

Full Length Research Paper

Ghana's numerous workers strikes; a cause for concern

Seniwoliba A. J.

Abstract

University for Development Studies,
P. O. Box TL 1350, Tamale, Ghana.

Email: attiahjoseph@yahoo.com

It is undoubtful that the growth of every economy depends on the strength and commitment of its labour force. This therefore suggests that where the labour force is unstable with erratic performance usually marred by constant strikes, the growth of a country's economy would be dwindling. The public sector has been characterized with strike actions following the introduction of the single spine salary structure. The first quarter of 2013 has witnessed several labour agitations mainly within the education and health sectors in Ghana. They have been asking for better conditions of service and the timely payment of arrears. Despite the role the labour force contributes to the growth of the economy, there is very little efforts from previous and succeeding governments to find lasting solution to these strike actions that occur very frequently. This study therefore, sought to contribute to knowledge about the underlying factors that cause the frequent strike actions in Ghana, some limitations of the Labour Act 2003 (Act 651) and to discuss the adjudication of labour issues and resolution of labour disputes. To verify these concerns therefore, views were sampled from individuals, executives of some labour unions, the internet (ghanaweb, google, myjoyonline, citinews etc), Ghanaian newspapers and commentaries on the current labour issues in Ghana and review of some works on labour relations. Amongst the more important findings was the fact that there must be a greater awareness of worker needs, values and objectives and the best way to handle strikes is to prevent them from occurring in the first place but when they (strikes) occur, management should be more proactive to investigate and manage the grievances by instituting effective communication approaches between management and employees and constantly monitoring working conditions to see what further types of improvements could be introduced to minimize strike actions. The paper recommends that participatory management decision making processes should be applied using the Alternative Dispute Resolution process to resolve the issues emanating from the research particularly relating to workers' strikes.

Keywords: Labour force, strikes, unrest, Ghana human resource, economy, single spine salary structure.

INTRODUCTION

The labour Union is a broad term for the development of a collective organization within societies, organized for

the purpose of representing the interests of workers and the working class, campaign for better working conditions

and treatment from their employers and governments, in particular through the implementation of specific laws governing labour relations. Abraham Lincoln, former President of the United States of America once stated that, "Labour is prior to, and independent of, capital. Capital is only the fruit of labour, and could never have existed if labour had not first existed. Labour is the superior of capital, and deserves much the higher consideration".

One significant area of economic growth is worker (employee) satisfaction which leads to significant work output. Where employees are satisfied with their work conditions there would be a commensurate increase in production. Failure of previous Governments and succeeding Governments have failed to find lasting solutions to the annual affair of workers strikes and lockouts leading to the brain drain of health sector workers and teachers. At the dawn of independence, this problem was non-existent.

Earlier, health workers and teachers were held in high esteem. Of late this honour accorded them is diminishing, leading to exodus of health workers and teachers into other sectors of the economy. Others are even leaving for "greener pastures" (better conditions) in other countries, which leads to "brain drain". Spio (1999) found similar results from permanent teachers.

Ghana in her current dispensation needs a sound industrial relations system. A sound industrial relations system is one in which relationships between management and employees (and their representatives) on the one hand, and between them and the State on the other, are more harmonious and cooperative than conflictual and creates an environment conducive to economic efficiency and the motivation, productivity and development of the employee and generates employee loyalty and mutual trust. Industrial relations itself may again be described as being concerned with the rules, processes and mechanisms (and the results emanating there from) through which the relationship between employers and employees and their respective representatives, as well as between them on the one hand and the State and its agencies on the other, is regulated.

Industrial relations seek to balance the economic efficiency of organizations with equity, justice and the development of the individual, to find ways of avoiding, minimizing and resolving disputes and conflict and to promote harmonious relations between and among the actors directly involved, and society as a whole. The rules, processes and mechanisms of an industrial relations system are found in sources such as laws (legislative, judicial, quasi-judicial), practices, customs, agreements and arrangements arrived at through a bipartite or tripartite process or through prescription by the State.

Industrial relations operate at different levels - at the national level, at the level of the industry and at the

enterprise level. The elements which reflect a sound industrial relations system at all these levels are not necessarily the same. At the national level industrial relations operates so as to formulate labour relations policy. In market economies this is usually done through a tripartite process involving government, employers and workers and their representative organizations. At the industry level industrial relations often takes the form of collective bargaining between employers' organizations and unions. This process may result in determining wages and other terms and conditions of employment for an industry or sector. It may also result in arrangements on issues which are of mutual concern such as training, ways of avoiding or settling disputes, etc. At the enterprise level the relationship between employers and workers is more direct, but the interests of workers may be represented by unions.

Employers' organizations, however, are not usually involved (though sometimes they are when negotiations take place between them and unions in respect of enterprise issues) at the enterprise level in representing the employers' interests with workers or their union, but this does not mean that they do not have an important promotional role at this level. Sound industrial relations at the national level build trust and confidence between representatives of workers and employers. Sound relations at the enterprise level build trust and confidence between workers and management, which is the point at which the system must ultimately be effective. Effectiveness at one level would naturally have some impact on the other.

A sound industrial relations system requires a labour management relations policy (LMRP). There are many specific objectives of such a policy, all of which go to make up the policy at the national level. The following are some of the objectives, the emphasis varying from country to country depending on the priorities and stage of development of each of them at any given point of time:

- i. Employment and job security and increased employment opportunities.
- ii. Raising living standards through improved terms and conditions of employment.
- iii. Productivity improvement which enables employers to be more competitive and to increase their financial capacity to raise the living standards of the employees.
- iv. Minimizing conflict, achieving harmonious relations, resolving conflicts through peaceful means and establishing stable social relationships. In Western industrialized societies "harmony" and "harmonious relations" are not explicitly referred to either as an objective or as a means, though basically it represents an important objective in such societies. However, this concept is explicitly referred to in many Asian societies.

