The Role of Communication in Labour Dispute Resolution: Insights From the South African Context

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SUMMARY

Effective communication skills are crucial for trade unions if they are to represent employee interests and foster social purpose in employment relations. This study addresses the challenges posed by South Africa's diverse workforce, cultural barriers, and restrictive legal frameworks, all of which impact the ability of unions to communicate effectively. This article is rooted in the persistent communication failures within labour disputes that have resulted in adverse outcomes, including industrial action and tragic events like the Marikana massacre. The article explores key case studies, including the 2012 Marikana miners' strike and the 2010 municipal workers' strike, to demonstrate how communication can escalate conflict or promote peaceful resolutions. A thorough analysis reveals that poor communication impedes negotiations and disrupts social cohesion, threatening economic stability. By contrast, effective communication, as demonstrated in the municipal workers' strike led by the South African Municipal Workers Union, highlights the potential of trade unions to achieve favourable outcomes through media engagement, negotiation skills, and strategic public communication.

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The research adopts a qualitative methodology, relying on case-study analysis and regulatory frameworks governing labour relations in South Africa. Key findings indicate that trade unions face critical gaps in communication, negotiation, and conflict-resolution skills, as highlighted by the ETDP SETA report. Addressing these challenges is imperative for sustainable labour relations. This article contributes to employment relations by offering insights into how trade unions can develop communication strategies to align with a social purpose that transcends adversarial engagements. The value of the study lies in equipping unions with practical recommendations to foster cooperation, mitigate conflict, and advocate effectively for workers in diverse, multicultural work environments.

KEYWORDS: Collective bargaining, communication skills, employees, employers, negotiation, and trade unions

1 INTRODUCTION

Trade unions face challenges like leadership conflicts,[1] legal restrictions,[2] and cultural differences,[3] which can hinder their advocacy efforts. Effective communication is accordingly fundamental for trade unions[4] in representing and protecting workers' interests, particularly through collective bargaining and negotiations. Trade unions not only work to improve employment conditions but may also extend their influence on societal issues, as recognised in *Food and Allied Workers Union v Ngcobo N.O.*[5] While the

1 Murphy "Fear and Leadership in Union Organizing Campaigns: An Examination of Workplace Activist Behavior" 2016 6(1) *Journal of Workplace Rights* 1.

2 Egels-Zandén and Merk "Private Regulation and Trade Union Rights: Why Codes of Conduct Have Limited Impact on Trade Union Rights" 2014 *Journal of Business Ethics* 123 461; Moldof "Union Responses to the Challenges of an Increasingly Globalized Economy" 2005 5 *Rich J Global L & Bus* 119.

3 Kiss "Managing Cross-Cultural Communication Challenges Toward a More Perfect Union in an Age of Diversity" 2005 4(2) COMMUNICATIONS 215. While Kiss relies on the concept of a "culture bump", which frames cultural differences as opportunities for personal and collective learning, Greene posits that cultural barriers can impede employee participation in unions (Greene and Kirton "Trade Unions and Equality and Diversity" in Konrad, Prasad and Pringle (eds) *Handbook of Workplace Diversity* (2006) 489). The researchers believe that while these contentions vary, they underscore the dual nature of cultural dynamics in the workplace.

4 The International Labour Organization (ILO) asserts that trade unions must effectively communicate with external audiences to shape public opinion favourably, thereby enhancing their influence in negotiations with governments and employers. See ILO "Communication: Tools and Skills for Mobilizing and Organizing Workers" Regional workshop (2015) https://www.ilo.org/meetings-and-events/communication-tools-and-skills-mobilizing-and-organizing-workers (accessed 2024-10-21).

5 [2013] ZACC 36; 2013 (12) BCLR 1343 (CC); (2013) 34 *ILJ* 3061 (CC); 2014 (1) SA 32 (CC); [2013] 12 BLLR 1171 (CC) par 20. According to the Constitutional Court in *South African Transport and Allied Workers Union v Garvas* ([2012] ZACC 13; 2012 (8) BCLR 840 (CC); [2012] 10 BLLR 959 (CC); (2012) 33 *ILJ* 1593 (CC); 2013 (1) SA 83 (CC) par 33), trade unions have significant responsibilities towards workers and society, acting as key agents not only in representing workers but also in promoting stability in various environments. See also Botha "Responsible Unionism During Collective Bargaining and Industrial Action: Are We Ready Yet?" 2015 48(2) *De Jure* 349. Gericke posits that trade unions play a crucial role in democratic processes both within and outside the workplace (Gericke "Revisiting the Liability of Trade Unions and/or Their Members During Strikes: Lessons to Be Learnt From Case Law" 2012 75 *THRHR* 584). See also Webb and Webb *History of Trade Unionism* (1920) ch 1.

Labour Relations Act[6] (LRA) provides the framework for union operations, it does not address the development of communication skills crucial for union effectiveness. Given the centrality of collective bargaining in union operations,[7] this study focuses on communication within these processes.

Relying on two case studies, the Marikana miners' strike (2012) and the municipal workers' strike (2010), this study demonstrates how communication impacts labour disputes. Poor communication during the Marikana strike led to violence, while strategic engagement in the municipal strike enabled a peaceful resolution. This study further highlights the need for unions to adopt collaborative communication practices to remain relevant, effectively advance workers' rights, and foster constructive labour relations in South Africa.

