



Collective Bargaining, Industrial Action and the Employment Relationship: A Critical Review of Labour Relations in South Africa

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Abstract: This study interrogates the relationship between collective bargaining and industrial action and examines how this relationship affects the stability and quality of the employment relationship in South Africa. Existing literature recognises collective bargaining and strikes as core mechanisms of labour relations, yet they are often analysed separately, with limited focus on their interdependence and combined effect on employment relationships. The study adopts a purposive secondary-data review methodology, analysing over 20 peer-reviewed articles, dissertations, and policy documents through thematic synthesis with selective quantitative mapping of recurring patterns. The findings indicate that industrial action is not external to collective bargaining but emerges from its breakdown or strategic manipulation. Weak bargaining structures, absence of good faith obligations, and adversarial conduct contribute to the escalation of unprotected and violent strikes, resulting in erosion of trust, employment insecurity, and institutional instability. The study highlights the need for strengthening collective bargaining institutions, enhancing good faith engagement, and improving dispute resolution mechanisms to stabilise employment relationships. The article contributes to labour relations research by reframing industrial action as an embedded outcome of bargaining dynamics rather than an isolated disruption.

Keywords: labour conflict; workplace trust; strike violence; bargaining failure; labour institutions

JEL Classification: J51; J52; J53

1. Introduction

These Collective bargaining and industrial action are central to the regulation of employment relationships, particularly within labour markets characterised by structural inequalities between employers and employees (Godfrey, Theron & Visser, 2007; Zvobgo, 2019). In South Africa, these mechanisms are constitutionally entrenched, with the right to strike forming an essential component of freedom of association and a key instrument for balancing power within the employment relationship (Cheadle, 2015; Zengetwa-Gwexe, 2022).

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Despite this extensive legal and institutional framework, South Africa continues to experience persistent industrial unrest, including unprotected and violent strikes that destabilise workplaces and undermine labour market stability (Tenza, 2020; Ndwamai & Wiza, 2025). Empirical evidence indicates that strike activity remains high, with wage-related disputes accounting for the majority of industrial action and significant working days lost annually (Department of Employment and Labour, 2023).

This situation raises five fundamental questions guiding this article. First, what is the problem? The persistence of industrial conflict despite a strong collective bargaining framework suggests a disjuncture between institutional design and practical outcomes. Second, what has been done by other scholars? Existing research has examined collective bargaining, strike violence, and labour law independently, but has not sufficiently interrogated their relational interaction. Third, what does this article do?

It critically synthesises existing literature to examine how collective bargaining and industrial action are interconnected processes. Fourth, what are the findings? The article demonstrates that industrial action reflects both the continuation and breakdown of bargaining processes. Finally, what are the implications? The article proposes institutional and policy reforms aimed at strengthening employment relationships.

The aim of this article is to critically interrogate the relationship between collective bargaining and industrial action and to examine how this relationship affects the employment relationship.

The study is guided by the following objectives:

- To examine the structural relationship between collective bargaining and industrial action.
- To analyse the impact of industrial action on the employment relationship.
- To evaluate institutional and behavioural factors influencing collective bargaining effectiveness.

2. Literature Review

2.1. Collective Bargaining as a Regulatory Mechanism

Collective bargaining remains a foundational institution within labour relations systems, serving both as a mechanism for negotiating terms and conditions of employment and as a framework for structuring ongoing relationships between employers and employees (Godfrey, Theron & Visser, 2007; Zvobgo, 2019). In the South African context, collective bargaining is embedded within a constitutional and statutory framework that recognises it as central to achieving labour peace, social justice, and economic stability (Zengetwa-Gwexe, 2022). The Labour Relations Act 66 of 1995 (LRA) promotes orderly collective bargaining as a means of resolving disputes and regulating workplace conflict, reflecting a pluralist understanding of employment relations where conflict is inherent but manageable through institutionalised processes (Leppan, Govindjee & Cripps, 2016).

However, while the legal framework strongly supports collective bargaining, its effectiveness as a regulatory mechanism has increasingly been questioned in contemporary South Africa. One of the central critiques relates to the voluntarist nature of the bargaining system, which does not impose a legally enforceable duty to bargain in good faith (Leppan et al., 2016). This absence creates a

structural weakness, as parties may engage in bargaining processes without a genuine intention to reach agreement, thereby reducing collective bargaining to a procedural requirement rather than a substantive engagement (Rycroft, 2021). In practice, this has led to situations where bargaining becomes a precursor to strike action rather than a genuine mechanism for dispute resolution.

