THE IDENTIFICATION OF CRITICAL CONDITIONS RELATED TO

HARMONIOUS INDIVIDUAL LABOUR RELATIONSHIPS

060046275U

North-West University
Mafikeng Campus Library

By

Naledi Tendai Moyo

A mini dissertation submitted in partial fulfilment of the requirements for the degree of Master of Business Administration at the Mafikeng Campus of the North West University

LIBRARY
MAFIKENG CAMPUS
Call No.: TH 658.815
2014 -11- 13 MOY
Acc. No.:
NORTH-WEST UNIVERSITY

Supervisor: Professor L. Ehlers

November 2011

DECLARATION

I Naledi Tendai Moyo declare that, this Masters in Business Administration (MBA) research document is authentic and that this is my work, in design and execution, and it has never been produced or submitted at this or any other academic institution. I further declare that all materials contained herein have been duly acknowledged.

Signature: _____ Date: 30th/04/2012

ACKNOWLEDGEMENTS

I wish to take time to thank first and foremost, the LORD Almighty, for providing me with the guidance, wisdom and strength that I needed to complete this dissertation.

To Professor Ehlers, who never gives up, and who believes that anything is possible, I wish to express heartfelt gratitude.

To Mr. Tautsagae, a supervisor's affection for academic growth, made it possible for me to be absent from work on research related matters.

To my mother for her unwavering faith in me and, to Nina my only daughter, for giving me reason and motivation to undertake my studies

ABSTRACT

Harmonious employer and employee relations form the basis of a productive long term employment relationship, although not always prescribed by legislation, it becomes imperative for both parties in the employment relationship to strive towards the establishment of primary generic harmonious labour relations conditions.

Through empirical research, the study seeks to identify those conditions that employers and employees should observe in order for both parties to maintain a harmonious labour relationship. These conditions, it is suggested, are critical conditions that reduce the manifestation of negative outcomes associated with the inherently conflicting needs of the interacting parties in an employment relationship.

The study employed a qualitative method in gathering data, where brainstorming sessions were conducted with labour relations Post Graduate students to identify the initial thirty six conditions, followed by the administration of a qualitative questionnaire to a panel of experts to identify the ten critical harmonious conditions in a labour relationship.

Table of Contents

Declaration i

Acknowledgements ii

Abstract iii

List of acronyms and abbreviations ix

List of tables viii

CHAPTER ONE 1

Orientation 1

1. Introduction 1

1.2 Nature of the problem 2

1.3 Aims of the study 4

1.4 Overview of dissertation 4

CHAPTER 2 5

Literature review 5

2. Introduction 5

2.1 Definition of labour relations 5

2.2 The hybrid nature of labour relations 6

2.2.1 Labour Laws 7

2.2.2 The Psychological contract 8

2.3 Validated model of the South African labour relations system 10

2.4 Individual labour relations management processes 12

2.4.1 Contracting 13

2.4.2 Appropriate HR and LR policies 14

2.4.3 Fair remuneration and service conditions 15
2.4.4 Communication 17
2.4.5 Fair HRM management practice 19
2.4.6 Training and development 20
2.4.7 Health and safety 22
2.4.8 Discipline and dismissal procedures 23
2.4.9 Workplace representation 25
2.5 Results of negative individual employment relations conditions 26
2.5.1 Poor employee performance 26
2.5.2 Low levels of job satisfaction 28
2.5.3 Deviant employee behaviour 29
2.5.4 Workplace conflict 30
2.5.5 Formal grievances 32
2.5.6 Resignation 33
2.5.7 SUMMARY 34
CHAPTER 3 35
Research methodology 35
3.1 Introduction 35
3.1.2 Research Aim 35
3.2 Research method 36
3.2.1 General 36
3.1.2 General definition of positive labour relations conditions 36
3.1.3 Identifying potential conditions 37
3.2 The research instrument 40
3.4.1 Guidelines for developing questionnaires 40

