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An investigation of conflict and conflict resolution in the 2009 teachers strike in Soweto public schools

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UNIVERSITY OF THE WITWATERSRAND

GLOBAL LABOUR UNIVERSITY

THE GRADUATE SCHOOL OF SOCIAL SCIENCES AND HUMANITIES

UNIVERSITY OF THE WITWATERSRAND, JHB

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TITLE: An investigation of conflict and conflict resolution in the 2009 teachers strike in SOWETO public schools.

A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfillment of the requirements for the degree of Master of Arts Labor Policy and Globalization (by Coursework and Research Report).

Johannesburg, February 2011

ABSTRACT

This study investigates conflict and conflict resolution in the 2009 SADTU strike in SOWETO public schools. It is an attempt to contribute to the understanding of the phenomenon of wildcat strike which presents itself as a significant problem in industrial relations. The study showed that a wildcat strike is characterized by underlying factors which tend to be the long term causes of the strike, the immediate causes of the strike and the strike trigger. These are followed by other processes such as violence during the strike, mediation, conciliation and finally the conclusion of the conflict.

This study was conducted in SOWETO where the wildcat strike under investigation took place. This was a qualitative study using one-on-one interviews and semi-structured questions. The respondents composed of SADTU site stewards, School Principals, Officials from the Gauteng Department of education, the Gauteng Department of Labour, Officials from COSATU and union leaders from SADTU, NEHAWU, NACTU and NUM.

The involvement of the union in the decision making process is characterized by a lot of controversy especially when it comes to filling of promotional posts for deserving educators. Unions abdicate their observer status and demand to be key decision makers despite this being the sole responsibility of the Department of education officials. This research illuminates the realities of using schools as places where the broader social, economic and political conflicts are often played out. The study revealed that having access to union power gives one an opportunity to be promoted. Those who are promoted do end up as government officials within the education

department, resulting in virtually every current government official in the education department having been a SADTU official in the past.

DECLARATION

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts in Labor Policy and Globalization at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other University

Signed this.....day of.....2011 Carthage Tony Kenosi

DEDICATION

To the four people who matter most in my life, my late wife Malebogo Kenosi, my late grandfather Tlalanyane Moswang, my late father Samson Tautona Kenosi and my mother Irmengard M. Kenosi- for a better future.

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This research would not have been possible without the invaluable supervision and mentorship by Dr. Karl von Holdt. I greatly appreciate his support and encouragement throughout the research process. The encouragement I received from my supervisor gave me the strength to go on. I still remember the warm welcome I received from him and I now feel like going on and on.

Many thanks to the funders of this programme the International Labor Organization (ILO) and the other Global Labor University (GLU) partners to whom I owe the realization of this dream. Your dream has surely come true.

I am also thankful to all my friends who provided some useful criticism.

I greatly thank the School principals who welcomed me into their schools, those who agreed to be interviewed, being the SADTU site stewards, COSATU officials, Department of Labor Officials, PEU Officials and most gratefully the Gauteng Department of Education for the support they gave me. From the SADTU headquarters I would like to appreciate the invaluable support I received from Kaizer Makole.

I also thank all my colleagues at the Botswana Secondary Schools Teachers Union (BOSETU), for all the support and for believing in me. Special mention goes to Comrade Kwenasebele Modukanele for facilitating my access to study at WITS.

ACRONYMS AND ABBREVIATIONS

COSATU	Congress of South Africa Trade Unions
CCMA	Commission for Conciliation, Mediation and Arbitration
DoL	Department of Labor
GDE	Gauteng Department of Education
ELRC	Education Labour Relations Council
HoD	Head of Department
NACTU	National Council of Trade Unions
NEHAWU	National Education Health & Allied Workers Union
NUM	National Union of Mineworkers
SADTU	South African Democratic Teachers Union
SGB	School Governing Body

SMT	School Management Team
PEU	Professional Educators Union

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CHAPTER ONE

Introduction

Industrial conflict is conflict that occurs between the various parties that are involved in the employment relationship. A strike has been identified as the most visible type of conflict. As Hyman (1974) explains, a strike is a calculated act by the workers to achieve their goals. He also defines a strike "as a temporary stoppage of work by a group of employees in order to express a grievance or enforce a demand". (Hyman, 1974, P.17).A strike is commonly described as a weapon that the employees use against the employer and it is basically a way to coerce the employer to give into the demands of the worker, or at least to make some concessions as regards their demands. An Industrial conflict may be organized and regulated or unregulated Hyman1974). Those that are regulated operate within the confines of the law, or accepted regulatory frame-works of rules and procedures. The unregulated conflict occurs outside the frame work of the law, and any regulation and producers. These will be the wildcat strikes Hyman (1974). One feature of the unregulated type of conflict is that it usually involves a small group of individuals. Typical of this type of conflict is the wildcat strike, whereby the workers engage in industrial action outside the established legal frame work, rules and procedures. In most cases the union official may not be aware of the strike nor will they have been consulted. They may also actively oppose the strike (Hyman, 1974). As Knowles also explains "an unofficial strike is one which is not recognized by the union officials" (Knowles, 1952, p.30)

Most of the available literature treats wildcat strikes as an anomaly. This may be a result of the strike being unconstitutional, and also that the executive committee of the union would not have recognized the strike (Bastone, 1978; Byrne and King, 1986). The literature on strikes indicates

that the reasons for the occurrence of a wildcat strike are highly complex. In most incidents the reasons given for the strike may be only the proximate cause with the true reason for the unrest being more deeply seated. Wildcat strikes are closely related to the human aspect of industrial relations (Bastone, 1978; Byrne and King, 1986). Previous studies have shown that a single event will usually act as a trigger for a strike. They have also shown that despite this single event there may be other reasons that would have contributed to the strike. The literature on strikes indicates that the single most significant conclusion is that wildcat strikes appear to be the culmination of events that are indicative of a poor relationship between workers and management.

Hyman (1974) in his discussion of wildcat strikes argues that these type of strikes are morally improper since they are unconstitutional and in breach of agreement. This also makes the strikes to be an irresponsible act, because they do not have official recognition by the union executive. These types of strikes are also noted to be particularly disruptive. They usually occur over a brief period of time and begin without notice. The SADTU 2009 teacher's wildcat strike tended to confirm these observations by Hyman.

In his presentation on factors in the conflict over education, Hunter (1977) concludes that the main conflicts in education policy tend to be those related to allocation of resources and the right to participate in decision making. He argues that the political organization of any society is closely linked to its education system. They therefore influence and impact one another in various and complex ways. This therefore explains why the intense political conflict in South Africa is also transmitted to the educational conflicts in the schools. Consequently, the political

values of a society become its educational values. This research has revealed that political and economic considerations were the main driving force behind the wildcat strike rather than educational goals. Within the South African education system teacher trade unions are given an observer status in the process of determining which educator deserves to be promoted to a post of responsibility. The involvement of the teacher unions in this decision making process is usually characterized by a lot of controversy. Unions abdicate their observer status and demand to be key decision makers despite this being the sole responsibility of the Department of education officials.

The members of the South African Democratic Teachers Union (SADTU) went on strike on the 3rd June 2009. The reason for the strike was that certain teachers who had qualified for promotion into posts that were advertised were not duly promoted. The members of the SADTU Gauteng Central Region then embarked on a strike demanding that the director of district 12 sign appointment letters for certain school principals of their choice. The teacher trade union also threatened that they would bring schooling in Soweto to a halt by disrupting the office work of the Gauteng department of education District 12 offices in Florida. Teachers then went on to picket at the offices of the department of education District 12 office in Florida. The teachers further instructed the employees at the Department offices to return home and only report for work when the Director had given into their demands. The teachers further went to Die Burger High school, and interrupted the examinations that were going on in the school. Their reason for this action was that it was unfair for some pupils to be allowed to sit for examinations, while others could not do so.

The strike by the teachers highlights two significant issues discussed by Gouldner (1954) in defining a strike. He identifies a strike as a refusal to obey prescribed authority. In this situation the education manager, Director of district 12 would be the authority. This represents a breakdown is the flow of consent, and disruption of the social system. Another factor that is relevant to the definition of a wildcat strike is that provided by Gouldner (1954) as found in the expression of aggression that accompanied the teachers strike. The argument by Gouldner is that "the aggression laden strike is likely to have a greater impact and significance on the surrounding social system, than one devoid of aggression" (Gouldner, 1954, p.66).

Another significant factor highlighted by the teachers strike is the issue of the power and authority relationships. These have been explained through the integration of consensus theory and the coercion theory. Thus, there are some events which took place during the teachers strike, that many explained using both of these theories. There is test of power for the education authority, whether they will be able to enforce their decision to promote certain school principals, and whether the teachers will be able to consent to this decision. Thus the action of the teachers will be motivated by their desire to be authoritative. The continued struggle between conflicting groups is over the distribution of authority within the social structure. Those without authority wish to improve their position. This explains why the teachers found it legitimate for them to present their own list of names of candidates who qualified to be promoted to the principal ship. Karl Von Holdt (2010), in his analysis of wildcat strike argues that one of the causes of wildcat strike is the fact that worker's rights which were guaranteed under the law could not be realized in the workplace. This explains why the workers did not have any reason to act in any way according to the law and formalized procedures.

The aims of the study

The aim of the study was to investigate why the teachers chose to embark on a violent wildcat strike in SOWETO in 2009, rather than using the collective bargaining institutions and the dispute resolution procedures. The study aimed at understanding the role of teachers, the union and employer in the breakdown of procedures, and to come up with measures that can be put in place to ensure that the violation of procedures and strike violence are avoided in future.

This was done by answering the following research questions.

- What are the reasons for the teachers to choose to embark on a violent wildcat strike in SOWETO in 2009, rather than using the collective bargaining institutions and dispute resolution procedures?
- What is the role of teachers, the union and the employer to the violent wildcat strike in SOWETO in 2009?
- What measures can be put in place to ensure the collective bargaining institutions and the dispute resolution procedures can be used in future to avoid further strikes and violence.

The limitations of the study

This study was limited to the SADTU SOWETO wildcat strike of 2009. Some of the interviewees had to be visited several times before an interview could be secured. This delayed the data collection process. In two incidents the researcher had to abandon any more effort on trying to secure any interviews, since it had become clear that no interview was going to be granted. An important incident for this research was when the researcher was given so many reasons why the appointment for the interviews with the SADTU national executive of the union

could not be secured. SADTU are important because they were the gate keepers for this research. The findings of this study cannot be generalized to all the unprotected teacher strikes that have involved SADTU members. SADTU has branches in all the nine provinces of South Africa. These provinces have also experienced unprotected teacher strikes. Focusing only on the Soweto branches limited the scope of the study.

The significance of the study

This research is an attempt to contribute towards the understanding of the phenomenon of wildcat strikes and also strategies to avoid them using the collective bargaining institutions and the dispute resolution procedures. The management of industrial conflict within the teaching profession is an important determinant factor towards the success of teaching and learning in public schools. In this study an attempt was made to understand the causes of the SADTU SOWETO wildcat strike of 2009 and ways of avoiding them in future, using the collective bargaining institutions and the dispute resolution procedures.

The rationale of the study

The rationale of the study was to provide an insight into the underlying causes of this kind of industrial conflict and also to investigate why the teachers undertook a strike that did not comply with the procedural provisions of the law and consequently affect the legality and protection conferred on the strike.

In 1994 a new political dispensation was ushered into South Africa bringing with it political democracy and the adoption of a new labour relations legal framework. Section 18 of the

constitution gives the teachers the right to form and belong to a trade union. Section 17 of the constitution also gives the educators the right to assembly, to be able to engage in a demonstration, to picket and also to petition**.** The labour relations act of act 66 of 1995 was put into place and it became the new law that governs the labour relationships. The act also stipulates the legal requirements that have to be fulfilled before the employees can embark on a strike or the employer to lockout the employees. This act is important because any strike which is carried out in terms of these procedures is legal and therefore termed protected strikes or lockouts. According to the law if educators engage in a legal strike they will then be protected by the law. The employer may not dismiss employees for participating in protected strikes. An educator who has reason to believe that any of their rights and privileges has been infringed upon by any action of the government will be entitled to a redress provided for in the law.

In June 2009, SADTU, through the regional structure, embarked on an illegal violent strike. This illegal strike was carried out despite of the existence of the advanced labour legislation, which provided a mechanism to resolve disputes. This research, therefore, will explore why teachers embarked on an illegal strike in face of highly developed institutional framework and their rights to strike. The underlying causes of illegal strikes have not yet been clearly identified. It is against this background that this study hopes to provide the insight into the problems that lead to the industrial unrest in the secondary schools of Soweto, Johannesburg.

The study constitutes a contribution to the study of industrial conflicts. By helping to illuminate the origin and nature of wildcat strikes in senior secondary schools in South Africa, The significance of this research is to contribute to greater understanding of the interaction between industrial relations and industrial conflict in the context of labour management relations. By

examining the relationship, the study provides insight on the existence of high levels of industrial conflict in a situation of high levels of labour laws in the new democratic South Africa.

In conclusion, this research into the June 2009 SADTU wildcat strike will thus be used to advance general knowledge on wildcat strikes, and hopefully to resolve specific problems related to this type of industrial disputes. The research findings will give educational authorities a better understanding of how to strengthen institutions for conflict resolution and promote industrial peace and harmony within the education system.

The structure of the thesis

This research is divided into five chapters.

Chapter One

This chapter introduces the aims and the rationale of the thesis.

Chapter Two

Chapter two discusses the literature review. The literature review focuses on the causes of strikes. This locates the theoretical framework of the study. The study draws on previous knowledge to try and explain what caused the SADTU SOWETO 2009 teachers wildcat strike. This incident took place within a labor environment that has several institutions in place which are designed for the resolution of conflict within the teaching profession such as the education labour relations council.