Development has an economic and social dimension

on the one hand and a cultural dimension on the other. The economic and social aspects involve guiding or influencing economic and social change in a desirable direction. This means not only economic development measured in terms of growth rates and per capita incomes, but also equity in terms of income distribution and employment opportunities, life expectancy, population growth rates, literacy, poverty alleviation, etc. As aptly stated by John Kenneth Galbraith "It is one of the least advertised, and for the very affluent the least attractive, of economic truths that a reasonably equitable distribution of income throughout the society is highly functional."

A sound industrial relations climate in an enterprise is essential to a number of issues which are critical to employers, employees and the community. The efficient production of goods and services depends to an extent on the existence of a harmonious industrial relations climate. Efficiency and quality depend on a motivated workforce, for which a sound industrial relations climate is necessary. Productivity - a key consideration of profitability, the ability of enterprises to grant better terms and conditions of employment and for economic and social development - needs a sound labour relations base.

Productivity does not depend on individual effort alone. Many mechanisms which contribute towards productivity gains are workable only where there is teamwork and cooperation e.g. small group activities, joint consultation mechanisms. Therefore labour management relations should be geared to creating the climate appropriate to securing the cooperation necessary for productivity growth. Labour Management Relations (LMR) and Labour Management Cooperation (LMC) are also important to the creation of a culture which is oriented towards innovation, adaptable to and encourages change, where authority is decentralized and two-way communication, risk-taking and maximizing opportunities are encouraged, and where the output rather than the process is what matters. Changing attitudes, awareness and behaviour to move from a counter productivity to a productivity culture requires the appropriate labour management relations climate based on labour management cooperation.

A sound labour management relations system is important to the removal of one of the main objections of workers and unions to productivity drives by employers. Productivity increases have sometimes been opposed by workers and unions on the grounds that they do not result in equitable sharing of benefits to workers and that increased productivity may lead to redundancy. Developing understanding of basic productivity concepts and of the methods of increasing productivity as well as of the formulation of equitable productivity gain-sharing schemes help to dispel such suspicions. This task is easier where there are mechanisms which provide for dialogue and two-way communication between

management and workers. Labour management relations therefore play a crucial role in securing acceptance by workers and unions of the need for productivity improvement, and also in obtaining their commitment to achieving it.

Cooperation between management and workers or unions facilitates not only a settlement of disputes or disagreements but also the avoidance of disputes which may otherwise arise. At the industry level the relationship between employers' organizations and representatives of workers is a precondition to collective bargaining. Where collective bargaining takes place at the enterprise level, management workers/union relations determine to a great extent the success or otherwise of collective bargaining. At the national level a good relationship between representatives of employers and workers enables them to effectively participate in labour-management relations policy formulation and to arrive at a consensus.

Statement of the problem

The recent reported cases of labour unrest in the country must be a source of worry to all Ghanaians as it has the potential to undermine the peace and stability the nation has and continues to enjoy. Anytime a group of workers decide to lay down their tools, in demand for enhanced conditions of service, it becomes difficult to quantify the financial and economic cost to the nation. Reference point is the just ended industrial action by teachers. The cost of the strike to the nation, students and pupils as well as parents cannot be quantified. The timing for the strike which was well calculated by the teachers to coincide with the West Africa Senior Secondary Certificate Examination (WASSCE) and the Easter Holidays has reduced the number of weeks to be covered for the term to almost three weeks which can never be recovered.

Just when the Ghana National Association of Teachers (GNAT) was calling off their strike action, the Teachers and Educational Workers Union also gave a strong signal to withdraw its services. Meanwhile, the Ghana Medical Association (GMA) and the Pharmaceutical Society of Ghana (PSGH) also indicated that their members would lay down their tools, not forgetting nurses and other auxiliary staff who support healthcare delivery.

The situation degenerated because, the ordinary Ghanaian perceives that some people work for others to enjoy. Quite recently, it was disappointing when it was in the public domain that fifty thousand Ghana Cedis (GH¢ 50,000.00) was paid to parliamentarians as rent allowances. Only a few weeks afterwards, these same parliamentarians were paid Forty-Six Thousand Ghana Cedis (GH¢ 46,000.00) as exgracia. One thing that becomes clear in the minds of Ghanaian workers is that,

the national coffers are being spent on this particular group of people which makes them highly dissatisfied. Government, realizing the ill-effects of industrial actions on the economy decided to introduce the Single Spine Salary Structure (SSSS) to address the problems of unfairness in the labour sector. Ever since the migration of public sector workers onto the SSSS started, it appears to be creating more problems than it envisaged solving. The disparities within the wage and salary regimes continue to widen to an unimaginable level more especially, among people with equal academic qualifications who are rendering similar services. The equal work with equal pay must not only be a slogan but a reality that must be seen to be fully implemented.

It has become abundantly clear that the economic rights of protection of the Ghanaian worker as enshrined in the 1992 Constitution of the Republic of Ghana is structurally denied by virtue of the justice system in place for adjudicating labour matters. In the bid to protect the economic rights of workers, Article 24(3) of the 1992 Constitution states that "every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests".

From afar, the law that regulates employment relations in Ghana, the Labour Act, 2003 (Act 651) has all it takes to provide the necessary protection for workers and employers alike. The Law has been seen by many as an innovative one that is structured to promote labour-management cooperation in organizations as well as maintain a peaceful industrial climate for enhanced productivity through investments and economic development. By the content of the law, it is balanced and offers enough protection for both parties in the employment relationship because, the law in its entirety is a good one which raises the bar of employment relations and human resources practice and seek to make workers and their employers look into the future as they work together in partnership to achieve organizational goals and objectives however, it is not operational.

Research on strikes and lockouts have been very limited and even those who have conducted them did not take into consideration the strength and limitations of the current labour law, Labour Act 2003 (Act 651). No conscious effort was also put in place to look at the powers vested into the National Labour Commission (NLC), Labour Unions and Government. Therefore, it was the task of this research to find out the factors that are responsible for the constant workers strike, the limitations of the Labour Act 2003 (Act 651) and what the single spine salary structure sought to achieve.