3.4.2 Desirable LR Conditions Questionnaire 41
3.5 Rating by panel of experts 42
3.6 Data capturing and analysis 43
3.7 Descriptive statistics 43
3.7.1 General 43
3.7.2 Percentages 43
3.7.3 The Arithmetic Mean 44
3.7.4 The Standard Deviation 45
3.8 Expected value of research findings 46
CHAPTER 4 47
Discussion of findings 47
4.1 Introduction 47
4.2 Ratings of proposed conditions 48
4.1.1 Legal Compliance 49
4.1.2 Consistency 50
4.1.3 Fairness 50
4.1.4 Harassment Free 51
4.1.5 Honesty 52
4.1.6 Good Faith 53
4.1.7 Contractual Compliance 54
4.1.8 Equity 55
4.1.9 Trust 56
4.1.10 Fair Discrimination 56
4.2 Summary 58

Chapter 5 59

Summary 59

5.1 Introduction 59

5.1.2 Research objectives 59

5.2 Recommendations 63

5.3 Final conclusions 63

List of References 65

List of Tables

Table 3.1.4-a Critical Desirable Labour Relations Conditions..... 38

Table 3.5- Characteristics of Panel of Experts 42

Table 4.2-a Expert Panel Ratings of Proposed Conditions..... 48

Table 5.1.2-a The Critical Conditions in Individual Relationships 62

List of Acronyms and Abbreviations

AA	Affirmative Action
BCEA	Basic Conditions of Employment Act No. 77 of 1997
CCMA	Commission for Conciliation, Mediation and Arbitration
COIDA	Compensation for Occupational Injuries and Diseases Act No. 130 0f 1993
EEA	Employment Equity Act No. 55 of 1998
LRA	Labour Relations Act No. 66 0f 1995
ILO	International Labour Organisation
NEDLAC	National Economic Development and Labour Council

PEPUDA	The Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000
OHSA	Occupational Health and Safety Act No 85 0f 1993
SDA	Skills Development Act 97 of 1998
SETA	Sectoral Education Training Authority

CHAPTER ONE

Orientation

1. Introduction

Labour relations is a field of study that is founded on knowledge emanating from various scientific and behavioral disciplines. Labour relations are conducted within a specific legal framework, where employment law regulates the relationship between employer and employees, HR Advance, (2011) and subsequently labour lawyers get involved in the application of laws in labour relations. Industrial psychologists will focus on work behaviour and conflict management. Economists will study labour relations from a demand for and supply point of view. Industrial sociologists study industrial society, work organisation and relations between groups in organisations. Labour relations may also be studied from a management science perspective, which is concerned with how organisations can be made successful. Many other disciplines also contribute to knowledge in the field of labour relations which includes politics, welfare and health sciences.

Labour relations can occur in many work environments, and all the unique challenges in each respective work environment will in some or other way be related to the interaction in that workplace. The multidisciplinary nature of labour relations often results in a plethora of different opinions and approaches to employer and employee relationships, which in turn creates confusion in understanding the fundamental principles of positive

labour relations interaction, the systems and processes in which it occurs, and the reasons for striving towards mutually desired outcomes. According to Collins (2005:01), 'the law stabilises transactional relations by protecting the implicit expectations of the parties to contracts by various techniques including the imposition of mandatory and supplementary rules.'

The most important divide becomes apparent where approaches of labour law practitioners and the practitioners rooted in the behavioural sciences, place legal opinion above labour relations principles.