Chapter Three

Chapter three looks at the findings of the research. These are the reasons or the causes of the SADTU SOWETO teachers' wildcat strike as presented by the respondents.

Chapter Four

Chapter four covers the data analysis

Chapter Five

Chapter five is concerned with the conclusions of the research, and the recommendations. This chapter attempts to make a reflection on the findings in chapter four. These are attempts by this research to assist the education system to prevent and avoid strikes in the future.

Strengths, weaknesses and problems in the field

The different research instruments that were used in this study had some limitations. There may have been non deliberate bias from the researcher and deliberate bias arising from the respondents. The research instruments used were however used to complement each other to minimize the effect of bias. This would minimize their weaknesses. SADTU as the gate keepers to the research were not prepared to fully cooperate with the research since it involved an incident which they regarded as an embarrassment. They therefore offered very minimal assistance. The researcher could not access their official documents related to the strike. The national executive members refused to be interviewed. In one incident they made the researcher to interview a shop steward who knew very little about the wildcat strike under investigation. They refused to introduce the researcher to the teachers who were involved in the wildcat strike. All this delayed the data collection stage of the research. The researcher was able to secure the best assistance from the education department officials who were involved in the incident under

investigation. The limited time available for the research meant that this opportunity could not be exploited to its maximum. The research was conducted with a very limited budget and as a result the researcher faced some financial constraints.

CHAPTER TWO

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

Introduction

This chapter highlights the theoretical framework and literature review pertaining to the aim of the study, which is to investigate why the teachers chose to embark on a violent wildcat strike in SOWETO in 2009, rather than using the collective bargaining institutions and the dispute resolution procedures. The main purpose of a literature review is to make an analysis of the key issues which are examined in this research.

Theoretical framework

The definition of a strike has been provided for in the South African Labor relations act. Section 213 of the act defines a strike as "the partial or complete concerted refusal to work or the retardation or obstruction of work by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee."(Riveter, 2003, p.176; Pons and Dale 1989, p.1-43) Strikes have been classified in many ways, and the most common are the economic strikes, the grievance strikes, the wildcat strikes, the sit-down and go slow and the general and political strikes (Nel, 2001, p.180-181; Cooper, 1979, p.17; Venter, 2003, p.474-477). There are two important and famous definitions of a wildcat strike which have been provided by Knowles and Gouldner. According to Knowles "an unofficial strike is one which is not recognised by the executive of a union" (1952, p.30), while Gouldner defines a wildcat strike "as one in which the formal union leaders have actually lost control, and

the strike is led by individuals whose position in the formal structures does not prescribe such a role for them" (Gouldner, 1954, p.95).

Explaining the wildcat strike

Most researchers will make a distinction between an official strike and the unofficial strike, which is also the wildcat strike. The wildcat strike will be classified as an unconstitutional strike. They are also described as unprotected strikes, where the workers do not enjoy the protection of the law as against constitutional strikes where the workers are entitled to legal protection. The wildcat strike will not be sanctioned by both the union officials and management, and as such it will not be recognised by the union leadership. From the definition provided by Gouldner the union officials would have lost power over the control of the workers in terms of their position in the union. As such the executive committee of the union will not recognise such a strike. One of the characteristics of the wildcat strike is that it breaches established collective bargaining procedures and other laws governing the relationship between the employer and the employee.

The wildcat strike stands out as a revolt against which rejects all the constitutional provisions. Since the wildcat strike is not sanctioned by the union leadership those who engage in the strike are not entitled to union assistance in relation to the strike. One outstanding feature of a wildcat strike is its duration which is usually very short, and also that they take place without any notification to the authorities. In addition to this, wildcat strikes are noted to be more widespread than the official strikes. According to Knowles the wildcat strike may involve the violation of both "the contacts of the workers and the agreement" (Knowles, 1952, p.31).Fantasia (1988) argues that one of the characteristics of a wildcat strike is that workers will bring an end to production on their own initiative. This will be done to force a resolution to their grievance. This

will be done at the shop floor level. In this way they deny both the leadership of the union and management of their ability to have any control over any responses to the strike action. Finally wildcat strikes have been noted to have the ability to undermine the foundations of existing unions, to the extent where even new unions have been established as a result of them.

Spontaneity of wildcat strikes

The literature on wildcat strike indicates that there is a general consensus that a wildcat strike is a phenomenon that is unplanned and spontaneous. This phenomenon has as such been described as being an unorganized conflict or an unofficial strike, by being unorganized by implication suggests that the event lacks other aspects such as calculated strategies. In their research on wildcat strikes, Scott and George (1974) argue that their research findings indicate that wildcat strikes that take place are characterized by some kind of informal communication and group organization. There was some indication that the strikers had some kind of leadership. These would normally be derived from some of the group members who would have actively participated in the strike. These would be emergent leaders who would have had some kind of planning. They argue that the planning could have taken place over a short period of time, being a few minutes to several hours before the event. This would in itself qualify the wildcat strike to be an organized event. The leadership of the strike will also be involved in some consultation with those who are related to the strike action. Iyayi (2001) in his study of wildcat strikes in Nigeria is in agreement with this perspective. He argues that a wildcat strike is best described as:

"a process involving the disruptive actions of organized groups of employees outside of the formal direction and control of the elected union leadership…this conceptualization suggests that

> a wildcat strike has at least two basic features: it is a process; and it is carried out by an organized group of workers outside the formal structures established for managing employee grievances. Iyayi (2001, p.2)

The above feature of a wildcat strike enables research to identify the process through which the wildcat strike has occurred. This would reveal some variations in the different wildcat strikes that are experienced. Each wildcat strike would have its own dynamics and structures.

Strike statistics have been used to help understand the phenomenon of strikes. These however have been acknowledged to have some limitations. They are described as "unsatisfactory and always including a large miscellaneous columns which defy any description" Scott and Homans, 1974, p.280). The argument is that statistics do not reveal some aspects of the strike namely the group loyalty that exists amongst the members that could have facilitated the wildcat strike. Fantasia, (1983) concurs with this view from his study of wildcat strikes. He argues that statistical figures are unable to reveal the substance of industrial relations. In this case the statistical figures will not be able to reveal the solidarity of the workers. It is acceptable to use measures such as the number of strikes, the number of participants, the man-days involved as a measure of strike intensity. Fantasia, (1983) argues that this may be a very misleading argument. He argues that "a two hour wildcat strike which harnesses the solidarity of the workers in a plant and wins their demands immediately can be more intense and contribute more to laying the ground for future collective action than a six months hard fought strike".(Fantasia 1983, P.75). The conclusion is that the strike figures are not sensitive to human relations. Solidarity amongst workers who engage in wildcat strikes has been noted to be particularly high, and it stands out as

one of the fundamental aspects of the strike. This will mainly be a result of the fact that the workers have no union protection and there is a high chance that the workers may lose their jobs.

The increasing resort to wildcat strikes

The traditional belief is that conflict is dysfunctional and it becomes destructive when expressed in the form of wildcat strikes. Hyman (1974) argues that wildcat strikes though occurring over a brief period of time tend to have very negative consequences for the organization. Contrary to research on strikes carried out by Karl Von Holdt (2010), it indicates that workers view wildcat strikes as beneficial in that they are a very effective way of resolving conflicts in the work place between the employer and the employee. Workers argue that management has to be pressurised in order for them to meet the demands of the workers, and the wildcat strike is the most effective way of achieving this**.** The workers would have identified the wildcat strike as the ultimate means through which they will be able to protect their rights. Brown (1983) argues that in a work place, workers soon realize that there is strength in numbers. This awareness makes them to readily to use the wildcat strike as a means to harness this strength. The wildcat strike becomes a way through which the workers realize their wishes and make their resentments to be felt directly and forcibly. According to McCarthy (1972, p.387) “it would be futile to expect men to be deterred from using the strike weapon if they know its speedy use is the only means at their disposal to get redress for their grievances”. In his study of causes of wildcat strikes in Sweden, Korpi(1981) notes that the workers perception of managerial authority, including the manner in which workers perceive the management actions to limit their rights, the improper behaviour of managers often leads to unofficial strikes.

The strike action by the workers is considered to be a source of empowerment. This empowerment can be achieved through disregarding laws and other institutions which are regarded as oppressive, for example in instances where the workers may perceive the collective dispute resolution to be unfair. The wildcat strike may be based on an immediate workplace grievance, with the strike taking place over a very brief period of time. The issue at hand is resolved without having to undertake lengthy legal procedures. Korpi (1981) notes that the wildcat strikes are the most common form of industrial disputes; while at the same time they are the least reported and recorded form of industrial dispute. This lack of reporting and recording may be encouraged by management since such behaviour may come as a source of embarrassment. The management may not be in a position to engage in lengthy court proceedings that may damage the working relationships. The media may also not report the incident because it may not be news worthy.

One of the factors responsible for the increase to resort to wildcat strikes is that workers are aware that there are no effective ways of punishing those who have violated the established procedure. Iyayi (2001) in his study of wildcat strikes in Nigeria noted that the country lacked both the personnel and other resources to enforce compliance with the labour legislation. In a similar observation in South Africa, Karl Von Holdt (2010) noted there is limited extent to which the state can enforce its authority on workers who transgress the law. He noted that public sector workers who had ignored court interdicts against illegal strikes went unpunished. This had gone to the extent that people who had committed murder as having not been charged for such offences. The author relates this to several reasons, paramount being the fact that several social,

economic and political factors come into play and undermine the institutionalisation of industrial conflict in South Africa, particularly that the post-apartheid social order which remains "provisional and contentious" Karl Von Holdt (2010), argues that the social order in post-apartheid South Africa is not yet a settled matter. However according to Gouldner (1964) adherence to established rules is more dependent on the willingness of the affected parties to abide by the law, rather than simply having the laws in place. This will explain why there will be an unconstitutional or wildcat strike.

According to Karl von Holdt (2010), the socio-economic and political life of the workers influences the trade union activities in the work place, thus what happens in the broader life of the worker is translated into a wildcat strike in the work place. In other words, what happens to a worker outside the work place influences their working life.

According to Brown (1983), the wildcat strikes are a manifestation of a shift of power to the shop floor. In the past, the most important activities within industrial relations were taking place at the national level, they then proceeded to the union hierarchy and finally to the group of workers at the workplace. The nature of industrial relations has now changed whereby the shop stewards role and influence has gained prominence. This is caused by the fact that the strike now originates from the rank and file. This would be the wildcat strike. The role of the union leaders is now to ratify a situation which they were powerless to restrain.

Brown (1983) further argues that the incident of a wildcat strike is associated with the level of employment. In situations where there were high levels of employment to full employment workers were more willing to take the risk of engaging in a wildcat strike since there were lower chances of losing their jobs should they be found guilty of engaging in an unconstitutional and unprotected strike Workers would not be willing to engage in a wildcat strike if the chances of losing their jobs were very high, “full employment removes this fear” Brown (1983, p.146).

According to Eldridge (1998), wildcat strikes are associated with disputes that are termed perishable disputes. This may be an instance where something occurs which leaves the worker with only two options, either to submit or to fight back. In this instance the need to resolve the issue speedily or as quickly as possible takes precedence. There may also be instances where it impossible or difficult to consult the union leadership over the matter. The worker may also realise that trying to resolve the issue through established legal channels may prove to be too lengthy. By the time the issue is resolved, the worker would have lost out and the wildcat strike presents itself as the only viable option. The wildcat strike is therefore necessitated by these conditions.

Causal theory

Creswell and Murphy (1980) have used the causal theory to explain why strikes will occur. This model for strike is based on the stimulus response reaction. The strikes are interpreted as behavioural responses to certain situational stimuli. The teacher union may be in a situation

where it is unable to secure a settlement over an issue which it regards as very pertinent, and thus, depending on the strength of the stimuli, the teachers may choose a strike as the preferred option. The teachers would also confirm that other factors would support their preferred option to engage is a strike. Creswell and Murphy (1980), have identified these factors as situational stimuli, and have stated them as a tactical consideration, immaturity in bargaining, individual frustration, or relative deprivation, unsatisfied basic needs, sociological forces, and organizational deprivation (Creswell and Murphy, 1980, p.355). The tactical considerations are influenced by the teacher's desire to achieve some utilitarian purpose. The teachers will strike because they will achieve some benefits from the strike. The tactical factors are those that have to do with the functional importance of the strike, such as in the negotiation process. They may be used to influence the outcome of the negotiations. The immaturities in bargaining are those strikes that result from failing of the negotiation process. This may lead to bargaining mistakes to diminish as both parties to the negotiation process gain some experience. The frustration and deprivation such as large classes and low salaries are factors that motivated the teachers to support the strike Creswell and Murphy (1980). The teachers have to be sufficiently unhappy with their conditions such that they will be willing to engage in the strike activity.

The basic needs model has to do with the psychological needs of the teachers. There may be real or perceived needs of the teachers such as lack of job security, or poor salaries. This may make the teachers to be unhappy with their social status. The sociological forces are more to do with the stimuli that the teachers receive from their environment Creswell and Murphy (1980). The teachers may be influenced by broader aspects of the society such as the need to change the current political system, which may be the civil rights movement in the case of America, while in

South Africa teachers were influenced by the struggle against Apartheid. The organizational deprivations are a result of the conflict that may arise between the employer and the teachers. The conflict arises out of authoritative structure of the bureaucratic relationship in the organization Creswell and Murphy (1980). The teachers may demand that they be given the right to participate in the decision making process. It is important to note that several of these causal stimuli may be present in a single strike situation. For example the economic deprivation of teachers is terms of low salaries, may lead them to strike in order to achieve higher salaries, thus combining relative deprivation with strike activity as tactical. Since the strike will be involving many teachers, they will each have their own individual reasons for choosing to engage in the strike Creswell and Murphy (1980).

