



TUUSA

Responsible tourism for all

TOURISM UNION OF SOUTH AFRICA

UNIONISM in the TOURISM INDUSTRY

2 QUESTIONS

- What is a union?
- Do we need a union in the tourism industry?

WHAT IS A UNION?

- civil society institution - without unions there can be no democracy
- an organisation based on membership of workers
- major focus: representation of its members at the workplace and in wider society
- should operate on the macro level, the provincial level and on the shop floor
- can make a difference in the socio-economic and political landscape of South Africa

- specifically seeks to advance the interest of workers through the process of **rule-making** and **collective bargaining**

Collective Bargaining

- Collective bargaining is widely regarded as a labour right [ILO Declaration on the Fundamental Principles and Rights at Work (1998a)]
- together with freedom of association it is the effective recognition of **the right to collective bargaining** - two of the main principles and rights of all parties

IN SOUTH AFRICA in GENERAL

- these rights are promoted, adhered to and regulated by the LRA
- bargaining is voluntary - no general duty to bargain
- **mechanisms** should be created to encourage bargaining
- without unions those mechanisms can not be created

- labour relations form a tripartite relationship among employees, employers and the state
- primary relationship is between employers and employees
- close co-operation exists between national government and trade unions in formulating labour policy and legislation in the country

- IS THIS REALISED IN THE TOURISM INDUSTRY?

DOES THE TOURISM INDUSTRY NEED A UNION?

- the tourism worker is a vulnerable worker
- but this right to organise (which exists in our labour law) does little to acknowledge the inherent difficulties of organising peripheral and marginalised employees
- tourism workers urgently need education and training and assistance

FEATURES OF TOURISM INDUSTRY

- an export oriented service sector characterised by export consumption within the host country
- labour intensive and has relatively low skills levels
-considered to contribute to government's objectives of job creation, economic growth and poverty relief
- low ratio of investment to job creation thus jobs could be created in a short space of time.
- consumption of export services in a domestic environment enables economic growth

GLOBAL VIEW OF TOURISM

- World Travel and Tourism Council (WTTC) claims tourism to be the world's largest sector with annual revenues of USD500bn.
- About 340 million people are directly and indirectly employed in the tourism sector.
- The industry accounts for roughly 35% of services exports and 8% goods exports.
- In 2012 one billion arrivals were recorded **worldwide** (Min. M. van Schalkwyk at Etourism Africa Summit held at CTICC 9/10 Sept. 2013)

REALITY OF TOURISM IN RSA

- In Cape Town the tourism industry employs roughly 34 500 permanent employees and 15 000 temporary employees.
- The majority of jobs in 2012 were created in the unskilled and semi-skilled categories (19 000 permanent and 12 000 temporary).
- Direct spend between 2009 and 2012 amounted to 5.6% growth (2009 = R12.46bn; 2012 = R14.6bn and 2010 spiking at R16bn)

Source: Grant Thornton 2013

REALITY OF TOURISM IN RSA

- In 2009 the industry contributed 7.9% (R189.4bn) towards GDP. Government aims to increase this contribution to R499bn in 2020
- 1 in 12 jobs are supported by the tourism industry

The industry is largely unregulated and not organised

- If we compare government's expectation to increase tourism's contribution to the GDP (R499-billion by 2020) with the contribution of the mining industry's contribution of 8.8% (direct contribution) in 2009 and its level of organisation and regulation
- one can clearly see the need for regulation in the tourism industry

It is unthinkable that one can leave such a large and important industry as tourism unregulated

REMOVING BARRIERS FOR TOURISM GROWTH

- Through unions, the balance of power is equaled between employees and employers (workers and management).
- Potentially, this results in mutually beneficial collective bargaining, thereby retaining inherent conflict at manageable levels and creating an orderly, proactive industry.