Theoretical and conceptual framework

Employment relations are the study of the regulation of the employment relationship between employer and employee, both collectively and individually, and the

determination of substantive and procedural issues at industrial, organisational and workplace levels (Rose, 2008). According to Kaufman (2010), industrial relations is viewed as the process of rule making for the workplace (Dunlop, 1958); job regulation (Flanders, 1965); social regulation of production (Cox, 1971); the employment relationship as structured antagonism. (Edwards, 2005); social regulation of market forces (Hyman, 1995); process of capitalist production and accumulation and the derived political and social class relations (Caire, 1996 as cited in Kaufman, 2010); conflict of interests and pluralist forms of workplace governance (Kochan, 1998); class mobilization and social justice (Kelly, 1998); the advancement of efficiency, equity, and voice in the employment relationship (Budd, 2004); collective representation and social dialogue (European Industrial Relations Observatory, 2002).

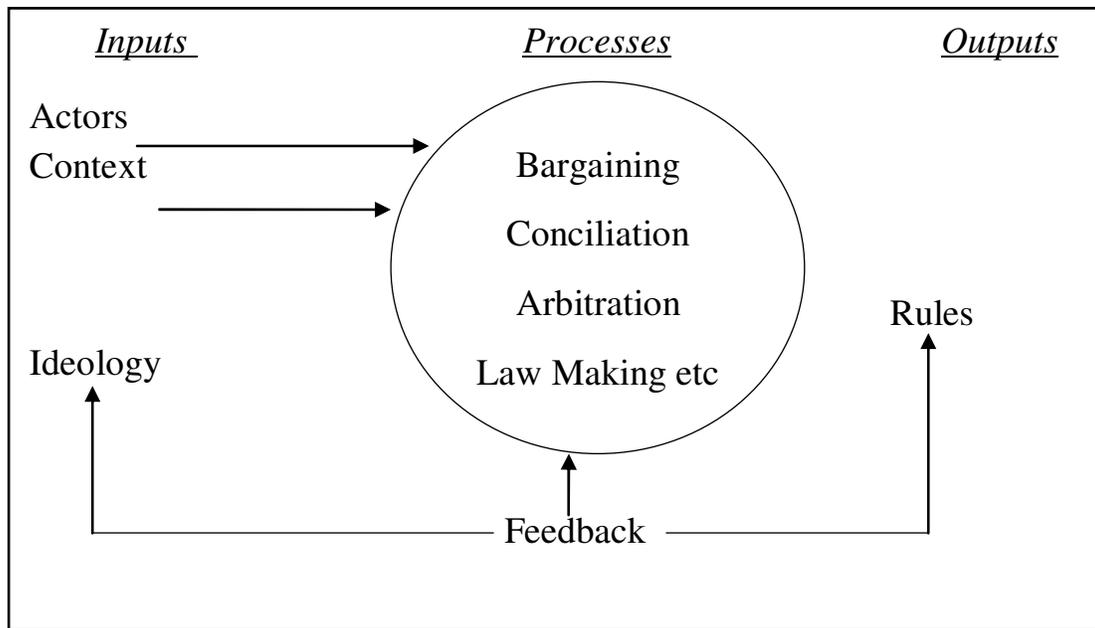
Unitary theory

The unitary frame of reference is credited to Alan Fox (1966). The unitary perspective views the organisation as pointing towards a single or unified authority and loyalty structure. Emphasis under the unitary perspective is placed on common values, interest and objectives. Those subscribing to this view see all organisational participants as a team or family thereby implicitly emphasizing shared values, shared goals and common destiny. Unitarism in essence implies the absence of factionalism within the enterprise (Fajana, 2000). Conflict is viewed as irrational and the sacking of striking workers is preferred to consultation or negotiation. Conflict is regarded as pathological or evil or bad.

Trade unionism is outlawed and suppressed as it is viewed as an illegitimate intrusion or encroachment on management's right to manage. According to Rose (2008), under the unitary perspective, trade unions are regarded as an intrusion into the organisation from outside, competing with management for the loyalty of employees. The unitary theory tends towards authoritarianism and paternalism. It is pro- management biased and emphasizes consensus and industrial peace. The underlying assumption of this view is that the organisation exists in perfect harmony and all conflict is unnecessary (Rose, 2008).

Conflict theory

Conflict theory is synonymous with the pluralist or the pluralistic frame of reference which is also credited to Alan Fox (1966). Conflict theory views the organisation as coalescence of sectional groups with different values, interests and objectives. Thus, employees have different values and aspirations from those of management, and these values and aspirations are always in conflict with



Source: Farnham, D. and Pimlott, J. (1995). *Understanding Industrial Relations*. (5th ed). London: Cassell

Figure 1. A Simple Model of an Industrial Relations System

those of management.

Conflict theorists argue that conflict is inevitable, rational, functional and normal situation in organizations, which is resolved through compromise and agreement or collective bargaining. Conflict theorists view trade unions as legitimate challenges to managerial rule or prerogatives and emphasize competition and collaboration. This view recognizes trade unions as legitimate representative organizations which enable groups of employees to influence management decisions (Rose, 2008). Rose further states that the pluralist perspective would seem to be much more relevant than the unitary perspective in the analysis of industrial relations in many large unionized organizations and congruent with developments in contemporary society.

Systems approach

Dunlop (1977), one of the most influential theorists in the systems approach to labour relations, regarded any labour relation systems at any one time in its development as comprising certain actors, certain context, an ideology which binds the labour relations system together and a body of rules which are created to govern the actors at the work place and work community. Commonality of objectives has an important influence on the outcomes of the system.