The behavioural model

Campolieti et-al. (2005) have used the arguments from the behavioural model tradition to explain strikes. They argue that strikes involve the mobilization of workers by appealing to their conception of fairness and legitimacy. This way of reasoning has been found to have a profound influence on the readiness of the workers to engage in strike action, and it will also affect the duration of the strike. The behavioural tradition also attributes strike to problems of suspicion and hostility that are closely related to managerial policies and practices Campolieti et-al. (2005). This behavioural model can be related to the event of the wildcat strike conducted by members of SADTU in 2009. The spokesperson of SADTU, Ronald Nyathi particularly appealed to the union members not to accept a management decision that was viewed as unfair. The decision of management was also a practice emanating from a dubious managerial policy, since the

appointment of school heads that was made by the school governing bodies should have been accepted.

The political model

This model is based on the issue of the power and authority relationships (Unterberger and Koziara, 1980). Thus, there are some events which can take place during the teachers' strike that may be explained as a struggle for power and authority between the employers and unions. The main reason can be a test of power for the education authority whether they would be able to enforce their decision to promote certain school principals, and whether the teachers would be able to consent to this decision Vroman (1989). The struggle over power is also noted to have influenced the public sector strikes that took place in 2007. It has been noted that COSATU was particularly against the economic policies that were adopted by the Mbeki government. On the other hand COSATU insisted that there were no political aims and objectives behind the strikes, but purely a struggle over economic differences.

The institutional model

The collective bargaining process has been credited as being the social invention that institutionalized industrial conflict Bastone (1978). It has to some extent assisted in the regulation of the relationship between the employer and the employee. It has also provided a means to resolve industrial conflict. The directions and the outcomes of the bargaining processes are determined by the power relations that exist between the employer and the employee. Both the employer and the employee try to use power and force to make the other to concede to the

other's demands Bastone (1978). This process is formalized in the bargaining agreement. The collective agreement represents a compromise between what the employer wants, and what the employee wants Bastone (1978). It has been noted that the strike as a form of collective action is a result of the institutionalization of unionism in the work place. Bastone (1978) also argues that if work is collectively organized, there is a tendency of workers also to prefer mobilization that is biased towards a strike action and other forms of collective action. This is the opposite of a situation where there is no institutional support through which the employees can express their grievances. This will lead to individual expression of dissatisfaction in the work place.

The role of the union where it is institutionalized is very crucial in the worker employee relationship, for the union will have recruited the workers into its fold. It will have negotiated collective agreements for its members Bastone (1978). These may be the basis of strike action in future. This relationship is not only accepted by the employees, but also by the employers. It is a type of relationship that fosters some form of team-work in the work place. In addition to this, the employers will also put in place some systems that facilitate collective action. This means that the management will rarely approach individual employees when negotiating the work process. In this situation the manager will consult the shop stewards or other union officials if they have to consult or negotiate over workplace matters Bastone (1978). The institutionalization of the union means that there will be collective bargaining, the result of which may affect the employees in several ways. It may alter their working and living conditions and most importantly their financial rewards. The above situation helps to explain why strikes will occur more often in certain work conditions than others. Thus the extent to which the union has been institutionalized together with collective bargaining creates a strike prone environment Bastone (1978).

Ingham (1974) however has noted that a strike activity is not exclusively related to the institutionalization of industrial conflict. Strikes have also been related to the economic situation of the worker. Thus economic factor have varied influences and act as precipitants to strikes. Thus he argues that "fluctuations in the economy such as the business cycle are among the major determinants of strike activity" (Ingham, 1974, p.35). If there is a decline in the economy, this will result in high levels of unemployment. This in turn will lower the number of workers who are unionized. This reduces the bargaining power of the workers and their ability to engage in a strike activity. The reverse of this process will also empower the workers as more will be employed, increasing their bargaining power and their ability to strike (Ingham, 1974).

The fundamentalist view

The fundamentalist view is that strikes are used to create a balance of power between the employer and the employee Bastone (1978). This is a means of establishing equilibrium in the power relations which enables the employer and the employee to reach agreements or settlements over labor disputes such as working conditions and wages. The view recognized that the employee has a right to strike, and this facilitates the process of collective bargaining. The employer is also empowered by the ability to stage a lockout as a means to get the employees to accept their terms of settling the labor disputes. The behaviour of the employer and the employee in this relationship is controlled by legislation which is meant to avoid a situation of labor unrest Bastogne (1978).

Union access to political power

Access to political power by Unions has also been noted to have an effect on the likelihood of Unions to engage in strikes Smelser (2001). In countries where political parties which have assumed power on the basis of union support, the unions are less likely to go on strike because they will be having some control over government. The union access to political power enables them to have access to the re-distribution of resources, through other means such as the government machinery rather than strikes Smelser (2001). The argument is that when the working class has control over government, the locus of conflict over the distribution of resources, national income in particular, shifts from the labor market and the private sector, to the public sector where political exchange prevail Jackson (1987). Baer (1975) argues that a union has the potential of creating a power Centre that is capable of standing against the power of the state and the power of the corporation. This balance of power has been noted to be important for ensuring that society adheres to the principles of democracy. In this way, the union is able to establish a democratic framework within which the society functions, especially the government Baer (1975).

Strikers and the Business cycles

Jackson (1987) argues that during periods of economic depression, the conflict between labor and capital intensifies, and this often leads to strikes. At this time there is pressure from the employer to reduce wages while the workers must fight to retain what they have already gained. Similarly in periods of propriety the employer will try to hold on to profits while the worker will demand an increase in wages Jackson (1987). The large profit that the employer makes during

periods of prosperity intensifies the contest over the distribution of the resources between labor and capital. This will often lead to a strike action by the employees Jackson (1987). The employees are motivated into a strike action because the economic prosperity increases their chance of succeeding if they demand a wage increase, while at the same time employers avoid a strike that would diminish the profits they are making Jackson (1987).

The reasons why teachers embark on a violent wildcat strike

Studies on the causes of strikes from different countries have constantly revealed that strikes are generally caused by similar factors. Recurring strike issues pertaining to the teaching profession include salaries, job security, and the length of the workday, preparation time per class, and transfer procedures (Jackson, 1977, p.200; Johnson, 198, p.23). The strike may be the result from the parties' failure to reach an agreement. According to Spaul (1992), teachers' strikes in Australia will normally be caused by disputes over working conditions such as class size and the number of teaching hours Spaul (1992). They may be caused by inspection of teachers, protest against tribunal procedures or actual reward decisions and dismissal of individual teachers. Spaul (1992), also notes that teachers rarely have engaged is politically-motivated strikes against wider government policies and never against government foreign policies. There are many reasons that have been given to explain why strikes take place in the work place including schools. Cooper (1979) identifies what she calls multiple reasons for strikes. Walsh (1983) similarly argues that work stoppages are usually a result of many complex events, and this usually makes it difficult to identity one key issue that maybe singled out as the cause of the strike. The argument is that basically strikes are caused by a variety of factors, and in most instances, the resort to a strike

action is caused by a single triggering incident Walsh (1983). An incident that triggers a strike may be linked to other incidents that took place in the past. In some cases, this phenomenon has caused management to interpret such incidents as the sole cause of the strike. The wildcat strike may act as a safety valve that allows the teachers to register a strong protest, but then to return to work within a short period of time Walsh (1983).

Scott and Homans (1974) argue that the reason given to explain why workers including teachers would engage in a strike will not be able to explain why they chose not to go on a strike. This creates an opportunity to investigate why certain workers would engage in strike activities while others would not. According to Hyman (1974) an interpretation of the structural realities of society will enable one to understand the causes of strikes. It is important to understand that society is divided into classes and this is one of the structure divisions that are experienced (Hyman, 1974). This division may also be understood as a form of social stratification. The social stratification of society inevitably leads to members of the society experiencing inequality that will be mostly socio- economic Hyman (1974). This means that the income level of people will be very different, with some people having very high income levels while others will be having very low income levels. Hyman (1974) also notes the conflict arising out of a wage dispute is a constant and permanent one, caused by the fact that there is always an imbalance created by the ever changing economic conditions such as the rise in inflation and the inability of the worker's salary to sustain the worker. Conflict will always take place unless the wages of the workers are adjusted accordingly. This creates a conflict if the wages of the workers are not adjusted accordingly, leading to a strike action Hyman (1974). It is also very problematic to

come up with a wage that is sufficient for the workers because despite wage increase, the aspiration of the worker to increase their possessions will never to be completely accomplished.

In addition, Hyman (1974) identifies the issue of cultural expectations, whereby a culture has been established which informs the workers that management will only respond to their grievances if there is a real threat of a strike. The strike then becomes a normal custom and practice within the establishment Hyman (1974). This way of interpretation of a strike is accepted by both employers and the employees. Thus, Hyman says the strike situation could be typified as one in which immediate collective action is the culturally expected response of workers to any grievance. The dynamic of this relationship is that managers develop the tendency to take serious consideration to the worker's demands if they are willing to strike over them Hyman (1974). The perceptions that are established in this relationship are that strikes will always be guaranteed. Hyman understands this to be a two way process in which the aspirations within the work place influence the social structure, which in turn also influences them. Therefore an understanding of that dynamic interaction may assist in analyzing and interpreting why strikes do occur. The structure of the relationships determines the outcomes. These are the social relationships that are found within the organization. There is an inter-relationship between the role players which determines the outcomes. Thus, the causes of strikes can be found within the industrial relations system. The interaction of the groups within their environment will precipitate a strike when it breeds conditions that are conducive for a strike to occur Hyman (1974).

In their study of the causes of strikes in the public service in America within the teaching profession, Allen and Seifman (1971) have argued that strikes can be caused by several factors.

The first factor that they identified was that the teachers became more militant in order to strengthen their organizational unity. They have noted that other organizations within the public service had managed to negotiate with the employer for better living and working conditions by being militant Allen and Seifman (1971). This was a strategy that the teachers had avoided all along. It now became difficult for the teachers to defend their non-militant stand when it was failing to bring about positive results when negotiating with the employers.

Conflict is regarded as being inherent in the relationships that exist between the employer and the employee Allen and Seifman (1971). Efforts must therefore be made to minimize this conflict with a view to establishing and maintaining industrial peace in the work place. It is acknowledged that it is not always possible to prevent strikes through the legal channels alone. The argument is that where the law is unable to intervene, and then there is a need to solve the problem through other means, and most preferably through less destructive methods like common sense rather than strikes Allen and Seifman (1971). This is established through joint decision making by all the parties who are involved in the industrial relationship. It is under these conditions that the workers through exercising some of their rights like the freedom of association, and the right to strike, that they are able to negotiate for more favorable terms and conditions of employment Allen and Seifman(1971). This process allows the worker and the employer to reach some kind of settlement on issues that they can bargain over. There are laws in place that regulate this relationship. The employer has the right to resort to a lock out while the employee has a right to strike. This right to strike is provided for in the constitution and it is

considered a fundamental right and therefore becomes an essential part of the collective bargaining process.

The role of teachers in a strike

According to Gouldner (1954) “wages are the key mechanism through which workers satisfy their wants, and admit themselves to the social structure through a matching income”. (Gouldner, 1954, p.32) has identified the wage dispute as a source of conflict. In his book he cites an example whereby the workers argued that their company had made a profit of $12,500,000 in the past eight years, and therefore are entitled to a share of the profit. This demand is reinforced by the argument that the company’s body of directors had recently voted themselves a $250,000 bonus. Gouldner (1954) has identified the fact that the wage issue may not necessarily be the main focus of the worker’s demands, including teachers, but it may turn out to be a way to express grievances that had accumulated over time from other sources, thus, the wage demand stems from other sources.

According to Hyman (1974) workers including teachers will engage in a strike if they have a perception that the action will lead to the resolution of their problem. The findings of this research have established that teachers have built what Hyman describes as a “consciousness of the efficacy of strike action” (Hyman, 1974, p. 131). This is derived from the experiences of the workers. In their analysis of labor unrest dynamics between 1994 and 1995, Minnaar and Hough

(1997) note that increasingly workers including teachers can resolve to engage in strike action without being sanctioned by their union. The workers would strike without obtaining permission from their union. They also disregarded the fact that they needed a mandate to strike through a ballot "Workers appeared to take matters is their own hands, bypassing union shop stewards, and began making their own demands for *inter alia* increase wages, but also raising such issues as rents, services and housing"(Minnaar and Hough, 1997, p.56).

According Tokiso, a private dispute settlement provider in South Africa, the statistical review, which tracks labor action in South Africa between 1995 and 2009, showed that South African Democratic Teacher Union (SADTU) had been responsible for 42 percent of worker days lost in the 14-year period. The 2007 strike was the largest in South Africa's history by the public sector, of which SADTU was the largest participating union. Public schools have the potential to build a cultured citizen that is ready to take on responsibilities as a contributing community member. However, Patinas and Heystek (2007) argue that there is a crisis in the education system in South Africa. This is a crisis whereby schools lack a culture of teaching and learning. This is especially true for schools that were predominantly for blacks under the old education system; the problem with this culture is that it has been going on for such a long time that now nobody seems to consider it as a serious problem anymore Patinas and Heystek (2007). They noted that schools were places where the struggle against apartheid could be carried out. As a result the schools became places of strikes and protest marches. The teachers became very active in these strikes and protest marches. Thus, they argue that the current crop of teachers have a history of engaging in strike action Patinas and Heystek (2007). However, this does not explain why teachers do not formalize the conflict for it to become a dispute Venter and Levy (2009).