2 BARRIERS TO EFFECTIVE COMMUNICATION SKILL DEVELOPMENT IN TRADE UNIONS: AN ANALYSIS OF ORGANISATIONAL CHALLENGES

Trade unions face significant skills gaps, which affect their performance and overall productivity. Addressing these gaps is crucial for improving internal operations and fulfilling their role as representatives of workers' rights. The report of the Education, Training and Development Practices (ETDP) Sectoral Education and Training Authority (SETA) provides different factors affecting skills demand and supply in the trade-union sector.[8] However, this study focuses on skills deficiencies, including communication, conflict resolution, negotiation and representation skills, which present various challenges.

The ETDP SETA report suggests that communication skills are fundamental for trade-union officials. However, such skills were identified as lacking among trade-union members.[9] This article posits that deficiencies in verbal and non-verbal communication, empathy, respect, open-mindedness, and clarity can lead to misunderstandings and conflicts that affect workplace harmony and productivity. Poor communication may undermine the unions' capacity to articulate members' grievances effectively, potentially affecting case outcomes and negotiations.[10] The lack of these skills raises concerns about the effectiveness and ability of unions to foster a cooperative work atmosphere.[11]

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6 66 of 1995.

7 Maake-Malatji *The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective* (doctoral thesis, University of Cape Town) 2023 28.

8 ETDP SETA "Trade Union Subsector Skills Plan 2020-2021" (undated) https://www.etdpseta.org.za/education/sites/default/files/2020-06/Trade-Unions-Final-Report-2019.pdf (accessed 2025-08-21) 18–26.

9 *Ibid*.

10 Ibrahim "Poor Communication Affects the Operational Growth of an Institution: Case Study of Pavifor Sierra Leone and Gambia" 2023 9(1) *Journal of Educational Administration and Management* 1–14; Rees *The Economics of Trade Unions* (1989) 1.

11 Clough "The Role and Impact of Unions on Learning and Skills Policy and Practice: A Review of the Research" 2012 16 *Unionlearn* 15.

Conflict-resolution skills are another critical area in which trade-union officials face challenges, as identified in the ETDP SETA report. Poor communication often leads to conflicts, which are exacerbated by the inability of shop stewards to manage and resolve disputes effectively. Lack of conflict-resolution skills can have a very negative effect on workplace relationships and the effective management of disputes.[12] The researchers in this article believe the lack of such skills may lead to an increased number of unresolved disputes that may escalate to labour courts, burdening the unions and the legal system. Trade unions need good conflict-resolution skills to resolve disputes positively and maintain a healthy relationship with employers.[13] This skills gap suggests a need for union representatives to receive specialised training in mediation and conflict-management techniques. Developing these skills could help unions maintain workplace peace and protect their members' rights more effectively.

Negotiation skills are also paramount for trade unions, as much of their work involves bargaining for workers. However, the ETDP SETA report indicates a significant lack of negotiation skills among union employees. This gap poses legal challenges, as poor negotiation skills can lead to unfavourable agreements that do not adequately protect workers' rights or meet their needs. This deficiency underscores the need for training programmes focused on negotiation tactics and strategies. Effective negotiation is thus essential for fostering strong relationships and achieving desired outcomes.[14] Moreover, such skills are crucial to ensuring fair labour practices and achieving positive outcomes in collective bargaining.

Representation skills, particularly in legal contexts such as cases before the Commission for Conciliation, Mediation and Arbitration (CCMA), are another area of concern. The ETDP SETA report notes that many union officials lack the critical skills to represent workers in legal disputes. This article posits that this legal challenge could result in unsuccessful representation, affecting workers' rights and protections. Enhancing these skills is vital for unions to represent their members effectively in disputes and negotiations, ensuring that workers receive fair treatment under the law.[15]

Adejimola argues that the movements of hands and body, facial expressions, occasional unique vocal sounds, and constant eye contact are effective and acceptable forms of non-verbal communication.[16] However, it is

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12 Intuit Mailchimp "What Are Important Conflict Resolution Skills?" (undated) https://mailchimp.com/resources/conflict-resolution-skills/#:~:text=In%20the%20workplace%2C%20having%20poor,on%20your%20conflict%20resolution%20skills (accessed 2024-09-07).

13 *Ibid*.

14 Kolmačková *Strategies and Tactics of Effective Business Negotiation* (bachelor thesis, Tomas Bata University) 2011 10 and Wang *An Analysis of Negotiation Strategies in Investment Negotiations* International Conference on Applied Economics, Management Science and Social Development (AEMSS) (2024).

15 Freeman and Medoff *What Do Unions Do?* (1984) 38, 244.

16 Adejimola "Language and Communication in Conflict Resolution" 2009 1(1) *Journal of Law & Conflict Resolution* 1. Non-verbal communication plays a significant role in the dynamics of the negotiation process. According to experts in the communication field, about 55 per cent of received information originates from the non-verbal communication that accompanies a spoken message, including body movements and facial gestures; 38 per

also important to note that non-verbal cues are socially and culturally constructed and bound; as such, they should be used with caution when resolving conflicts to avoid escalating matters.

As seen below, diversity in organisations results in better performance because of fresh cross-cultural ideas.[17] However, Salvation argues that workplace diversity "increases workplace conflict among employees because of the cross-cultural differences in cultural norms and communication styles".[18] Using practical non-verbal cues as examples indicates how pointing at people with the index finger may be interpreted normally by Americans, but can be construed as a sign of rudeness by Asians.[19] Thus, people who are properly equipped with the relevant communication and cross-cultural communication skills should tackle these cultural differences and norms when resolving and mediating disputes.

