

Strategies to
inspire, organise
and represent
workers.

The Negotiator's Guide

LRS Labour
Research
Service



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Introduction



This guide is for **working class leaders** – for the shop steward, organiser and negotiator who wish to organise and represent workers in a world of work that has changed profoundly over time, and which continues to change.



This guide is for **negotiators looking to renew their strategy** and approach in the face of the ongoing reorganisation of work, retrenchments and restructuring, and the increasing precariousness of being a worker.



This guide is for **negotiators looking for ways to inspire workers** to believe in and exercise their individual and collective power in the struggle for social justice.

The content draws inspiration not only from our **member unions**, but from a wide range of **experiences in collective bargaining** as shared by negotiators of:

- Building, Construction and Allied Workers' Union (BCAWU);
- Food and Allied Workers Union (FAWU);
- Health and other Service Personnel Trade Union of South Africa (HOSPERSA);
- Hotel, Liquor, Catering, Commercial and Allied Workers of South Africa (HOTELICA);
- Metal and Electrical Workers Union of South Africa (MEWUSA);
- Migrant Workers Union of South Africa (MIWUSA);
- Media Workers' Association of South Africa (MWASA);
- Namibian Domestic and Allied Workers Union (NDAWU);
- National Education, Health and Allied Workers Union (NEHAWU);
- National Union of Mineworkers (NUM);
- National Union of Metalworkers of South Africa (NUMSA);
- Public Servants Association of South Africa (PSA);
- United National Transport Union (UNTU);
- United Domestic Workers of South Africa (UDWOSA).

The ambition of this guide is **to be of service to negotiators in different settings**, ranging from the formal bargaining environment to the more informal bargaining environment.



After all, organising has little meaning if it does not find expression in bargaining and bargaining will have limited influence if it does not consolidate and expand opportunities for organising.

Quite often, the same negotiator will be faced with different forms of employment in and around a single workplace.

This guide is intended to support negotiators across the spectrum, from the full-time jobs at a lead enterprise to the precarious and informalised jobs at the margins of the formal sector.

Although the main focus of this guide is collective bargaining, several of the chapters deal with the link between bargaining and organising. After all, organising has little meaning if it does not find expression in bargaining, and bargaining will have limited influence if it does not consolidate and expand opportunities for organising.



What is in the guide

1

An Introduction to negotiations breaks down the bargaining process into four parts: **Preparation, Negotiation, Agreement and Implementation**. This chapter offers a series of guiding steps that a negotiator can follow in each part of the process.

2

Recruitment and Organising is a short think piece that invites the negotiator to revisit two key processes behind collective bargaining. This chapter distinguishes between a worker that has been recruited and a worker that is organised, by describing what each of these workers are thinking about, what feelings they might experience and how they might act.

3

Coalitions and Solidarity is a short think piece that looks at building alliances that can further collective bargaining by describing eight leading ideas for building solidarity in and through coalition building.

4

Using the Labour Laws to Support Bargaining Strategies walks the negotiator through 16 common workplace challenges and the labour laws that could help deal with these situations.

5

A Framework for Collective Agreements gives the trade union negotiator a way of thinking about conditions at work. This chapter describes a way of thinking about what is in a collective agreement, how it responds to the needs of workers and what can still be negotiated to improve the quality of life of a worker.

This chapter describes the main conditions of work which should be dealt with in some way in a collective agreement. It also provides the negotiator with benchmarks in South African labour law to help establish a floor of minimum conditions at work. This chapter should be useful for worker leaders in more informal workplaces as they attempt to establish minimum standards.

6

An Introduction to Wage Bargaining is a deep dive into this important aspect of collective bargaining. The chapter provides a set of steps for building a wage and it outlines different approaches to dealing with inflation. It also includes simple formulas which the negotiator can use to calculate percentages and money amounts, and communicate these to workers.

7

Bargaining for Gender Equity examines how collective bargaining is an important tool for representing workers' interests, and how it has the potential to address structural gender inequities in both the workplace and trade union.

The struggle for gender equity is not only about treating men and women equally, but also involves treating the genders differently when necessary. This chapter explains important terms to know, describes specific bargaining demands for gender equity and provides the negotiator with a guide to the bargaining process.

8

Workplace Rights Belong to Everyone explains how trade union negotiators can help protect workers from the experience of oppression and discrimination based on their sexual orientation and gender identity.

This chapter explains important words and terms that we can use when talking about equality, as well as an overview of the legislation that is intended to protect workers from discrimination. It includes suggestions on how trade unions can support and protect LGBT members and examples of how collective agreements can play a role in dealing with discrimination based on sexual orientation and gender identity.

9

Negotiating Restructuring and Retrenchment provides guidance on how the trade union movement can adopt practical strategies to save jobs. This guide contains some ideas for trade unions to consider. It is a base on which unions can build their own strategies.

This chapter will help trade union negotiators think through a plan to save jobs at companies. The guidelines in this chapter describe an early warning system for companies in distress, providing help with understanding what is wrong with the business and deciding on the most important interventions. Furthermore, the chapter describes strategies for minimising the impact of retrenchments when they are unavoidable.

10

Organising and Bargaining in Value Chains introduces the negotiator to the concept of value chains and explains that almost all negotiations take place within a part of a larger value chain. This chapter describes how trade unions can use value chain mapping to make the connections between workers that informalisation might have hidden from view.

11

Negotiating the Future of Work describes the main process features of the future of work and the words and terms used to talk about it. This chapter describes strategies that trade unions can adapt to be more influential in shaping and responding to the future of work.