1.2 Nature of the problem

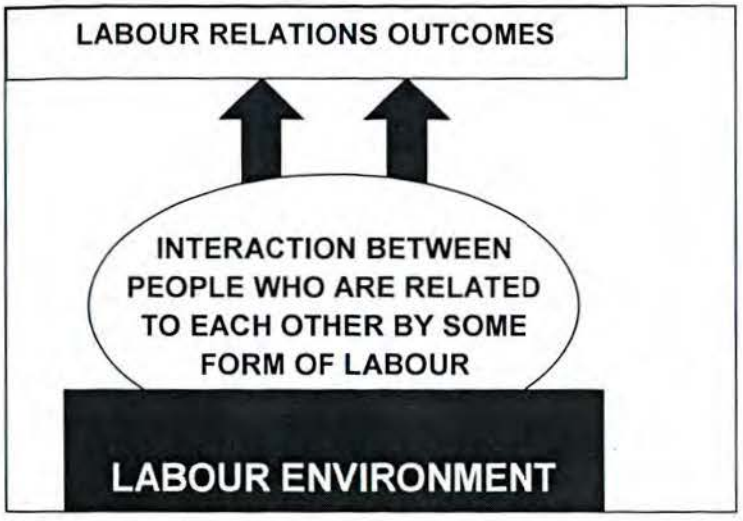
The inherent conflict that characterises a labour relationship often results in day to day management challenges at workplace level, often transforming into costly and unproductive legal battles in an external forum, thus;

- Employers and employees need to be empowered with knowledge, understanding and skills that are required for constructive labour relations interaction at workplace level.
- Multitude of variables that influence interaction / behaviour in labour relations at individual and Collective levels should be identified.
- Outcomes depend on skills and knowledge of participants
- No clear guidelines for workplace Labour Relations and an absence of focussed development - leads to confusion and conflict
- There is a need to identify the critical conditions or outcomes related to harmonious individual employment relations, in order to develop generic criteria for acceptable behaviour in employment relationships.

- These findings can be used for purposes of evaluation, analysis, research and development.

The labour relations environment greatly influences the behaviours of the interacting parties in a labour relationship, and will therefore determine the outcomes of the labour relationship. The interaction is illustrated in figure 1.2-a

Figure 1.2-a Illustration of the labour relationship



Source: Ehlers (2007:1)

The labour relations environment is influenced by variables that include the policies of the government which will often set basic minimum working conditions, both the national and global economic climate which have a direct impact on the technological advances and the wage regulations as well as other variables which include labour economies as determined by the demand and supply of labour.

The labour environment therefore directly influences the interactional dynamics of the parties in a labour relationship resulting in either negative or positive labour relationship outcomes.

1.3 Aims of the study

The aim of the study is to identify the ten critical conditions related to a harmonious individual labour relationship.

In order to achieve this aim, the study was guided by the following research questions:

a. How do individual labour relationships relate to other processes, components and outcomes of the labour relations system?
b. Which labour relations related experiences or outcomes can result from interaction or behaviour in an individual labour relationship?
c. Which of the aforementioned experiences or outcomes should be deemed as critically important primary generic prerequisites for harmonious individual labour relationships?

1.4 Overview of dissertation

This dissertation has been structured in five chapters. Chapter one provided an overview of the problem. Chapter two contains a literature review dealing with the nature of immediate supervision, and related aspects of workplace harassment. In Chapter three an overview of the research methodology is provided, while chapter four presents a detailed discussion of research findings. Chapter five contains specific conclusions and recommendations that were deduced from the literature review and research findings.

CHAPTER 2

Literature review

2. Introduction

Harmonious individual labour relations facilitate the objective functions of organisations; profit maximisation, cost minimisation or efficient service delivery. According to Collins (2005), legislation regulates the exercise of discretions of employers on employees and, common law principles prescribe basic principles that govern the behaviours of both the employer and the employee, all in an effort to create a harmonious labour relationship.

The discussion that follows provides a definition of labour relations, taking into account subject matters that encompass the discipline. The need for lawful and consistent workplace processes and procedures for the realisation of harmonious labour relationships, is based on the Individual Labour Relations Management Model (Ehlers, 2002:166) presented, and finally, possible outcomes resulting from negative individual employment relations are discussed.