3 LEGAL FRAMEWORK

While various strategies are employed to resolve workplace disputes, this study focuses on collective bargaining as a key mechanism.[20] The LRA prioritises majority trade unions, granting them significant influence in collective bargaining.[21] The LRA distinguishes between different types of trade union: majority, sufficiently representative and minority trade unions are each endowed with specific legal rights. Notably, majority trade unions enjoy comprehensive organisational rights.[22]

Although the LRA does not explicitly address communication, it facilitates collective bargaining as a form of negotiation between employers (or

cent comes from the voice, pitch, tone and sounds; and only 7 per cent draws from the content of the message. Furthermore, effective communication also requires not only being observant but also being an active listener (Lincoln "Negotiation: The Opposing Sides of Verbal and Nonverbal Communication" 2000 29(4) *Journal of Collective Negotiations* 297).

17 Salvation "Communication and Conflict Resolution in the Workplace" 2019 13(112) *Dev Sanskriti Interdisciplinary International Journal* 25.

18 *Ibid*.

19 Wicks, Stewart, Eubanks, Eidelman and Dye "With Time Comes Commitment: Considering Visual Presentation Style, Political Ideology, and Time During the First 2016 Presidential Debate" 2017 *61*(5) *American Behavioral Scientist* 545.

20 Examples of conflict resolution strategies are negotiation, mediation and arbitration. See Adejimola "Language and Communication in Conflict Resolution 2020 *ISJ* 5.

21 *Transport and Allied Workers Union of South Africa v PUTCO Limited* [2016] ZACC 7; (2016) 37 *ILJ* 1091 (CC); [2016] 6 BLLR 537 (CC); 2016 (4) SA 39 (CC); 2016 (7) BCLR 858 (CC). The LRA affords majority trade unions several benefits. See, for example, ss 14(1), 16, 18, 26(2), 80 and 81. See further s 23(1)(*d*), which allows the extension of collective agreements to employees who are not members of a majority trade union.

22 This includes the right to appoint trade-union representatives (s 14(1)); the right to information (s 16); the right to establish thresholds of representativeness (s 18); conclusion of agency-shop and closed-shop agreements(s 26(2)); and establishment of workplace forums and choice of members from the union's elected representatives to serve on the trade-union forum (ss 80 and 81). In addition, s 18(1) of the LRA allows an employer and a majority trade union to conclude a collective agreement establishing representativeness thresholds for exercising the organisational rights set out in ss 12, 13 and 15 of the LRA. See also *South African Correctional Services Workers Union (SACOSWU) v Police and Prisons Civil Rights Union (POPCRU)* [2017] ZALAC 30; [2017] 9 BLLR 905 (LAC); (2017) 38 ILJ 2009 (LAC).

employers' organisations) and trade unions. This process derives from section 23(5) of the Constitution of the Republic of South Africa, 1996 (Constitution), which guarantees the right of every trade union, employers' organisation and employer to engage in collective bargaining. However, neither the Constitution nor the LRA explicitly defines the term "collective bargaining".

According to item 4(1) of the Code of Good Practice on collective bargaining,[23] collective bargaining is a voluntary process where organised labour, through trade unions, negotiates with employers or employers' organisations to establish collective agreements.[24] These agreements govern wages, terms and conditions of employment, and other areas of mutual interest. One notable provision of the Code of Good Practice emphasises developing competent negotiators.[25] As argued by Maake-Malatji, trade unions must focus on developing communication and negotiation skills to enhance their capacity to engage effectively in collective bargaining:

> "This is a commitment to developing competent negotiators to engage in collective bargaining. In addition, training courses should be developed to advance the negotiators' skills. This implies that employees will need appropriate skills to remain relevant in the changing world of work, and labour organisations also need to acquire negotiating skills. This is so because employees' representation depends on well-organised trade unions with effective leadership and negotiation skills."[26]

This observation underscores the importance of continuously enhancing the skills of both employees and trade-union leaders. Effective negotiators are essential for ensuring meaningful representation and adapting to the evolving labour market. Moreover, trade unions would then be equipped to represent their members effectively during negotiations and to advocate for their interests in the workplace.

Chapter III of the LRA addresses the rights of trade unions and employers to form and join bargaining councils, which facilitate collective bargaining at the sectoral level.[27] These councils play a central role in maintaining harmonious labour relations by fostering cooperation between employers and trade unions. The LRA also outlines the rights and duties of trade unions. Section 12 of the LRA grants trade-union representatives the right to access workplaces, enabling them to communicate with members and

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23 Department of Labour *Code of Good Practice: Collective Bargaining, Industrial Action and Picketing* GN R1396 in *GG* 42121 of 2018-12-19.

24 The terms "negotiation" and "collective bargaining" are sometimes used interchangeably but they are different. See the explanation in Maake-Malatji *The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective* 25, and the Industrial Court (IC) case of *Metal & Allied Workers Union v Hart Ltd* (1985) 6 *ILJ* 478 (IC) par 35. The IC in this case held that to bargain means to haggle or wrangle ... to arrive at some agreement on terms of give and take. The term "negotiate" is akin to bargaining and means to confer with a view to compromise or agreement.

