



# Analysing a Season of Strikes in Ghana; A Multi Disciplinary Perspective

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**Abstract:** Industrial strikes have become a feature of Ghana's industrial relations system for the past twenty years. In the public sector, most strikes bother on perceptions of inequity in compensation and benefits administration. This article analyzes strikes by three workers unions in Ghana namely Teachers & Education Workers Union(TEWU), Ghana Medical Association(GMA) and Allied Health Workers Group (HWG) during the period from February 2006 to June 2006. These strikes had a rippling effect on the economy. This study frames this period as the "season of strikes" in Ghana's industrial relations history under the government of the New Patriotic Party (NPP) led by President J.A. Kuffour. Using an integrated conceptual framework namely Tichy's Technical Political Culture organisational change model and industrial relations systems theory, it offers suggestions on how to address public sector compensation issues in a sustainable manner within the context of public sector industrial relations and public policy and highlights the need to strengthen state institutions which have the legal mandate to manage industrial relations in Ghana.

**Keywords:** equity, ethics, strikes, compensation, industrial relations, technical political culture

## INTRODUCTION

Recent research on industrial relations disputes in Ghana show that there are numerous reasons why workers embark on strikes, one of which is on perceived unfairness and lack of equity in determining working conditions.(Coleman 1996,). There seems to be a consensus that pay (salaries, allowances, in-kind and retirement benefits) is a key public service issue because adequate pay is crucial to sustaining motivation, performance and integrity of public servants. Public sector pay is also a major fiscal policy in most African countries.(Ayee 2016) Accordingly, countries have implemented various approaches (such as national incomes policy, salary review commission etc). collective bargaining agreement, cost of living allowance adjustments, job evaluation and salary adjustments and crisis driven pay adjustments) to develop a realistic and acceptable pay policy (Valentine, 2013; International Monetary Fund, 2016). Public sector compensation management is an intensely complex technical, cultural, political and industrial relations process that is interest based with multiple actors engaging to secure beneficial outcomes.

The government of Ghana under the Presidency of John Agyekum Kufour and New Patriotic Party implemented policies that aimed at promoting a private sector led growth economy. A major objective was to promote investment and create employment. In 2006, public sector workers in the health and educational sectors went on strike to press home their demands for better conditions of service. This article analyzes strikes by three workers

unions in Ghana namely Teachers & Education Workers Union(TEWU), Ghana Medical Association(GMA) and Allied Health Workers Group (HWG) during the period from February 2006 to June 2006. These strikes had a rippling effect on the economy. This study frames this period as the “season of strikes” in Ghana’s industrial relations history under the government of the New Patriotic Party (NPP) led by President J.A. Kuffour. Using an integrated conceptual framework namely Tichy’s Technical Political Culture organisational model and industrial relations systems theory, it offers suggestions on how to address public sector compensation issues in a sustainable manner within the context of public sector industrial relations and public policy and highlights the need to strengthen state institutions which have the legal mandate to manage industrial relations in Ghana.

### **METHODOLOGY**

A desk study was used to gather information on the strikes in addition to literature review of the topic as well as interviews with officials from relevant organizations, namely, the Ministry of Finance, Ministry of Employment and Labour Relations, National Labour Commission, the labour associations Teachers & Education Workers Union(TEWU), Ghana Medical Association(GMA) and Allied Health Workers Group (HWG), Ghana Employers Association etc. This was to obtain the views of the different relevant actors on the strike actions.

### **CONCEPTUAL FRAMEWORK**

Analysing compensation related strikes requires an interdisciplinary conceptual framework since employment relationships entail multiple factors that transcend any one traditional discipline. To fully appreciate the multifaceted nature of many industrial relations issues, one must draw from a variety of perspectives, including economics, organisational behavior, organisational change, psychology, political science, and law, among others. For example, in analyzing workers strikes on salaries it may be useful to look at economic theory as well as psychological theories on distributive justice, relative deprivation, expectancy theory, human needs, attributions and conflict to offer understanding on union or employee behavior and actions. Research has shown that workers under a populist pro-labour revolutionary state regime(a government that derives its political support from the lower classes) most often use threats and mass mobilization against employers and senior management(work elites). The perception is that the ideological complexion of the government and by extension the political environment is seen as a facility for militant action.(Coleman 1993).

