

## Exploring Challenges Of Collective Bargaining Coverage In The Public Sector

Keratilwe Bodilenyane\*<sup>1</sup>, Wilfred I. Ukpere<sup>2</sup> and Calvin Mabaso<sup>3</sup>

### Abstract

*Collective bargaining promotes employee participation and addresses irregularities that exist in the workplace. A well-functioning collective bargaining system provides an atmosphere in which workers can influence decision making. The study seeks to establish the extent of collective bargaining coverage in Botswana and to recommend strategies to make collective bargaining attractive in Botswana. To realise the set objectives, the study adopted a qualitative phenomenological research design. The research was conducted in Botswana's public sector, using a sample size of fifteen (15) participants that was purposively selected. Data was collected through face to face semi structured interviews and content and thematic analysis was used for data analysis. The general picture that emerges from the current study is <sup>1</sup>that Botswana has a high coverage rate of 75%. The study found that even though all employees in the public service have bargaining rights, the scope for the current bargaining unit comprises the D1 salary scale and below. The present study's findings revealed that workers on the E and F salary scales are not part of the bargaining unit because they are classified as management. In a nutshell, the current study has established that Botswana is a hybrid of adjusted and unadjusted collective bargaining coverage rates.*

**Keywords:** *Collective bargaining, Collective Bargaining Coverage, Adjusted coverage rate, Unadjusted Coverage rate.*

### 1. INTRODUCTION

The concept "collective bargaining" was coined at the end of the eighteenth century in England. Collective bargaining was introduced by Sidney Webb, a British labour historian, in 1891. Doellgast and Benassi (2014) point out that Beatrice Webb originated the term "collective bargaining" in 1891 and outlined it as a process where employees band together and elect leaders to bargain over employment conditions. Doellgast and Benassi (2014, p. 2) describe collective bargaining as "a process in which representatives of the interests of employees and the representatives of the employer party voluntarily negotiate and otherwise interact in an attempt to reach an agreement on matters of mutual interest". However, there has been refinement in definitions and articulation of collective bargaining. The concept has been conceptualized as negotiations, decision-making procedure, social dialogue, regulations of relationships, bipartite relations, social dialogue, and in terms of the scope and issues covered under collective bargaining. On the other hand, collective bargaining coverage refers to the number of workers whose employment conditions and pay are determined by certain collective agreements (Wolfgang, 2001).

Collective bargaining promotes employee participation and addresses irregularities that exist in the workplace. A well-functioning collective bargaining system provides an atmosphere in which workers can influence decision making. Botswana has received international accolades for its economic gains; yet the welfare of its workers remains wanting. The study emphasises the centrality of placing workers at the heart of industrial relations through their representatives. The paper seeks to establish the extent of collective bargaining coverage in Botswana and to recommend strategies to make collective bargaining attractive in Botswana. Despite Botswana being an African miracle in terms of

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<sup>1,2,3</sup>Department of Industrial Psychology and People Management, University of Johannesburg, South Africa

governance and development, collective bargaining remains a challenge. Recent trends in industrial relations are characterised by the subjugation of employees, as well as manipulative collective bargaining coverage and extensions. There are continuous legal battles between the government as the employer and trade unions on collective bargaining coverage and extension mechanisms. Collective bargaining coverage is a sensitive aspect that can build or destroy industrial relations. It extends to issues of representation, the number of collective agreements, and the extension of collective agreements. The paper will focus mostly on collective bargaining coverage as opposed to both coverage and extension mechanisms.

### **1.1 Background of the Study**

For a while now Botswana has been stable owing to a prosperous continental economy. However, the same cannot be said about collective bargaining. Botswana has little understanding and experience of collective bargaining, and though trade unions have the latitude to organise, collective bargaining machinery has not been used satisfactorily (Fashoyin, 1998). The country institutionalised collective bargaining in 2008, and its track record has been disappointing. The government seems reluctant to accept collective bargaining as a veritable means of joint regulation. In line with international standards, Botswana's government amended some of its labour laws to align them with ILO requirements. This led to the formation of the Public Service Act No. 30 of 2008 to ratify some ILO Conventions. Following inception of the Public Service Act in 2008, Section 50 of the Act provided for establishment of the Public Sector Bargaining Council (PSBC). Section 51 (1) called for PSBC parties to institute a constitution for the Public Service Bargaining Council (PSBC). However, Botswana does not have pre-established criteria for collective bargaining coverage and extension procedures. In South Africa, the LRA's Section 65(1)(a) "prohibits employees from embarking on a strike if the issue in dispute is regulated by a collective agreement". To achieve peaceful collective bargaining and a prompt, equitable dispute settlement, the LRA purposefully restricts the freedom of any party to act on a negotiable issue while it is still under negotiation. The peace clause also requires that all concerned parties do not act on issues that are before the bargaining council. This is because once issues are concluded by the council, extension mechanisms require that non-parties should be included in collective agreements.