The role of Unions in a strike

Kelly (1998) argues that workers form trade unions in order to overcome the ineffectiveness that they would experience when trying to confront the employer as individuals. By coming together as a group, the workers are able to confront the worker with collective power. The relationship between the employer and the employee revolves around trying to find a balance of power between the two parties. According to Karl Von Holt, (2003) some of the reasons why there is conflict within the labor relations can be found in the ability of the Union to disregard the law and the fact that the state does not take any action against the law breakers. The state remains unwilling to stamp its authority on those workers who engage in illegal strikes. Workers who were served with interdicts which debarred them from striking disregarded them and engaged in illegal strikes. Baer (1975) argues that the union has the potential of creating a power centre that is capable of standing against the power of the state, and the power of the corporation. This balance of power has been noted to be important for ensuring that society adheres to the principles of democracy. In this way the union is able to establish a democratic framework within which the society functions, especially the government. The union also through its power it is able to ensure that the liberties of the citizens are protected.

According to Hyman (1974) "The employment relationship subordinates the worked to a structure of managerial control (Hyman, 1974, p, 91). It is this control that usually generates conflicts between the two parties, "hence the exercise of managerial control as a persistent basis for conflict" (Hyman, 1974, p, 92). Hyman (1974) urged that the degree to which workers will

accept the authority of management to control them and issue orders will determine the level of conflict. Some aspects of this relationship include the fact that workers will not necessarily question the legitimacy of management to control or "the right of managers to manage" (Hyman, 1974, p.91). There is however a limit to the extent to which management control is accepted by the workers. This may happen when workers question the managerial prerogative which they view as a violation of what they expect.

Bryne and King (1986) in their study of wildcat strikes concluded that "wildcat strikes are a culmination of events that are indicative of a poor relationship between workers and management" (Bryne and King, 1986, p.400). If the underlying relationships are poor, the employees will use any available incident or excuse to engage in a wildcat strike. Strikes are also thought to occur because the information that the employer and the employees have about each other's goals and intensions may be imperfect (Ehrenberg and Smith, 2003, p.446). The two authors also argue that strikes may be initiated by trade unions in order to enhance their bargaining position. In this way the unions have been known to use the strike as a means to influence future negotiations. The employer will be much more aware of the union power well before the negotiations begin. Strikes have also been used as a means to enhance the internal solidarity of the union, especially against the common enemy who is the employer (Ehrenberg and Smith, 2003, p.446).

A strike may even be a general statement of anger. It may be accidental stemming from incompetent bargaining, or it may be a calculated exercise of "muscle" to achieve a bargaining objective (Ehrenberg and Smith, 2003, p.446). A strike results from the failure to reach an

agreement in the bargaining process. The strike became a choice of the teachers amongst several other alternatives such as accepting the ultimate offer by the employer. The employer may experience some budget cuts, therefore forcing them to renege on the negotiated agreements (Ehrenberg and Smith, 2003, p.446) In a similar manner, Mills and Royal Montgomery (1978) argue that a strike is a necessary weapon if unionism is to function without compulsory arbitration and authoritative settlements of industrial disputes, also the possibility of its use may be effective in attaining goals, as compared to when there is no possibility of a strike. Another view held by the same authors is that strikes are more likely to take place amongst trade unions which are very radical Mills and Royal Montgomery (1978). A typical example would be those who aspire for the establishment of a communist political system. They interpret the union as a means to achieving their political goals. The union is seen as a weapon that can be used to enhance their revolutionary aspirations.

The 2009 Teachers strike in Soweto

The members of the South African Democratic teachers Union (SADTU) went on strike on the 3rd June 2009. The reason for the strike was that certain teachers who had qualified for promotion into posts that were advertised were not duly promoted. The members of the SADTU Gauteng Central Region then embarked on a strike demanding that the director of district 12 sign appointment letters for certain school principals of their choice. The teacher trade Union also threatened that they would bring schooling in Soweto to a halt by disrupting the office work of the Gauteng department of education District 12 offices in Florida. The teachers then went on to picket at the offices of the department of education District 12 office in Florida. The teachers

further instructed the employees at the Department offices to return home and only report for work when the Director had given into their demands. The teachers further went to Die Burger High school and interrupted the examinations that were going on in the school. Their reason for this action was that it was unfair for some pupils to be allowed to sit for examinations, while others could not do so.

The literature on wildcat strikes indicates that they are usually motivated by some complex problems that usually lead to profound divisions between the management and the employees. Issues of management and administration have been noted to be the leading causes of wildcat strikes, as opposed to issues related to the work place such as health and safety issues and issues of discipline. Ronald Nyathi the spokesperson of SADTU complained that government was not willing to increase the salaries of the teachers, but their officials were enjoying very high allowances that included cellular phones and bonuses. The conclusion to this is that wildcat strikes are related to human issues in the work place, or industrial relations. The reasons given for the strike are only the immediate causes, while the true reasons for the wildcat strike will be more deeply seated. The decision to strike is usually caused by a single incident which becomes the strike trigger, in this incident, the dispute over the appointment of school heads. The strike by the employees is usually done to indicate a strong protest, and the employees will usually resume their duties after a short while. It is often argued that a good working relation between management and workers will usually allow the parties to resolve issues without the need for a strike. There is therefore a need to examine the underlying relationship between the management and the workers, as a determinant factor in the causes of strikes in the workplace. Measures that

can be put in place to ensure that the collective bargaining institutions and the dispute resolution procedures can be used in future to avoid further strikes and violence.

According to Turay (2003), conflict transformation, negotiations, mediations and peace building between the employer, employees and the unions are some of the strategies that can be put in place to ensure that the collective bargaining institutions and the dispute resolution procedures can be used in future to avoid further strikes and violence.

Conclusion

The literature review indicates that the basic characteristics of a wildcat strike are that it is unconstitutional, and does not have to be approved by the union leadership. It is possible for a strike to begin as a wildcat strike, but later the strike may gain union recognition or approval. These forms of wildcat strikes have been classified as pseudo- wildcat strikes by Gouldner (1954). One typical characteristics of a wildcat strike is its short duration and spontaneity. The phenomenon of wildcat strikes is complex, with each strike having its own dynamics. This has made it difficult to completely understand the causes of the strike. Despite this, several scholars have come up with theories that attempt to explain the causes of this phenomenon. Workers have increasingly resorted to the use of wildcat strikes as a means to resolving their disputes rather than following the available dispute resolution mechanism. The wildcat strike has presented itself as a quick method of resolving disputes for workers who are impatient with the long legal route that one has to follow before any dispute can be resolved. The strike has been used by the workers as a source of empowerment. Teachers have also adopted this method of resolving disputes.

CHAPTER THREE

METHODOLOGY

Introduction

The previous chapter discussed the literature review of the study. The focus of this chapter is to discuss the methodological framework employed in conducting this study, how the problem was investigated and why particular methods and techniques were employed. These will be discussed under the following sub-topics: rationale for the methodology, research design, population and sampling strategy, data collecting instruments, data collection, data analysis procedures and ethical considerations.

Rationale for the methodology

Hussey and Hussey (1997) point out that methodology refers to the overall approach evident in the research process from the theoretical foundation to the strategies that are used in the collection and analysis of the data. Methods, in contrast, refer to the specific means by which data is collected and analysed. The researcher used qualitative methodology which is consistent with the phenomenological framework. The reason for using the qualitative method is that it provides rich context bound information from the theorist's perspective, and the respondents who took part in the study leading to patterns or theories that help explain the phenomenon.

Research Design

Research design refers to a framework or plan for a study, used as a guide in collecting and analysing data Churchill and Iacobucci (2002). It forms a framework of the entire research process, hence a central part of any research activity. The design for this study was an interview survey. This was done in the natural settings of the participants. This qualitative research method attempts to build a total or holistic picture of the SADTU wildcat strike that took place in 2009 in SOWETO. The research made a detailed description of the perspective of the informants about the phenomenon of the wildcat strike that they experienced. Some of the participants who were interviewed did not actually experience this particular wildcat strike, but they are part of the broader labor movement such as the site steward of NEHAWU, the secretary general of NACTU and research officers from COSATU. They were also affected by the strike in various ways. McMillan & Schumacher describe qualitative research as an "interactive face to face research" (McMillan & Schumacher 2001, p.428). As McMillan & Schumacher argue that "the qualitative research is based more on "constructionism", which assumes multiple realities are socially constructed through individual and collective perceptions or views of the same situation" (McMillan & Schumacher, 2001, p.15). Qualitative design was chosen because it allowed the research to gain a holistic picture of the event being investigated. It allows for an understanding of the given social setting that is under investigation. It allowed the researcher to look for the meanings that the respondents attached to the event, and also for them to reveal their own perspectives. This also allowed the research to look at the relationships within the whole event that is under investigation. This research was carried out in order to establish relationships and also to explain causes of the wildcat strike. Using face to face interviews, the research collected

data from the respondents in their natural setting and also interprets the phenomenon of wildcat strike in terms of the meaning that the teachers bring into the event. The research built up a holistic picture based on detailed descriptions of the teachers' perspective of the strike. The research was done in order to show the relationships between the events that took place during the wildcat strike, and more especially the meaning of the events as perceived by those affected by the event. The research aimed at increasing an understanding of this phenomenon of unprotected strike.

Population and sampling strategy

The population for this study were workers from Soweto's COSATU, SADTU, NEHAWU, National council of trade unions, Department of Labor, Education Department of Gauteng, and Professional Educators Union and to the management of Cream Cake and Birthday Cake Primary Schools, Fairy Cake, Wedding Cake and Sponge Cake Secondary Schools. Site stewards were selected based on simple random and purposeful sampling technique. According to Denzin & Lincoln (2008) sampling is that part of statistical practice concerned with the selection of individual observations intended to yield some knowledge about a population of concern, especially for the purposes of statistical inference. The strategy is the plan that makes sure that the sample used in the research study represents the population from which the sample was drawn. The researcher used a combination of probability and non-probability sampling. Simple random sampling was used in this research as well as purposive sampling. The purposive sampling was done by the researcher in order to interview those who participated, and were also affected by the 2009 wildcat strike. Since the researcher was conducting a qualitative study, small, purposive samples were used. Its advantages to this study are that the sample is an

accurate, or near to accurate, representation of the population, at the same time being less time consuming and less expensive to the researcher. As data was gathered, it is the quality, rather than the quantity of the sample that was the researcher's prime concern, hence 21 participants were interviewed. Table 1 shows a breakdown of the sites and the number of the participants involved in the study.

Table 1: A breakdown of the number of participants interviewed

Participant	Position	Number
COSATU	NALEDI Public sector coordinator	1 1
SADTU	Provincial organizing secretary Gauteng region Researcher Deputy chairperson South west region Gauteng	1 1 1
Cream cake Primary School Birthday cake Primary school	Site-steward Site-steward	1 1
Fairy cake Secondary School	Site-Steward	1

Wedding cake Secondary School	School principal	1
Sponge cake Secondary School	Deputy School Head School principal Site steward	1 1 2
National council of trade unions	General secretary	1
NEHAWU	Shop-steward	1
Professional Educators Union	President	1
Department of labor	Labor officer	1
Education department Gauteng	Labor officer School governing body Human resource manager	2 1 1

TOTAL		21

Accessing the setting

Gaining access to the setting meant that the researcher had to introduce himself to the national executive of SADTU. These were the gate keepers within the union. It allowed the union members who are the respondents to accept the researcher, and to assist the research to the best of their ability. Access in the schools involved the researcher getting permission from the school authorities. These introduced the researcher to the site stewards who were the respondents in the research. Access to the schools was also achieved through getting written permission from the Gauteng Department of Education which they did grant. This allowed the researcher to interview education officials who were relevant to this research. These were the Human Resource Manager, the Labor officer and the school governing body Administration Officer. The researcher also informed the respondents that he was also an educator by profession and this greatly enhanced the acceptability of the researcher as one of them within the education system.

Research Instrument

To collect the data analyzed by this study the interview survey method was used. The interview is a form of data collection that is very common in descriptive research such as surveys, but can also be used to collect valid and reliable data in other types of research. The interview is unique in that it involves the collection of data through direct verbal interaction (often face-to-face). The researcher interviewed the respondents solely by himself, and did not involve other parties or

seek help of other parties in carrying out the interview so as to increase the trust level of respondents and enhance confidentiality. The interview did not require large samples; the subjects were deliberately selected for their experience from their 2009 wildcat strike participation and thus constitute purposive sampling. The order in which the questions were asked was very important for this research. The questions were grouped into categories. This was done in order to make it easier for the respondents to follow the interview, and to later make it easier for the researcher to analyze the data collected. The researcher started with the introduction which was meant to secure the cooperation of the respondent. The researcher informed the respondents about his professional background together with his involvement in the labor movement in Botswana. This was followed by an explanation of the background to the research, and how the research would benefit labor. The purpose of the study was explained together with what would happen to the results. The respondents were made to understand why they were selected for the study. This was finally followed by the research questions.

Data collection

The researcher wrote letters requesting appointment in order to arrange for the interviews to the national executive of SADTU. These were the gate keepers within the union. It allowed the union members who are the respondents to accept the researcher, and to assist the research to the best of their ability. Access in the schools involved the researcher getting permission from the school authorities. These introduced the researcher to the site stewards who were the respondents in the research. Access to the schools was also achieved through getting written permission from the Gauteng Department of Education which they did grant. This allowed the researcher to

interview education officials who were relevant to this research. These were the Human Resource Manager, the Labor officer and the school governing body Administration Officer. These letters were later followed up telephonically in order to secure the appointment. Once the appointment was confirmed, the researcher interviewed the respondents solely by himself and did not involve other parties or seek help of other parties in carrying out the interview so as to increase the trust level of respondents and enhance confidentiality. The first question was meant to solicit from the respondents their perception of a strike whether they considered a strike to be appropriate for the relationship between the employer and the employee. The questions were carefully structured such that they would not influence the respondent to come up with a predetermined answer. The main aim of this was to reduce subjectivity in the data gathering process. The respondents were made to answer factual questions at the start of the interview. These were later followed by more abstract questions. This was meant to give the respondent a time to settle into the interview process and also to gain some confidence. Some of the respondents did indicate that they were not sure if they could provide the kind of information that would be required by a university study.