In this regard, our conceptual framework integrates key concepts from some of the social science disciplines above to provide a comprehensive analysis of the case studies of the study.

#### **Equity and Justice**

Equity theory was developed by John Stacey Adams (1963) and he argues that staff seek to hold equity between the inputs they bring to a job and the outcomes they receive from it against the perceived inputs and outcomes of others. The implication for compensation

decision making is that staff who feel they're under-compensated (compared to colleagues or industry standards) may reduce their effort, become resentful, or seek work elsewhere. Greenberg (1987) in his study on taxonomy of organisational justice theories indicated that questions about justice still arise in many organizational milieus, among them contexts as diverse as pay plans.

Equity in employment relations simply means fairness in the determination, administration, monitoring and evaluation of terms and conditions of service. It implies that the process for formulating policy on compensation and benefits must be done with due consideration of distributive justice. Distributive justice simply means that in defining what is reasonable compensation and benefits(C&B), the employer looks at the input(I) that is the what, when and how the employee adds value into the task/job process), the output(O), that is the results of his/her input in terms of services, and the outcome(O1) which is the impact of the combination of I & O in qualitative and quantitative terms from an efficiency and effectiveness value for money perspective. In that regard studies in industrial psychology have shown that workers compare their C&B with that of equivalent or similar referents or others who have the same qualifications and work conditions. If they realize that their C&B is lower than their equivalent referents, then they feel relatively deprived and become dissatisfied. This is called the relative deprivation theory and it is derived from perceptions of inequity and unfairness.(Adam 1965, Adams & Friedman 1975, Ekeh, 1974, Folger 1977, Friedman & Goodman 1967, Lawler 1968, Lerner 1974). In sum, equity and justice are major factors that explains the underlying basis of strikes in Ghana.

### **Ethics at the Workplace**

Leadership decisions within organisations should follow a logical pattern that "makes sense" and respects ethical considerations of what is acceptable and not-acceptable in the eyes of right thinking people and the wider society in which work takes place. The relationship between the employer and the employee is underpinned by what makes sense, follows a clear logical pattern and satisfies the principle of reasonableness. Industrial relations processes that define the rules to regulate employment relations ought to follow a logical pattern that "makes sense" and respects ethical considerations of what is acceptable and not-acceptable in the eyes of right thinking people and the wider society in which work takes place. The concept of reasonableness and equity means that decisions and processes to determine compensation and benefits in industrial relations are fair, transparent, follow due process, are not discriminatory and have a clear measurable outcome. In sum, the relationship between the employer and the employee at the work place ought to be anchored on an ethical basis and very often can also be the trigger for strikes to occur as workers perceive employer decisions as not ethical and unreasonable.

### **Industrial Relations System Theory**

Within the organization, the relations between the employer and employee requires each party to exercise rights, and simultaneously fulfil duties and obligations. The relationship has to conform to basic principles of law as they pertain to the execution of rights, responsibilities, and mechanisms for resolving conflict. The industrial relations systems define such relationship rules at the organizational level. Industrial relations is defined as

the interaction between government, employer (or their representative) and labour (or their representatives) to determine substantive rules (pay, training, training, development etc) and procedural rules (grievance, disciplinary and dispute resolution procedures). Industrial relations, helps to recognize and protect human rights at work. This is necessary to forestall unnecessary conflict and litigation over the exercise of rights and duties and the enforcement of obligations. At the barest minimum, it helps to ensure compliance with due process. Industrial relations refers to processes and outcomes involving **employment** relationships. Frequently the term is used in a narrower sense, for employment relationships involving collective representation of employees in the form of a **labor union** or employee association. Industrial relations is defined as the interactions between employers (represented by management), workers (represented by unions) and government which produces substantive rules and procedural rules. According to Dunlop's 1958 theory of Industrial Relations Systems, substantive rules are rules on policies on wages, training, performance management, and the procedural rules are rules that define due process in handling disputes or grievance. In industrial relations the parties aim at protecting their interests. This can result in conflicts. A grievance can be explained as any difference between parties in respect of any matter involving the interpretation or application of the collective agreement, employment rules in relation to general working conditions. In industrial relations, a distinction is made between two types of grievance. One is a complaint or a difference involving an individual worker or group of workers. The other is a difference between the union and the employer. In other situations, a distinction is drawn between disputes over rights (over the application or interpretation of provisions of collective agreements or labour laws) and disputes over interests. (i.e. those arising in connection with the renewal or conclusion of a collective agreement and the provisions to be agreed upon). We posit that the disputes over rights and disputes over interest are two sides of the same phenomenon as they are inherently political in nature.