The case is different in Botswana, where the other party (the employer) decides unilaterally on issues that are before the PSBC. In 2014 and 2016 the President and the portfolio minister simply overruled the bargaining council and imposed salary increments unilaterally in support of some ad-hoc concerns. Unitarism is so rife in Botswana that for the 2016/17 and 2017/18 financial years, the government unilaterally decided to award a 3% and 4% salary increment to public servants, respectively. These salary increments borders on collective bargaining coverage. The salary adjustment for senior management and other executive management cadre, not eligible to unionise, is one of the many examples where the government as employer makes pronouncements on issues that were before the bargaining council. These tendencies of unilateral salary increments have been condemned by trade unions, demonstrating the state's blatant disregard of workers' predicament (BLLAHWU, 2022). The procedure for collective bargaining is that neither party shall bypass the bargaining process; "engage in unilateral action such as the unilateral alteration of employment conditions or industrial action before negotiations have been exhausted; and prohibit negotiating through the media and pre-empting the outcomes of the bargaining process through the media" (Ifezue, 2016, p. 221).

The relationship between the social partners, the government, which is the employer, and the workforce and worker organisations has been strained since the historic 2011

industrial action (Zvobgo, 2019). Due to a history of unilateral decision making, government used different tactics to resist collective bargaining. This is the divide-and-rule approach, which demonstrates a lack of commitment to institutions of social dialogue. Marxists contend that in nations with capitalism, 'it is the state that maintains wage labour as an object of exploitation, reproduces general conditions of production, including labour

power, and maintains legal relations' (Mogalakwe, 1994, p. 44). Befort (1985) also notes that in a small number of jurisdictions without comprehensive bargaining legislation, unilateral action is significantly more widespread.

## **1.2 Problem Statement**

Despite Botswana being an African miracle in terms of governance and development, collective bargaining remains a challenge. The country's capitalistic mechanisms aim to promote the ruling class's interests, and this comprises political elites and the bourgeoisies (Mogalakwe, 1994). The ruling class has, in the past, suppressed trade unions, making them weak and ineffective. Recent trends in industrial relations are characterised by the subjugation of employees, as well as manipulative collective bargaining coverage and extensions. This is demonstrated by continuous legal battles between the government as the employer and trade unions on collective bargaining coverage and extension mechanisms (Motshegwa & Tshukudu, 2012). It has become apparent that the government as the employer is not ready to cooperate with trade unions.

### **1.2.1 Research Questions**

Given the stated research problem, the following are the study's research questions:

- What is the extent of collective bargaining coverage in Botswana?
- What strategies can be established to make collective bargaining workable in Botswana?

### **1.2.2 Research Objectives**

The following are the study's objectives:

- To establish the extent of collective bargaining coverage in Botswana,
- To recommend strategies that can make collective bargaining attractive in Botswana.

## **2. THEORETICAL FOUNDATION**

### **2.1 The Pluralist Perspective**

Diverging from the unitary approach, is the pluralistic approach. According to the pluralist viewpoint, the employment organisation is a coalition of people and organisations with a range of goals, moral principles, and areas of interest. This perspective's underlying premise is that people within an organisation merge into numerous unique teams, with each having its goals and interests. Considering the pluralist perspective, the two most common sub-groups in organisations are management and worker unions, each with their own goals and legitimate allegiances to represent their respective groups, as well as leadership (ILO-A 2011). There is competition among these subgroups for control and loyalty. Despite this diversity, pluralism ensures that diversity is well managed and contained within existing social dialogue platforms such as bargaining councils. It ensures effective communication and workers can express themselves on issues that affect their work life.