These actors are employers, the employee and the government agencies, or state which are interrelated within the environments. The environment according to

Dunlop also affects the actors and has the following characteristics:

- Technological characteristics of the work place and work community: These influence the form of management and employee organisation and the problems posed for supervisors. Thus, the adopted technology will greatly determine the size and skills of work force as well as availability of labour. It also affects the health and safety at the workplace. The adopted technology has far-reaching consequences in determining industrial relations rule making.
- Market/budgetary constraints: The products market or budget is a decisive factor in shaping the rules established by an industrial relations system. More so, the market or budgetary constraints also indirectly influences the technology and other characteristics of the work place, including the scale and size of operations. In all, an industrial relations system created and administered by its actors is adaptive to its market and budgetary constraints (Otobo, 2000). More so, the profitability of the enterprise depends on its product market. The locus and distribution of power in the larger society: The relative distribution of power among the actors in the larger society tends to a degree to be reflected within the industrial relations system. Thus, the distribution of power within the industrial relations system is affected by the distribution of power in the wider society.

Dunlop is not concerned about the distribution of power within the industrial relations system, nor with the relative bargaining powers among the actors, nor their

controls over the processes of interaction or rule setting, rather the reference to the distribution of power outside the industrial relations system. Thus, the wider society is seen as providing certain external influences and constraints but not as completely dominating industrial relations system. There are also rules which govern the behavior of the actors in the relationship. The two main types of rules within which the actors operate are:

1. Substantive rules which specify actual conditions of employment (e.g. Wage rate and working hours) and;
2. Procedural rules which regulate the manner in which the actors operate e.g. When and how negotiations will take place.

Ideology connotes a set of ideas and beliefs commonly held by the actors that helps to bind or integrate the system together as an entity. According to Otobo (2000, p.28) citing Dunlop "each of the actors in an industrial relations system may be said to have its own ideology. Dunlop insists rather strongly that all these ideologies must be sufficiently compatible or consistent to permit a common set of ideas which recognise an acceptable role for each actor". Dunlop assumes that the ideology of IRs system must be one or the same among the actors.

However, the systems approach of Dunlop seems to neglect the importance of behavioural variables. The approach needs to be expanded to encompass the influence of these variables. As could be deduced from the model below, there are three sets of independent variables in an industrial relations systems, the actors, the contexts and the ideology of the system, while the rules represent the dependent variable or the output of the industrial relations system. The dynamic model of the systemic paradigm, open system analysis and the oxford school are further elaboration of the Dunlopian model. (Figure 1)

The dynamic model of the systemic paradigm

The dynamic model of the systemic paradigm of industrial relations is a refinement to Dunlop's analytical framework. This dynamic model is credited to Blain and Gennard (1970). The two adopted Dunlop's proposition of an industrial relations system being on the same logical plane as the economic subsystem. Their work centred on classifying the variables in an industrial relations system into dependent and independent variables, a task the Dunlopian model made difficult to achieve. They expressed the industrial relations system algebraically as shown below:

$r = f(a, t, e, s, i)$ Where, r = the rules of the industrial relations system, a = the actors, t = the technical context of the work place, e = economic or the market/budgetary constraint, s = the power context and the status of the parties, i = the ideology of the system.

From the above equation, the rules can be viewed as the dependent variables being determined by the interaction of the five independent variables. Thus, the function of the industrial relations system is to establish a set of rules for the workplace and work community. In dynamic society the rules will frequently alter as a result of changes in the contexts or environment. Thus, the dynamic model emanated as a response to the criticisms leveled against the Dunlopian system model. It has been criticized as having a static view of industrial relations.

The open system analysis

Dunlop's systems theory uses the term 'system' in a too loose and undefined manner. The open system analysis is concerned with looking at industrial relations system in terms of inputs and outputs and the interaction with the environment. According to Koontz, O' Donnell and Weihrich (1980, p.19) "almost all life is a system. Our bodies certainly are. Our homes and universities are, as are our government agencies and our businesses." Systems have inter-related parts which work together to form a complex unity or whole. The features of a system are as follows:

- *Whole*: a system is more than the sum of its parts. It must be viewed as a whole;
- *Closed or open*: A system is regarded as open if it exchanges information, energy or material with its environment. A closed system is one that does not have interactions with its environment. All social systems are by nature open systems;
- *Boundary*: Every system has boundaries which separate it from its environment;
- *Input and output*: All systems which interact with the environment are amenable to receiving inputs from other systems and giving output to other systems;
- *Feedback*: An informational input that tells whether the system is indeed at least achieving a steady state and is not in danger of destruction;
- *Homeostatic*: This is referred to as dynamic homeostatic (steady state). Hence an organisation will not be able to survive if its inputs do not at least equal its outputs;
- *Subsystems*: With the exception of the Universe, all systems are subsystems. That is every system is a component of other larger systems;
- *Equifinality*: All open systems have common ends or objectives as everyone performs in a manner that will enhance the attainment of the broad objectives of the system and;
- *Differentiation and Elaboration*: As the system grows, it tends to become more specialized in its elements and to elaborate its structure. This is exemplified by the expansion of product lines or creation of new sales offices by an organisation.

Having stated some of the characteristics of a system, one would be apt to state that the Dunlopian model of an industrial relations system ought to have followed the open system concept in formulating an industrial relations system instead of seeing it as a system of rules, which appears too parochial. The systemic paradigm by Dunlop has attracted an avalanche of criticisms, some of which are as follows:

- The heroic assumption taken by Dunlop that an industrial relations system will necessarily be homeostatic has been criticised. This is because industrial conflicts are never truly resolved and one problem arises after another. So, the system is not completely stable as claimed by Dunlop;
- The model provides no explanation of the causes of industrial action but laid more emphasis on conflict resolution;
- Dunlop's formulation of an industrial relations system largely omits such behavioural variables as human motivation, perception and attitudes, personality and small group interaction. He laid more emphasis on institutions (trade unions, employers associations);
- Dunlop identified three main actors in the industrial relations system but failed to make reference to the owners of industrial property. It has been argued, that this omission stems from the fact that decisions in the industrial relations system are made by managers and not owners. Some have argued that the number of actors has to be increased;
- Another flaw is that Dunlop's idea of a system is a deterministic mechanism. Dunlop's actors are not persons. The model suffers from reification. No provision for the role of individual personalities was advanced;
- Limited predictive value associated with the systems model makes it difficult to forecast whether the system will experience more or less conflicts as a result of a given change in one or more of the environmental contexts.
- It suffers a handicap in that it does not take into account the processes by which the rules of the system are determined or made.
- One of the criticisms of the system approach is the difficulty in defining a system. There was no clear definition of what was meant by the concept of a system itself. This failure may have caused some writers to misrepresent the theory of industrial relations system. What is the substance of a system of industrial relations? This was the question raised by Flanders. Not until recently has it been stated that a system of industrial relations is a system of rules. However, a system of industrial relations as propounded by Dunlop is not a system of rules but a conceptual framework in which one component element is the rules. The systems approach has been misrepresented by a Sociologist, Eldridge who

conceptualized the model as being comprised of only three elements (the actors, rules and ideology);

- The claim by Dunlop that the industrial relations system is on the same logical plane as the economic system is not correct, as Wood, Wagner, Armstrong, Goodman and Davis (1975) have pointed out, once Dunlop accepted the Parsonian social system that the social system is comprised of four functional sub-systems (the economic, political, integrative and pattern- maintenance) the industrial relations system could not therefore be on the same logical plane as the economic system, but it should be construed as on a lower logical plane than the economic system;
- It is criticised that the framework is static, not dynamic in time as processes are ignored;
- The systems theory concentrates on formal rules as against informal rules and processes;
- The systems model does not entail an account of the ways in which inputs are converted into outputs;
- Power could not rightly be a property of the external context of industrial relations system only, instead, power is considered central internally to the conduct of the parties themselves for the establishment and defense of rules and their application. It is a fact that workers/union and management are involved in a power relationship within the enterprise and industry;
- Dunlop did not pay sufficient attention to all facets of conflict in the industrial relations system, his emphasis being on conflict resolution and not its generation. Why and how conflicts occur are likely to reveal more about industrial relations processes and institutions than how their manifestations are sorted out (Otobo, 2000). The overall argument is that Dunlop misunderstood the Parsonian system analysis;

Oxford school

Since the oxford school does not necessarily have to constitute a self- contained approach, and has the elements of the systems theory, it should probably be viewed merely as a variant of the systems approach (Fajana, 2000). The oxford school emerged from the systems approach as both focus on institutions of industrial relations, although the point of difference is merely on emphasis. This approach is credited to Allan Flanders a British academic.

According to Flanders as cited in Hyman (1975, p.11), "industrial relations is the study of the institutions of job regulation". He opines that the rules of any industrial relations system are seen as procedural and substantive. The procedural rules regulate the behaviour of parties to the collective agreements- trade unions and employers or their associations, whereas, the substantive rules regulate the behaviour of employees and employers as parties to individual contracts of employment. In fact, it is

the substantive rules of collective bargaining that regulate jobs. Thus, the collective agreement is made up of both the procedural and substantive clauses. Some of the institutions of job regulation are internal as well as external. Internally, we have joint consultation, the grievance procedure, a code of disciplinary works' rules, a factory wage structure, and a host of others. Externally, there are other institutions which limit the freedom of the enterprise and its members in their rule-making activities, such as a protective labour legislation, the rules of trade unions and employers' association.

The rules of the industrial relations system are viewed as being determined through the rule making process of collective bargaining which is regarded as a political institution involving a power relationship between employers and employees. The oxford approach can be expressed algebraically in the form of an equation. $r = f(c)$ Where, r = the rules governing industrial relations system and c = collective bargaining.

When the equation is compared with the equation of the dynamic systems model which states that $r = f(a, t, e, s, i)$, it can be seen that the distinction between the dynamic systems model and the oxford approach lies in the right hand side of the equation. But both have the same output but different inputs. The oxford approach has stressed the process of rule making through collective bargaining while the dynamic system model emphasises the role of wider influence on rule determination. For the oxford approach, political variables are seen as of paramount importance but for the dynamic system model, economic, sociological and ideological variables are thought to be significant.

The criticisms of the oxford approach are as follows:

- a. It is too narrow to provide a comprehensive framework for analysing industrial relations problems and;
- b. It over emphasised the importance of the political process of collective bargaining and gives insufficient weight to the role of the deeper influences in the determination of rules.

Marxist theory

Marxism is, more or less, a general theory of society and of social change with implications for the analysis of industrial relations within capitalist societies and does not strictly explain the theory of industrial relations. The application of Marxian theory as it relates to industrial relations today derives from later Marxist scholars rather than directly from the works of Karl Marx himself (Ogunbameru, 2004). According to Hyman (1975) the contribution of both Dunlop and Flanders are giant strides in the formulation of industrial relations theory, but argues rather strongly that to define industrial relations exclusively in terms of rules and institutions for job regulation is far too limited or restrictive. What this implies

is that industrial relations is all about the maintenance of stability and regularity in industry. He argues that the issue of conflict was not given proper analysis by the duo, as they focused on how any conflict is contained and controlled, rather than on the process through which disagreements and disputes are generated.

Hyman asserts that the perspectives of the duo however influential, is one sided and inadequate. Hyman (1975, p.12) defines industrial relations" as the study of the processes of control over work relations and among these processes, those involving collective worker organisation and action are of particular concern". Hyman further argues that unceasing power struggle for control is a central feature of industrial relations. To him, this struggle for control emanates from the nature and characteristics of capitalist society. He summarised the major characteristics of capitalism as:

- i. the ownership and or control of the means of production by a small minority
 - ii. the domination of profit as the fundamental determinant of economic activities
 - iii. the obligation on most of society to sell their productive abilities on the market as a commodity.
- Against this background, two major classes are located within capitalist industrial relations which are also a reflection of what obtains in society.