The three (employer, union, government) are regarded as actors and the outcome of their actions, decisions, demands, supports it to regulate the relations between management and workers on employment relations issues. The outcomes, are wages and benefits, rules about work relations (e.g., standards for disciplinary action against workers), job satisfaction, employment security, productive efficiency, industrial peace and conflict, and principles of industrial democracy through collective bargaining. (Coleman, 1996). The concept of a system is applied in the sense that in industrial relations certain inputs (e.g., human labor, capital, managerial skill) from the environment are combined via alternative processes (e.g., collective bargaining, unilateral management decisions, legislation) to produce certain outcomes (e.g., production, job satisfaction, wage rates). Consistent with the definitions of industrial relations noted above, the study of industrial relations and the systems model focus on outcomes most closely related to the interaction of employees and employers and the "web of rules" concerning employment that they and their organizations, along with government, establish to govern employer-employee relations. The basic purposes of the industrial relations systems which regulates the management of human resources within the work organisation are to provide a conceptual framework for organizing knowledge about industrial relations and for understanding how various components of an industrial relations system combine to produce particular outcomes (and hence why outcomes vary from one setting to another or over time). Although it has endured, the industrial relations systems concept has been criticized and challenged. Criticisms have included charges that it is too static, failing to specify how change occurs in industrial

relations; that its treatment of ideology is too simplistic; and that it is too deterministic or does not encourage sufficient appreciation for strategic choices made by the actors. Reflecting its temporal origins, Dunlop's industrial relations systems concept had tended to portray or at least be perceived as portraying collective bargaining as the principal methodology for determining employment terms, although this is not inherent in the industrial relations systems concept. It has been argued that many human resources managerial decisions that have been called strategic choices can easily be viewed as managerial responses to environmental conditions. Thus, to the extent that globalization put cost-cutting pressures on employers, these can be seen as strongly influencing employer choices to resist unions to promote competitive advantage. The industrial relations system is the framework for ensuring that all aspects of human resources management processes including industrial relations are transparent, fair and non discriminatory. It ensures the protection of the rights of both parties at work.

### **The Politics of Industrial Relations**

There have been several myths and theories on what constitutes politics. To the lay man, politics - is associated with being tricky, smart, cunning, wise, crafty, subtle, calculating and most definitions in most dictionaries use this framework. (Bolander, 1986). This section reviews in brief some of the classical political science definitions of politics. The conflict of interests view in political science looks at society from the angle of an opposition of perspectives in the quest for/and balance for power. The state has no public interest as such. It has only particularistic interests associated with a particular balance of powers. For Plato, Rousseau, and Locke the state and society had an end; for Hegel, a destiny with a public interest beyond the particularistic concerns of its citizens (Rummel 1976). For Machiavelli, the state can be analyzed as a power structure, as a problem of power and order without regard to any ultimate ends of the state. Hobbes and Bentham, combined the two approaches and saw the purpose of state power as regulating the conflict of diverse interests. Politics is about the study and manifestation in various forms of power, influence, and competing interests in decision making concerning the allocation of resources. The Marxist Theory of Social Classes, the Group/Pluralistic Theory of Politics and other various analytical frameworks in political science, have given useful insights on the processes involved in influencing the use of power and authority over individuals in a society. (Ashcraft 1984). One of the most popular definitions was offered by Harold Lasswell who described politics as who gets what, when and how. Another equally popular definition was given by David Easton who said politics involves the authoritative allocation of values. (APSR 1936, Hanumanthappa(2023). Our view is that within the context of human resource management, the definition of value can be extended to also cover resources i.e. power, authority, human, financial, material, laws etc.

Politics is about the study and manifestation in various forms of power, influence, and competing interests in decision making concerning the allocation of resources. Politics in industrial relations, concerns all the processes that influence the determination and allocation of power. Politics involves the creation of coalitions(mobilization), having a loyal constituency, managing various interests and as and when the need arise, making compromises to facilitate the realization of one's interests.

