective bargaining process.

Thirdly, it is assumed that the jurisdiction of unions should be streamlined and that there should be fewer unions operating in each industrial sector. Rationalising union jurisdiction is said to reduce disputes between unions, enable unions to establish coherent wage policies and engage in industrial policy formulation at an industry or sectoral level (Chaison 1995).

These assumptions, although often borne out in practice, do raise some general problems that warrant consideration. With regard to the question of union size, Chaison points out that small unions are not necessarily inefficient, particularly where they negotiate a limited number of collective agreements or where they represent specialised groups of workers in particular geographic areas. A good example, mirrored in the South African union movement, is that of airline pilots. Small unions may also have the advantage of being able to maintain a high level of service to members and good lines of communication and participation.

The notion that bigger is better in the case of unions has also been questioned on the grounds that heterogeneity of members' positions and interests increases as union size increases. Heterogeneity makes it more difficult to formulate common strategies and to mobilise members to act in support of demands and in solidarity with others. Larger unions may also be more bureaucratic and increase the risk of a greater centralisation of authority within an organisation at the expense of member participation.

Changing union jurisdiction, which has traditionally involved reducing the overlap between the membership of unions, has also been complicated by recent socio-economic developments. In many situations the rationale for jurisdictional reform has become less clear. The general approach to rationalisation of union jurisdiction has been the creation of industrial unions, with the broad aims of unifying union membership and simplifying collective bargaining along industry lines. Such aims have become less realistic as unions have tended to recruit members outside their primary jurisdiction. In many cases opportunistic organising has been driven by a need to maintain membership levels. But where the linkages between firms do not follow strict industrial demarcation, there may be a logic to spreading the bargaining strength of unions on other than purely industrial lines.

Secondly, the increase in union mergers has had the effect of blurring the boundaries of union jurisdiction. In Canada and the US, in particular,

jurisdictional boundaries have become extremely flexible as unions have sought to make up for loss of membership in what were their traditional core areas of organisation. This trend has developed to such an extent that Chaison suggests that “we are well beyond the stage at which jurisdiction can be rationalised” (Chaison 1995: 13).

Thirdly, the trend towards decentralised bargaining in certain countries has complicated the strategic rationale of aligning union structure with bargaining structure. Ensuring an overlap of union jurisdiction with industrial sector, so that greater integration of different levels of bargaining can occur, is unlikely to deliver strategic gains in the face of widespread decentralisation of bargaining arrangements.

The above problems point to the need for a more careful examination of the assumptions and goals underlying any process of rationalising union structure. Moreover, assumptions and goals which may have a logic and coherence in general terms, are really put to the test against the particular conditions to which they apply. Processes of rationalisation of labour movements may, thus, have desirable outcomes in certain situations and not in others.

The remainder of this article will seek to spell out the assumptions contained in the LRA regarding rationalisation and to discuss these in relation to key features of the structure of the South African union movement. First it will provide an overview of how the LRA may affect union structure.

3 THE LRA AND UNION STRUCTURE

At first glance, the LRA seems to have little bearing on union structure. There are no thresholds for the registration of unions, no substantive regulations governing amalgamation of trade unions or the operation of federations. The reporting and financial requirements of unions are formal in nature and constitute no substantial interference in the internal operation of unions. Moreover, in terms of the transitional arrangements, any union currently registered with the Department of Labour may obtain a new certificate of registration as long as it complies with the requirements for registration. The Explanatory Memorandum to the Draft Labour Relations Bill put the view of the drafters in the following terms: “The proposed system of registration is simple and quick and complies with the right to freedom of association as guaranteed in the Constitution and by international labour standards.” (Ministry of Labour 1995: 49.)

There is, however, one requirement for registration which has an important bearing on the internal structure or governance of unions and that relates to the constitution of unions seeking registration. The LRA requires unions to include basic principles of democratic governance in their constitutions as well as proper financial controls (s 95(5)). This requirement does not differ significantly from that contained in the old LRA, except that the procedures for election or nomination to office now have to be specified not only in the case of office-bearers and officials, but also of trade union representatives (s 95(5)(k)). The procedures surrounding the

removal of persons from elected or appointed positions and appeal procedures also have to be specified (s 95(5)(m)). Finally, the LRA requires the constitutions of both unions and employers' organisations to provide for balloting before a strike or lock-out and protection of members who refuse to participate in a strike or lock-out not sanctioned by majority vote (s 95(5)(p)(q)).