Recent literature highlights that the decline in bargaining effectiveness is also linked to broader structural changes within the labour market, including declining union density, fragmentation of bargaining units, and the decentralisation of collective bargaining processes (Bhorat, Kanbur & Stanwix, 2023). These developments weaken the collective power of workers and reduce the capacity of bargaining institutions to produce binding and legitimate outcomes. As a result, employees may perceive collective bargaining as ineffective or exclusionary, particularly in sectors characterised by precarious employment and informal work arrangements (Ndwamai & Wiza, 2025).

Furthermore, the majoritarian model embedded within South African labour law, while intended to promote orderly bargaining, has been criticised for marginalising minority unions and non-unionised workers, thereby limiting inclusivity within bargaining processes (Du Toit et al., 2021). This exclusion can contribute to the emergence of parallel or informal forms of worker representation, which often operate outside established bargaining structures and are more likely to engage in unprotected industrial action.

From a theoretical perspective, collective bargaining is increasingly viewed not only as a distributive mechanism but also as a relational institution that shapes trust, cooperation, and power dynamics within the employment relationship (Budd & Bhawe, 2020). Where bargaining processes are perceived as fair and inclusive, they contribute to stable and cooperative employment relationships. Conversely, where bargaining is perceived as ineffective or manipulated, it can exacerbate conflict and undermine institutional legitimacy. This relational dimension is particularly important in the South African context, where historical inequalities and socio-economic disparities continue to shape labour relations.

2.2. Industrial Action as an Extension of Bargaining

Industrial action, particularly strikes, is intrinsically linked to collective bargaining and is widely understood as an extension of bargaining processes rather than an external disruption (Le Roux, 2013). Within pluralist and conflict-based theories of industrial relations, strikes are seen as legitimate tools through which workers exert pressure to achieve bargaining outcomes and address power imbalances inherent in the employment relationship (Budd & Bhawe, 2020; Zengetwa-Gwexe, 2022). In this sense, industrial action represents a continuation of negotiation by other means, particularly when formal bargaining processes fail to produce agreement.

In South Africa, the right to strike is constitutionally protected and serves as a critical mechanism for enforcing collective bargaining outcomes (Cheadle, 2015). However, recent literature suggests that the nature of industrial action is evolving, with a notable increase in unprotected and informal strikes that occur outside formal bargaining frameworks (Ndwamai & Wiza, 2025; Bhorat et al., 2023). This shift reflects declining confidence in institutionalised bargaining processes and highlights the limitations of existing labour relations frameworks in addressing contemporary labour market challenges.

Empirical evidence from the Department of Employment and Labour (2023) indicates that a significant proportion of strikes in recent years have been unprocedural, suggesting that workers are

increasingly bypassing formal processes in favour of direct action. This trend can be interpreted as a response to perceived inefficiencies within bargaining institutions, including delays in dispute resolution, lack of meaningful engagement, and unequal power relations between employers and employees.

Moreover, the literature emphasises that industrial action is not solely driven by economic demands such as wages, but is also shaped by broader socio-economic conditions, including inequality, unemployment, and rising living costs (Bhorat et al., 2023). In this context, strikes become expressions of both workplace grievances and wider social frustrations, further complicating their relationship with collective bargaining.

The increasing prevalence of unprotected strikes also raises important questions about the legitimacy of existing labour relations institutions. While protected strikes are regulated and embedded within bargaining frameworks, unprotected strikes often reflect a breakdown in institutional processes and a loss of confidence in formal mechanisms of dispute resolution (Ndwamai & Wiza, 2025). This suggests that industrial action cannot be understood solely in legal terms but must be analysed within a broader socio-economic and institutional context.

2.3. Strike Violence and Institutional Breakdown

Violent Strike violence represents one of the most significant challenges facing South Africa's labour relations system, reflecting a profound breakdown in both collective bargaining processes and the broader institutional framework governing industrial relations (Tenza, 2020; Jainarain, 2020). While strikes are a legitimate form of industrial action, the escalation of violence during strikes fundamentally alters their nature, transforming them from mechanisms of negotiation into instruments of coercion.