The researcher also made it a point that the more controversial questions were asked towards the end of the interview. This was after the researcher had ensured that the respondents were now more willing to disclose what they considered to be confidential or information that may cause discomfort. After every interview the researcher always thanked the respondents for the assistance they had offered. They were also asked to make any final contribution that they thought was relevant to the research. They were particularly asked to make comments on any

issue which they regarded as important for the research topic but may have been left out by the researcher. This part of the interview tended to bring out some of the information which the respondents had left out.

The researcher noted that approaching the respondents with a request for an interview was often somewhat intimidating for them, but they soon settled down and forgot that they had been intimidated at first. The interviews were conducted at the work place of the interviewees. This was done in a secluded part of the work place where there would be no interference from the other work mates. The interviews were also recorded and this also meant that we had to secure an appropriate place. Prior to the interview, the researcher made attempts to learn about the respondents. This was about SADTU, its history, its structures and some of their experiences with strikes. The researcher was able to attend the 2010 SADTU national congress and was able to interact with some of the rank and file members of the organization. The researcher made attempts to make the interview in the interest of the interviewee. This was done by promising the respondents that the results of the research will be shared with them. The semi-structured interviews allow the interview process to digress from the set question format. This may be from the questions or the answers and is determined by the circumstances of the interview. The semi-structured interview was used because it provided the research with more breadth than other types of research methods. It allowed the research to capture the complex behaviour of the respondents and thus not limiting the field of inquiry.

Ensuring rigor in this research was done through appropriateness and adequacy. Adequacy in this research refers to the amount of data collected. The data should be sufficient enough to answer

the research question. Appropriateness means that the data collected is according to the theoretical needs of the research. The researcher became aware of saturation when some of the information was repeated during later interviews. The researcher looked for negative cases and identified divergent patterns and variations as they emerged from the data. The patterns and the variations were all accounted for as the researcher sought some clarifications from the respondents.

Data Analysis

Qualitative research was the preferred method because it allowed for the ongoing analysis of the data. The analysis of the data was started shortly after the data collection had started. The researcher scrutinized the data on a daily basis after it had been collected. This allowed the researcher to prepare questions on clarification on certain events during the next interview, since the respondents would have shared experiences. Some of the respondents provided conflicting evidence as to what had really transpired during the event. This process allowed the researcher to constantly verify information and cross-check it. The whole process was also intended to assist the research to make sense of the data as it was being collected. “The concurrent process of data collection and analysis allow the analysis to guide data collection in a process of theoretical sampling, so that excess and unnecessary data are not collected” (Denzin and Lincoln, 2008)

The data analysis for this research started with the tentative analysis which involved the researcher in mentally processing many ideas and facts during the data collection stage. These were corroborated in the final phase of transforming the data into information. The analysis of the data was therefore an ongoing process. It was integrated into the whole process of this

qualitative research. Inductive analysis was employed, meaning that categories and patterns emerged from the data as it was being collected. These were not imposed on the data before the data collection began. The qualitative analysis of the data involved a "systematic process of selecting, categorizing, comparing, synthesizing and interpreting to provide explanations of the phenomenon" (McMillan and Schumacher, 2001, p. 462) of the SADTU 2009 wildcat strike.

Hendrick (1993) argues that any researcher should draft a preliminary analysis plan. This is done in order to ensure that the design and the data collection approach will enable the research to answer the research question. This process also facilitates efficiency in the conduct of the research, whereby the researcher only collects data that is relevant to their study. According to Punch (2004) analyzing qualitative research is about understanding the world of the subjects, listening to their voices and allowing those voices to be heard in the analysis (Punch 2004, p.150). This research analyzed the information in terms of the words, ideas and concepts used by the respondents. These were indentified in terms of how they covered areas of interest. This research illustrated the analysis with direct quotations from the interviews. The analysis entailed transcribing the recorded information. The transcribing was done immediately after the recording. Analysis was done by looking for key themes and emerging concepts. The information was then categorized. Information with similar thematic material was grouped together. This enabled the construction of explanations. The information was further checked for consistency and accuracy.

Ethical considerations

In undertaking this research, there were a number of ethical considerations. Paramount was the need to ensure confidentiality and anonymity. There was also the need to ensure that the

respondents who contributed to this study did so willingly and without coercion. Letters asking for consent to conduct the interviews were presented to the respondents. These letters were finally signed by the respondents at the end of each interview. The researcher first sought the permission to record the interviews from the respondents. The identities of all the respondents were kept confidential. The respondents were informed that the information would be used without intentional harm to them. The data has not been changed to suit the researcher's interest**.**

During the data collection the researcher complied with the ethics of research by means of informing the respondents about the purpose of the study, and the reasons they were selected to become part of the research. They were informed that they did have the right to know what to expect during the research process, and what information was being obtained from them. They were informed about their right to refuse to participate in the research and that their refusal would not affect them in any way. They were also informed that they did have the right to refuse to answer certain questions during the research should they wish to do so. They were also informed that they also did have the right to withdraw from the study. They were informed that they did have the right to decide who will have access to the information they provided to me during the research, and also to know what the information would be used for.

Strengths, Weaknesses and Problems in the Field

Creswell et al., (2009) describes gate keepers "as individuals at the research site who will provide the researcher with access to the site" (Creswell et al., 2009, p.229).Their major role is to give the researcher permission to undertake the study. SADTU had agreed to become gate keepers for this research. SADTU never fulfilled this role and this delayed the data collection for

the research by ten weeks. This was due to the fact that they never refused to grant permission, but they promised to do so at a later date. Some of the SADTU site stewards who were involved in the 2009 teachers' unprotected strike also refused to be interviewed. These were individuals who were classified as information rich informants.

Limitations of the study

According to Borg and Gall (1983) the research process will always have "mistakes, oversights and bias" (Borg and Gall, 1983, p.195). These will occur at any stage of the research process, and this research acknowledges that it has some limitations. Some of the interviewees had to be visited several times before an interview could be secured. This delayed the data collection process. In two incidents the researcher had to abandon any more effort on trying to secure any interviews, since it had become clear that no interview was going to be granted. An important incident for this research was when the researcher was given so many reasons why the appointment for the interviews with the SADTU national executive of the union could not be secured. SADTU are important because they were the gate keepers for this research. The findings of this study cannot be generalized to all the unprotected teacher strikes that have involved SADTU members. SADTU has branches in all the nine provinces of South Africa. These provinces have also experienced unprotected teacher strikes. Focusing only on the Soweto branches limited the scope of the study.

Chapter Summary

This chapter reiterated the objectives and aims of the study in order to provide a detailed account of the methodology employed. The use of qualitative methods, namely one-on-one and semi-structured interviews was discussed in detail. The rationale for the use of these methods of gathering data was explained. The researcher further explained how the data were analyzed in order to change it into information. The research design used in the study was explained to provide clarity regarding the choice and size of the sample. This includes the limitations experienced during data gathering. Finally, the ethical considerations taken by the researcher were explained.

CHAPTER 4

Research Findings and Analysis

Introduction

This chapter presents the findings and analysis of the results from interviews done on workers from Soweto's COSATU, SADTU, NEHAWU, National council of trade unions, Department of Labor, Education Department of Gauteng, and Professional Educators Union and to the management of Cream Cake and Birthday Cake Primary Schools, Fairy Cake, Wedding Cake and Sponge Cake Secondary Schools. The chapter captures the presentation of the interview answers which in turn answers the research questions. The researcher interviewed a total of 21 participants to investigate why the teachers chose to embark on a violent wildcat strike in SOWETO in 2009, rather than using the collective bargaining institutions and the dispute resolution procedures.

CAUSES OF THE WILDCAT STRIKE

Poor work relations

The immediate cause of the strike has been identified to have been a dispute over the appointment of educators who had been recommended by the School Governing Body for promotions. The District Director did not want to comply with the recommendations which were made by the different School Governing Bodies (SGB). The district office had instead appointed educators of their own choice. This was described as appointing people of their own choice. This

set off a series of events that unfolded as the unprotected 2009 SADTU strike. In their analysis of labor unrest dynamics between 1994 and 1995, Minnaar and Hough (1997) noted that increasingly workers resolved to engage in strike action without being sanctioned by their union. The workers would strike without obtaining permission from their union. They also disregarded the fact that they needed a mandate to strike through a ballot. "Workers appeared to take matters is their own hands, bypassing union shop stewards, and began making their own demands for *inter alia* increase wages, but also raising such issues as rents, services and housing"(p56). On the 4th June 2009 SADTU SOWETO branch organized a picket that was to take place outside the district offices of the Department of Education. As this research has revealed, the action of SADTU are very difficult to identify as a picket as they claim. Their action was characterized by a disruption of a meeting that was taking place at the District Director's office. They went into the place where the meeting was held and disrupted the meeting. They further went on to destroy some of the government properties that were inside the offices. As one respondent noted:

> "They went inside the offices, they were very violent. They have torn everything inside the offices books and files. They ordered all the employees to go home. You only come back when this matter has been resolved. The police were then called in. There was teargas all over the place as the teachers were breaking all the BG cars that were in the parking area" (interview with site steward Sponge cake Secondary School 22/11/2010)

These events of the unprotected strike were later to spread to several schools in SOWETO. The interview with the deputy school head of Sponge Cake Secondary School revealed that the

teachers at the school had learnt that there was a strike going on at the Department of Education. Some of the teachers went to join the strike. From the Department of Education they went to a neighboring school, Cream Cake Primary School which they had identified as being headed by a school principal who had a tendency to always be against SADTU. They went to the school and harassed everybody there. This included learners and the teachers. From this school they were joined by more teachers where a decision was taken that they should come to Sponge Cake Secondary School because the principal at the school was making life difficult for SADTU members. They came to the school to warn him to desist from such behavior. As explained by the deputy:

> "They came to the Principal's office kicked the door open, looked at the Principal and said to him you are making life of our members difficult. They had a clear message which they were expressing in Zulu utluphaama-members ethu! Which translates into (you are making the lives of our members difficult). They then assaulted the Principal, they destroyed some of the things in the office such as school files, then they left his office where they proceeded to other schools in the area which had been identified as having problems"(interview with deputy school head Sponge cake Secondary School 22/11/2010)

The following day the teachers met at the same district office which they had vandalized the previous day to hold a meeting. In this meeting they were planning how to disrupt the teaching and learning process in all the schools in SOWETO. From the 5th June 2009 to the 17th June

2009, the events that happened at Sponge Cake Secondary School replicated themselves in several secondary schools in SOWETO and other areas, with some variations as each school experienced the events of the unprotected strike slightly differently The events are noted to have spread to other areas such as Lenasia, Eldorado Park, Alexandra, Ennerdale, Randburg, Midrand and Benoni. In particular on the 4th June 2009 the SADTU members went to Die Burger High School where they disrupted school examinations which were in process. They were doing so because the school had excluded some learners from writing the examinations on the grounds that they had not paid their school fees. Some schools were targeted for attack because SADTU s teachers on strike had been informed that the schools had refused to join in the strike, thus the SADTU members went to the schools and forced the learners out of the classes and instructed them to go home. The teachers at these schools were forced to join in the strike. As explained by the site steward at Wedding Cake Secondary school:

> "They came to our school holding sticks and all type of weapons. They told us you are going to join the strike. They made us to march in the front of them as we were going to the District Director's office to present our grievances. It was all so scary; we were all scared for our lives. That is how the number of people who were involved in the strike became so large. Everybody was forced to join and nobody could refuse" (interview with site steward Wedding Cake Secondary School 09/12/2010)

These events led the Gauteng Department of Education to secure a restraining order against SADTU on the 9th June 2009. The SADTU members were prevented from disrupting

government business, intimidating school principals together with learners. This meant that they could no longer stop the government officials from going to work. The same restraining order made by the court also had a clause that declared the strike to be illegal. The events of the strike later included other stake holders in the education system. There were parents who came into the scene worried about the fact that their children were no longer receiving any education. There were the police who, as afore mentioned, had been asked to come and protect government property against destruction by the teachers. The police also assisted to ensure that there were no learners who were forcefully being removed from the classrooms. The strike by the teachers did receive opposition from other stake holders in the education system such as the politicians, and parents. This research revealed that the way in which the SADTU Wildcat strike was resolved was carried out through a process of reconciliation rather than other available means. This reconciliation was understood as a political solution to the problem. As explained by an official from the department of education:

> "Parents put pressure on both parties to reach a solution because the learners are suffering. Concessionary measures are then being taken to resolve the issue because our focus is on the learner. It is a give and take situation. You take candidates preferred by the union rather than the government official. There are social and political relationships, you need to find a solution to the problem. Politically the union leaders are promoted. They are co-opted into government in order to silence them. Things are done outside the law because the law deters transformation" (interview Department of Education Official: Gauteng Department of Education 26/11/2010)

The official view of the Department of Education was that the events constituted an illegal strike. They accused the SADTU Gauteng South Regional leadership of not honoring a meeting that was called in order to have a dialogue between the Union and the Department of Education, while the SADTU provincial leadership turned up for the meetings called to discuss the dispute, the regional leadership failed to attend the meeting. The MEC finally obtained a court interdict that was to ensure that SADTU does not continue to disrupt teaching and learning in the schools. The police were also asked to enforce the court order. While education officials made accusations that the Unions violated established procedures for the resolutions of the conflict, the unions officials claimed that they had gone through all the processes needed to be followed before embarking on a strike

The Principal of Fairy Cake Secondary School in Pimville in Soweto said that the SADTU members just came and they found them having a school activity and they sabotaged the activity. She maintained that the members of SADTU opened the school gates and said to learners 'out you go". (Interview, Principal of Fairy Cake Secondary School 02/10/2010) This indicates that at that particular school they were never informed about the strike, neither were they aware of what taking place was. From her opinion the strike was unjustifiable**.** The principal of Fairy Cake Secondary School Pimville SOWETO indicated that the events of the wildcat strike took them by surprise.