The democratic leadership style, an open and collegial style of running organisations, is closely related to pluralism. Ideas move freely in the organization and are discussed openly. In a pluralistic approach, worker representatives are part of decision making to address workers' concerns. There is joint regulation, as workers are fully engaged in the organisational decision-making process. Employees are given control over their tasks and the decision-making process, and hence feel part of decision making. Despite its benefits, Slater and Bennis (1990) observe that employers oppose the pluralist approach for many reasons. Firstly, they perceive that it threatens their undemocratic authority directly and may take away their wealth, influence, and status. Secondly, people have authoritarian values and have a strong conviction that authoritative orders are just and effective. Thirdly, most people have a certain degree of desire for a hero or a charismatic figure who can solve problems and do away with confusion (Slater and Bennis, 1990). Employers should learn to deal with their egoistic behaviour and be responsive to benefits derived from the pluralistic behaviour approach. As noted by Gastil (1994), developing a sense of accountability and self-assurance is necessary to alter beliefs and behaviours. This will encourage a desire for acceptance of the pluralistic perspective.

## 2.2 Extent of Collective Bargaining Coverage

Collective bargaining coverage concerns ‘the number of workers whose pay and conditions of employment is determined by one or more collective agreements’ (ILO, 2018, p. 9). It covers “the share of employees to whom a collective agreement applies” (Visser et al., 2017, p. 3). Similarly, Visser (2017, p. 9) states that collective bargaining coverage involves “the number of workers whose pay and/or conditions of employment is determined by one or more collective agreement(s)”. Collective bargaining coverage helps to explain the extent to which collective agreement covers a good number of workers to safeguard their rights. “The coverage statistic provides a first approximation of how inclusive collective bargaining is in affording labour protection” (Visser et al., 2017, p. 3). It “conveys the number of workers covered by at least one collective agreement expressed as a percentage of the eligible workforce, which may be defined as paid employment, total employment, employees who have the right to collective bargaining, and so on” (Visser et al., 2017, p. 3). According to the ILO Flagship Report (2022, p. 63), “high coverage (above 75 per cent) is often an indication that parties co-regulate terms and conditions of employment, while low coverage (below 25 per cent) indicates that regulation by collective agreements is mainly limited to enterprises covered by such agreements”. This is helpful for the governance of collective bargaining, whether it includes workers without bargaining rights, or whether the same can be extended to other workers in different industries. “Expressing the number of workers covered by collective bargaining as a proportion of the total number of workers in the reference population facilitates understanding the actual importance of collective bargaining in the labour market, and the real impact that it has on the working population” (ILO 2018b, p.13). Hence, collective bargaining coverage is an important and sensitive aspect that explains the structures and extent of collective bargaining, as well as the country’s industrial relations.

There is a challenge to determine collective bargaining coverage, as in some instances it may include or exclude workers without bargaining rights. ILO Conventions No. 87 and No. 98 exclude some groups of workers responsible for state administration from the permission to collective bargaining. Therefore, there is an adjusted and an unadjusted coverage rate. An unadjusted coverage rate refers to “employees covered by a collective agreement as a proportion of all employees, and the adjusted coverage rate, defined as the ratio of employees actually covered to the potential number who could in principle be covered as determined by the formal provision of bargaining rights” (OECD, 1994, p. 172). This means that the adjusted rate is when “the number of workers who, by law, do not have the right to collective bargaining are excluded from the denominator of the collective bargaining coverage rate” (ILO 2018b, p. 14). “The usual practice of restricting the analysis of collective bargaining coverage only to employees is justified by the fact that historically, collective bargaining focused almost exclusively on employees, and although this is starting to change, in many countries collective bargaining is still associated mostly with employees, and not with the self-employed” (Visser et al., 2017, p. 11).

There are three ways of determining the coverage rate for collective bargaining, namely the “share of employees covered by collective bargaining” (ILO 2018b, p.13). The first way involves “the share of workers who are in paid employment and whose conditions of employment are determined by one or more collective agreement(s), that is, the number

of employees covered by collective bargaining as a percentage of the total number of employees” (ILO 2018b, p.14):

“Collective bargaining coverage rate 1 = Employees covered by collective bargaining/ Total number of employees x100” (ILO 2018b, p.14).

Another not so common way of calculating the coverage rate involves those who are employed “(whether in paid employment or self-employment) and whose conditions of employment are determined by one or more collective agreement(s) as a percentage of the total employment” ((ILO 2018b, p.14)):

“Collective bargaining coverage rate 2 =  $\frac{\text{Employed persons covered by collective bargaining}}{\text{Total employment}} \times 100$ ” (ILO 2018b, p.15).