### Tichy's Technical Political Cultural Model

Tichy considers technical, political and cultural systems for understanding organisations in general and organisation change in particular. The technical system is based on science and hard data and represents a highly rational perspective. The political system is based on power dynamics and the fact that in organisations, some groups and individuals are more powerful than others. With respect to change, the primary behavior representing this perspective is negotiation. The cultural system concerns shared values and norms, or cognitive schemes. These schemes are what link people together and constitute the organisation's culture. Culture change occurs by developing new norms and values. All three systems must be re-aligned for successful change. The three systems are connected and must be managed together to ensure successful change.

Tichy(1983) argues that these systems must be aligned within a system and between systems. The Technical Political Cultural model helps to understand the political, technical and cultural dynamics within organizations and how bargaining takes place by interest groups. He describes the technical dynamics as those aspects of the organization which are knowledgeable such as available technical tools and expertise. The political dynamics are the views of dominant groups, including bargaining by powerful organizational groups. The cultural dynamics constitute the shared symbols and values which make up the organizational culture. He argues that the three strands must be managed together or realigned for organizational effectiveness.(Faletta 2005:17). There are limitations to the TPC model. For example, the people component in the model is not visible and Tichy acknowledged that he did not consider the psychological aspects of change. In the same vein it can be argued that the cultural and political systems in the TPC model do inherently address people issues as the interaction of people produces outcomes that can be analysed from the three components of the model. Politics is about the authoritative allocation of values.Hanumanthappa(2023). We also posit that the authoritative allocation of values and the competition for resources and satisfaction of interests by individuals, groups and teams is at the heart of organisational change.

Using the TPC model it can also be argued that strikes are collective actions where people are mobilized to stop work and in some cases demonstrate en-masse. During collective actions, two types of political processes occur. One aspect of collective action is defined as consensus mobilization where union leaders or management leaders define the issues in a way to obtain common understanding and commitment from their members. It is to “ideologically charge them into action” and is the foundation block before moving to stage two that is action mobilization. Successful strikes are preceded by effective consensus mobilization. Action mobilization is where after securing the “ideological commitment” of members, the clarion call is made for physical demonstration of action through collective work stoppages, picketing and demonstrations.(Kelly and Kelly 1994).

### Collective Action and the Political Environment

In a study on Government and Labour Relations 1982-1992 (Coleman 1993), the research indicated that workers under a government which is perceived as populist and pro-worker use collective action as a frequent strategy in collective bargaining because the political environment is seen as ideal for such actions. In a subsequent study that focused on two case studies of industrial disputes, the same conclusion was reached(Coleman 1996). When

related to the case studies in this research, one can also hypothesize that by virtue of the 1992 constitution of Ghana which permits individual freedoms of association and speech, the culture of collective action was seen as a right granted by the constitution pf the republic of Ghana.

### **Economics and Compensation Management in Industrial Relations**

Compensation or pay is generally referred to as the “rate for the job” and constitutes the first point of engagement between the employer and the employee and this is characterized by transaction cost. Transaction costs is underpinned by labor market variables where the employer as a result of demand-and-supply considerations, enters into a relationship with the employee who is ready to sell it for a price. In effect it is an economic transaction between the buyer and seller and is subject to negotiating the best “deal”. Labor markets analysis offer insights into the conceptualization of the production, development and delivery of skilled labor with due consideration of macro economic indicators. An understanding of the principles of economic theory and practice and more specifically the value added cost of industrial relations processes and helps to comprehend and assess the competing interests of employers and employees in employment relations. At the end of the day, industrial relations rights and interests must, jointly address the principle of value added from the employer’s perspective, (cost effectiveness and direct impact on staff productivity) and the employee’s perspective ( opportunity to obtain a rate to sustain and improve labour marketability and career development).