The literature consistently links strike violence to failures in collective bargaining, particularly where negotiations are perceived as unfair, exclusionary, or ineffective (Mfusi, 2019; Manamela & Budeli, 2013). In such contexts, workers may resort to violence as a means of exerting pressure on employers or enforcing solidarity among employees. However, this behaviour undermines the legitimacy of trade unions and weakens the institutional foundations of collective bargaining.

Recent studies have further highlighted the role of structural inequalities and socio-economic conditions in driving strike violence. High levels of unemployment, income inequality, and precarious work contribute to heightened tensions within the labour market, increasing the likelihood of conflict escalation (Bhorat et al., 2023). In this sense, strike violence cannot be viewed as an isolated phenomenon but must be understood as a manifestation of broader systemic challenges within the economy.

From an institutional perspective, the escalation of violence during strikes exposes the limitations of existing regulatory mechanisms. While the LRA provides procedures for managing industrial action, it does not adequately address the underlying causes of violence, nor does it effectively enforce compliance with legal requirements (Rycroft, 2021). This has led to increased reliance on judicial intervention, including interdicts and compensation claims, which may resolve immediate disputes but do not address the underlying relational dynamics.

Furthermore, employer responses to strike violence, such as dismissals, use of replacement labour, and litigation, often exacerbate conflict and further deteriorate employment relationships (Tenza, 2020).

These responses may restore operational stability in the short term but can have long-term consequences for trust and cooperation within the workplace.

2.4. Employment Relationship Outcomes

The employment relationship is fundamentally relational, encompassing not only contractual obligations but also social and psychological dimensions such as trust, cooperation, and mutual expectations (Armstrong & Taylor, 2023). Collective bargaining and industrial action play a central role in shaping these relational dynamics, influencing how employers and employees interact and resolve conflict.

Where collective bargaining is effective, it contributes to stable and cooperative employment relationships by providing a structured framework for negotiation and dispute resolution (Godfrey et al., 2007). However, where bargaining fails and industrial action escalates, the employment relationship becomes increasingly adversarial, characterised by distrust, conflict, and reduced organisational cohesion (Mfusi, 2019).

The literature indicates that prolonged and violent strikes have particularly damaging effects on employment relationships, leading to retrenchments, job insecurity, and fragmentation within the workforce (Tenza, 2020). These outcomes not only affect individual workers but also undermine organisational performance and labour market stability.

In addition, industrial action can create divisions among employees, particularly between striking and non-striking workers, leading to long-term tensions and reduced solidarity (Lubisi, 2022). This fragmentation weakens the collective dimension of the employment relationship and undermines the effectiveness of trade unions as representative institutions.

Recent scholarship also highlights the impact of industrial action on psychological aspects of the employment relationship, including perceptions of fairness, trust, and organisational commitment (Budd and Bhawe, 2020). Where employees perceive bargaining processes as unfair or ineffective, they are more likely to disengage from organisational goals and adopt adversarial attitudes towards management.

2.5. Employer and Union Conduct

The conduct of employers and trade unions during collective bargaining and industrial action plays a critical role in shaping employment relationship outcomes. Both parties influence not only the immediate outcomes of disputes but also the long-term stability of labour relations.

Employer strategies such as the use of replacement labour and rewarding non-striking employees have been widely criticised for undermining collective bargaining and weakening worker solidarity (Lubisi, 2022). These practices distort power dynamics within the workplace and may discourage participation in collective action, thereby reducing the effectiveness of strikes as bargaining tools.

Similarly, the conduct of trade unions during industrial action is crucial in maintaining discipline and preventing escalation into violence. Where unions fail to control member behaviour or engage in irresponsible bargaining practices, they risk undermining their legitimacy and weakening their capacity to represent workers effectively (Mfusi, 2019).

The literature also emphasises the importance of good faith engagement by both parties in promoting effective collective bargaining. Although not legally mandated in South Africa, good faith bargaining is widely recognised as essential for achieving mutually beneficial outcomes and maintaining stable employment relationships (Leppan et al., 2016). The absence of such a duty creates opportunities for strategic behaviour that undermines trust and increases the likelihood of conflict.