TUSA wants to

Assist in removing barriers to tourism growth to

- create a sustainable, profitable, satisfying work environment that will
- benefit the country, industry, the employer and the worker

through collective bargaining

TUSA realises that

- there are different groups that represent competing interests, but are dependant on each other
- power should be widely and fairly distributed
- with an equalisation of power decisions can be made that will regulate the industry
- through unions, employees equal the power of management, moderating their demands for the common good, thereby maintaining the conflict inherent in the relationship at manageable levels
- an unregulated industry is prone to knee jerk reactive behaviour, that cannot be pre-empted or foreseen and can create unwelcome negative influences

TUSA realises that

- apart from the fact that freedom of association is a constitutional right (Chapter II section 18) it makes good business sense for both the employer and the employee to organise the industry
- organising the industry allows it to be regulated

LAWS REGULATING TOURISM WORKERS

Labour Relations Act (LRA)

Basic Conditions of Employment Act (BCEA)

Other Acts in Tourism

National Road Transport Act (Part 2, S. 80 – 84)

Tourism Act

Also Tourism Bill currently under discussion

WHY DO WE HAVE LAWS?

- laws resemble morality - designed to control/alter our behaviour
- without laws people would be able to do whatever they wanted to - the world would be chaos
- that is why our country came up with the Constitution including the Bill of Rights
- all of them consist of laws
- when the laws are not obeyed, the person breaking the law is punished - laws are enforced by the courts

In the tourism industry most of these basics are not adhered to

- very few relevant labour laws – thus behaviour is not controlled or altered
- too many grey areas in the existing law
- no law enforcement
- no adherence to basic human rights
- no COIDA (Compensation for Occupational Injuries and Diseases Act)
- UIF not implemented

WE NEED TRIPARTISM

- need to **get together** to create relevant laws that will protect workers and through that the industry, because
- transformation is not happening fast enough and not effectively
- the industry is seen as a pleasure industry and not taken seriously
- Minister: “If tourism is to grow, we need a concerted, well-coordinated approach to manage it...”

REALITIES

We now have seen that

- Business is flourishing & contributing to state coffers
- Labour is not organised
- State is not providing effective/relevant laws - workers are not protected by law