### **Determining the Rate of Compensation**

Every job has key characteristics that define its complexity to establish the rate of the job. There are many job evaluation models to determine the basis for the rate of the job. Some of them include Peromnes, Patterson, Castellian, Hay etc. The Hay job evaluation framework helps to ensure an objective and consistent comparison of roles. This approach ensures that roles are evaluated on their actual responsibilities, eliminating bias introduced by job titles or local naming conventions.(Hajii 2015). Key elements considered in the Hay Job evaluation methodology are know-how, problem solving and accountability. Know-How refers to the level and breadth of knowledge, expertise, and experience required for a role, including technical, managerial, and interpersonal skills. Problem-Solving refers to the complexity of problems to be addressed in the role and the level of analysis, judgment, and creativity required to resolve them. Accountability refers to the degree of responsibility the role holds for outcomes, including the impact on organisational performance and decision-making authority.(Hajii 2015). By standardising roles through this framework, a company can ensure an apples-to-apples comparison of responsibilities, employee qualification and expertise in a fair manner to guide fair compensation decisions. Job evaluation is a sophisticated thematic area in compensation management and requires accredited expertise to design and implement it. Tensions over the principle, design and application of job evaluation is often a source of conflict between employers and employees and or unions. Many organisations either hire external expertise who do not transfer knowledge to the in-house HR staff after they have completed the process. Others also struggle to attract compensation analysts who are trained in job evaluation tools since its a very hard to recruit

area of expertise in HR. The use of job evaluation tools often creates a lot of tension in organisations as it is very complex and requires effective internal communication techniques to ensure a basic understanding by employees.

### **Psychological Basis of Compensation Bargaining in Industrial Relations**

During collective bargaining for fair compensation, three types of “psychological formulas” are at play. The first formula is called the current demand and this is usually the first stage where the parties announce their ‘first demand’. Current demands(CD) are for strategic purposes, often a bit exaggerated and is intended to begin the negotiation like the typical situation when one visits the market. The second formula is called the level of aspiration(LOA). This is a rate where the parties are actually looking at securing “at the back of their minds”. A good bargainer can right from the current demand, estimate the LOA and then use that to negotiate effectively. The third formula is called the bargainers limit(BL). This is the minimum point below which a negotiator will not compromise.(Hogan 1996, Allen & Stephenson 1983, Brown 1984, Mac Murray & Lawler 1986). For example, in one study this writer did during a standing joint negotiating committee meeting over the determination of yearly bonus in the mining sector, the union began by demanding a 100% of gross monthly salary. Management then counter offered with 25%. After further negotiations, the union moved to 65% and indicated they will not take any thing below that. The Management countered with 33%. Finally, both parties ended up at 42% and the issue was resolved.

### **The Legal Aspects of Industrial Relations - The Ghana Labour Code Act 2003 Act 651**

Under the Act essential services includes persons working in an area where an action can lead to particular or total loss of life or pose a danger to public health safety. Under section 163, such workers are prohibited from going on strike.(see Page 58 of Labour Act). The Act defines a strike as any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish the output of such service with a view to applying coercive pressure upon the employer.(Section 174,page 64).

The Act also defines under what circumstances a strike can be permitted. In general, it indicates that where the parties fail to agree to refer a dispute to voluntary arbitration or the dispute remains unresolved at the end of the arbitration proceedings, either party intending to strike or institute a lock out shall give written notice of intention to the other party and the commission within 7 days. A party who gives such a notice to resort to strike may do so only after the expiration of the 7 days from the date of notice and not at any time before the end of that notice. If the issue remains unresolved after commencement of strike/lockout the dispute shall be settled by compulsory arbitration. Under compulsory arbitration the National Labour Commission(NLC) will define the issues and serve them with the due notices with a request from parties if they are in agreement with the definition of the issues. Within 14 days after service of notice the NLC shall determine the dispute. A compulsory arbitration is then constituted and is made up of members each from government, employers association, and organized labour. The decision of the majority shall be binding and this body has the powers of a high court. A strike is legal if it is in line with

the above processes. If not it will be illegal and participation in an illegal strike can be the basis for termination without notice or may forfeit remuneration for the period of engagement in strike. In the same vein, an employer who results in an illegal lockout shall pay the employee for that period. Sections 162-163 defines the period within which a labour dispute in an essential service should be addressed.

In sum, understanding compensation related strikes requires a multi-disciplinary conceptual framework. We have reviewed theories and models in psychology, ethics, industrial relations, politics, organisational change, economics and psychology to help us to understand the case studies we examine in the next section of the paper.