Recent studies suggest that strengthening behavioural norms and promoting social dialogue are critical for improving labour relations outcomes (Theron, 2021). This includes fostering a culture of mutual respect, transparency, and accountability within bargaining processes.

3. Methodology

This study adopts a purposive secondary-data review methodology, drawing on more than 20 peer-reviewed journal articles, postgraduate dissertations, and policy documents on collective bargaining and industrial action in South Africa published between 2020 and 2025. Sources were selected using purposive sampling based on three criteria: relevance to the research objectives, scholarly credibility, and substantive engagement with collective bargaining, industrial action, or employment relationship dynamics (Palinkas et al., 2015; Saunders, Lewis & Thornhill, 2019).

The analysis employed a thematic synthesis approach, whereby data from the selected literature were systematically coded and organised into recurring analytical themes, including bargaining effectiveness, strike typologies, institutional factors, and employment relationship outcomes (Braun & Clarke, 2006; Thomas & Harden, 2008). This was complemented by selective quantitative mapping, involving the identification of the frequency and convergence of themes across sources to enhance analytical rigour, transparency, and reduce interpretive bias (Tranfield, Denyer & Smart, 2003).

The use of a structured secondary-data review offers several advantages. First, it enables the comprehensive synthesis of diverse empirical and theoretical perspectives, allowing for a more holistic understanding of complex labour relations phenomena that extend beyond single-case or primary data limitations (Snyder, 2019). Second, it facilitates critical comparison and integration of findings across multiple studies, thereby strengthening the validity, consistency, and depth of the analysis (Torraco, 2005). Third, it is particularly suited to examining structural and institutional dynamics such as the interplay between collective bargaining and industrial action which are embedded across multiple contexts and timeframes.

Furthermore, this approach enhances theoretical integration by bridging legal, institutional, and socio-economic dimensions of labour relations. By combining qualitative thematic analysis with elements of quantitative pattern identification, the methodology provides a balanced and rigorous analytical framework appropriate for this study.

4. Results

The analysis of the selected literature produced four interrelated findings that collectively address the study's objectives. These findings demonstrate that collective bargaining and industrial action are not discrete phenomena but are structurally and functionally interconnected processes that shape the nature and stability of the employment relationship. Each finding is discussed in relation to the study's objectives, with particular emphasis on the South African context between 2020 and 2025.

4.1. Collective Bargaining Failure as a Precursor to Industrial Action

The first and most consistent finding across the literature is that industrial action, particularly strikes, is frequently preceded by ineffective or failed collective bargaining processes. This finding directly addresses Objective 1, which seeks to examine the structural relationship between collective bargaining and industrial action. The evidence suggests that strikes are rarely spontaneous or isolated events; rather, they emerge from cumulative failures within bargaining processes, including breakdowns in communication, lack of meaningful engagement, and entrenched positional bargaining (Jainarain, 2020; Lubisi, 2022).

A recurring theme in the literature is that collective bargaining in South Africa often operates as a procedural formality rather than a substantive negotiation process. Parties may engage in bargaining primarily to satisfy legal requirements for protected strike action, rather than with a genuine intention to reach agreement (Leppan, Govindjee & Cripps, 2016). This proceduralising of bargaining weakens its effectiveness as a dispute-resolution mechanism and increases the likelihood of escalation into industrial action.

The absence of a legally enforceable duty to bargain in good faith further exacerbates this problem. Without such an obligation, parties may adopt strategic or adversarial approaches to negotiation, including withholding information, delaying engagement, or presenting non-negotiable demands (Rycroft, 2021). These practices undermine trust and reduce the potential for compromise, thereby increasing the probability of bargaining deadlock.

Empirical evidence supports this conclusion. Studies examining recent industrial disputes indicate that strikes often occur after prolonged and unsuccessful negotiations, particularly in sectors characterised by high levels of inequality and economic pressure, such as mining, manufacturing, and the public sector (Tenza, 2020; Bhorat, Kanbur & Stanwix, 2023). In many cases, workers resort to industrial action only after perceiving that bargaining processes have failed to address their concerns or deliver meaningful outcomes.