2.1Definition of labour relations

According to Ehlers (2007:03) "Labour Relations refers to those practices related to the continuous process of establishing and maintaining harmonious individual and/or collective labour relations, through various formal and/or informal communication processes and the application of rules, procedures, agreements, regulations, laws and/or power. These processes are aimed at facilitating the achievement of various individual, group, organisational and societal outcomes which requires specific behaviour related to required levels of performance by organisational stakeholders who

pursue common and conflicting objectives. The behaviour of stakeholders will be influenced by multiple variables that exist in a dynamic internal and external environment."

2.2 The hybrid nature of labour relations

Labour Relations encompasses the principles of labour law with those of human relations, combined they form a discipline that guides interactions between an employee, employer and the state.

From a Labour economics perspective, labour relations seek to understand the influence of supply and demand dynamics on the employer employee relationships.
The political science influence on labour relations analyses the effect of legislative requirements in prescribing basic employment conditions and thus the resultant factor on employer, employee and union relationship.

The Marxist perspective to labour relations emerges from the view that employers and the working class have fundamentally different interest, believing that workers are exploited by the employer by not being paid the full value of their labour. It is from this backdrop that industrial sociology finds path in labour relations, where conflict in the workplace is presumed inevitable. (Haralambos & Holbron, 1995)

Human relations management prescribes the processes, practices and policies that guide the interactions of all parties involved in the labour relationship, while also

ensuring that the strategic needs of the parties involved are consistently adjusted to meet the overall strategic needs of the organisation.

2.2.1 Labour Laws

The constitution of South Africa is based on the will of the people and it is the supreme law of the land and thus a violation of laws relating to employment, as stated in Section 23 of the constitution whether generally or specifically becomes a violation of constitutional rights of parties in an employment relationship. Section 9(1) presents formal equality law for all citizens of the country and Section 9(2) provides substantive equality, these are effected through equality measures of the Broad Based Black Employment Equity (BBBEE) and Affirmative Action,(AA) where also, the Employment Equity Act (EEA) 55 of 1998, Section 15 provides Affirmative Action measures, these seek to;

- Promote equal employment opportunities to redress past inequalities, and
- Implement Affirmative Action measures

The Promotion of Equality and Prohibition of Unfair Discrimination Act No. 4 of 2000 (PEPUDA) seeks to, "give effect to section 9 read with item 23(1) of Schedule 6 of the Constitution of the Republic of South Africa, 1996, so as to prevent and prohibit unfair discrimination and harassment; to promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech; and to provide for matters connected therewith." PEPUDA Act No. 4 of 2000 gives all employees not covered by the EEA the constitutional right to be treated fairly and without discrimination.

All employment relationships will therefore be guided by the following fundamental constitutional rights.

- The right to fair labour practices;
- The right for every employee to form and join a trade union, participate in the union's activities, and strike; and
- Every trade union, employer's organisation and employer has the right to engage in collective bargaining.

The Basic Conditions of Employment Act (BCEA) further prohibits employers from entering into contract on conditions less favourable than many of those prescribed by legislation, thus Grogan (2007) states "the employer's unfettered common law right to decide who to employ, the wages to pay, and which employees to promote has been limited to some extent by wage regulations and the EEA" (Grogan, 2007:47). To a large extent, labour relationships are regulated by labour laws, and it is mandatory for the employer to comply with set regulations and to formulate policies, practices and procedures that accommodate statutory requirements.

2.2.2 The Psychological contract

A psychological contract is a set of unwritten expectations operating at all times between the employer and the employee. Subsequent to the completion of all written agreements between an employer and an employee, there remains expectations from both parties placed on another, regarding certain aspects of the employment relationship. Some of the expectations may be pertaining to an employee's expectation of the employer to exercise fair labour practice based on common law principles such

as equitable remuneration or safety practices in the workplace. On the other hand, the employer may expect the employee to exhibit behavior that enhances the organisation's image and (or) uplift the organisation's values and beliefs. A psychological contract is, "a set of reciprocal but unarticulated expectations that exist between individual employees and their employers." (Armstrong, 2001:237)

The psychological contract will as a result create expectations and based on these expectations, attitudes and behaviors of concerned parties will mirror these expectations. The need for a balanced psychological contract is therefore paramount to maintaining harmonious relations between the parties. Just as well, because the expectations are expected and not assured, disappointments are inevitable, often resulting in discomfort on one of the parties or both. Psychological contracts become even more intricate due to their indistinctness and thus the inability to be enforced in a court of law.