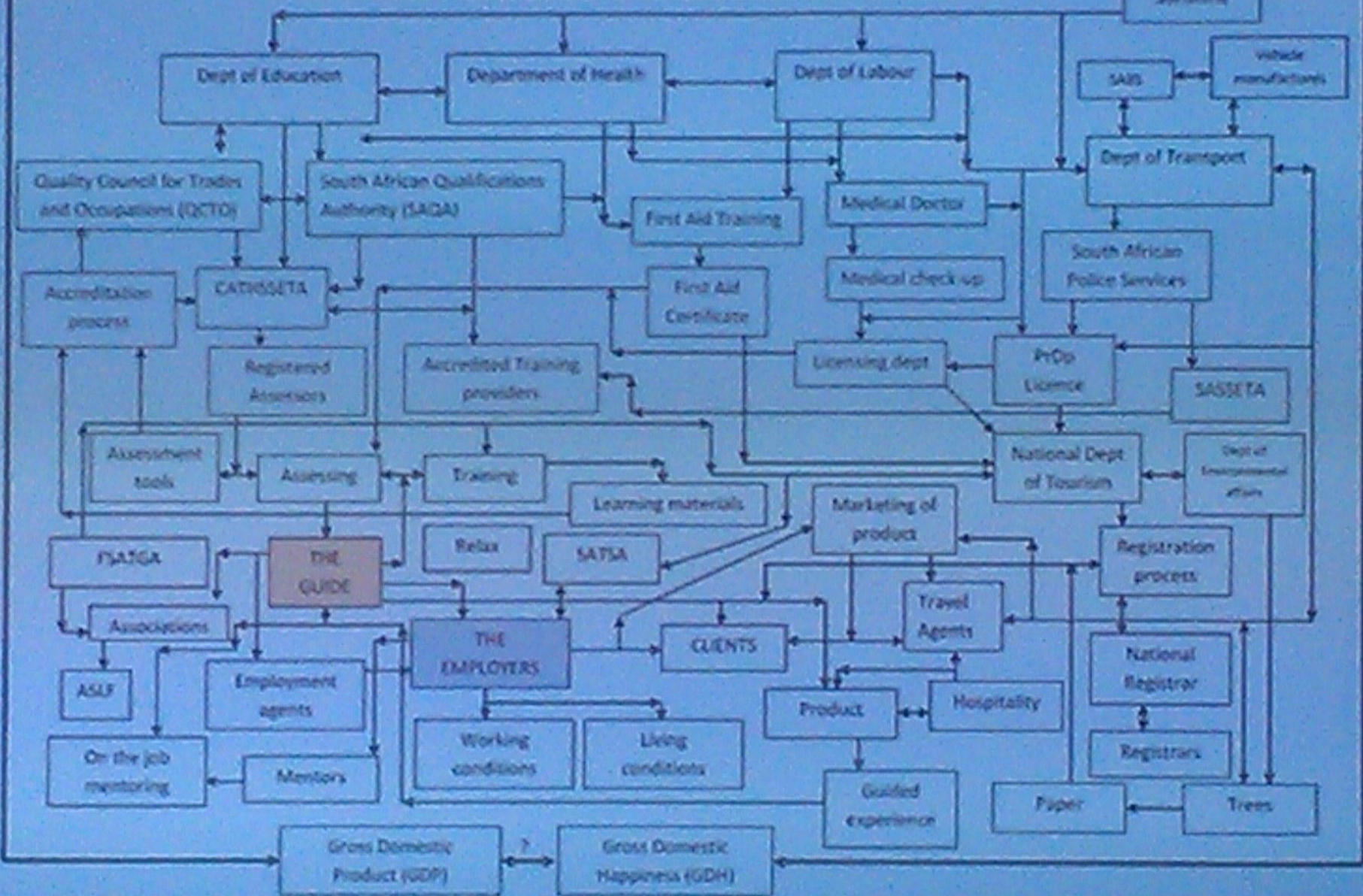
Added to that

- National Tourism Sector Strategy has not had any input from labour
- Currently structures are even limiting employment and income opportunities
- Workers are discriminated against if they join an organised labour movement
- Misconceptions about the terms “casual/contract workers” and “employees”

FEATURES OF BCEA

- Regulates working conditions including working hours.
- Defines an employee and establishes the rights of an employee.
- Defines the employer-employee relationship.
- Establishes the right of a worker to conciliation, mediation and arbitration.
- It applies irrespective of the type of contract – only with the following limitations (inclusive of the general exclusion in s3) :
 - senior managerial employees
 - sales staff travelling to the premises of the client and regulating their own working hours
 - those who work less than 24 hours per month