Thus, capitalist industrialism bifurcate society into two classes. These are the owners of means of production which is the capitalist or bourgeoisie and the owners of labour, which are the workers or proletariat. This being so, the interests of employers and employees are diametrically opposed and conflictual. The capitalist endeavours to purchase labour at the lowest possible price whilst labour on the other hand tries to sell his only asset at the highest possible price in order to ensure his existence. The capitalists tend to maximize profit whilst the workers tend to maximize wages/salaries. Thus, in capitalist industrial society, the interests and aspirations of both labour and employers are divergent and in conflict.

The Marxist perspectives typify workplace relations as a reflection of the incidence of societal inequalities and the inevitable expression of this at the work place.

To sum it up, Hyman further states that industrial relations is all about power, interests and conflict and that the economic, technological and political dynamics of the broader society inevitably shape the character of relations among industrial relations actors which he described as the political economy of industrial relations. Conflict is viewed as a disorder precursor to change and to resolve conflict means to change the imbalance and inequalities in society in terms of power and wealth. Trade unions are viewed as employee response to capitalism. Marxist theory emphasises exploitation and alienation.

This perspective is critical of capitalist society and its system of production, distribution and exchange and

emphasizes the importance of collective action including strike action and action short of strikes (Rose, 2008). Hyman (1975) argues that given the nature of capitalist society, industrial relations can be analysed from a more radical perspective. This theory is also known as the radical perspective.

Social action theory

According to Green (1994, p.4), "the social action theory views industrial relations from the individual's viewpoint and motivation". According to Rose (2008), the social action approach considers the organisation from the position of the individual members or actors who will each have their own goals. This perspective regards conflicts of interests as normal behaviour and part of organizational life (Rose, 2008). It is credited to Max Weber (1864-1920); a German Sociologist.

Social action theory represents a contribution from sociologists to the study of organisations. It attempts to view the organisation from the standpoint of individual members or actors of industrial relations. The theory seeks to analyse why the actors take certain lines of action. This contrasts with the systems approach which states that behaviour is a result of the structure and processes of the system. Social action arises out of the expectations, norms, attitudes, values, experiences, situation and goals of the individuals working in the system.

Thus, according to Green while the system approach is up-down, the social action theory is a bottom-up approach. Salamon (2000) opines that the importance of the social action theory of industrial relations is that it weakens the fatalism of structural determinism and stresses that the individual retains at least some freedom of action and ability to influence events in the direction that he/she believes to be right or desirable. Social action theorists emphasise the use of interview, survey and participant observation in determining the reality of both society and of organisations.

SCOPE OF STUDY AND METHODOLOGY

The study covers stories and issues on the current labour unrest in Ghana on internet sites such as ghanaweb, myjoyonline, citinews, google, individuals such as executives of Ghana Association University Administrators (GAUA), Ghana National Association of Teachers (GNAT), National Association of Graduate Teachers (NAGRAT), Ghana Medical Association (GMA) and the Pharmaceutical Society of Ghana (PSGH). The researcher also reviewed some limitations of the Labour Act 2003 (Act 651), discussed the labour relation processes and collected some quick polls from the internet.

To gather the data, the researcher used the convenience and purposive sampling approaches. Convenience sampling is a non-probability sampling technique where subjects are selected because of their convenient accessibility and proximity to the researcher. The subjects are selected just because they are easiest to recruit for the study and the researcher did not consider selecting subjects that are representative of the entire population. In purposive sampling subjects are selected because of some characteristic. Purposive sampling is popular in qualitative research. Patton (1990) has proposed number of cases of purposive sampling however only three of them suit this research. These include:

- i. *Stratified Purposeful* - Illustrates characteristics of particular subgroups of interest; facilitates comparisons;
- ii. *Maximum Variation* - Purposefully picking a wide range of variation on dimensions of interest...documents unique or diverse variations that have emerged in adapting to different conditions. Identifies important common patterns that cut across variations and ;
- iii. *Combination or Mixed Purposeful* - Triangulation, flexibility, meets multiple interests and needs.

RESULTS AND DISCUSSIONS

The detailed analysis of the data collected from the various sites and individuals for the study is presented here. The results and discussions have been organized into three sections. The first section looks at the factors that cause workers strikes in the country. The other two sections, deal with some of the limitations of Labour Act 2003 (Act 651) in terms of adjudication of labour issues and resolution of labour disputes.

Factors that cause labour unrest in Ghana

The causes of industrial disputes can be broadly classified into two categories: economic and non-economic causes. The economic causes include issues relating to compensation like wages, bonuses, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non economic factors are failure to implement policies in their right direction, victimization of workers, discrimination and segregation, ill treatment of staff members, sympathetic strikes, political factors, indiscipline etc. These are discussed in broad terms below.

- Job evaluation under the 'knowledge/education' sub-factor of the single spine salary structure considers what level of knowledge/education would be required for an average person to be able to do a particular job.

Therefore if one evaluates ten different jobs under the sub-factor, they may be found to require different levels of knowledge and therefore 'score' different marks under the sub-factor. This goes for all the other sub-factors, and the summation of the marks scored under each of the thirteen sub-factors to determine the placement of a particular job in the job grade and subsequently on the salary structure. This is how internal equity or "equal pay for work of equal value/worth" as enshrined both in Ghana's 1992 Constitution and the Labour law is given expression in practical terms. The current disagreements between some identifiable labour unions/associations and the FWSC with regard to placement and progression on the salary structure as well as other related grievances could be due to some of these normal implementation challenges. The emerging issues point to the fact that the inherent problems with the placement of jobs on the SSSS have not been addressed satisfactorily and this has potential risk of derailing the intended objectives of the SSPP.

- The lack of professional human resource managers was one of the factors that has caused the current workers strikes. The problem has eaten up from our enterprises into the national levels. It was observed that the present human resource management professional in Ghana are more reactive instead of being proactive, as such they are unable to put systems in place to prevent labour problems. The workers strikes therefore, are as a result of lack professionals for handling industrial relations hence, the current prevailing situation.