## **CASE STUDIES**

### **Teachers & Education Workers Union (TEWU) Strike**

In February 2006, the National Labour Commission (NLC) directed the sector ministry to take immediate steps to enter into negotiations with TEWU about its concerns to forestall any industrial action. TEWU's demand was for the government to give the mandate to the Conference of Polytechnic Principals (COPP) to negotiate with it in respect of Collective Bargaining Agreement for employees of Polytechnics that expired since January 2004. Government had granted the mandate for negotiations to the Universities, West African Examination Council (WAEC), and the Ghana Education Service (GES) all members of TEWU excluding the Polytechnics. In due course their General Secretary urged its members in various Polytechnics to suspend their sit-down strike. He explained that further industrial action "will make us lose public sympathy".(GNA posted on Ghanaweb 16 February 2006). Within the framework of our conceptual framework, they felt relatively deprived and unfairly treated compared to their referent groups. The initial action of suspending the action can also be defined as an example of the need to build solid consensus mobilization and coalition in order to win support before embarking on effective collective action.

Their warning to "advise" themselves if their salary arrears were not paid can also be seen as a widening of the definition of the issues from a dispute over procedure(mandate for negotiations) into a dispute over substance(compensation arrears). It later declared an indefinite strike and cited the inactions of GES and the NLC. The NLC later intervened and directed the GES to convene the Standing Negotiating Committee on TEWU' to address the nationwide strike of the Union. The NLC intervened and directed TEWU to immediately call-off the nationwide strike action, citing the act which says that negotiations cannot be held at any time when an industrial action was ongoing. TEWU counter-argued that they needed a negotiating partner with a clear mandate and challenged GES Management to prove that it had the mandate to negotiate. It also made a demand of a 40 per cent salary increase and explained that the 20 per cent salary increase by Government was the basis on which TEWU was negotiating for a higher percentage for its members. Other issues related to the end of service benefits, risk allowance, responsibility allowance. etc. GES intervened and said that although they did not have the mandate to negotiate, they could discuss still the issues raised and then refer the outcome to the sector ministries of finance and manpower. GES Management also pleaded that due to high management turn over, the new Management needed time to understand the issues properly. This dynamic reveals the need for employers to provide enough mandate to their representatives in collective bargaining to ensure

legitimacy and credibility to facilitate the negotiation process. The reasons cited by the GES on the lack of enough information due to high senior management turnover is also indicative of the need to have a robust retention policies to halt this situation. The argument over the lack of mandate, also shows the lack of clear institutional leadership in determining who has the mandate to make commitments on behalf of government in public sector industrial relations. Is it the technical manager(sector ministry for employment) or the budget manager( the sector ministry for finance). The “demand” formula of TEWU also highlights the different strategic bargaining approaches eg level of aspiration, current demand and bargainers limit within the context of their concerns on substantive as well as procedural rules in employment relations.

### **Ghana Medical Association (GMA) & Health Workers Group (HWG) Strike**

The GMA dispute initially began with agitation over payment of feeding fees by junior workers. Some of the reasons were that some of the doctors worked between 24 hours and 36 hours continuously and did not have time to eat, which was not good for their health. They said countless efforts to get Management to resolve the issues had gone unheeded.(GNA posted on Ghanweb 27<sup>th</sup> February 2006). Management counter-argued that it was illegal for the doctors to embark on the strike action as stipulated in section 161 of the New Labour Law and cited their 10 days vacation without permission clause and threatened to apply it which will warrant summary dismissal. Junior doctors at the Koforidua Regional Hospital then withdrew their services to back their demands for the payment of five months' salary arrears and said they would restore their services only when their salary arrears are paid in full.

In an interesting development, doctors at the two government hospitals in the Tamale Metropolis did not join the strike action arguing that they were on contract and paid directly by the hospital and did not have any outstanding issue with the authorities. This reason was found to be very revealing since it raises the issue as to whether there were different terms and conditions for different workers in different regions. This situation was later explained by the GMA leadership who said their constitution allowed divisions to take certain decisions and actions without resorting to the national executive. (GNA posted on Ghanaweb 5<sup>th</sup> June 2006). This we argue indicated there was no alignment of consensus and action mobilisation between the GMA leadership and their colleagues in the Tamale metropolis. However, the question as to whether this can potentially prevent industrial action or create lack of a unified and cohesive union front and the impact on bargaining strength has to be investigated further within the context of action and consensus mobilisation. In any case their argument that the GMA was negotiating with the government on their behalf seem to suggest that intra-union flexibility with clear definition of the mandate of the central union can potentially reduce mass collective action once members allow the leadership the space and time to reach agreement. We also assert that probably this was an example of a possible lack of total consensus mobilization on the issue of total work withdrawal. It can also be counter-argued that perhaps, they were simply following good reasoning to allow for the due processes as defined by the labor act for fear of the applicable sanctions that could be applied if there was a breach. In any case one can now understand why the framers of the labour act defined health workers as essential services and barred them from going on strikes. In view of persistent public pressure and in order