25 Item 8(1) of the Code of Good Practice.

26 Maake-Malatji *The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective* 197.

27 Ss 27–29 of the LRA.

promote their interests. Section 12(2) in particular highlights the necessity for communication skills, as it allows representatives to hold meetings with employees. This provision demonstrates that effective communication is critical for disseminating information and promoting workers' interests.

While the Basic Conditions of Employment Act[28] (BCEA) does not regulate negotiations directly; it establishes minimum standards for employment conditions, frequently serving as the basis for collective bargaining. Trade unions thus play a crucial role in communicating these standards to employees. The importance of this function is emphasised by the vulnerability to exploitation of employees, especially those with limited formal education and who are often subjected to poor working conditions, extended hours and minimal wages.[29] In such contexts, employers frequently retain most profits, exacerbating inequalities in the workplace.[30] In response to such exploitation, employees often resort to organising trade unions to advocate for improved working conditions, wages and benefits. The authors of this article believe that this makes the role of trade unions instrumental in ensuring that the minimum standards set by the BCEA are understood, implemented and adhered to within workplaces.

The Employment Equity Act[31] (EEA) further enhances employment relations by promoting equal opportunity and fair treatment and eliminating unfair discrimination. It also mandates affirmative-action measures to address disadvantages experienced by designated groups.[32] These measures often become significant points of negotiation between employers and trade unions, requiring effective consultation and communication.

Sections 16 and 17 of the EEA emphasise the importance of communication by obligating employers to take reasonable steps to consult employee representatives. These consultations ensure the development, preparation and implementation of employment equity plans that reflect the diverse interests of the workforce. In this context, trade unions are key to building inclusive workplace relations. Although this discussion does not cover all relevant aspects, it demonstrates the wide-ranging involvement of trade unions in employment relations, as prescribed by various laws.[33]

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28 75 of 1997. It is important to note that the BCEA covers working hours, leave, remuneration, and termination of employment, among other conditions.

29 Different social structures in South Africa place workers in varying positions of vulnerability, which have been historically and systematically exploited. Trade unions are therefore essential to protect these workers' rights and advocate for fair treatment in the workplace. See, for example, Smit and Stopforth "An Overview of Categories of Vulnerability Among On-Demand Workers in the Gig Economy (Part 2)" 2023 27 *Law, Democracy and Development* 155.

30 *Ibid*.

31 55 of 1998.

32 Ss 5 and 6 of the EEA.

33 Laws such as the Occupational Health and Safety Act 85 1993 (OHSA) and the Skills Development Act 97 1998 (SDA) can be interpreted to require trade-union involvement to foster negotiation skills and develop communication skills. For example, OHSA mandates employers to provide a safe working environment. Negotiations often include discussions around workplace safety standards and practices, making this Act relevant to labour negotiations. In addition, the SDA promotes the development of work-related skills through a levy-grant system and the establishment of sector education and training authorities

This discussion highlights that the LRA is a foundational pillar of South African labour law, governing the procedural aspects of communication and negotiation between trade unions and employers. Operating with complementary legislation like the BCEA and the EEA, the LRA safeguards equitable labour practices and ensures effective dispute-resolution mechanisms. Therefore, delivering accurate and timeous information is critical for facilitating smooth stakeholder interactions.[34] Adherence to these legal frameworks ensures compliance with regulatory requirements and promotes the cultivation of a diverse and inclusive workforce that reflects societal principles of equality and equity.

4 THE CENTRALITY OF COMMUNICATION SKILLS IN LABOUR DISPUTE RESOLUTION: A MULTIDISCIPLINARY ANALYSIS OF LEGAL AND PRACTICAL FRAMEWORKS

Dispute resolution has been a topic of extensive study, but the role of verbal and non-verbal communication skills has not received sufficient scholarly attention within this complex process. Ben-Nun argues that while communication is central to all aspects of life, effective communication remains an underexplored area in many fields.[35] This research adopts a multidisciplinary approach in analysing the intersection of communication, language and labour relations, which are inherently linked to conflict and dispute resolution. It seeks to examine the intricate relationship between communication skills and labour dispute resolution within both practical and legal frameworks.

4 1 Conceptualising communication in labour relations

The nature of this study requires a clear definition of communication as it applies to labour relations. Generally, communication refers to the diverse methods by which individuals, communities and organisations interact, construct and maintain meaning. Scholars regard communication as a fundamental tool through which societies reflect on themselves and create social realities.[36] In labour relations, communication is conceptualised as the exchange of information enabled by mutual understanding and constructive feedback.[37] This approach underscores the argument that labour disputes

(SETAs). Training and development can be important aspects of labour negotiations, especially regarding skills development and employee training programmes.

34 Salvation 2019 *Dev Sanskriti Interdisciplinary International Journal* 25–46.

35 Ben-Nun *Verbal Communication Skills: Medical Research in Biblical Times from the Viewpoint of Contemporary Perspective* (2015) 1–127.

36 Asemah "Principles and Practice of Mass Communication" 2011 *Jos: Great Future Publications* 9.

37 Okon, Akpan and Ekarika "Role of Organisational Culture in Enabling Effective Communication and Total Quality Management Practices in Champion Breweries Plc, Uyo, Akwa Ibom State, Nigeria" 2024 4(1) *AKSU Journal of Social Sciences* 102 and Albright,

are more likely to be resolved amicably when effective communication is prioritised, especially through clear language and dialogue.