> "We had just started our morning activities when I received a tip that people were coming to my school, so I went to wait for them and I closed the school gate. When they arrived one of my teachers was driving at the head of the convoy so I had to let him in. All the

> other cars driving behind his car then drove into the school. They instructed the learners to go home. They did not consult anybody" (interview, Principal of Fairy Cake Secondary School 02/10/2010).

The respondent further informed this research that they the Professional educators union never endorsed the strike since they never took part in the Wildcat strike. They advised their members to report for work. As the strike continued, the conflict ridden environment made it dangerous for teachers to report for work at their respective schools. They asked them to go and inform the education officials at the Gauteng Department of Education offices that they had reported for work but they were unable to enter the school premises because of the strike. The members would then sign a register which is kept by the department that confirms that they had reported for duty and that they were not on strike. The members were further advised that they could go to any police station and secure an affidavit that they were not on strike.

The perception of the school principal was that the whole wildcat strike was an unacceptable behavior since it was accompanied by damage to school property. The principal was of the view that the department of education officials endorsed the strike. This view was supported by the fact that she reported all the damages that had been caused by the strikes. She was even prepared to go and give evidence in a court of law if requested to do so, but to her dismay the department ignored all her correspondence. There was also no punishment meted out to those teachers who had participated in the strike.

This research also established the unacceptability of the wildcat strike, through an interview which was conducted with the SADTU site steward for Sponge Cake Secondary School. This

research was informed that a school staff meeting was held where teachers raised the issue that they could not participate in the strike because they had not received authorization from the union officials and also that the legal procedure for engaging in a strike were not followed. Following this meeting some of the teachers went to join the strikers and finally marched with them to the school where they instructed all the learners to go home, and the other teachers were forced to join the strike. The site steward explained:

> "They just came and forced the learners to go home and forced us to join them. We did what they wanted because we were all scared. It is not that we wanted to strike" (interview, site steward Sponge Cake Secondary school 22/11/2010)

The view that the strike was unacceptable was also expressed by the Principal of Fairy Cake Secondary School when he said:

> "So the moment you go out on the street you are saying; 'I had this problem and this problem is not being addressed. I have exhausted all means.' Now therefore, it would logically mean if teachers in Soweto had a problem, naturally they should have sent it to the regional leadership who should have sent it to the provincial chamber in Gauteng. Then it was the chamber which had the responsibility to intervene. When it failed, then the strike would be sanctioned by the provincial leadership. That's why I say there are two things there: there is violation of law and misconduct, and also

> the violation of the constitution of the union (interview, Principal of Fairy Cake Secondary School 02/10/2010).

The SADTU national executive also did not endorse the strike. The national SADTU spokesperson warned the teachers that their strike was not sanctioned by the union leadership. That the due process of the law had not been followed and made their strike an illegal strike.

The reason for this type of solution may be found in the extent to which the Wildcat strike was politicized by SADTU. The strike was took place immediately after SADTU had assisted the ruling ANC party to win the elections. The SADTU leadership during the strike was noted to have used political terminology to explain the strike; that it was a revolution and it was a prelude to other revolutionary events that were to come. The Wildcat strike would bring about some kind of political change they claimed. According to Hyman, (1974) “settlements are often speeded up by the involvement of third parties” (Hyman, 1974, p, 23). It took the involvement of the Provincial Education Minister Barbara Creecy to resolve the dispute between the Department of Education and the teachers. The decision taken by the minister was to withdraw the District Director from her post rather than punish the teachers for engaging in an illegal strike. The decision of the Minister was also based on the fact that she acknowledged that the process of filling up the posts was too long, and she would look into ways of shortening the process. The teachers in return to the decision of the Provincial Minister made a commitment to resume their duties. This agreement between the two parties brought an end to the Wildcat strike.

The events that occurred during the 2009 SADTU unprotected strike are better understood within the context of the teacher employer relationship that existed at the time Gouldner (1965) argues that, in order for one to understand the causes of human action, one has to relate them to the context within which they occur. This also means that the meaning of what is actually happening is not always constant but relatively situational. An understanding of events can only be understood by framing them within their context. There had been some outstanding issues that had remained unresolved, and had caused the relationship between the Department of Education and SADTU to be characterized by hostilities and frictions in their industrial relations. The two parties had not been able to reach a conclusion over the issue of Occupation Specific Dispensation (OSD). The government had also wanted to establish a system whereby the evaluation of the teachers would be linked to the performance of the learners. One issue that was noted by almost all the respondents in this research was the fact that the government stalled the negotiation process over many issues. They may have been over the implementation of certain programs that are designed to benefit the teachers or negotiations over salary increments. The differences between SADTU and the Department of Education were brought about by many problems especially those related to the administration and the management of the education system. As one respondent said during the interviews to this research:

> "There is a litany of problems related to the management of education. These will range from issues that emanate from the schools like poor relations between the teachers and the school management, to issues that emanate from the Department of Education like unpaid salaries. There is always a problem of one kind or another" (interview with SADTU official 26/10/2010)

Bryne and King (1986) in their study of Wildcat strikes concluded that “Wildcat strikes are a culmination of events that are indicative of a poor relationship between workers and management” (Bryne and King 1986, p. 400). If the underlying relationships are poor, the employees will use any available incident or excuse to engage in a Wildcat strike.

The selection and the appointment of the best qualified educators for a position of responsibility that is a promotion have been noted to be one of the crucial points for the provision of quality education. Within the context of the South African education system, this process of appointing teachers for promotion has become very complex because it has to satisfy a whole host of criteria. The process has to take into account the cultural and ethnic diversity within which the decision to promote is taken. It has to take into account all the legislation regarding issues of discrimination, equity and redress. This research has identified this complicated process of selection and appointment as the root cause of the conflicting relationship between the Provincial Department of Education, the teachers and the SGB. The provincial department of education is the actual employer of the teachers. The head of the Provincial Education Department is the one which makes official appointments of the teachers after they have been recommended for promotion by the SGB of a particular school. In terms of appointments to post of responsibility, the role of each SGB in a particular school is to recommend to the Head of Department the appointment on promotion of a particular teacher. This recommendation must comply with relevant laws and policies. The SGD is also responsible for conducting the interviews that determine the suitability of the candidates. As Heisted et-al (2008) notes “the governing body is the local level decision maker which understands the context and the needs of a specific vacancy

at the school" (p, 103). The SGB also collaborates with the School Principal and the School Management Team during the selection process. In this whole process, the teachers are represented by their union who however plays the role of observer. This means that unions will have detailed information about what transpires in the whole process of identifying candidates for promotional posts. The Head of Department makes the final decision on whether to appoint the teacher as recommended or to reject the recommendation. If the Head of Department makes a rejection, the whole process of identifying a candidate is referred back to the SGB who then resume the process of identifying another suitable candidate. This relationship between the three parties involved in the selection process is based on trust, that those involved will be sensitive to issues raided above such as equity and redress, that there will be compliance with the relevant legislation. This research has established that the selection process often pays little consideration to all these requirements and often promotions are based on political and economic considerations of the decision makers.

This research has identified poor work relations between the teachers and the Gauteng Department of Education as a major cause of the 2009 Wildcat strike. One view established by this research was that the way the teachers relate to the education officials outside a conflict determines the way they will relate during a conflict. Since the relations between the two parties are always bad, it is understood that the two are forever waiting for an opportunity to fight. As explained by the respondent:

> "The war between the department and the teachers started a longtime back, it is only now that it is playing itself out it is an outburst of a fight that started a longtime ago, when you establish a

> relationship of trust it is easy to resolve conflict" (interview education department official18/11/2010).

The research established that one of the issues which would have embittered the relationship between the two parties is the way in which the employer treats the teachers on a day to day basis. As aforementioned teachers always have one grievance or another with the Department of Education. This poor relationship is further worsened by the way the employer approaches the negotiation process. It has been established that the employer makes offers that are unacceptable to the teachers during the process of negotiations. This offer is normally made after the negotiations have been going on for a very long time. The employer will announce the offer over the media and claim that the teachers have accepted the offer. In addition to this, the employer uses the media to discredit the teachers. The employer is always accused of negotiating in bad faith. (Interview, with Department of Labor officer, 10/11/2010).

Efficacy of strike action

In an effort to explain the conflict that was taking place between Department of Education and the teachers, the SADTU Gauteng south regional leader said that the conflict did not constitute a strike but it was a withdrawal of labor. He explained that what was taking place could not be described as a disruption of classes. The teachers were simply making Gauteng Central Department of Education unworkable. They were ensuring that no examinations were being written. There were no report cards produced, and that no one reported for work. The leadership also described their action as a protection of the ANC manifesto. They accused the Department of Education for failure to understand the daily realties experienced by the teachers in carrying

out their duties. The department officials were accused of running the department from their offices. They did not make any effort to learn and understand what was happening in the schools. They heard what was taking place at the schools through the media. The MEC for Gauteng Barbra Creecy was labeled by the SADTU regional leadership as someone who does not care about the learners because she is white and the learners are black.

This research established that there were some site stewards who endorsed the strike action. They used various explanations to justify the strike. According to Hyman (1974) workers will engage in a strike if they have a perception that the action will lead to the resolution of their problem. The findings of this research have established that teachers have built what Hyman describes as a "consciousness of the efficacy of strike action" (Hyman, 1974, p, 131). This is derived from the experiences of the workers.

This way of reasoning was established through this research as the site stewards were making justification for supporting unprotected strikes. The site steward for Sponge Cake Secondary School explained that historically teachers were involved in strike action against the former apartheid government. It is through the successes they have achieved during that time that they have developed a conviction that strikes have the ability to resolve their problems. It was also during this time that they developed the perception that a strike does not necessarily have to be legal, since under apartheid government they never had legal strikes. The idea that unprotected strikes have the capability to resolve teacher's grievances has also been transferred to the current working environment. As mentioned above the decision of the Provincial Minister of Education seems to confirm this way of reasoning. The teachers engaged in an unprotected strike and the dispute was resolved in their favor.

The site steward for Cream Cake Primary School in Pimville explained that unprotected strikes are a form of strategy that the teachers use in order to ensure that they are able to meet their goals. He explained that unprotected strikes as a strategy are very important for the teachers when they feel that they have an urgent problem to resolve. They have learnt that the procedure to access a legal strike are lengthy, and the teachers do not have the patience to wait that long. He also indicated that some problems need immediate attention. As he explained:

> "Some problems need immediate attention. Imagine the time it will take to resolve the problem when you have to refer it to the national executive. They may also have to refer the problem to the provincial department of education who also have to refer the matter to someone else before negotiations are undertaken over the issue" "(interview, Cream Cake Primary School site steward,23/11/2010)

He further went on to elaborate that one of the dangers of trying to resolve your issues through the legal means is that the union leadership may not take your problem to be a problem after they have considered it. The other problem is that your problem may not meet the legal definition of a problem. It is under these conditions that an unprotected strike remains an option for the union members at regional level

Violence during the strike

According to Gouldner (1954) "the aggression laden strike is likely to have a greater impact on and significance for the surrounding social system than one devoid of aggression (Gouldner, 1954, p.66). The findings of this research indicate that the SADTU unprotected strike was accompanied by a lot of violence and destruction of property. As reported by the respondent:

> "SADTU members destroyed government vehicles at the Johannesburg Central Education Department. They are also reported to have destroyed other forms of government property such as report cards and various other official files" (interview, site steward Sponge cake Secondary school 22/11/2010)

The reason for such destruction was to ensure that the impact of the strike would be felt on a larger scale than it would have been otherwise.

The struggle for power, control and corruption

According to Hyman (1974) "The employment relationship subordinates the worked to a structure of managerial control (Hyman, 1974, p, 91). It is this control that usually generates conflicts between the two parties, "hence the exercise of managerial control as a persistent basis for conflict" (Hyman, 1974 p, 92). Hyman (1974) urged that the degree to which workers will accept the authority of management to control them and issue orders will determine the level of conflict. Some aspects of this relationship include the fact that workers will not necessary

question the legitimacy of management to control or "the right of managers to manage" (Hyman, 1974:91).There is however a limit to the extent to which management control is accepted by the workers. This may happen when workers question the managerial prerogative which they view as a violation of what they expect. According to Hyman (1974) "the act of striking is merely one point in a chain of events. It may be interpreted, for example, as natural response to the obstinacy or provocation of the employer which may in turn be explained by reference to a wider network of relationships" (Hyman, 1974, p,107). In this way it becomes important to understand any dispute from the point of view of those directly involved in the event. This should explain why SADTU interpreted the action of the Education Department as provocative, and can only be resolved through unprotected strike. The causes of the wildcat strike in Soweto can be explained within this context. Though the District Director makes the final direction as to who will be promoted, the teachers' did not accept the authority and power of the district director.

This research has established that the Wildcat strike by the teachers was not only a demand for certain people to be promoted, but also a reflection of the struggle for power and authority between the education officials and SADTU. According to the SADTU official interviewed, this particular Wildcat strike represented:

> "A personal power struggle between local Unions officials and the Regional Department of Education official" (interview, SADTU official, 26/11/2010).

The trade Unions Officials are accused of impinging in the managerial prerogative on matters that may pertain to issues such as the discipline of teachers. A Union official who is able to emerge victorious over these disputes stands to benefit is several ways. The union official will gain a lot of respect and support from the rank and file. In some instances this will result in an increase in membership as noted in the case of KZN where the union leader became more militant. (Interview, SADTU official, 26/11/2010)

The respondent further noted that most of the Education Department Officials are former SADTU members, thus power within the Union gives one access to senior government posts. As the respondent explained:

> "All head of provinces are former SADTU members. Many education officials came from SADTU, everyone representing the employer will be virtually from SADTU during any given gathering such as official meetings and negotiation processes" (interview, SADTU official, 26/11/2010).