THE TOURISM GUIDING ECOSYSTEM



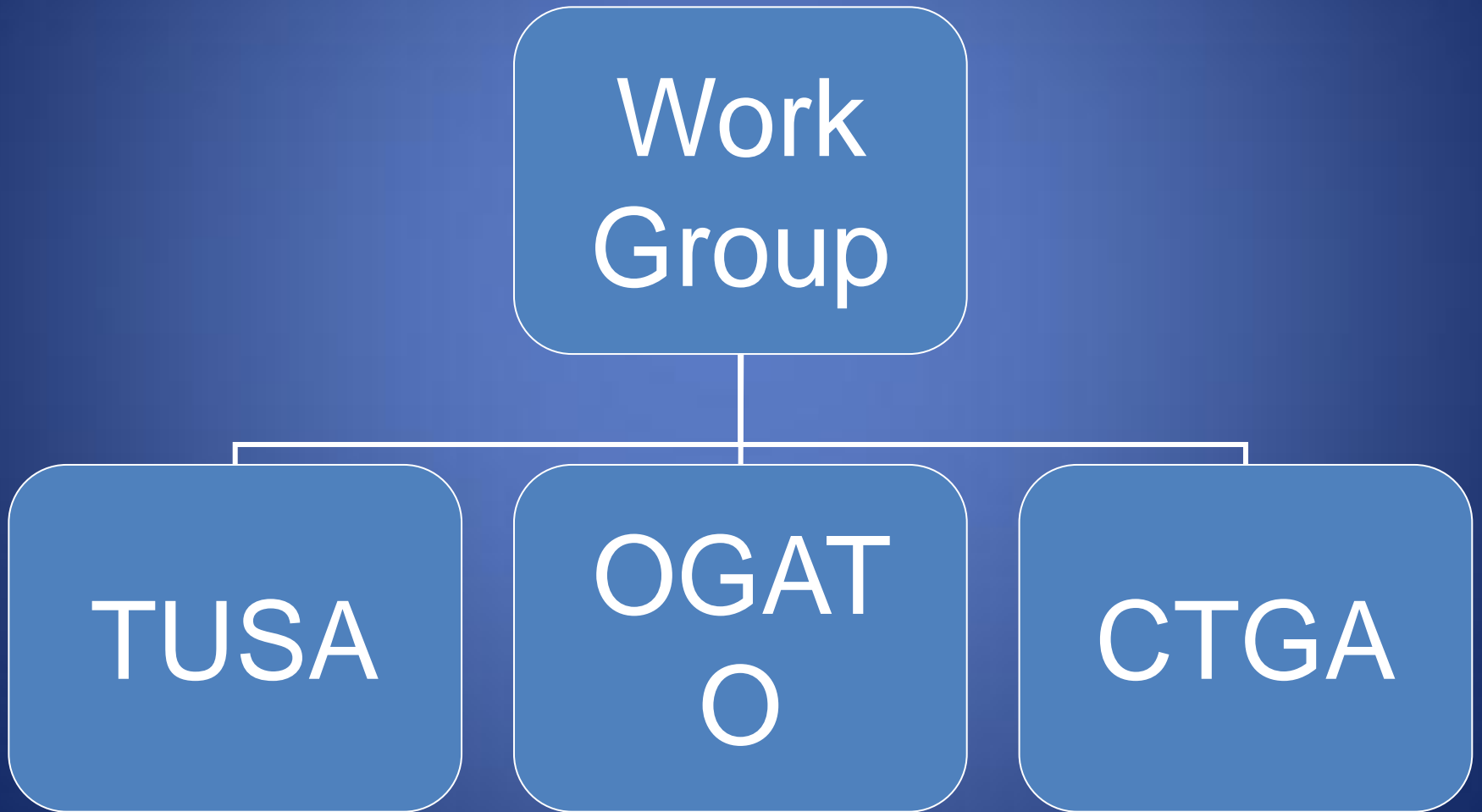
- every aspect of this ecosystem has to be professionalised and laws must govern all sectors
- sectors have to be determined
- bargaining council will have to determine issues within sectors - there are quite a number of issues

WHAT IS TUSA BUSY WITH?