In terms of the old LRA, unions seeking registration were required to demonstrate representivity within the area for which they sought jurisdiction. Representivity was not, however, strictly enforced by the industrial registrar and it would appear that membership records of unions were dealt with in a cursory manner. Representivity was also not enforced with regard to the scope for which unions were registered and multiple registration in areas of common jurisdiction was the order of the day. Furthermore, minority unions were accommodated by testing their representivity in relation to eligible membership. Thus if a union applying for registration sought to represent whites in particular categories of work, its representivity could be determined in relation to relatively small numbers of white workers and not in relation to the "general interests" of workers within a certain industrial sector. The objections of other unions to such registrations could then be judged according to the number of workers they represented within the relevant racial group (Cameron *et al* 1989: 173). This practice encouraged a proliferation of unions.

Under the new dispensation, representivity is not a criteria for registration, but becomes important for accessing the rights and powers available through the LRA. For instance, representivity is a requirement for gaining organisational rights (ss 12-16), applying for the establishment of statutory councils (s 39), entering into agency and closed shop agreements (ss 25, 26) and applying for the establishment of workplace forums (s 80). In relation to a number of these mechanisms, representivity may be achieved by two or more registered trade unions which jointly represent a majority of the employees concerned² (*Government Gazette* 16259 1995). It is this reliance on representivity which has led to the widespread opinion that the LRA favours larger unions and that it contains a majoritarian tendency. This reaction was captured most succinctly by Baskin and Satgar who note: "the LRA is profoundly majoritarian. Unions with majority support get distinct advantages. Small, minority and craft-based unions are disadvantaged. The message for unions is clear . . . grow or stagnate!" (Baskin and Satgar 1995: 12.)

The rationale underlying this approach is to be found in the LRA's strong support for the collective bargaining process. While the LRA does not include a statutory duty to bargain, it supports and encourages collective bargaining through a variety of mechanisms. The most fundamental of these mechanisms is that of the organisational rights which registered, representative unions are able to acquire. These rights are clearly intended to assist unions in establishing and maintaining a viable presence

2 In the original draft version of the Act, representivity referred to a single union with majority membership.

in the workplace, thereby enhancing the prospects of collective bargaining. The introduction of organisational rights could be viewed, in part, as a substitute for the statutory imposition of a duty to bargain. It is important, therefore, to examine more closely the criteria for gaining access to these rights before being able to consider the possible impact of these rights on the development of unions.

4 FROM “BARGAINING UNIT” TO “WORKPLACE”

The key prerequisite for acquiring organisational rights is, as mentioned above, the requirement that a union should be “representative”. This begs the question as to which categories of workers unions are required to be representative of and for which areas of jurisdiction. The concepts used in the LRA are those of “employees” and “workplace”. Employee is defined as “any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of an employer” (s 213). A workplace, on the other hand, is defined (except in relation to the public service) as “the place or places where the employees of an employer work. If an employer carries on or conducts two or more operations that are independent of one another by reason of their size, function or organisation, the place or places where employees work in connection with each independent operation, constitutes the workplace for that operation.” (S 213.)

These definitions have important implications for unions. At present, collective agreements between unions and employers generally extend rights to unions in respect of a particular bargaining unit, demarcated in terms of certain categories of employees usually defined by skill and/or job grade. The approach in the LRA is aimed at moving away from narrowly defined bargaining units to the promotion of representivity beyond particular categories of workers and beyond individual company sites to multiple workplaces wherever a company operates at more than one site. Representivity applies to a registered union or to two or more registered unions, which suggests an encouragement of either single union bargaining in workplaces or co-operation between unions in multi-union situations.