4 2 Labour disputes and the role of communication

In multicultural workplaces like those in South Africa, linguistic differences, cultural misunderstandings, and varying levels of legal knowledge often contribute to disputes. This emphasises the need for skilled communication to bridge such gaps during conflict resolution. Conflicts play a significant role in shaping human relations, including those between employers, employees and trade unions in the workplace. Venter and Levy argues that conflict is a natural part of all human interactions.[38] Within the labour environment, people from diverse cultural, ideological, and social backgrounds come together, creating a setting where differences are inevitable. Because work relationships unfold within an unpredictable and often challenging economic climate, the presence of conflict is unavoidable.[39] This study extends Venter and Levy's argument, positing that expert communication skills must be central to legal frameworks for effective labour dispute resolution.

In South Africa, the Constitution guarantees the right to fair labour practices and collective bargaining, which creates a legal environment conducive to dispute resolution. However, the Constitution does not explicitly address communication skills, highlighting the need to explore practical strategies for incorporating communication into conflict resolution. Mediation and dispute-resolution processes depend on skilled communication, which involves listening, negotiation and the exchange of ideas to reach mutually beneficial outcomes.

Ferreira notes that progressive democratic societies are built on individuals who possess 'a voice and the right to use it'.[40] This underscores the importance of equipping employees and labour representatives with communication skills to facilitate dialogue and ensure fair resolutions. Effective communication skills become indispensable in labour dispute-resolution processes by fostering a collaborative environment that prevents conflict from escalating. Communication can be used as a tool for mitigating and preventing workplace conflict.

Communication is crucial to achieving peaceful and desirable outcomes in dispute resolution by preventing and mitigating conflicts, a frequent occurrence in human relations.[41] In the context of the employee-employer relationship, non-confrontational resolutions depend on dialogue and negotiation facilitated by clear information exchanges. Adejimola explains

Navarro, Jarad, Boyd, Powell and Lewis "Communication Strategies to Facilitate the Implementation of New Clinical Practices: A Qualitative Study of Community Mental Health Therapists" 2022 12(2) *Transl Behav Med* 324.

38 Venter and Levy *Labour Relations in South Africa* 3ed (2009) 15.

39 Venter and Levy *Labour Relations in South Africa* 3ed (2009) 15. See also Ferreira "An Overview of South African Labour Relations" 2010 18(2) *Administratio Publica* 41.

40 Ferreira "The Commission for Conciliation, Mediation and Arbitration: Its Effectiveness in Dispute Resolution in Labour Relations" 2004 23(2) *Politeia* 73.

41 *Ibid*.

that communication is the goal of language, just as mutual agreement is the goal of conflict resolution.[42] This insight highlights the interconnected roles of language and communication in dispute-resolution processes.

Both verbal and non-verbal communication are essential tools for resolving workplace conflicts and maintaining harmonious labour relations. Trade unions, employers and employees must develop strong communication skills to create an environment where disputes can be managed effectively. In this way, the authors of this article believe that open communication channels allow the parties to engage without fear, reducing the potential for conflict, anxiety or violence.[43] This approach aligns with Olabiyi's assertion that stable dispute-resolution systems are crucial for sustainable economic and democratic development.[44]

This article argues that effective dispute resolution requires the establishment of communication channels that promote transparent dialogue between employers and employees. This reduces the tensions that often arise from competing managerial goals and employee expectations, which can otherwise escalate into full-blown conflicts.[45] A focus on communication ensures that both parties can articulate their needs, leading to negotiated outcomes that are fair and sustainable. This shows that there is a relationship between language, communication and dispute resolution.

A detailed exploration of the relationship between language and communication reveals the complex interplay between thought, expression and conflict resolution. According to Adejimola, the concepts of linguistic determinism and linguistic relativity explain how language shapes thought, which, in turn, influences dispute-resolution processes.[46] Adejimola's theory of language suggests mutual agreement is achievable when both parties engage meaningfully through communication.

Trade unions and labour organisations must possess communication strategies that account for these challenges. Skilled negotiators who understand the nuances of language and cultural diversity are more likely to achieve consensus and resolve disputes efficiently. Thus, facilitating dialogue across linguistic and cultural divides is indispensable in contemporary South African labour relations.

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42 See Adejimola 2009 *Journal of Law & Conflict Resolution* 1–9; Lincoln 2000 *Journal of Collective Negotiations* 297–306.

43 See Blink "The Importance of Open Communication in the Workplace" (6 September 2023) https://www.joinblink.com/intelligence/open-communication-importance#:~:text=to%20your%20business.-,What%20is%20open%20communication?,feedback%2C%20opinions%2C%20and%20ideas (accessed 2026-02-04).

44 Olabiyi "A Study of Conflict Resolution Mechanisms and Employment Relations in Multinational Corporations in Africa: Empirical evidence From Nigeria and South Africa" 2022 20 *SA Journal of Human Resource Management* 1.

45 Hammeed, Ipinloju and Oladipo "Effect of Trade Unionism in Industrial Conflict Resolution" 2021 2(12) *International Journal of Advances in Engineering and Management* 83.

46 See Adejimola 2009 *Journal of Law & Conflict Resolution* 1–9; Lincoln 2000 *Journal of Collective Negotiations* 297–306.

This multidisciplinary exploration underscores that communication skills are not merely tools for resolving disputes but are essential components of building stable and democratic labour relations. Effective communication ensures that the expectations of both employers and employees are aligned, fostering peaceful labour relations and promoting social and economic development.