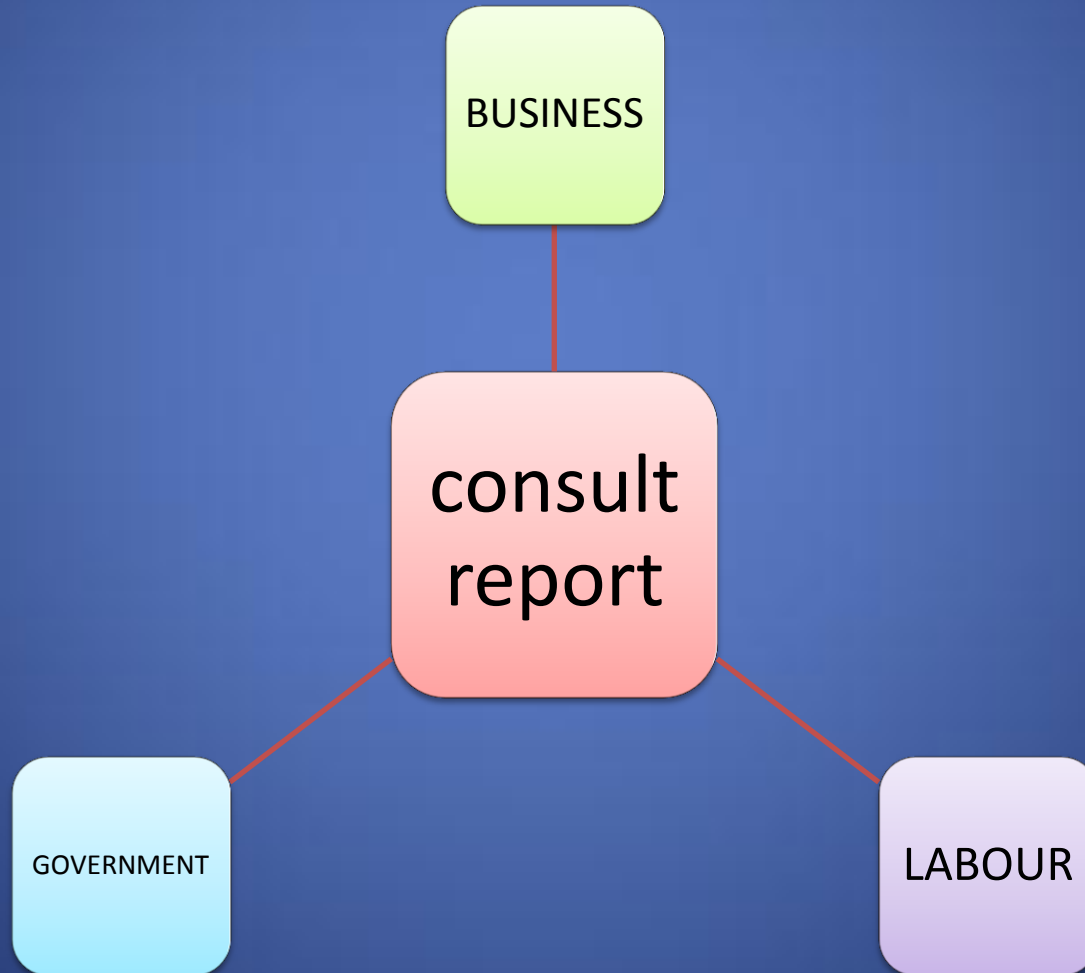
- Marketing the union as a responsible union not concerned with destabilising industry
- Drawing membership from various sectors within the tourism family
- Engaging with stakeholders in the broader tourism community
- Establishing an environment for responsible, voluntary collective bargaining