The LRA makes a further distinction between majority unions and unions that are “sufficiently representative”. The latter form of representivity is not defined in the LRA, but in the case of disputes about the acquisition of organisational rights, the directives provided to the Commission for Conciliation, Mediation and Arbitration (CCMA) are worth noting. The commissioner to whom such a dispute has been referred for arbitration must seek

- “(i) to minimise the proliferation of trade union representation in a single workplace and, where possible, to encourage a system of a representative trade union in a workplace; and
- (ii) to minimise the financial and administrative burden of requiring an employer to grant organisational rights to more than one registered trade union.” (S 21(8)(a).)

It is quite possible that these guidelines will translate into fairly high levels of representivity being required. When read alongside the definitions of "workplace" and "employee", it is clear that a possibility exists of significant pressure being brought to bear on smaller unions and unions that are not representative of all employees. Le Roux sums up the challenge to unions as follows:

"The fact that the union must be representative of all employees within the workplace, irrespective of their rank or status, and irrespective of whether they are part time, probationary or temporary employees, could also make it more difficult for the union to establish the degree of representativeness required. It may then be required to recruit members from amongst groups of workers it has traditionally not represented or who are more difficult to recruit." (Le Roux 1995: 24.)

This challenge to unions to broaden their representivity could have consequences for union structure, but has to be considered in the context of the LRA's commitment to the primacy of collective bargaining and collective agreements in regulating relationships. The LRA specifically permits employers and unions to enter into agreements in respect of organisational rights even if the union does not have the required degree of representivity (s 20). Previously registered unions with existing agreements are able to retain these (Sch 7 item 13(2)).

Ultimately, the approach to union size and structure in the LRA is a flexible one. There are no restrictions on union entrance to the system of collective bargaining through strict criteria for registration; and, once in the system, the overriding determinant for access the rights and powers offered by the legislative framework will be the collective bargaining process. This approach is likely to offer some protection for the ability of smaller unions to retain or acquire organisational rights via collective agreements. On the other hand, the LRA clearly intends to encourage rationalisation of union structure by extending organisational rights (and other rights contained in the LRA) to viable unions that represent all categories of employees, or to unions that are able to co-operate with each other. In this respect the legislature appeared to share the assumptions referred to above, to the effect that the presence of fewer, larger unions is to be encouraged. Smaller unions, representative of particular interests may continue to exist, but this will depend to a significant extent on the willingness of employers to recognise them.

How might this approach affect the structure of unions in South Africa? To address this will require a brief detour to outline the main features which characterise union structure at present.

5 UNION STRUCTURE IN SOUTH AFRICA

South Africa's union structure can be described as having evolved, much like the British tradition, from a predominance of craft unions in the early part of the century to a situation of multi-unionism in the latter part of the century. Within the contemporary situation of multi-unionism, the majority assume the characteristics of either artisan unions, industrial unions (primarily open industrial unions) and non-manual unions. The unions

that have grown most rapidly and that contain the majority of unionised workers are the open industrial unions which are mainly representative of black workers in the lower levels of skill within their industries. They are, therefore, not true industrial unions in the sense of being vertical in character and encompassing of the entire organisational hierarchy within that industry.

The reasons for this are relatively straightforward. The independent unions which emerged during the 1970s made a strategic choice to recruit unorganised (in practice, predominantly black) workers irrespective of what jobs they did. In the context of a racial division of labour there was an inevitable correspondence between job category and membership of the emerging black unions. In some regions, union organisation proceeded within the confines of particular industrial sectors. Even where a model of general unionism was opted for, this tended to evolve into industrial unionism within a relatively short space of time. A good example of such a shift from a regionally based, general union to a national, more industry-specific form of union organisation is provided by the first major exponent of general unionism to emerge in the 1970s, the General Workers Union (GWU).³ Most of the general unions which did organise significant numbers of workers during the 1980s were later absorbed into industrial unions through mergers, or went into decline.

While the nature of industrial unionism was thus limited by the racial division of labour, it also exhibited a marked degree of flexibility in relation to organisational boundaries. This is true particularly for the manufacturing sector, where most large, industrial unions operate across a number of divisions.