5 COMMUNICATION SKILLS AS ESSENTIAL TOOLS FOR TRADE UNIONS IN REPRESENTING EMPLOYEE INTERESTS AND FOSTERING SOCIAL PURPOSE

As noted above, communication is pivotal in conflict resolution and stakeholder engagement, and in fostering trust between employees and employers. Communication is defined as the process of sharing and exchanging information between individuals, groups and conflicting parties.[47] This process facilitates the resolution of crises, enhances mutual understanding, and promotes peaceful outcomes. Effective communication skills are vital for trade unions, particularly in South Africa with its culturally diverse workforce. Exemplifying this diversity, organisations such as Sasol and Eskom employ individuals from varied cultural and ethnic backgrounds. Sasol's efforts to promote inclusive practices reflect South Africa's cultural diversity,[48] while Eskom's workforce composition demonstrates the nation's commitment to multicultural and gender representation.[49]

Despite some advantages, the authors of this article believe workplaces with diverse languages, cultures and traditions complicate communication processes. Trade unions must also navigate legal constraints, restrictive labour laws, and internal issues such as leadership disputes and limited resources. These factors can hinder effective outreach and negotiation, impairing unions' ability to represent workers' interests and maintain transparent communication channels.

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47 Da Conceição, Natália, Da Silva and Gracioso "The Innovation That Information Science Proposes" 2021 *IGI Global* 98; Mishra "Adaptive Resilience of a Social Enterprise During Adversity" 2022 *IGI Global* 144. According to the Oxford Dictionary, "communications" also refers to "the imparting or exchanging of information by speaking, writing or using some other medium".

48 Sasol "Sasol Sustainability Report 2022" (undated) https://www.sasol.com/sites/default/files/2022-08/2022%20Sasol%20Sustainability%20Report.pdf (accessed 2025-08-26) 14. According to this report, Sasol's diversity 10-point plan continues to provide a comprehensive set of qualitative measures designed to facilitate the achievement of employment-equity targets. This includes the recruitment, development and retention of candidates from under-represented groups, as well as initiatives aimed at enhancing gender equity.

49 Changes in this organisation can be seen in gender mainstreaming for many women from different cultures and backgrounds. See Nel and Joel "The Transformation of Governance in the South African Energy Sector: Critical Considerations for Gender Mainstreaming" 2019 (16)1 *Journal of Contemporary Management* 313; Rambe and Modise "Power Distribution at Eskom: Putting Self-Leadership, Locus of Control and Job Performance of Engineers in Context" 2016 11(1) *African Journal of Business and Economic Research* 45.

5 1 Enhancing effectiveness and representation in trade unions

Trade unions are instrumental in amplifying employees' voices but are often perceived as having an adversarial relationship with employers.[50] Despite this tension, their primary function remains the representation of workers' interests. Collective bargaining, a fundamental tool for conflict resolution, is only effective when trade unions possess robust communication skills.[51] Research emphasises that the persistence of perpetual conflict between employers and employees can only be mitigated through effective dialogue, where unions act as negotiators to balance competing interests.[52] Communication skills are essential for articulating workers' demands, advocating for higher wages, and facilitating discussions on working conditions.[53]

In addition to safeguarding immediate interests, unions must extend their focus toward broader social objectives. Through effective communication, trade unions can foster solidarity among employee groups and advocate for equitable policies for all workers.[54] However, poor communication during collective bargaining can lead to misunderstandings, unreasonable demands, and failed negotiations, potentially escalating into industrial actions such as strikes and protests.[55] South Africa's economy has often felt the impact of such disruptions, where difficult labour negotiations have led to widespread strikes, jeopardising social and economic stability.[56] For example, the Marikana tragedy serves as a poignant reminder of the importance of negotiation skills. Instances of violent strikes reveal that failed negotiations are often rooted in poor communication strategies and a lack of skilled negotiators.[57] Negotiation, like any other form of conflict resolution,

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50 Bellace "Labor Law Reform for the Post Industrial Workplace" 1994 *Labor Law Journal* 462.

51 *Ibid*.

52 Maake-Malatji *The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective* 28.

53 Freeman and Medoff *What Do Unions Do?* (1984) 43, 244.

54 Barnard, Deakin and Morris *The Future of Labour Law: Liber Amoricum Bob Hepple QC* (2004).

55 Rheeder "Trade Unions: How to Deal With Power Play and Position Bargaining?" (14 November 2014) https://www.laboursmart.co.za/document/details/88dccb98-a6d9-459b-8ba4-d5761a463569 (accessed 2024-06-27). This falls under destructive bargaining behaviours.

56 Uys and Holtzhausen "Factors That Have an Impact on the Future of Trade Unions in South Africa" 2016 13 *Journal of Contemporary Management* 1164. See also Mmolaeng and Bussin "Drivers of Public Sector Unions' Wage Demands in a Low-Inflation and Recessionary Environment in South Africa" 2012 36(1) *South African Journal of Labour Relations* 69; Schutte and Lukhele "The Real Toll of South Africa's Labour Aggressiveness" 2013 11 *Africa Conflict Monthly Monitor* 69; Libebe and Warikandwa "The Agency Problem in Trade Unions: A Case for Enforcing Trade Union Leadership Accountability in Namibia's Labour Laws" 2022 43(2) *Obiter* 187. The latter posit that trade-union leaders are directly and indirectly in conflict of interest with workers' best interests. Furthermore, the trade union leaders' duty of good faith has been compromised.