- TUSA
- CONSAWU
- ILO

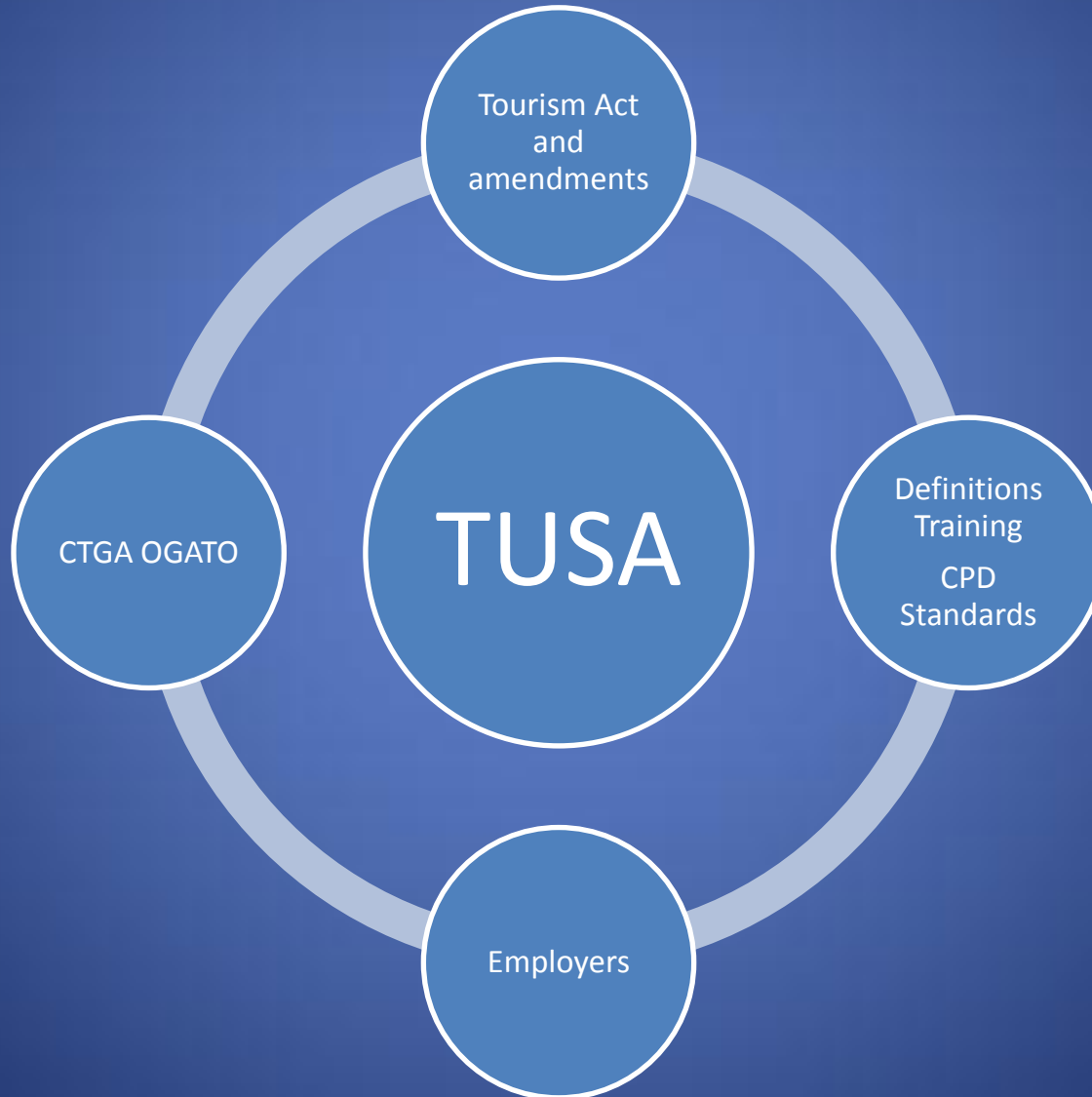
Tourism Work Group: Western Cape - Members



Tourism Work Group: Western Cape consultation & reporting



WHAT CAN TUSA ACHIEVE?



WHY IS TUSA IMPORTANT?

- Ensure that voluntary collective bargaining happens in an orderly fashion.
- Promote active citizenry allowing development and democracy to flourish.
- Assist in establishing skills development through education and training thus allowing for continuing professional development and providing opportunities for advancement.

WHY IS TUSA IMPORTANT?

- Build democracy by allowing the better functioning of the labour market.
- Stimulate faster economic growth by providing a supportive environment for growth and development.
- Stabilise the labour environment by strengthening dispute resolution institutions.
- Enable the introduction of standards and encourages adherence to minimum standards.

- It is unthinkable that one can leave a large and important industry like tourism unregulated

THANK YOU

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