This is a rare method because self-employment does not deal much with wage and salary negotiations; hence, including self-employment may not provide an accurate coverage rate. The first two methods of calculating the coverage rate can be classified under the unadjusted coverage rate. The third method is an adjusted coverage rate, because it focuses on employees who are eligible for collective bargaining. “The collective bargaining coverage rate could reflect this by including in its denominator only those employees who actually have the right to collective bargaining” (ILO 2018b, p.14), excluding those workers responsible for the state’s management like the disciplined forces:

“Collective bargaining coverage rate 3 =  $\frac{\text{Employees covered by collective bargaining}}{\text{Employees with the right to collective bargaining}} \times 100$ ” (ILO 2018b, p.14).

“The collective bargaining coverage rate adjusted for the right to collective bargaining provides a better indication of the true impact or spread of collective bargaining within its potential scope, that is, the workforce that it could reach” (ILO 2018b, p.14). The different ways of calculating collective bargaining coverage are important to help to decide the impact and extent of collective bargaining in each context or country. The ILO (2018b, p. 16) argues that “the coverage rate among all employees (even those without the right to collective bargaining) is also informative, allowing one to assess the impact of collective bargaining on all those in paid employment or in self-employment, and providing an indication of the extent to which collective bargaining governs the labour market”.

There is a scarcity of relevant data on collective bargaining coverage, especially in several African and Asian countries. According to the ILO Flagship Report (2022, p.63), this is “explained in part by the relative underdevelopment of collective labour relations institutions in labour markets and the limited capacity for collecting related data in those countries”. “The median for the Africa region (23.8 per cent) appears to be higher than that of the Americas (12.1 per cent) and Asia and the Pacific (12.8 per cent)” (ILO Flagship Report, 2022: 64). However, the ILO Flagship Report (2022, p.63) notes that high coverage in some countries may be attributed to the reason that “collective bargaining coverage rates are calculated as a share of employees, which, in developing economies with high levels of informality, tends to lead to an overestimation of regulatory coverage by collective agreements”. A study by the OECD (1994, p. 167) “shows adjusted coverage and unionisation rates for 17 countries around 1990”. The study found that the “coverage rates varied greatly, with values ranging from 18 to 98 percent. In 12 of the 17 countries, at least two-thirds of those who enjoy the right to bargain are covered by some form of collective agreement, with Austrian, Finnish, and French employees having coverage rates of above 90 per cent” (OECD, 1994, p. 167). Low coverage rates show that a country does not view collective bargaining as a legitimate tool for cooperative employment regulations. Government agencies restrict collective bargaining by limiting the scope of collective agreements to a limited subset of employees. In certain nations the differences of collective bargaining coverage are massive; “for instance, in Zambia (6 versus 38 per cent), Venezuela (7 versus 13), Brazil (42 versus 65), Albania (10 versus 24), Greece (22 versus 40), Portugal (50 versus 67) and Italy (60 versus 80)” (Visser et al., 2017, p.3). “Even in some northern European countries with regulated labour markets such as the Netherlands, the gap is quite large (71 versus 84 percent) as a result of the rising number of own account workers” (Visser et al., 2017, p. 3).

Another huge collective bargaining coverage rate variance was observed in Europe and Central Asia compared to other regions, where “Turkey, with a coverage rate of 7 percent” (ILO Flagship Report, 2022, p. 64), is at the extreme of the range, and “Italy is at the other end, with a rate of 99 per cent” (ILO Flagship Report, 2022, p. 64). A report by the ILO (2018) also shows huge differences among countries regarding collective bargaining

coverage. “Collective bargaining coverage demonstrated to be low in some regions (Asia, for example) and high in others (western Europe)” (ILO, 2018, p. 26). The report shows a coverage rate ranging from “1 or 2 per cent in Malaysia, Panama, and the Philippines to nearly 100 per cent in Austria, France and Belgium” (ILO, 2018, p. 26). “In Cameroon, for example, paid employment (formal and informal) accounted for only 24.6 per cent of the country’s total employment; its own-account workers accounted for 68 per cent; and the remaining 7.4 per cent included contributing family workers and others in 2014” (ILO, 2018, p. 26). Another good example, which may provide a misleading idea of the significance of collective agreements, is Ghana. Ghana has a coverage rate of 38 per cent, yet “the share of employees in total employment is only 34 per cent” (ILO Flagship Report, 2022, p. 64). In a study conducted in South Africa, “65 percent of the firms that were surveyed are subject to bargaining councils agreements, be they party to such agreements or non-parties to whom agreement had been extended” (Alby et al., 2005, p. 25). This demonstrates that collective bargaining coverage varies from one context to another.