57 See Maake-Malatji *The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective* 197.

requires expertise, empathy and diplomacy – skills that are often lacking in union representatives.[58]

5 2 The role of communication in labour disputes: Lessons from the Marikana and municipal workers' strikes in South Africa

This section explores two case studies: the 2012 Marikana miners' strike and the 2010 municipal workers' strike. These cases illustrate contrasting outcomes based on the effectiveness of communication strategies. While Marikana highlights the consequences of communication failures, the municipal workers' strike demonstrates how effective communication can foster positive results.

5 2 1 Marikana miners' strike of 2012

The Marikana massacre occurred between 11 and 16 August, 2012 during a wage dispute at Lonmin Mine, in which 44 individuals were killed, 70 injured, and many others arrested.[59] The dispute revealed fractures within the labour movement, exacerbated by rivalry between the National Union of Mineworkers and the Association of Mineworkers and Construction Union.[60] Tensions escalated as the Association of Mineworkers and Construction Union adopted a militant approach, challenging the National Union of Mineworkers' long-standing representation of workers.[61]

The breakdown in communication among unions, workers and management played a critical role in the tragedy. The National Union of Mineworkers struggled to address miners' growing dissatisfaction, while the confrontational stance of the Association of Mineworkers and Construction Union deepened the divide.[62] The absence of clear communication channels fostered mistrust and misunderstanding, leading to violent clashes between the South African Police Services and striking miners.[63] The lack of

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58 *Ibid*. Trade unions also need to articulate a positive vision and strategy for their role in society and for how a rebuilt and innovative labour movement can help build and supply the labour force (Kochan "The American Jobs Crisis and Its Implication for the Future of Employment Policy: A Call for a New Jobs Compact" 2013 66(2) *ILR Review* 310).

59 Boëttger and Rathbone "The Marikana Massacre, Labour and Capitalism: Towards a Ricoeurian Alternative" 2016 81(3) *KOERS – Bulletin for Christian Scholarship* 1.

60 *Ibid*.

61 Adelman "The Marikana Massacre, the Rule of Law and South Africa's Violent Democracy" 2015 7(2) *Hague Journal on the Rule of Law* 245.

62 The Association of Mineworkers and Construction Union, which gained rapid support from disillusioned workers, adopted a more confrontational approach, further exacerbating tensions. See, for example, Brown *South Africa's Insurgent Citizens: On Dissent and the Possibility of Politics* (2015); Evans and Rudra "The Dynamics of Labor Militancy in the Extractive Sector: Kazakhstan's Oilfields and South Africa's Platinum Mines in Comparative Perspective" 2020 53(6) *Comparative Political Studies* 992.

63 Baker "Police and the Marikana Massacre" in Baker *Police, Picket-Lines and Fatalities: Lessons from the Past* (2014) 16; Onyebukwa "The Dilemma of Natural Resources and Upsurge of Conflicts in Africa: A Cursory Look at the Marikana Management Approaches in South Africa" 2021 *Political Economy of Resource, Human Security and Environmental*

government intervention escalated tensions, particularly between the South African Police Services and the Department of Mineral Resources.[64] Without transparent communication and mediation efforts, the dispute deteriorated into violence.

This incident starkly illustrates the detrimental impact of ineffective communication within and between trade unions in labour disputes, emphasising the critical need for well-established communication methods and channels to prevent and resolve such conflicts.[65] These events reflect systemic failures in South Africa's labour-relations framework. In the end, this article argues that Marikana highlights the dangers of adversarial communication, emphasising the importance of empathy, understanding and collaborative negotiation in labour relations.[66]

5 2 2 Municipal workers' strike of 2010

The 2010 municipal workers' strike, led by the South African Municipal Workers Union (SAMWU), offers a contrasting narrative. The strike aimed to secure better wages and working conditions, but disrupted essential services nationwide.[67] However, SAMWU employed effective communication strategies to manage the labour dispute successfully. Research shows that unions can utilise communication platforms to disseminate information and mobilise support, enabling decentralised communication that reduces the distance between union leadership, members, and the wider public.[68] Furthermore, the negotiators for the SAMWU maintained open communication with government representatives, focusing on finding common ground and avoiding adversarial tactics.[69]

Conflicts in Africa 277; Bond and Mottiar "Movements, Protests and a Massacre in South Africa" 2013 31(2) *Journal of Contemporary African Studies* 283.

64 Chijioke *Study of Conflict Management and Resolutions: A Case of Marikana in South Africa and Ogoni in Nigeria* (doctoral thesis, North-West University) 2017 202.

65 Adler and Webster *Trade Unions and Democratization in South Africa, 1985–1997* (2000). See also Pitzer *Exploring the Impact of Trade Union Power Struggles on the Employment Relationship in the South African Mining Sector* (doctoral thesis, North-West University) 2018; Butjie *The Effect of the Marikana Events on the Collective Bargaining Process in South Africa* (master's thesis, Nelson Mandela University) 2017 71.

66 Chinguno "Marikana: Fragmentation, Precariousness, Strike Violence and Solidarity" 2013 40(138) *Review of African Political Economy* 639; Kynoch "Murder at Small Koppie: The Real Story of South Africa's Marikana Massacre" 2018 52(2) *Canadian Journal of African Studies* 250.