These power relations eventually make officials to be reluctant to take disciplinary actions against teachers who are members of SADTU. While on the other hand SADTU unions officials have to support wayward members. This often creates a dilemma for the education system. This dilemma is further complicated by other factors such as the composition of SADTU leadership. They will mostly be composed of individuals who are also part of the school management. As explained by the site steward:

> Some of the people who were involved in the strike were school principals and some education officials who supported what was happening. You see in our situation for you to become a principal you first need to become a SADTU leader, so when we say that the strike was led by SADTU leaders we mean that the strike was led by school principals (interview, site steward Sponge Cake Secondary school 22/11/2010)

This research has established that "for any education official to take any action against any SADTU member they will always provoke a larger problem, this because the Education Department always has numerous unresolved problems such as under payment of teachers". (Interview, SADTU official, 26/11/2010).The respondent however noted that these power relations are not prevalent in other provinces of South Africa. This is particularly true in areas under the control of the DA such as the Western Cape. The respondent noted that "in such areas SADTU members would have to think twice before they can go against the law" (interview, SADTU official, 26/11/2010). This translates into the fact that where the D. A. is in control there are no unprotected strikes.

The fact that power relations influence illegal strikes activity was mentioned by the respondent from PEU. The respondent noted that the tripartite alliance of the ANC, COSATU and the South African Communist Party made it possible for SADTU members to engage in unprotected strikes. This is because they are aware that any official who takes disciplinary action against any teacher may lose their job since the officials are politically appointed employees. There is therefore a need to confirm to the existing political agenda of the tripartite alliance even if this means flouting the law. The respondent explained that:

> "The Union gets the power from the party deployment mentality. They are the ones who run things; the department is answerable to them. They will always remind them. You are there because of us, not because of your ability and you are at our mercy. Education in Soweto will never be what we want it to be" (interview, Principal of Fairy Cake Secondary School 02/10/2010).

In this relationship an education official is unable to make a decision which contradicts the wishes of SADTU. "SADTU is always right, and finally the teacher wields more power than the department" (interview, Principal of Fairy Cake Secondary School 02/10/2010).Thus the education official who must implement the law allows the situation to prevail. The respondent indicated that she wrote to the department of education about the disruption and the destruction that was done by SADTU members at Fairy Cake Secondary School but the Education Department never responded to her complaints.

This research was also able to establish that the power relations are also extended to the school governing body. The school governing body as part of civil society is also part of the ANC. Through the relationship the SGB also becomes embroiled in the competition for the power and authority that characterizes the unions and the Education Department relationships. The respondent informed this research that SADTU, SGB and ANC all meet informally to decide who to promote. The promotions are done on the basics of promises to be fulfilled in future. The promotions are also made to satisfy the ANC, SADTU alliance. The respondent noted that some promotions are made on the basis that certain individuals would have been promised that they would benefit financially from them. An individual is promoted to the post of School Principal

because certain ANC and SGB members will benefit from the tender awarded by the school. The respondent explained that this agreement is exposed when the promoted School Principal is not keeping the part of the promise which is to offer tenders as per agreement. The respondent explained

> "This agreement comes out when one side is not keeping its promise and there is a fight going on nothing is done in the interest of the learners" (interview, Principal of Fairy Cake Secondary School 02/10/2010).

The explanations of the respondents on the events of the SADTU 2009 unprotected strike also contain some of the causes of the strike. As identified earlier the struggle for power and authority between SADTU and the education officials over the control of the teachers has been identified as one of the causes of the Wildcat strike that took place in SOWETO. While the Education Department Officials were asking the teachers to attend to their duties, the SADTU officials were asking them to stay away from work. There is a desire for both parties to control the working relations, thus as noted by the SADTU researcher interviewed

> "SADTU will always impinge on the administrative of the education officials, who in turn will not exercise any of their legal powers without the consent of SADTU". (Interview, SADTU official, 26/11/2010)

Baer (1975) argues that the union has the potential of creating a power center that is capable of standing against the power of the state and the power of the corporation. This balance of power has been noted to be important for ensuring that society adheres to the principles of democracy. In this way the union is able to establish a democratic framework within which the society functions, especially the government. The union also through its power is able to ensure that the liberties of the citizens are protected. The manner, in which the SADTU 2009 SOWETO wildcat strike was resolved, indicates that SADTU has managed to establish a power relationship in which the education officials cannot afford to ignore the wishes of SADTU. SADTU had insisted on a political solution to the dispute. This research has established that a political settlement was reached between SADTU and the Education Department in order to end the dispute. As explained by the education official:

> "Compliance to the law is expected from the employer rather than the employee. The employer is the guardian of the constitution. When the MEC intervened the issue is no longer legal but becomes political. There is a political decision rather than a legal one. This then calls for political mediation and political concessions. The MEC represents a constituency and is a political head, she intervenes on behalf of a party that is not part of the dispute but is affected by the dispute these are the parents and the learners. This explains why the director was transferred because the director is appointed by the MEC". (Interview, department of education official 26/11/2010)

A further explanation is that the education officials are unable to take any disciplinary action against any SADTU members for fear of losing their jobs. Thus SADTU members were able to engage in an unprotected strike because the education officials would not be able to take them to task over their transgressions. According to Karl Von Holt some of the reasons why there is conflict within the labor relations can be found in the ability of the Union to disregard the law and the fact that the state does not take any action against the law breakers. The state remains unwilling to stamp its authority on those workers who engage in illegal strikes. Workers who were served with interdicts which debarred them from striking disregarded them and engaged in illegal strikes. These workers who ignored these interdicts were never prosecuted for this offence. The findings of this study indicate that the fact that offenders are aware that they will not be held accountable for their transgressions is a major precipitator of the SADTU 2009 wildcat strike, and the resulting violence that accompanied the strike. As indicated earlier none of the SADTU members who were accused of assault, theft and damage to property were ever legally held accountable for their misdeeds.

The strike was also caused by the struggle for power that occurs within the ANC members at the local level. This conflict within the local ANC branch affects the SGB and SADTU because they will be both members of the ANC. If there are any political differences within the ANC they are transferred to the SGB and SADTU. This explains why the decisions of the SGB to promote individuals are based on factionalism rather than the ability of the individual selected for promotion. In a similar manner SADTU members who come from areas where the ANC is not in control of the Education Department will not engage in any illegal activity. As explained by the

respondent, SADTU will have to think twice before they engage in any illegal activity in a region that is under the control of the DA. This explains why SADTU engaged in an unprotected strike in SOWETO where they have more power than the education officials.

How the labor laws influence strikes

The findings of this research indicate that there are two opposite opinions held by the respondents as regards the relationship between the law and strikes. One opinion is that the labor laws are adequate in terms of addressing labor issues and that all workers must be satisfied with the labor laws. As pointed out by the respondent:

> The labor laws are adequate because it provides for negotiation to take place. The law also provides for arbitration, it also provides for strikes and lock out all the parties involved in the labor relations have rights. The law also provides for procedures to be followed when you have a dispute, to me the law is adequate, what more can you ask for. (Interview Public sector coordinator 21/10/2010)

Another opinion expressed to support this view was that when the labor laws were made those who represented labour was also part of the process that made the laws. It therefore becomes difficult for the workers to convince anyone that the labor laws are inadequate when they were part of the process that made the laws. The respondent further said that:

> "When the teachers do not follow the laws and engage in wildcat strikes, what they are doing is to undermine their own laws" (interview, Gauteng Department of Education Official26/11/2010)

An opposite opinion is that which found the labor laws to be inadequate in addressing labor issues, and as such there are always strikes and particularly Wildcat strikes. The shop steward from NEHAWU indicated that one of the biggest short comings of the labor law is that it does not have provision for monitoring that the employer abides by the labor laws thus you find a lot of employers simply disregarding the labor laws. The shop steward noted that the unions face serious challenges trying to get the employers to abide by the law.

One of the issues raised by the respondents regarding inadequacy of the labor laws is that there is no provision in the law that binds the employer to negotiate in good faith. The same law does not also set the time limit within which the employer and the employee should have concluded their negotiations. This results in the employer prolonging negotiations which are done in bad faith and this makes the relations between the employer and the employee to become very bitter and hostile. This bitterness and hostility finally leads to a Wildcat strike.

The findings of this research are that there are some instances where there is ignorance of the law on the part of the union leaders. As explained by the respondent:

> "Now, why then would we have these Wild cat strikes? We have wild cat strike simply because the leadership of the structures involved has not inducted their own members in terms of what

> action can be taken at what level (Interview, Principal of Fairy Cake Secondary School).

He further gave analogy of driving cars, whereby the leaders of the unions, say like SADTU are car drivers who do not know how to drive a car. They do not know which direction to turn the car where necessary.

The interview with the Labor Department official revealed that there are instances where the rank and file is also ignorant about the law as he explained:

> There is training sometimes but it mainly for Principals and Deputies not other educators, so there's a problem of ignorance. For instance when we tell them about grievance procedures about misconduct in the office, people are shocked thinking labour was there only to dismiss people (Interview with Department of Labor officer, 10/11/2010).

In contrast to the afore mentioned views the interview with the Department of Education Official revealed that in most instances the union leaders would be aware of the legal requirements for a lawful strike. The respondent described the problem of the union leadership as "lack of maturity" (interview, Gauteng Department of Education Official 18/11/2010).The union leadership is described as being less interested in imparting to their followers as to what would be the correct thing to do. They are more interested in the popularity they gain as leaders. In this way the union

leaders would accept any wrong suggestions from the rank and file in a meeting and later blame the followers for accepting to engage in an unprotected strike. As explained:

> "You prefer populism as opposed to painful reality, leaders must advice. You find that leaders accept wrong suggestions from rank and file. If you tell the truth you may run out of favor, you blame the members for illegal strikes, its pressure" (Interview, Gauteng department of education official 18/11/2010).

Conclusion

From the interviews on unions, teacher and the employer, there is a perception that the major causes of the 2009 Soweto Wildcat strike by teachers were a struggle for power and control between the unions and the employers over their relative authority, poor communications between the teachers, their unions and the employer, poor interpretation of labor laws, poor working environment and poor promotions for teachers. Thus, the teachers chose a wildcat strike because they regard formal dispute procedures as too long drawn out to deliver results and also because they suspected their grievances would not be recognized in the process. On the other hand, in their experience Wildcat strikes are effective in forcing the Department of Education to accede to their demands. This was clearly demonstrated as the departmental official responsible for final decisions on promotions was removed and the unions' demands were acceded to. The research also demonstrates the importance of the self-interest of union leaders, for whom promotions provides visibility and ultimately the prospect of a government job. Lastly, the fact

that many departmental officials are former unionists makes them susceptible to union pressure, thus significant violence and intimidation was deployed to enforce the strike.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

Introduction

This chapter presents conclusions and recommendations based on the data that was gathered during the research. The main issues that are brought into focus are the causes of the 2009 SADTU wildcat strike. It will be recalled in the thesis that Hirszowicz (1987) argues that it is difficult to make a full analysis of the causes of an unofficial strike and that of their dynamics. Gouldner (1952) also commented that a strike is a phenomenon of enormous complexity, when it is considered in its totality it becomes almost impossible to completely explain it. However the thesis confirms what other scholars have discovered in their research for example Von Holdt (2010) argues that wildcat strikes in South Africa are closely linked to the broader socio-economic and political organization of society.

In chapters two the thesis presented several theories explaining the causes of wildcat strikes, while in chapter four the thesis presents explanations provided by the respondents in this research. The character of the events under study confirms both the definitions of a wildcat strike as provided by Knowles and Gouldner. Knowles explains “it is as one which is not recognized by the union officials” (Knowles, 1952, p.30) while Gouldner defines a wildcat strike “as one in which the formal union leaders have actually lost control and the strike is led by individuals whose position in the formal structures does not prescribe such a role for them” (Gouldner, 1954, p.95). Conflict and disagreements will always be part of the relationship between the employer and the employee. These disputes may be either disputes of interest or disputes of rights. The

wildcat strike presents itself as an unregulated conflict that occurs outside the frame work of the law, and any regulation and producers.

This thesis presents the wildcat strike action as a source of empowerment for the teachers. This empowerment can be achieved through disregarding laws and other institutions which are regarded as oppressive. The wildcat strike is a manifestation of a power struggle between the teachers and the education department officials.

Summary of the study

The aim of this study was to investigate conflict and conflict resolution in the 2009 SADTU strike in SOWETO public school. In particular the study was conducted to answer the following questions: What are the reasons for the teachers to choose to embark on a violent wildcat strike in SOWETO in 2009, rather than using the collective bargaining institutions and dispute resolution procedures? What was the role of the teachers, the union and the employer in the violent wildcat strike that took place in SOWETO in 2009?What measures can be put in place to ensure the collective bargaining institutions and the dispute resolution procedures can be used in future to avoid further strikes and violence.

In chapter 4 the researcher provided the findings and analysis on the research. The chapter provided the events of the strike and subsequently identified the causes of the strike. The major themes that arose from the research were the causes of the wildcat strike. Poor work relations between the teachers and the Education Department were a major cause.

Efficacy of strike action was also significant. Violence is also clearly seen as effective for winning worker's demands. The strike in Soweto was a struggle for power, control and corruption. In chapter four the immediate cause of the strike was been identified to have been a dispute over the appointment of educators who had been recommended by the School Governing Body for promotions. The District Director did not want to comply with the recommendations which were made by the different SGB. The process of appointing teachers for promotion has become very complex because it has to satisfy a whole host of criteria. The process has to take into account the cultural and ethnic diversity within which the decision to promote is taken. It has to take into account all the legislation regarding issues of discrimination, equity and redress. This research has identified this complicated process of selection and appointment as the root cause of the conflicting relationship between the Provincial Department of Education, the teachers and the SGB. Furthermore in chapter four poor work relations between the teachers and the Gauteng Department of Education was identified as a major cause of the 2009 wildcat.