The above findings show that stability of collective bargaining varies from one context to another, where some countries witnessed a decline, while others were stable, and others experienced no changes or improvements in their coverage rate. “Data on changes in bargaining coverage rates from 2012 to 2016 shows that although coverage remained stable in some countries and increased in others (including Brazil, Chile and Costa Rica), the trend is still one of general decline” (ILO, 2018, p. 29). Great Britain witnessed a fall in coverage from 1990-2000 (Kerckhofs, 2011). Collective bargaining in Britain has failed to integrate new workplace mechanisms, along with declining trade unions and employer organisations. “For some countries (including Japan, the United Kingdom and the United States), this decline is part of a longer term downward trend, mirroring, in part, a decline in membership and trade union bargaining power, increased legal impediments to organizing, as well as the increased use of opening clauses and changes in membership categories (for instance, ohne Tarifbindung membership – membership without being bound by a collective agreement – in Germany)” (ILO, 2018, p. 29). “More recently, there has been a sharp decline in bargaining coverage in certain European countries that sought international financial assistance owing to the global economic crisis (Cyprus, Greece, Ireland, Latvia)” (ILO, 2018, p. 29). Also, “in some enterprise-centred systems (e.g. in Japan and the United States) or in countries where major institutional changes in policies have occurred (e.g. New Zealand and the United Kingdom), there has been a clear decline in coverage” (OECD, 1994, p. 168).

The decline demonstrates that the uptake and domestication of ILO Conventions 87, 98 and 154 are not promising. As noted in Conventions No. 98 and No. 154, for collective bargaining to remain stable, there is a need for deliberate efforts by the government to support and promote collective bargaining. Visser et al. (2017) concur, proclaiming that full development of bargaining coverage can be attained through the presence of enabling legislation and respect for social partners. Certain nations have employed various policy measures such as: “conclusion of social pacts or national general agreements (as in Finland in 2016); the lowering of thresholds for the extension and introduction of public-interest considerations in policy decisions to extend a collective agreement such as the

proportion of non-standard and migrant workers in a particular sector (South Africa and Switzerland, both in 2017); measures to facilitate the application of collective agreements to posted workers (employees whose employer directs them to carry out a service in another country on a temporary basis) (Norway in 2015); and the reform of legislation regulating collective bargaining procedures and trade unions, removing impediments to the establishment of a bargaining unit or the exercise of organisational rights (Chile in 2016)” (ILO, 2018, p. 30). Collective bargaining coverage helps to gain insight into constraints and unforeseen challenges in the extension of negotiated agreements. The next section outlines the research methodology.

### **3. RESEARCH METHODOLOGY**

This section identifies the study's philosophical assumptions, research approach, research strategy, data analysis and strategies to ensure quality research. Research designs can be broadly classified into three categories: explanatory, descriptive, and exploratory (Creswell, 2003), while there is also comparative and co-relational research design (Qyen, 1990). This study's epistemological view was that knowledge is available through observations and interactions with social actors. The study adopted a subjective view, which perceives reality as being socially constructed, referred to as interpretivism and/or constructionism (Eriksson & Kovalainen, 2015). Given the objective and subjective epistemological stance, the epistemology view that underpinned this research is interpretivism. This means that what people know is owing to the social nature of reality. It is possible that the world is not independent of the observer (nor objective), but is better understood through human interactions and experiences (Eriksson & Kovalainen, 2015). Therefore, the study adopted a qualitative phenomenological research design. The research setting for this study was the public sector, as well as public sector trade unions in Gaborone. Gaborone is the capital city of Botswana, which is where the trade unions and government ministries' headquarters are based. "Qualitative researchers recognise that some informants are 'richer' than others and that these people are more likely to provide new insights to the research" (Marshall, 1996b, p. 523). Thus, purposive sampling was used for selecting research participants. Consequently, a sizeable sample of fifteen (15) participants was selected from the population under study. To ensure multivocality, that is, varied voices in the research, the researcher included three participants from each category of the study population, namely three from the trade unions, three from the industrial courts, three from the employer (DPSM), three from the Ministry of Employment, Labour Productivity and Skills Development (MELSD), and three public service employees (shop stewards). Semi-structured interviews were used to gather data for this study. Semi-structured interviews were suitable for this research to learn more about respondents' perspectives regarding the phenomenon of interest. The researcher used both content and thematic analysis because it is suitable to comprehend a phenomenon through the perspectives, beliefs, experiences, knowledge, and values of stakeholders, as determined by a collection of qualitative data (Braun & Clarke, 2006). This interactive process of thematic and content analysis followed the conceptual framework for thematic analysis, based on the six-step, step-by-step framework for thematic analysis created by Braun and Clarke (2006). To aid the whole process of content and thematic analysis, the researcher used ATLAS.ti. Quality research in quantitative research is ensured through validity, reliability, generalisability and objectivity, while qualitative research ensures quality through the eight 'big-tent' (Tracy, 2010). To ensure quality research, the following aspects were factored into the research process: "(a) worthy topic; (b) rich rigour; (c) sincerity; (d) credibility; (e) resonance; (f) significant contribution; (g) ethics; and (h) meaningful coherence" (Tracy, 2010). The study followed all research protocols and ethical principles by engaging in the university's ethical clearance process. The study employed ethical principles by being mindful of research participants and space.