67 Singiza "Resolution of SAMWU Strike by SALGA Commendable" 2010 12(2) *Local Government Bulletin* 1.

68 Optimistic perspectives argue that technological developments enable decentralised communication, fostering a "distributed discourse" that reduces distance between union leadership and members and promotes more participatory union democracy (Houghton and Hodder "Understanding Trade Union Usage of Social Media: A Case Study of the Public and Commercial Services Union on Facebook and Twitter" 2021 36(2) *New Technology, Work and Employment* 221). See also Greene, Hogan and Grieco "Commentary: E-collectivism and Distributed Discourse: New Opportunities for Trade Union Democracy" 2003 34(4) *Industrial Relations Journal* 282.

69 Paret "Failed Redistribution or Failed Administration? Official Union Narratives of Community Protest in South Africa" 2015 42(3) *Politikon* 345.

The union also organised rallies to build solidarity and communicated clearly to keep workers and the public informed.[70] These efforts culminated in a negotiated settlement, resulting in wage increases and improved working conditions for municipal workers.[71] The success of the South African Municipal Workers Union strike demonstrates the value of effective communication, transparency and skilled negotiation in labour disputes. The case underscores that constructive engagement, rather than confrontation, leads to favourable outcomes for workers.[72]

These efforts demonstrated the union's strength and unity, applying pressure on the employers to meet their demands. Finally, the union ensured its communication was clear and consistent by using press releases, public statements and social media to articulate the workers' grievances and the reasons behind the strike. This clarity helped to garner and maintain public support throughout the dispute.

5 2 3 Analysis of Marikana and municipal workers' strikes

This article's analysis of the two strikes provides contrasting case studies that illustrate the critical impact of communication strategies on the outcomes of labour disputes, highlighting both the failures and successes of effective communication. Marikana evinced a profound failure in communication, where adversarial tactics, misinformation, and mistrust among key stakeholders (unions, management and the State) led to a tragic outcome. The dispute between the National Union of Mineworkers and the Association of Mineworkers and Construction Union, coupled with ineffective engagement with Lonmin management, escalated tensions.

Moreover, the absence of clear, open and constructive dialogue exacerbated the situation, culminating in the South African Police Services employing lethal force, which resulted in the deaths of miners and injuries to many others. The lack of a coherent communication strategy among the parties involved meant that grievances were not adequately addressed, and the conflict rapidly escalated into violence. Marikana represents a failure to build channels for effective dialogue and negotiation, showcasing the devastating consequences of poor communication and conflict management in labour disputes.

By contrast, the 2010 municipal workers' strike led by the South African Municipal Workers Union is a success story of effective communication during labour conflicts. Unlike the Marikana case, where communication broke down entirely, the South African Municipal Workers Union used a range of communication strategies to manage the strike and maintain public support. The union's leadership engaged proactively with the media to

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70 Ruiters "Spaces of Hope: Rethinking Trade Union-Community Alliances and Citizenship in a Post-Alliance Era in South Africa" 2014 41(3) *Politikon* 421.

71 Von Holdt "South Africa: The Transition to Violent Democracy" 2013 40(138) *Review of African Political Economy* 589.

72 Von Holdt "COSATU Members and Strike Violence: What We Learn From Quantitative and Qualitative Data" 2013 *COSATU'S Contested Legacy* 186.

present a clear and consistent narrative, shaping public opinion in favour of the workers' demands and ensuring their grievances were heard.

As noted above, this transparency fostered public sympathy and support, which pressured the government to negotiate. Moreover, the South African Municipal Workers Union maintained open lines of communication with government representatives, demonstrating negotiation skills that emphasised finding common ground rather than fostering adversarial relationships. The union's organised rallies and demonstrations that effectively built solidarity, without escalating into violence, creating a united front that pushed for wage increases and improved working conditions. The South African Municipal Workers Union strike demonstrates that effective communication, characterised by clear communication, strategic media engagement, and constructive dialogue can lead to successful conflict resolution and favourable outcomes for workers.

6 RECOMMENDATIONS AND CONCLUSION

To enhance the role of trade unions in fostering constructive employment relations and to address the complexities of South Africa's diverse workforce, it is essential that trade unions prioritise the development of communication skills, particularly in cross-cultural and non-verbal contexts. This requires targeted training initiatives that build verbal competencies and foster cultural sensitivity to minimise misunderstandings. Furthermore, unions need to strengthen their negotiation and conflict-resolution capabilities through specialised workshops that enable leaders to de-escalate disputes effectively and prevent industrial action from spiralling out of control.

Clear communication channels with employers and government institutions are also vital to ensure that grievances are promptly addressed and negotiations remain collaborative rather than adversarial. Addressing the internal leadership challenges and resource constraints highlighted in the ETDP SETA report will further enhance the operational efficiency of unions, equipping them to navigate the evolving labour environment.

In conclusion, communication stands at the heart of trade unions' ability to balance advocacy and collaboration in labour relations. The contrasting outcomes of the Marikana tragedy and the 2010 municipal workers' strike underscore the transformative potential of effective communication, with the former revealing the dangers of breakdowns and the latter demonstrating how strategic engagement can yield positive results. By adopting this article's recommendations, trade unions can realign their communication frameworks to advance both their social purpose and operational goals, fostering sustainable labour relations and promoting economic stability. These measures will mitigate conflict and position unions as essential mediators in an increasingly complex and multicultural employment landscape.