Moreover, the literature highlights that bargaining failure is not solely a product of poor negotiation techniques but is also influenced by broader structural and institutional factors. These include declining union density, fragmentation of bargaining units, and the exclusion of certain categories of workers from formal bargaining processes (Theron, 2021; Ndwamai & Wiza, 2025). Such factors weaken the representational capacity of trade unions and reduce the legitimacy of bargaining outcomes, thereby increasing the likelihood of industrial action.

Importantly, this finding challenges the conventional view that strikes are disruptive anomalies within labour relations systems. Instead, it suggests that industrial action should be understood as a symptom of institutional weakness within collective bargaining frameworks. Where bargaining institutions are effective, inclusive, and perceived as legitimate, the incidence of strikes is likely to be reduced. Conversely, where these conditions are absent, industrial action becomes a predictable outcome of unresolved conflict.

4.2. Industrial Action as Both Continuation and Breakdown of Bargaining

The second finding builds on the first by demonstrating that industrial action functions simultaneously as a continuation and a breakdown of collective bargaining processes. This dual character reflects the

inherent tension within labour relations systems, where cooperation and conflict coexist (Le Roux, 2013; Budd & Bhawe, 2020).

From a theoretical perspective, strikes are often conceptualised as an extension of bargaining, providing workers with leverage to influence negotiation outcomes. In this sense, industrial action represents a continuation of bargaining through alternative means, particularly when formal negotiations reach impasse (Zengetwa-Gwexe, 2022). This interpretation aligns with pluralist industrial relations theory, which views conflict as an inherent and legitimate aspect of the employment relationship.

However, the literature also indicates that industrial action can signify a breakdown in bargaining processes, particularly when it occurs outside formal procedural frameworks or escalates into violence. This duality is evident in the South African context, where both protected and unprotected strikes are prevalent (Department of Employment and Labour, 2023).

Protected strikes, which follow legal procedures and are embedded within bargaining frameworks, can be seen as part of the bargaining continuum. They are typically time-bound, regulated, and linked to specific disputes over matters of mutual interest. In contrast, unprotected strikes often arise when workers lose confidence in formal bargaining processes and choose to bypass legal requirements (Ndwamai & Wiza, 2025).

The increasing prevalence of unprotected strikes suggests that, in many cases, industrial action represents not merely a continuation of bargaining but a rejection of existing institutional processes. Workers may perceive formal bargaining structures as ineffective, exclusionary, or biased, leading them to adopt alternative forms of collective action.

This finding highlights the importance of distinguishing between different forms of industrial action and their implications for labour relations. While protected strikes may contribute to the resolution of disputes and the strengthening of bargaining processes, unprotected strikes often signal deeper institutional failures and can exacerbate conflict.

Furthermore, the literature emphasises that the dual nature of industrial action reflects underlying power dynamics within the employment relationship. Employers and employees have inherently divergent interests, and collective bargaining serves as a mechanism for managing these differences (Budd, 2020). When bargaining fails to balance these interests effectively, industrial action becomes a means of redistributing power.

Thus, this finding reinforces the argument that collective bargaining and industrial action are structurally interdependent, with each influencing the form and outcome of the other. Understanding this relationship is critical for developing effective labour relations policies and practices.

4.3. Escalation to Unprotected and Violent Strikes

The third finding addresses Objective 2, which focuses on the impact of different forms of industrial action on the employment relationship. The literature indicates a clear trend towards the increasing prevalence of unprotected and violent strikes in South Africa, particularly in the period between 2020 and 2025 (Ndwamai & Wiza, 2025; Department of Employment and Labour, 2023).

Data from the Department of Employment and Labour (2023) shows that a significant proportion of strikes in recent years have been unprocedural, with over half of recorded strikes not complying with

legal requirements. This trend is accompanied by a rise in strike-related violence, including intimidation, property damage, and clashes between workers and law enforcement.

The escalation of industrial action into unprotected and violent forms is closely linked to declining trust in collective bargaining institutions. Workers who perceive bargaining processes as ineffective or biased may resort to direct action as a means of expressing their grievances (Jainarain, 2020). In such contexts, industrial action becomes less about negotiation and more about confrontation.

Socio-economic factors also play a significant role in driving this trend. High levels of unemployment, income inequality, and rising living costs create conditions of economic insecurity and frustration, which can intensify labour disputes (Bhorat et al., 2023). In particular, wage-related disputes remain the primary cause of strikes, reflecting the centrality of economic issues in labour relations.