The research established that the law provides the framework for dialogue between the employer and the employee, but the employee will decide that the procedure is too long so they will choose a wildcat strike which is a shorter way of resolving the disputes. The labour relations act 66 of 1995 stipulates the procedures that have to be followed in the resolution of disputes. This study shows that these processes have been ignored.

Conclusions

The most visible impact of the strike is the inability of the education department to meet its objectives and obligations that is, the provision of education to the learners. This denies the learners their right to education. The strike disrupts the achievement of educational objectives. This means that managing conflict is crucial for the effectiveness and efficiency of the education department. Any form of strike action must be avoided since it creates a bitter working relationship between the teachers and the education department officials. This finally destroys the amicable working relations between the two parties. The current practice where there is political interference in the decision making process negatively affect the teaching and learning process. It finally renders both the teachers and the education department ineffective in the execution of their duties. This study can conclude that the situation of South African politics is an important determining factor as a cause of strikes. As explained before the political relationships that exist between the teachers, the ANC and the SGB influence the decision to strike or not to strike.

The relationship between SADTU and the education department is one of the principal sources of corruption. Those who emerge victorious in the highly politicised conflict become leaders, both within SADTU and the education department, some of the SADTU leadership will be also part of the school management. The research identified some of them as having been leaders of the wildcat strike. This means that these school principals who had participated in the wildcat strike could not take any disciplinary action against wayward teachers. There will also be other corrupt practices such as nepotism and favouritism. The union control over management

positions within the educational system has some negative effects within it such as the inability to ensure productivity in the work place and commitment to the job, especially by those educators who are in managerial positions.

In chapter four it was indicated that the unions have been mandated with the observer role in the process of determining which educator qualifies to be promoted. The unions have however abdicated this role and insisted on being the final decision makers in determining which educators have to be promoted. The union has now used this as a forum through which they practice nepotism and other forms of corruption. Promotional posts are rewarded to teachers on the basis of loyalty to SADTU rather than on qualification. This has resulted in incompetent individuals being given responsibilities which they are unable to fulfill. The effect of this has been an ineffective education system. The system of promotion has also been used to fight political battles where those who emerge victorious become senior government officials in the education department. This practice has turned out to be part of a larger ANC policy known as the deployment of comrades. These appointments have made the school managers to become loyal to SADTU rather than the education department. The schools have as a result become ineffective and dysfunctional. They are no longer able to efficiently and effectively provide teaching and learning.

This thesis can conclude that the SGB have been given powers and responsibilities that are beyond their capabilities. They do not have the prerequisite knowledge and skills that are needed for the adequate administration and management of the schools particularly when it comes to a

highly contested terrain such as the promotion of teaches, and the awarding of contacts for the running of the schools. Some of the SGB members have received very basic education. This makes them to be more vulnerable to manipulation by the more educated SADTU members. The SGB also finds itself caught up in a web of corruption that characterizes the management of the school system particularly when it comes to the distribution of financial resources.

Recommendations

Based on the results of this study, the following are recommended:

SADTU must respect the managerial prerogative of the education officials. The union must at all times maintain its observer role in the process to determine which educators qualify to be promoted.

All educators who transgress the law must be held accountable for their actions and they must be liable for punishment. Teachers should not destroy government property as part of their strike action. There must be an end to political interference in educational decisions. There must also be an end to nepotism in the promotion of teachers and other forms of corruption.

The department of education must have a proactive labour relations policy that is meant to anticipate and respond to the socio-economic and political challenges that are facing the department. This should be specifically targeted to rid the department of corruption that is motivated by these factors.

The department of education must at all times be prepared for conflict with the teacher unions and be able to tolerate and contain the conflict. They must put in place mechanisms for enhancing industrial peace. There should be an alliance between management and the unions, not antagonism.

The department of education must establish a time frame within which all negotiations with the union should have been completed. The current practice which allows negotiations to continue indefinitely must be discarded. The education department must endeavour to resolve grievances speedily. They must also show a commitment to the dispute resolution and collective bargaining process.

The education department must improve on the quality of service that it renders to the teachers on a daily basis. These are the basic administrative issues that deal with managing the teaching profession.

Recommendations for further research

Further research into the relationship between the teacher unions and the education officials might yield results that are beneficial to the education system. This may also include a hard look at how the alliance between SADTU and the ANC is impacting on the education system as a whole.

The SADTU wildcat strike that took place in SOWETO mirrors a much broader dynamic political, economic and cultural situation that has emerged in South Africa to define the post-apartheid era. The wildcat strike reflects much more complex social relations that would need a much bigger research than this thesis in order to fully explain the event.

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Appendix

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An investigation of Conflict and conflict resolution in the 2009 teacher strikes in SOWETO Public Schools

Interview Schedule

Introduction

1. My name is Carthage Tony Kenosis. I am currently an M.A. student in Industrial Sociology with the Global Labor University at Wits University.
2. This interview is part of my M.A. Degree Research project in the GLU programme at sociology department, Wits University in Johannesburg.
3. The aim of the research is to investigate the causes of the SADTU strikes that took place in SOWETO in 2009

4. Specifically the research is to determine the underlying factors that may have led to the strike
5. You must be assured that your responses will be treated as confidential and will not be used for any other purpose apart from my research.

_____

In-Depth Interview – South African Democratic Teachers Union Spokesperson

Questions

1. What is your name?
2. what is the name of your trade union
3. To begin with can you provide a background of your union life? Was there a formative event that got you interested in union issues? When did you become a member of your union? Did you perceive yourself in the beginning becoming a union leader? What interests you most as a leader and what do you think you hate most as a union leader?
4. what position do you hold in the trade union
5. For how long have you been in your current position
6. Exactly what do you do as a union leader/can you explain a typical work day for you as a union leader?
7. Would you say that your work is repetitive, that is you encounter that same problems over and over again or would you say the problems you must deal with change?

MOVING ON!! NOW To the teacher's 2009 strike

8. Can you briefly relate the events of the strike? What events do you consider to have been the trigger of the strike?
9. Strikes are usually carried out through appealing to the workers conception of fairness and legitimacy, How far can you associate your strike with this kind of reasoning?
10. Strikes are also attributed to suspicious management policies and practices, How far can this be true over your recent strike?
11. Strikes is often regarded as the most important and effective weapon that the worker /teacher can use in order to achieve their demands. Do you think that a strike is a valid means for you to obtain improvements on your situation Explain your answer?
12. Can you tell me the list of the demands you made to the management?
13. What procedure did you follow in producing a preferred list of their candidates who are supposed to have been promoted?
14. Which offers did you reject from management?
15. What arguments did management give for making such offers?
16. What benefits accrued to you as a result of the strike?
17. The union leadership is reported to have declared your strike illegal. What made you to undertake an illegal strike? Why did some schools choose not to strike
18. Workers always argue that management has to be pressured in order for them to meet their demands. How far do you agree with this statement as a union leader?
19. Why did the teachers elect to use aggression as a means of expressing their grievances?
20. The union raised a dispute over the appointment of school principals but subsequently you raised other issue such as government failure to implement the occupation specific

dispensation. How do you relate some of these issues you raised with your current strike?

21. How far can this strike be associated with other grievances that had accumulated over time? Can you identify the grievances that had accumulated over time?
22. Can you say that the teachers have always been having some simmering complaints against the employer?

TO END OUR DISCUSSION

1. Looking back at the strike events where can you say you did achieved your most success and where did you really fail?
2. Looking back what would you say have been the most difficult or challenging conflict situation you have been asked to resolve?

Closing remarks: it has been my pleasure conducting this interview with you. I appreciate and hope for your continued support. Should there be any need for me to call on you again for some more information please allow me to do so. Once more thank you for your support and cooperation.

<u>In-Depth Interview- Gauteng Department of Education official Johannesburg</u>

1. Do you have any policies, procedures or manuals pertaining to employee strike actions?
2. How useful or insightful do you regard the bargaining process to be in resolving issues that teachers declare as disputes?

3. Do you think that workers and management have opposing interests? Please explain your answer?
4. Do you think that teachers should have more say in decisions that are made concerning their welfare? Please explain your answer?
5. Can you give an example of a decision concerning teachers that was made without consulting them?
6. Some people say that merit for each worker should be judged by his/her work colleagues and that promotions should be given according to this judgment rather than according to that of management. How far do you agree with this statement?

Now moving on to the 2009 teachers strike

7. How far can you say that the teacher's strike in 2009 was a result of differences between management and the teachers?
8. Workers always argue that management has to be pressured in order for them to meet their demands. How far do you agree with this statement as a manager?
9. What solutions did management present to the teachers as a way of ending the 2009 teachers strike?
10. Looking at the statements which were made by the union leaders such as the strike being a political revolution, Do you think that unions should have ties with political parties or not? That they should support certain political parties and their policies?
11. The issues of labor relations conflict in the education sector have been ongoing for a few years. Which issues do you regard as the most conflict prone issues?
12. If you have to summaries one or two important lessons or truths you have learnt in the arena of industrial relations over the issue of teacher strikes what would you say they are?

Closing remarks: it has been my pleasure conducting this interview with you. I appreciate and hope for your continued support. Should there be any need for me to call on you again for some more information please allow me to do so. Once more thank you for your support and cooperation.

An investigation of conflict and conflict resolution in the 2009 Teachers strike in SOWETO public schools

PLEASE read through this introduction so that it may assist you to better understand the questions that we are going to discuss during the interview

Feel free to make any suggestions that you think can assist in answering the above question

Introduction

- **The aim of the study is to find more effective ways/ strategies which can be used to promote industrial peace**
- **To assist the role players to better understand how to strengthen the institutions of conflict resolution**
- **There is an appreciation that South African labor laws are some of the most democratic laws in the world**
- **The laws accept that there will be conflict in the work place e.g. teachers have the right to strike**
- **There are therefore procedures laid in the law on how conflict can be resolved**
- **Or how it can be avoided**
- **The law tries to regulate the relationship between the employer and the employee**
- **This is done through the constitution and the labor relations act**
- **This is done through the Education labor relations council, the CCMA etc**

- **Despite the availability of the above laws and institutions we continue to have industrial conflict in the form of teacher strikes**
- **In this study we are trying to establish why industrial conflict continues to occur despite the fact that there are laws that have been established to avoid industrial conflict**
- **To what extend have both the employer and the employee adhered to these laws**
- **To what extend have the employer and the employees violated these laws.**
- **What measures can be put into place to avoid the breakdown in the dispute resolution mechanism**
- **How adequate or inadequate are the laws in the dispute resolution process**

University of the Witwatersrand,

Faculty of Humanities,

H F03 West Campus Village,

Private Bag 3,

WITS, 2050.

Cell 0765586586

Dear Sir/Madam,

Research Project: An investigation of conflict and conflict resolution in the 2009 teachers strikes in SOWETO public schools.

My name is Carthage Tony Kenosi and I am a Master student at Wits University in the Faculty of Humanities. In partial fulfillment of the requirement for obtaining the Degree of Master of Arts in Globalization and Labor Policy, I am conducting a research on conflict and conflict resolution in the public sector schools and the causes of wildcat strikes , which I invite you to participate in.

As you may know, strikes have been a common phenomenon in the teaching profession and there have been debates on the impact that they have in the education sector. Of recent we have seen such debates as to whether teaching should be declared an essential service and that teacher's should not engage in strike activity. The broad objective of this research is to explore and understand the causes of wildcat strikes in

the teaching profession and how this form of conflict is resolved with particular reference to the 2009 teacher's strikes in SOWETO.

Therefore, I would now like to interview you as part of this research. I would like to ask you some questions on your experience in this area.

Your participation in this interview is entirely voluntary and you can choose not to participate if you do not want to. There will be no penalties should you decline to participate.

On completion of the research I will be writing a report on the research and I would be happy to share the findings with you. I hope that this report will help the stakeholders in responding to challenges pertaining to the management of industrial relations in the teaching profession. Nothing that you say will be attributed to you in any way.

If you have further questions during the course of the study, you may contact, my supervisor, Dr KARL VON HOLDT at the University of the Witwatersrand, P/Bag 3, WITS, 2050

Yours sincerely

Carthage Tony Kenosi
Master Student: Globalization and Labor Policy, Faculty of Humanities, Wits University
Email: ditonza@yahoo.com

An investigation of conflict and conflict resolution in the 2009 teachers strikes in SOWETO public schools.

You are invited to participate in this interview.

Please read the statements below and, if you agree, sign the consent form.

I agree to be interviewed for the research project on **an investigation of conflict and conflict resolution in the 2009 teacher's strikes in SOWETO public schools.**

- I understand that my participation in this interview is entirely voluntary. I do not have to answer all/any questions that I do not want to.
- I can withdraw from this interview at any time.
- There will be no penalties should I choose to withdraw from this interview or choose not to answer any questions.
- I understand that this interview is confidential. No information or views that I provide in the interview will be attributed to me.

Name... (Please print)

Signature:……**Date:**……

An investigation of conflict and conflict resolution in the 2009 teachers strikes in SOWETO public schools.

Dear Interviewee,

I would like to record this interview. This is to allow us to accurately capture what you have said.

The recording will only be heard by me and you. It will not be played or given to any other person.

None of the information recorded will be attributed to you.

Thank you

Carthage Tony Kenosi

Faculty of Humanities, Wits University

Cell: 0765586586; Email: ditonza@yahoo.com

An investigation of conflict and conflict resolution in the 2009 teachers strikes in SOWETO public schools.

- I agree for the interviewed to be recorded.
- The tape will only be heard by the researcher.
- It will not be played or given to any other person.
- No information will be used in a way that can be attributed to me.

Name…… (Please print)

Signature:……**Date:**…….