The thrust towards industrial unionism has occurred alongside of the continued presence of older craft unions and a numerically more significant proliferation of relatively small, diverse unions which are, by and large, not affiliated to any of the major federations. Many of these unaffiliated unions would seem to operate in respect of particular interests and often on a quite limited geographic basis. These unions are widely spread across the different sectors of the economy and represent workers from a range of different occupational groupings. Many appear to have remained in existence for a considerable period of time, despite the trend for optimal union size to increase in response to the increasing cost of servicing members effectively (Salaman 1987: 92). Most unions have fewer than 25 000 members and only 11 have more than 50 000 – taken across all sectors. In the manufacturing sector there are no more than four unions with more than 50 000 members (Levy and Associates 1996).

Unlike many of the advanced industrialised countries, the total number of unions in South Africa has thus increased significantly over the past two decades (see Table 1). This trend has occurred despite the consolidation, primarily through merger activity, of many of the larger and more dynamic unions. The unions reflected in Table 1 only include those that were

3 See the historical analysis of the GWU (Morris 1986).

registered with the Department of Labour in terms of the old Labour Relations Act (28 of 1956) and thus exclude unions in the public sector, unions established more recently to organise agricultural workers and unions organising domestic workers. Within the public sector there were, as of 1995, 25 unions which fell under the Public Service Labour Relations Act of 1994, two police unions and three unions in the educational sector. There were also five unions in the agricultural sector. There was one union organising amongst domestic workers and one in the SA National Defence Force. An approximate total for all unions in 1995, thus, was 285. These 285 unions represented approximately three million workers in the economy as a whole.

The high number of unions has to be considered against a background where, of the total unionised workforce, over 40% were organised by the 19 unions affiliated to the Congress of South African Trade Unions (COSATU). Taken together with the number of unions affiliated to the two other major federations, Federation of South African Labour (FEDSAL) and the National Council of Trade Unions (NACTU), over 60% of all organised workers were concentrated in not more than 42 unions. Moreover, within these three federations there has not been any significant fragmentation, with the number of affiliates remaining fairly stable over the past five years. The largest federation, COSATU, has experienced more rapid growth than the other federations and has attracted new affiliates as well as experiencing growth amongst some of its affiliates through mergers with smaller unions and staff associations. While the growth of COSATU and many of its key affiliates has slowed down during the 1990s, there is no doubt that it constitutes the dominant force within the union movement as a whole.

Looked at in this way, there would appear to be less fragmentation in South Africa's union structure than the high number of unions suggests.

A final feature of the structure of the South African union movement which bears noting is the apparent predominance of single unionism within firms, at least in the manufacturing sector. Recent surveys conducted within the manufacturing sector have found that firms with single unions are far more common than firms in which two or more unions operate. One national survey of 399 firms found that 48.6% of firms had a single union, whereas a smaller survey of 96 unionised establishments in the Gauteng area found 77% to have a single union.⁴ In both cases, the probability of multiple unionism rose with the size of the plant.

Contrary to the image of multiple unionism which is often presented, and which the increase in the total number of unions suggests, it therefore appears that firms with single unions are more common within the industrial relations system. This further underlines the importance within

4 The first survey was the SA Labour Flexibility Survey (SALFS). The second was the Worker Representative Survey (WRS). Both surveys formed part of the International Labour Organisation (ILO) Country Review undertaken as part of the work of the Comprehensive Labour Market Commission (Restructuring the South African Economy: Report of the Presidential Commission to Investigate Labour Market Policy (RP 83/1996)).

collective bargaining of a small number of relatively big unions, surrounded by many smaller, more dispersed unions representing more specific interests.

But such a picture still leaves unanswered the crucial question of the nature of organisational fragmentation.

6 NATURE AND CONSEQUENCES OF ORGANISATIONAL FRAGMENTATION

A focus on the degree of organisational fragmentation in the union movement might suggest that rationalisation along the lines contained in the LRA is a feasible option. But it would only be feasible if one could assume that the larger and more influential unions are able to achieve the degree of representivity envisaged by the new dispensation and if it is realistic and politically feasible to limit the growth in the number of trade unions. Moreover, rationalising union structure should clearly have as its outcome better representation within collective bargaining and within the workplace. To begin to assess the prospects of such outcomes and to assess how unions might respond to a changing economic, political and legal environment in general, the nature of organisational fragmentation is at least as important as the degree of fragmentation.