## FINDINGS AND DISCUSSIONS

A question was posed to elicit participants' views, experiences, and opinions on the extent of collective bargaining coverage. Participants were asked questions regarding whether all employees in the public service are covered by collective agreements from the bargaining council. Most of the participants said that collective agreements cover all workers, but theoretically they are excluded in terms of the law. Although all workers are covered, participants were not precise on the number of employees covered and those not covered by collective labour agreements. The participants' responses are presented in Table 1 below.

**Table 1:** Participants' responses related to collective agreements coverage of all workers.

Participant	Responses
Participant 1	"Almost all employees are covered by collective agreements because we have a unitary public service falling under the same Public Service Act".

Participant 2	“All employees are covered by collective agreements, but there are some who are excluded in terms of the law, i.e., the management and disciplined forces are covered by collective agreements through default extension mechanisms”.
Participant 4	“Public service should be around plus or minus 100 000,00, including teachers and nurses. All covered, but excluded in terms of the law. Management and disciplined forces are excluded. Those in the bargaining unit is 98 000.00, and these are D1 salary scale and below”.
Participant 7	“We have 105 000 employees in the bargaining unit. A to C salary scale 70 000 employees. Then C to D salary scale 35 000 employees. In total, the government has employed about 140 000 employees. This is inclusive of all, i.e., together with disciplined forces. Important to note is that negotiations do not include the disciplined forces. Of the 140 000 employees, only 105 000 are affected by negotiations”.
Participant 12	“The total number of employees in the public sector is around 160 000. Those covered by collective agreements are around 100 000”.

**Source:** Authors’ Fieldwork

The findings demonstrate that all public officers are covered by collective agreements, but theoretically some are excluded in terms of the law. There are public officers like management and disciplined forces who are not covered by collective agreements because they are not part of the current public service bargaining unit. However, it is apparent that though these employees may not be part of the bargaining unit, and given that Botswana has a unitary public service, they benefit from the collective agreements of trade unions through default extension mechanisms. The findings demonstrate that the public service has an average of 140 000 employees; of these, 105 000 employees are part of the bargaining unit. Public service employees who are not part of the bargaining unit are covered by collective public service agreements through extension mechanisms.

The current study found that the government has reconciled the different Acts, which provided for different employers in the public service. This has somehow had a positive impact on collective bargaining coverage and extension mechanisms. Botswana has a unitary public service that exists for the same mandate and is funded from same coffers. The findings of the current study demonstrate that decisions by the government as the employer, seems to cover or are extended to most, if not all workers in the public service. The majority of participants confirmed that all public service employees are covered by

collective agreements but excluded by the law. For instance, Participant 1 observed that:

“Almost all employees are covered by collective agreements because we have a unitary public service, falling under the same Public Service Act”.