The literature further suggests that unprotected and violent strikes are more likely to occur in sectors characterised by precarious employment and weak institutional regulation. Workers in these sectors may lack access to formal bargaining structures and are therefore more likely to engage in informal or spontaneous industrial action (Ndwamai & Wiza, 2025).

Importantly, the escalation of industrial action has significant implications for the employment relationship. Violent strikes undermine trust, disrupt communication, and create an environment of fear and hostility within the workplace (Mfusi, 2019). They also damage the legitimacy of trade unions and weaken their ability to represent workers effectively.

From an institutional perspective, the rise of unprotected and violent strikes highlights the limitations of existing labour relations frameworks in managing contemporary labour market challenges. While legal regulations provide a framework for industrial action, they do not address the underlying causes of conflict or ensure compliance with procedural requirements.

4.4. Impact on the Employment Relationship

The fourth finding addresses both Objective 2 and Objective 3, focusing on the impact of industrial action on the employment relationship and the institutional factors influencing this relationship. The literature consistently demonstrates that industrial action, particularly when prolonged or violent, has significant negative effects on employment relationships.

One of the most prominent effects is the erosion of trust between employers and employees. Trust is a fundamental component of the employment relationship, enabling cooperation, communication, and mutual understanding (Armstrong & Taylor, 2023). When industrial action escalates, particularly into violence, this trust is severely undermined, leading to adversarial relations and reduced organisational cohesion (Mfusi, 2019).

Industrial action also contributes to employment insecurity, as employers may respond to strikes through retrenchments, dismissals, or operational restructuring (Tenza, 2020). These responses can have long-term consequences for workers, including job loss, reduced income, and diminished career prospects.

In addition, industrial action can create divisions within the workforce, particularly between striking and non-striking employees. Employer strategies such as rewarding non-strikers can exacerbate these divisions and undermine collective solidarity (Lubisi, 2022). This fragmentation weakens the collective dimension of the employment relationship and reduces the effectiveness of trade unions.

The literature also highlights the role of institutional and behavioural factors in shaping employment relationship outcomes. Effective collective bargaining requires not only appropriate legal frameworks but also good faith engagement, mutual respect, and a willingness to compromise (Leppan et al., 2016). Where these conditions are absent, bargaining processes are more likely to fail, leading to conflict escalation.

Furthermore, the increasing reliance on legal mechanisms to manage industrial disputes, such as court interdicts and compensation claims, reflects a shift towards the juridification of labour relations (Rycroft, 2021). While these mechanisms may provide short-term solutions, they do not address the underlying relational dynamics and may further entrench adversarial relationships.

Overall, this finding underscores the importance of strengthening both institutional frameworks and relational practices in order to promote stable and cooperative employment relationships. Collective bargaining must be supported by effective institutions and constructive behaviour from both employers and trade unions.

4.5. Summary of Findings

The findings put together demonstrate that the relationship between collective bargaining and industrial action is complex, dynamic, and deeply embedded within the employment relationship. Collective bargaining failure leads to industrial action; industrial action both continues and disrupts bargaining; escalation into unprotected and violent forms reflects institutional weakness; and the consequences for employment relationships are significant and far-reaching.

These findings provide a comprehensive response to the study's objectives and highlight the need for a holistic approach to labour relations that integrates legal, institutional, and relational dimensions.

5. Discussion

The findings fundamentally challenge the conventional assumption that collective bargaining and industrial action are opposing or mutually exclusive processes. Instead, the evidence demonstrates that they are structurally interdependent and dynamically linked, with industrial action emerging both as a continuation of bargaining under conditions of deadlock and as an indicator of its failure. This duality reflects the inherent tension within labour relations systems, where cooperation and conflict coexist, and where the effectiveness of collective bargaining directly influences the form and intensity of industrial action.

A central institutional weakness identified in the literature is the absence of a legally enforceable duty to bargain in good faith within the South African labour relations framework. Without such an obligation, parties may engage in bargaining in a procedural or strategic manner, lacking genuine commitment to reaching agreement. This reduces collective bargaining to a formal prerequisite for protected strike action rather than a substantive mechanism for dispute resolution, thereby increasing the likelihood of impasse and subsequent conflict escalation (Leppan, Govindjee & Cripps, 2016). In this context, industrial action becomes not merely a tool of negotiation but a predictable outcome of institutional inadequacy.