Understanding the nature of organisational fragmentation inevitably demands a sensitivity to the existing characteristics of unions – demarcations between them, patterns of growth, sources of division and competition – all of which are likely to exercise tight constraints on how unions are able to adapt strategically and organisationally to changes in the environment in which they operate. In the South African union movement there are a number of complex historical, political, social and organisational factors which have shaped union fragmentation, a few of which can be briefly highlighted.

The most obvious and enduring source of fragmentation amongst unions is that of the racial division of labour which continues to influence organisational boundaries and intraorganisational structure. An exception to this would be some unions and staff associations in the finance and public sector, such as the SA Society of Bank Officials (SASBO), where membership spans a broader spectrum within the occupational hierarchy. The reflection of the racially-based occupational structure in union membership composition has also served to provide particular identities for unions. The predominantly black unions have been characterised by militant, anti-apartheid policies and strategies, combined with decentralisation of authority and power within their organisations, whereas unions of more skilled and white-collar workers have tended toward greater internal centralisation and more moderate (or conservative) economic and political policies.

Organisational boundaries and intraorganisational structure also bear a relationship to the exercise of market power. In this respect, craft unions and unions of skilled and white collar workers have been able to control access to jobs and to determine wage rates through institutional mechanisms, primarily the industrial council system, whereas the open industrial

unions have relied on collective bargaining, backed up by the threat of industrial action. Union size and density have been relatively more important to the industrial unions within this schema, as numbers have been critical to the exercise of power in collective bargaining.

While the racial division of labour has been central to the enduring nature of union fragmentation, its continued relevance as a source of fragmentation is constrained by the slow growth in skilled jobs and skilled personnel and by the upward mobility of black workers into semi-skilled and skilled occupations, many of whom are attracted to the open industrial unions of COSATU and NACTU. This trend is borne out by the lack of growth amongst the old craft unions – for example, unions such as the SA Boilermakers and the SA Electrical Workers Union. Some affiliates of COSATU have also reported growth in membership amongst skilled and white collar workers, but the numbers are not significant enough to suggest any real change in the organisational fragmentation shaped by the racial division of labour (Baskin 1994 and 1996).

Despite the constraints on ongoing fragmentation arising from the division of jobs and skills along lines of race, this phenomenon is likely to act as a real obstacle to increased union representivity within the workplace. Differing organisational identities and strategies which have been heavily influenced by the apartheid workplace will militate against the ability of unions to represent a broader spectrum of wage earners within firms. Representivity is, in most cases, likely to continue to be determined within the existing context of bargaining units, and changes are more likely to come about through developing co-operation between unions in multi-union workplaces.

The likelihood of co-operation between unions rather than the development of inclusive union organisation in workplaces is furthered by another underlying source of union fragmentation, namely political divisions within the union movement. Political divisions have historically overlapped with racial divisions to a large extent, and have also cross-cut racial groups and skill divisions. They have served to divide unions at the workplace level and the federation level where, despite co-operation in forums such as NEDLAC, political differences continue to shape the internal affairs of the federations and their relations with other groupings.

A final dimension of organisational fragmentation is a spatial one. Although not enough information is available to establish a clear map of the union movement and its areas of geographic concentration, it seems very likely that the open industrial unions predominate in larger workplaces concentrated in the urban areas, whereas newer unions have been developing in smaller centres and in areas on the periphery of the major industrial centres. A marked characteristic of unions registering during 1995 was their general nature – of 44 newly registered unions, half were registered for a range of industries. A good example is that of the SA General and Allied Workers Union which registered early in 1995 for the commercial distributive trade, the printing and newspaper industry, security services in Durban, farming undertakings in Alfred, Lower Tugela and Lower Umfolozi, and the leather industry in the Lower Tugela.