Armstrong (2001:810) suggests that managers should articulate clearly what they believe employees should achieve in terms of values and competencies necessary for the job. The articulation of expectations builds trust and helps to establish co-operative relations. To further ensure that an agreement is reached between managers and employees, the following are suggested practices that reduce complications resulting from unmet expectations:

- Defining expectations during the recruitment and induction phase.
- Communicating and agreeing expectations as part of an on-going dialogue implicit in performance management practices.

- Adopting a policy of transparency on evolving procedures and practices as they affect people, and
- Treating people as stakeholders and relying on consensus and cooperation.

2.3 Validated model of the South African labour relations system

Ehlers (2007) developed a validated model of the South African labour relations system. Research findings confirmed that this model of the South African labour relations system is valid, since it includes validated individual components and possess an overall content validity index of 0.66, which exceeds the level of 0.51 that is applicable in terms of the Laws of the method. Twelve explanatory postulates related to the model were also found to be valid. These are:

1. Labour relations can be represented as a system. This means that specific inputs are transformed into outputs. The output of a system will in turn influence the input variables and the transformation process within the system.
2. The primary input of the labour relations system can be viewed as the behaviour of employers, employees and the state, which will be influenced by a number of environmental variables.
3. The behaviour of employers, employees and the state will be related to need satisfaction. Behaviour will be determined and/or at least influenced by a number of dynamic variables operating in the labour relations environment.
4. The state subscribes to social and labour market policies and will

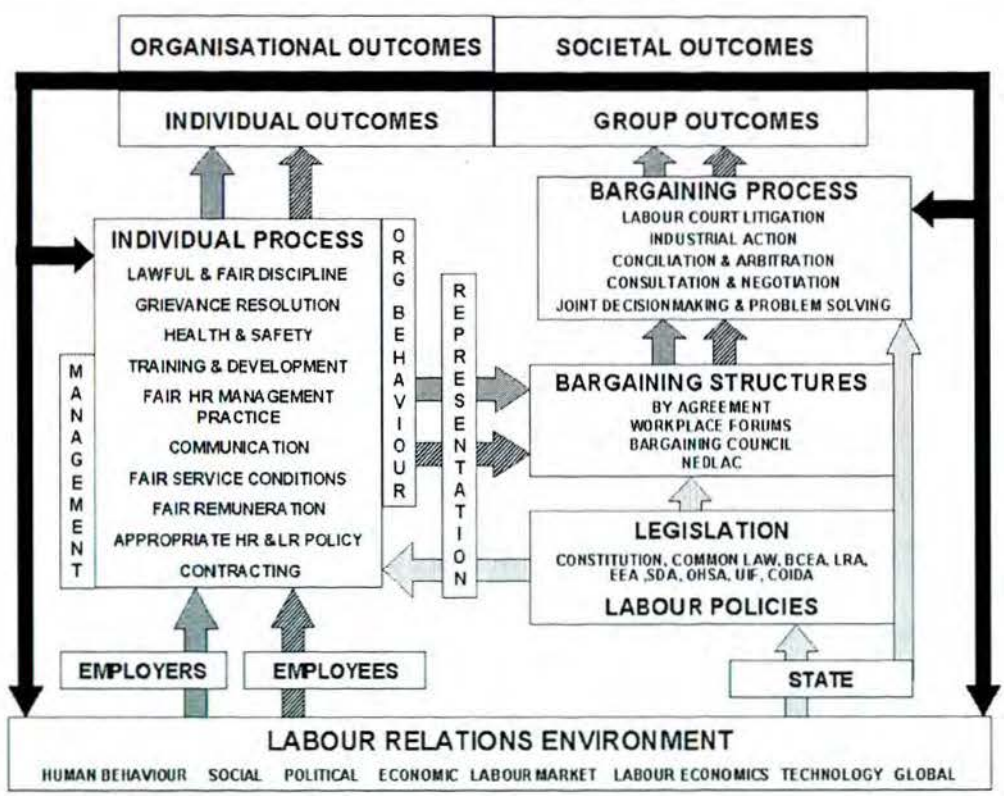
subsequently establish and maintain a legislative framework to give effect to such policies.