- The current labour unrest could have been handled better using the labour Act 2003 (Act 651). However, labour practitioners and labour union leaders do not apply the act in efforts to provide solutions to their issues. Social partners (government, workers and labour unions) should be well informed about provisions in the Act and apply them to their arbitration processes. It is clear from the current situation that, the provisions on the act are not applied in many labour negotiations. The negotiating parties tend to negotiate on positional basis and often drive the negotiations into a deadlock.

Failure of Fair Wages and Salaries Commission to implement National Labour Commission's rulings, refusal to respect communiqués signed with some labour unions, inability to harmonize;

1. Allowances for special conditions and/or circumstances that arise from time to time which require some compensation such as acting, transfer grant, height, tools, and overtime allowances;

2. Benefits that are staff welfare or job related that the employer considers would enhance the well-being of the employee and his/her family such as medical and funeral grant, night subsistence, entertainment, fuel, motor cycle, warm clothing allowance and book allowance and;

3. Unwillingness to implement payment schedules as spelt out in the communiqués were some of the immediate causes of the workers strikes.

- Some respondents attributed the numerous strikes to politics. They stated that the political savvy class who dominate both the tribal and higher socio-economic echelon of life in Ghana represent all the angry anti-government parties. In the opinion of the opposition, they have the exclusive right to take all the best jobs, receive the highest remunerations, run everything, make all the decisions and act and talk the way that suits them. These classes of people are highly educated and have control over the media and, therefore, are not the only voices heard often at national level on debates about conditions affecting the ordinary person, they are most of the time, the voices of reason because of the cogent arguments they put across on air and on the screen. They have a very potent influence on the people others call "masses". They are highly skillful and capable of interpreting any situation to their advantage with half-truths, misinformation and down-right intellectual intimidations. This group has developed a sense of entitlement and desire to demand respect and, therefore, the right to control everything in Ghana. This sense of entitlement has forced them to be highly partisan in the politics of the country. They have used this party alliance to channel the anger and frustration of the ordinary Ghanaian worker into a fight for the political and economic power of these reactionary intellectuals.

- Furthermore, the political undertone that underpins some strikes is undeniable. As government remains tentative in following its strategies and policy prioritization with action plans, seeking resources to implement the single spine salary for fair equitable pay, labour tests its influence over national economic policy. All eyes, foreign and domestic, are on government to prove impartiality in national leadership and its commitment to the national interest over political alliances.

- Table 1 below shows opinion polls conducted by myjoyonline to find out who is to blame for the current labour unrest in the country, produced this results supporting the fact that, part of the problem influencing the current labour unrest was political. A total of 3,136 responses were given, 2119 representing 67.6 percent attributed the blame to government, 16.2 percent said Fair Wages and Salaries Commission should be blamed, 13.0 percent said it was the labour unions and only 3.2 attributed it to the National Labour Commission.

- One of the main causes of the current poor industrial relations resulting in inefficiency and labour unrest perhaps is mental laziness on the part of both management and labour. Management is not sufficiently concerned to ascertain the causes of inefficiency and unrest following the laissez-faire policy, until it is faced with strikes and more serious unrest. Even with regard to methods of work, management does not bother to devise the best method but leaves it mainly to the subordinates to work it out for themselves. Contempt on the part of the employers towards the workers is another major cause.

Table 1. Opinion polls on who is to blame for the current labour unrest

#	Institutions	Freq	%
1	Government (Gov)	2,119	67.6
2	Fair Wages and Salaries Commission (FWSC)	508	16.2
3	National Labour Commission (NLC)	101	3.2
4	Labour Unions (LU)	408	13.0
Total		3,136	100

Some imitations of labour act 2003 (Act 651)

- The current labour law has failed to maintain a peaceful industrial relations climate by its inability to prevent illegal industrial (strike) actions. Unions especially public sector unions embark on illegal strike action and openly ridicule the National Labour Commission (NLC) in the media.
- The law does not empower the NLC to impose any sanctions on persons who infringe on its orders and ruling. As an adjudicating body with powers to order the return of workers on illegal strike action to work or the reopening of the workplace of an organization that undertakes an illegal lockout, it contradicts logic that such an adjudicating body will be prohibited from enforcing its own orders as well as imposing sanctions and penalties for gross infringement of its orders.
- The labour law has also failed to provide workers with the speedy justice they deserve. Another major object of passage of the law is to circumvent the winding, frustrating and expensive processes of litigation in the courts and hence the introduction of Alternative Disputes Resolution (ADR) processes in disputes negotiation, mediation and arbitration as mechanisms for resolving labour disputes. Cases spend an average of a year or more before the NLC which duration for resolution is not too different from cases before the courts.
- Employer found guilty and required to pay compensation chooses to ignore the orders of the NLC. The NLC under such circumstances is required to enforce its orders before the High Court, which application for enforcement is often thrown out either because judges exhibit a gross misunderstanding of industrial relations law and practice or an obvious error by the NLC in procedure or legal technicalities.
- Workers who have legitimate cases and judgment passed by high courts will have to wait for justice, still unpaid for the duration and may wait till the issue is determined finally at the Supreme Court level.
- Legal jurisprudence and the position of law in Ghana for labour matters confirm that damages in unfair termination of employment are limited to compensation which is based on monies that may accrue to an employee for the minimum duration for which s/he is required to look for another job. The unfairly terminated worker even if proven as such and judgment given to

same effect cannot benefit from payment of salary for the duration of termination of employment and the determination of the matter. Our learned justices of the superior courts of judicature have held and continue to hold that the worker should have acted to mitigate his losses by finding another job. However, under the circumstances of very high levels of unemployment in Ghana today, I believe such position cannot continue to hold. But until such position of our judges change, unfairly terminated workers proven as such will continue to benefit from only compensation for the reasonable duration for which they are required to look for another job.

- Finally, the labour law has not been successful in the effective practice of ADR processes as introduced by the law. Strangely, parties in dispute have refused on many occasions to submit to mediation and arbitration processes which are the primary processes the law seeks to use to speed up the resolution of cases before the NLC and the speedy labour justice in Ghana.