If it is the case that the union movement is predominantly concentrated in larger urban centres and in particular industries or occupational groups, then the definition of “workplace” in the LRA could pose an important challenge. As mentioned above, “workplace” may refer to the various operations carried out by an employer and unions may be required to be representative in all these different locations. Multiple operations are more characteristic of the commercial, retail and service sector and existing unions in these sectors may be faced with having to establish an organisational presence in geographic areas where they have not operated previously. The organisational and financial implications of doing so are likely to pose severe problems for many unions and it is also likely that the larger unions will face stiff competition from recently established unions in these smaller centres. Even in cases where large, established unions are able to determine bargaining arrangements through collective agreements, rather than by reference to the LRA, a problem of competition from other unions may, nevertheless, become more pronounced, as will the demands from wage earners whose conditions become affected by agreements set in more centralised forums.

The above aspects of union fragmentation – the racial division of labour, political differences and the problem of spatial coverage – all pose problems for the changes to union structure envisaged by the LRA. But it seems clear that the larger unions, which are better resourced and hence in a position to be more responsive to members’ needs, will be best placed to respond to the challenges posed to union structure. This is not, however, to imply that smaller unions are not desirable or that they cannot be effective in relation to their members’ interests. Quite the contrary: there may be a clear logic to the organisational and administrative effectiveness of smaller unions in certain areas and for certain categories of wage earner. As long as unions are able to articulate their membership interests, are powerful enough to satisfy some of these interests and allow involvement in decision-making, then size is not necessarily relevant to their effectiveness.

7 CONCLUSION

Until the early 1980s, South African labour legislation adopted a highly interventionist approach to the question of union recognition and the organisational forms that unions should assume – at least in terms of whom they were able to represent. Since the early 1980s, this practice changed to allow for statutory recognition of non-racial unions. But the changes to labour legislation in the post-Wiehahn period contained no clear policy regarding issues of union structure and the result has been a continued proliferation of unions, many of which may well be in a position to claim representativeness only in relation to particular racial or occupational groups.

The LRA opts for a flexible approach to union structure, allowing for a continuation of the status *quo* via collective agreements, and relies on a notion of representivity which may be used to decide on access to the rights contained therein.

Representivity as related to a broader range of employees in firms and to the various operations of employers may be desirable in theory, but does not bear much relation to the way in which the structure of unions has evolved in the SA labour movement, particularly as regards the range of employees covered by union organisation. Furthermore, the practical implication of this is likely to be a privileging of larger unions. To the extent that this development corresponds to a more effective representation of the interests of wage earners, it is clearly to be welcomed. But it would be detrimental to existing unions and emerging unions if decisions about organisational rights are made purely on administrative grounds, that is, in relation to possible costs to employers of having to deal with more than one union, or on the assumption that small unions are necessarily ineffective.

Change in union structure is inevitably a gradual and evolving process which is influenced, in part, by legislative change. It is also influenced by change in the structure of collective bargaining and, very importantly, by the choices that unions make in order to pursue their goals. While some unions may choose to broaden their representativeness, they will undoubtedly face organisational, political and cultural constraints in moving from their present style of organisation to one that is able to represent a more diverse range of interests. A change to majoritarian unionism, as envisaged by the LRA, is thus unlikely to come about in the short term. What is more likely is that the LRA may serve to strengthen union co-operation within the new institutional structures: bargaining and statutory councils and workplace forums. In an industrial relations and bargaining environment that is becoming more competitive and more constrained by economic pressures, there are likely to be greater incentives for inter-union co-operation and coalition-building at workplace, sectoral and national levels. Some increase in union merger activity may result from such a trend. But whether it will lead to a shift away from the old lines of political and occupational demarcation that characterise the South African union movement, remains to be seen.

TABLE 1: Number of Trade Unions and Federations 1980-1995

YEAR	NUMBER OF UNIONS	NUMBER OF FEDERATIONS
1980	188	11
1981	200	11
1982	199	13
1983	194	13
1984	193	12
1985	196	12
1986	195	11
1987	205	11
1988	209	10
1989	212	10
1990	198	10
1991	195	7
1992	195	11
1993	201	8
1994	213	9
1995	248	11

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