The findings of the current study revealed that collective agreements cover almost all public service employees except for disciplined forces, because they are excluded from the public service by the PSA. This finding therefore implies that Botswana has adjusted coverage rate. The disciplined forces are without bargaining rights, therefore they are “excluded from the denominator of the collective bargaining coverage rate by law” (ILO 2018b, p. 14). The current study findings corroborate with the report by ILO (2018b, p. 14) that adjusted coverage includes “in its denominator only those employees who have the right to collective bargaining”, excluding some workers responsible for the administration of the state like the police services and the disciplined forces. Collective bargaining coverage rate

will be calculated based on all workers with bargaining rights, and this implies all workers in the public service in Botswana, as provided by the Public Service Act of 2008. This includes workers on D1 salary scale and below and management workers on E and F salary scale, as well as the essential service workers. The denominator for adjusted coverage rate excludes the disciplined forces, as illustrated in the formula below.

Collective bargaining coverage rate  $3 = \frac{\text{Employees covered by collective bargaining}}{\text{Employees with the right to collective bargaining}} \times 100$ .

According to Visser (2016, p. 6), this method/formula for collective bargaining coverage rate better indicates “the true impact or spread of collective bargaining within its potential scope, that is, the workforce it could reach”.

On the number of employees included by collective agreements, Participant 7 gave a breakdown of public service employees:

“Employees with bargaining rights we have 105 000. A to C scale 70 000 employees. Then C to D Scale 35 000 employees”.

According to Participant 7:

“In total the government has employed about 140 000 employees. Important to note is that negotiations do not include the disciplined forces. Of 140 000 employees, only 105 000 are affected by negotiations. The 140 000 employees doesn't include parastatals”.

The current study's findings revealed that, on average public service has a total of 140 employees and of these, 105 employees are covered by collective agreements.

$$\begin{aligned} \text{Collective bargaining coverage rate} &= \frac{105}{140} \times 100 \\ &= 75\% \end{aligned}$$

The findings of the current study indicate that Botswana has a high percentage coverage rate of 75% and can therefore be classified among the countries with a high coverage rate. Countries such as Slovenia and Austria have a high coverage rate of almost 100% (Kerckhofs, 2011). Botswana becomes an exception, because according to International Labour Office (2018), collective bargaining coverage has generally declined. The high coverage rate in Botswana could be attributed to default extension mechanisms and institutional changes in the public sector. Among others, include reconciling the different Acts to have one employer, the right to unionization and trade union rights. The government must be commended for these deliberate efforts to ensure public service workers have bargaining rights. These findings enjoy considerable support from Visser et al., (2017) who maintained that, high coverage rate depends on enabling legislation and supportive government. This is also enjoying considerable support from the pluralistic

approach, worker representatives are part of decision making to address workers' concerns. There is joint regulation, as workers are fully engaged in the organisational decision-making process. Employees are given control over their tasks and the decision-making process, and hence feel part of decision making.

Given all these dynamics, it is important to clarify whether Botswana has an unadjusted or adjusted coverage rate. The current study concluded that, theoretically, Botswana has adjusted coverage rate, because the disciplined forces and parastatals are excluded from the Public Service Act, but practically it has unadjusted collective bargaining coverage rate. Pursuant to this finding, the default extension mechanisms that are in place, makes Botswana to have some traits of unadjusted coverage rate. The disciplined forces and parastatals that are fully owned by government are excluded from public service, but through erga omnes effect they are covered through extension mechanisms. Therefore, the findings of the current study demonstrate that Botswana is a hybrid of both adjusted and unadjusted collective bargaining coverage rate.

## LIMITATIONS OF THE STUDY

Although the research was robust, certain inhibiting factors constrained the research. The first limitation noted is that the study was conducted in Gaborone, where the headquarters of trade unions and government ministries are based. Trade union members and government employees outside Gaborone could not be included due to geographic dispersion and financial limitations. Hence the sample may not be representative of the general population. This limitation has been noted by Creswell (2014) that qualitative research findings cannot be generalised as the data are not reflected in numbers and few participants are used for a study. To minimise this limitation, the study used participants who are knowledgeable and well experienced with regards to collective bargaining in Botswana.

## CONCLUSION

In a nutshell, the study established that Botswana has a high coverage rate of 75%, attributed to several institutional changes that the government made. According to the pluralist approach, unlike when the employer uses the unitary perspective, in a pluralist approach, trade unions have an arena to utilize their entitlements. The study found that even though all employees in the public service have bargaining rights, the scope for the current bargaining unit comprises the D1 salary scale and below. The present study's findings revealed that workers on the E and F salary scales are not part of the bargaining unit because they are classified as management. Relatedly, the current study established that Botswana is a hybrid of adjusted and unadjusted collective bargaining coverage rates.

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