not to break their front, the GMA met and voted by 170 to 28 votes to continue their strike.(Graphic posted on Ghanaweb 6<sup>th</sup> June 2006). This explains why the President of the GMA, upon persistent pressure from the government and public to order his members to stop the action, indicated that once a collective decision had been agreed upon in a democratic manner he as the leader could not reverse it until the same process was used to reverse it. This is an example of union democracy in line with the Labour act that gives unions the right to organize their affairs in an effective manner to promote due process in labour relations.

The GMA then went on a public strategic communication offensive and said that their members were worried about the health of patients but were of the view that a hungry and worried doctor could not offer the best of care to a patient. They argued that since patients were now suing doctors for negligence, it was better to adopt preventive measures to secure their own future. Another evidence of consensus mobilization and use of strategic communication to win public support.

The Management of Ghana Health Service (GHS), then appealed to the junior doctors to call-off their strike action with an assurance that the government was taking measures to solve their problems. These were unpaid new salaries plus two months arrears of the Additional Duty Hours Allowance (ADHA), in June 2006. Management then gave a background to the dispute, which was over the outcome of a job evaluation exercise done by a foreign consultant. The NLC called for an independent committee to evaluate the job profiles to grade the salary structure in view of the dissatisfaction with the definitions of the job categories and the related rates.

For the HWG, it was wrong to identify the medical officers' bands in the summary of the banded jobs as 6,7, 8a, 8b/8c, 8d and 9 when the bands in pay scale 1, which was proposed for director-generals, chief executives, medical officers and directors at the board level and their equivalents in the ministry, was identified as A1, A, B and C; while pay scale 2, proposed for nursing, allied health professionals and directly employed public health sector staff, was identified as 1 to 9. The Government and Hospital Pharmacists Association also argued that the government had been selective in instituting a good salary structure for health workers. Their opinion was that the new salary structure which sought to consolidate the Additional Duty Hours Allowance (ADHA) had distortions, saying "the gap between the doctors, on one hand, and the nurses and paramedical staff, on the other, was very big". They called the gap to be bridged in the future.(Graphic posted on Ghanaweb 27<sup>th</sup> April 2006, GNA posted on Ghanaweb 6<sup>th</sup> June2006, GHP posted on Ghanaweb 7<sup>th</sup> June 2006) This was the basis of their strike.

In reviewing the complaint, the NLC panel observed that the report relied on the principle of equal pay for equal work, a persuasive argument which although reasonable, was not legally binding for enforcement by any adjudicating body like the NLC, since it had not been made part of the laws of Ghana, in accordance with Article 75 of the 1992 Constitution. The NLC acknowledged the view of the workers' groups that the resultant gap generated between the salaries of the doctors and the other groups by the use of the 'additional soft factors' was unacceptable. The NLC thereafter called for the convening of a standing joint commission to address the issues.

## **FINDINGS**

The substantive crux of the GMA's concerns related to the payment of adequate compensation in a timely manner. The complaints of the allied HWG illustrate the challenges inherent in the adoption of job evaluation based compensation design without adequate education of the key actors, the industrial relations, political and cultural context. Job evaluation based compensation design is a discipline, is very technical and requires professional expertise and change management capabilities. It is an art and science and needs to be combined with a framework that integrates equity, ethics, distributive justice, and strategic communication in order to provide sustainable solutions. Resolving public sector industrial disputes that result in collective actions requires a complex approach that addresses the inherently social, technical, political, cultural, ethical and change management and communication aspects of the phenomenon of strikes in industrial relations.

In the case of GMA, the democratic decision making process in deciding to embark on strikes is an example of intra union management flexibility and autonomy. However, the question as to whether this can potentially prevent industrial action or create lack of a unified and cohesive union front and the impact on bargaining strength has to be investigated further. Intra-union flexibility with clear definition of the mandate of the central union can potentially reduce mass action once members allow the leadership the space and time to reach agreement. The study has also highlighted the dynamics between action and consensus mobilization on the issue of total work withdrawal. The behavior of the doctors at various stages of the conflict, although could on the surface be seen as simply following good reasoning, can also be defined as a strategy to combine the two bargaining approaches in line with their professional ethics and rules as defined by their Hippocratic oath. Clearly given the impact of the strikes on the economy, one can now understand why the framers of the labour act defined health workers as essential services and barred them from going on strikes.