Currently, almost all parties with cases pending before the NLC want the Commission to adjudicate and determine the matter in litigation style. As a result, the NLC on the days it sits looks more like a court than a place of sombre, meditative and contemplative resolution of differences. It would seem that the contemplation of the framers of the law that the NLC would become a place of joint problem solving and a search for amicable solution has become illusive because the NLC is currently another arena for parties to show each other who is who. Hence parties are leaving the NLC after case hearings more divided than they came. The win-win solutions sought by the NLC have become illusive in many cases and ADR has failed to become the primary methodology for resolving disputes before the Commission because parties upon the advice of their lawyers refuse to submit to it.

Resolution of industrial disputes

Harmonious industrial relations environment is a prerequisite for economic development. In this vein, industrial democracy can only be achieved when members of the Tripartite Committee strengthen social dialogue. Social partners therefore need to accept

change in order to facilitate the implementation of the Labour Act. The International Labour Organisation (ILO) supports member states to strengthen machinery for labour disputes settlement, in line with international labour standards and in consultation with the social partners by:

Establishing legal and regulatory frameworks;

- Building effective dispute resolution systems and services within the labour administration and by independent statutory institutions and specialised labour courts;
- Building the capacity of staff through specialised training focused on negotiation skills and conciliation / mediation skills, as well as on international labour standards;
- Sharing knowledge and raising awareness in respect of the advantages of voluntary conciliation, mediation and arbitration mechanisms; and
- Sharing experiences of labour court judges on issues of common interest and concern.

Amongst the more important findings was the fact that there must be a greater awareness of worker needs, values and objectives. The best way to handle strikes is to prevent them from occurring in the first place. To do this, management need to proactively investigate and manage the grievances of the workers. The diversity of cultures in the public sector contributes to labour unrest in various ways. Workers become frustrated by what some groups consider as the norm. Management therefore need to be proactive in their approach towards striking employee, rather than reactive. Part of this proactive process by management is the constant monitoring of working conditions to see what further types of improvements can be introduced to minimize adverse effects of strike. There should be good communication between management and workers at all times. Open communication is strengthened by worker involvement in decision-making.

Grievances and conflicts are an inevitable part of the employment relationship. The objective of public policy is to manage conflict and promote sound labour relations by creating a system for the effective prevention and settlement of labour disputes. Labour administrations should typically establish labour dispute procedures in national legislation. A key objective of effective systems to ensure that wherever possible, the parties resolve dispute through a consensus-based process such as conciliation and mediation, before reverting to arbitration and/or adjudication through a tribunal or labour court.

Conciliation and mediation are also procedures whereby a third party provides assistance to the parties in the course of negotiations, or when negotiations have reached an impasse, with a view to helping them to reach an agreement. While in many countries these terms are interchangeable, in some countries a distinction is made between them according to the degree of initiative taken by the third party.

Arbitration is another procedure of resolving industrial disputes. It is a process whereby a third party (whether an individual arbitrator, a board of arbitrators or an arbitration court), not acting as a court of law, is empowered to take a decision which disposes of the dispute.

CONCLUSION

The practice of employment/industrial relations has benefited immensely from theoretical frameworks of leading theorists in the field of industrial relations. It has been observed that despite the criticisms levelled against some of these theories they have stood the test of time and have contributed immensely to scholarship and practice. Among these theories, there are areas of commonalities and differences. Although, Dunlop in the preface to his Industrial Relations System gave his objective as the advancement of a general theory for the examination of industrial relations (Fajana, 2000); this objective is yet to be achieved. Fajana (2000, p.21) argues that "a large number of industrial relations theories have been accepted into the body of knowledge of industrial relations, although each valid theory emphasizes only little aspects of the field.

There is yet to emerge a general theory of industrial relations". While giving kudos to Dunlop for his pioneering efforts, one may ask; can there be a general/unified theory of industrial relations? This is food for thought for industrial relations academics and practitioners alike.

RECOMMENDATIONS

The current labour law has made provisions for the effective practice of Alternative Dispute Resolution (ADR) processes. Strangely, parties in dispute have refused on many occasions to submit to Mediation and Arbitration Processes which are the primary processes the law seeks to use to speed up the resolution of cases before the National Labour Commission (NLC) and the speedy labour justice in Ghana. Currently, almost all parties with cases pending before the NLC want the Commission to adjudicate and determine the matter in litigation style. As a result, the NLC on the days it sits looks more like a court than a place of sombre, meditative and contemplative resolution of differences. Therefore the contemplation of the framers of the law that the NLC would become a place of joint problem solving and a search for amicable solution would become a reality if the ADR process is strictly adhere to where all parties can air out their view for a win-win solutions since that is best method of resolving industrial disputes.

The Labour Law should be reviewed to empower the NLC to impose any sanctions on persons who infringe on

its orders and ruling. As an adjudicating body with powers to order the return of workers on illegal strike action to work or the reopening of the workplace of an organization that undertakes an illegal lockout, the law should allow the NLC to enforce its own orders as well as impose sanctions and penalties for gross infringement of its orders.

The Fair Wages and Salaries Commission should implement the rulings of National Labour Commission in respect of communiqués signed with labour unions; harmonize category 2 and 3 allowances and implement payment schedules as spelt out in the communiqués to avoid the recurrence of strikes.

To save the country from being plunged into a political turmoil, the political savvy class who dominate both the tribal and higher socio-economic echelon of life in Ghana, and claim to represent the masses, should analyze issues from the pragmatic point of view other than associating them to politics by giving the populace wrong information and controlling the air waves to the best of their interest.

Government should remain focused in following its strategies and policy prioritization with action plans, seek resources to implement the single spine salary equitably to reduce or do away completely with the labour disputes.

Government should be aware that all eyes are on her in both foreign and domestic arenas to see how she is going to turn things to improve the livelihoods and work conditions of her citizens.

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