Moreover, the findings reveal that industrial action has a transformative effect on the employment relationship. As disputes escalate, particularly in cases involving prolonged or violent strikes, trust

between employers and employees deteriorates significantly. This erosion of trust shifts the employment relationship from a cooperative and relational framework to one characterised by adversarial interactions, reduced communication, and heightened conflict. Such shifts have long-term implications for organisational stability, productivity, and the broader functioning of the labour market.

The increasing prevalence of unprotected and violent strikes further signals a crisis of legitimacy within collective bargaining institutions. It suggests that existing legal frameworks, while necessary, are insufficient on their own to regulate labour relations effectively. Sustainable labour peace requires not only robust legal provisions but also strong institutional capacity, inclusive bargaining structures, and a culture of good faith engagement that reinforces trust and legitimacy within the employment relationship.

6. Recommendations

The findings of this study point to the need for a multi-dimensional reform approach that addresses legal, institutional, and behavioural weaknesses within South Africa's labour relations system.

First, there is a need to strengthen collective bargaining institutions to enhance presentively, inclusivity, and effectiveness. This includes reinforcing the role of bargaining councils, improving access for minority unions and non-standard workers, and addressing fragmentation within bargaining structures. More inclusive institutions are likely to enhance legitimacy and reduce the incidence of extra-institutional industrial action.

Second, the introduction or formal recognition of a duty to bargain in good faith is essential. While South African labour law promotes collective bargaining, it does not impose a clear obligation on parties to engage constructively. Embedding a good faith requirement whether through legislative reform or interpretative development would promote meaningful engagement, reduce strategic or superficial bargaining, and increase the likelihood of negotiated outcomes.

Third, there is a need to enhance dispute resolution mechanisms, particularly at the pre-strike stage. Strengthening the capacity and effectiveness of institutions such as the Commission for Conciliation, Mediation and Arbitration (CCMA), as well as promoting earlier intervention through facilitation and mediation, could prevent disputes from escalating into industrial action. Faster and more responsive processes would increase confidence in formal dispute resolution.

Fourth, employer practices that undermine collective bargaining should be more clearly regulated. Practices such as rewarding non-striking employees or excessive reliance on replacement labour may distort bargaining power and weaken collective action. Regulatory clarity is required to ensure that such practices do not erode the constitutional right to strike.

Finally, there is a need to promote sustained social dialogue between employers, trade unions, and the state. Building a culture of trust, transparency, and mutual accountability is critical for restoring the relational foundations of the employment relationship. Without such dialogue, legal and institutional reforms alone are unlikely to achieve durable labour peace.

7. Conclusion

This article has demonstrated that collective bargaining and industrial action are not discrete or opposing phenomena, but rather interconnected and mutually constitutive processes that jointly shape the nature and trajectory of the employment relationship. The evidence shows that where collective bargaining is effective, inclusive, and perceived as legitimate, it serves as a stabilising mechanism that manages conflict and promotes cooperative labour relations. Conversely, where bargaining processes are weak, procedural, or strategically undermined, industrial action becomes more frequent, more intense, and increasingly unregulated, often resulting in destabilising consequences for both organisations and the broader labour market.

The findings further underscore that industrial action is not merely a disruption to the employment relationship but a transformative force that can fundamentally alter its relational dynamics. Escalation into unprotected or violent strikes erodes trust, weakens communication, and shifts relationships from cooperative engagement to adversarial confrontation. These outcomes have enduring implications for organisational stability, employee morale, and the sustainability of labour relations systems.

Importantly, the study highlights that sustainable employment relationships cannot be achieved through legal regulation alone. While the Labour Relations Act provides an essential framework for collective bargaining and industrial action, its effectiveness is contingent upon strong institutional design, inclusive bargaining structures, and a culture of good faith engagement. Without these supporting elements, legal provisions risk becoming procedural instruments that fail to address the underlying causes of labour conflict.

Future research should extend this analysis by examining sector-specific variations in collective bargaining effectiveness, particularly in industries characterised by precarious and informal employment. Additionally, greater attention should be given to the impact of informalisation and evolving labour market conditions on the capacity of collective bargaining systems to regulate employment relationships in South Africa.

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