From a comparative analytical perspective, there is some similarity with TEWU because in both examples the issues either begun with either procedural or substantive issues and then as the dispute progressed they were linked together to strengthen their bargaining positions. In both cases Management attempted to invoke threats but they did not work.

This research has also shown the need for parties to create trust and demonstrate goodwill during collective bargaining processes. This is because there is a requirement for employers to provide enough mandate to their representatives in collective bargaining to ensure legitimacy and credibility to facilitate the negotiation process. The argument by the management of Ghana Education Service, employers of TEWU that they lacked the authority to make any commitments, also shows the lack of clear institutional leadership in determining who has the mandate to make commitments on behalf of the government in public sector industrial relations. Is it the technical manager(sector ministry for employment) or the budget manager( the sector ministry for finance). The "demand" formula of TEWU also highlights the different strategic bargaining approaches and their concerns bothered on substantive as well as procedural rules in employment relations.

On the role of the government agency (NLC) and how it reacted to the non-enforcement of the act, the research also observed the scathing public criticism of the NLC

on how it handled the disputes. At various stages the NLC were issuing threats which were ignored by the actors. This paper believes given that actors in industrial relations in Ghana must give the commission's decision space to assert itself. In that regard the use of threats does not appear to be a sustainable solution in resolving industrial disputes, especially in an area of constitutional democracy in Ghana where the freedom of expression and association has become institutionalized.

There is the need for education for the actors in industrial relations to understand the role of the state during industrial disputes. Clearly in both cases the union leadership did not follow the due process for resolving strikes as defined by the labour code. It could probably be due to the lack of appreciation of the spirit and letter of the act. In that regard, there is also need for more sensitization on the labour laws and not a rigid interpretation of the clauses by the NLC. With education and internalization compliance will gradually become institutionalized. It is also important to resource NLC with high caliber and well qualified staff well grounded in industrial relations theory, research and practice. They then should be given consistent training to reinforce on a continuous basis their skills to keep abreast in development in industrial relations. A solid research gathering, monitoring and evaluation unit will strengthen the capacity of the NLC to ensure that early warning signs of possible industrial conflicts are detected in good time and addressed. This should be reinforced with the required logistics.

One significant observation this research made was that at no point during the strikes was there a clear attempt by the political parties to politicize the issues and possibly link them to political demonstrations over fuel increases which happened during this period. We argue that this was because the issues were purely technical and industrial relations specific hence the tension was purely on substantive labor matters. The paper's position is that if due diligence and care is not taken to address industrial relations related issues, this will seriously affect the government's human resources development agenda and slow down the path to economic growth. An environment of rampant strikes is also a fertile ground for political instability. Clearly there is a link between peaceful industrial relations and economic growth.

Finally, change management is very critical to implementing new compensation approaches in the public sector. Change management is critical for ensuring peaceful industrial relations. Underestimating the complexities and implications of managing the new job evaluation system was a major factor that also contributed to the strikes. A change management approach by all actors could have reduced the tension and provided clarity and guided the education, sensitisation, and alignment of the change management cycle from diagnosis, design, execution and monitoring and evaluation to provide knowledge, information and rigour before administering the new job evaluation and pay policy and practices.

## **CONCLUSION**

Rampant industrial conflicts and strikes have a huge impact on public sector effectiveness and efficiency. This also affects the implementation of public policies. Government should not under-estimate the impact of such strikes in social and political-economic terms. Strikes discourage investment. Using an integrated conceptual framework namely equity, ethics,

Tichy's Technical Political Culture organisational change model, psychology, economics and industrial relations systems theory, this study has examined three strikes that occurred in 2006 in Ghana from a multi-disciplinary perspective. It has analyzed and offered suggestions on how to address public sector compensation issues in a sustainable manner within the context of public sector industrial relations and public policy and highlights the need to strengthen state institutions which have the legal mandate to manage industrial relations in Ghana.

It has done so, mindful of the fact that, perhaps some other equally important variables may have been left out or not discussed. We hope that this research extends the literature on strikes and will trigger further studies to provide more insights into the phenomenon of strikes in Ghana from a multi disciplinary perspective.

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