5. Legislation will influence the behaviour of employers and employees in all dimensions of labour relations.
6. Labour relations interaction can occur in an individual dimension. This dimension is typified by recognized labour relations procedures and practices. The general managerial function and the organisational behaviour of participants will exert an influence on the nature and direction of behaviour in this dimension.
7. Individual labour relations may evolve into collective labour relations. This will occur when employees organise in an effort to influence their work environment and acquire representation by a trade union or another form of employee representation.
8. Employers can group together and be represented by employer organisations or other forms of employer representation.
9. Parties involved in the collective dimension will interact in various types of bargaining structures that are determined and/or regulated by legislation. In some instances the state may become involved in collective labour relations through representatives of their choice.
10. Specific collective labour relations processes are adopted by the parties to reach agreements, resolve differences and deal with conflict and disputes. These processes are influenced by factors in other processes and components in the system and are determined and/or regulated by legislation.

11. Behaviour of participants in the respective individual and collective labour relations transformation processes, leads to certain outcomes. These outcomes are interrelated and can occur at individual, group, organisational and societal level. Representation will also influence system outcomes.
12. Labour relations system outcomes exert a feedback influence on the environment, components and behaviour that are common to the input and transformation processes of a labour relations system.

2.4 Individual labour relations management processes

Figure 2.4-*a*: The Individual Labour Relations Management Model



Source: Ehlers (2002:166)

The set of activities illustrated in the model are primarily focused on creating a solid foundation for interaction between employers and employees at enterprise level. Based on the model, a discussion of the individual elements that influence labour relations outcomes in the workplace follows:

2.4.1 Contracting

Bendix [b] (2010) states that, rights and responsibilities are normally defined in explicit service contracts and tacit expectations formed by the parties during initial interaction. For this reason, conflict rising from duties and responsibilities of employees are better resolved through reviewing this initial employment contract. The employment contract sets the point of departure for resolving workplace disputes. The employment contract will stipulate clearly the roles, responsibilities and duties of an employee as well as the duration of the employment or expected termination date. Underpinning contractual agreements are standards of fair dealing (good faith) which are to be applied. Dating back to the Roman Law, good faith principles ensure that fairness and reasonableness remain evident in any contractual agreement. Contracts are therefore, the main tool used to discipline relationships between two or more parties. Productive employment relationships will as a result be based on contractual agreement embedded in good faith. All aspects of the employment environment and of the employment relationship should therefore be regulated by the contract.

The South African legal framework accepts the contents of a written employment contract and base its ruling thereof. As stated by Bendix (2008), rules of contract are established at common law, but the Basic Conditions of Employment Act (BCEA)

prescribes the matter that should be dealt with in the employment contract. As such, Bendix (2008) adds that "when the conditions set out in a contract are more favorable than those contained in statute or agreement, the contract will take precedence, but no contract can provide for conditions of service which are less favorable than those contained in a statute, statutory agreement, ministerial determination or even an in-house agreement covering that employee" (Bendix, 2008:105).

The BCEA sets the fundamental guidelines of employment, while the Labour Relations Act (LRA) provides for individual rights of employees. The prescript of these acts, together with the Occupational Health & Safety Act (OHSA), and the Compensation for Occupational Injuries and Disease Act (COIDA), should be included in the employment contract, and as articulated earlier, in no less favor than as stipulated in the acts.
Employment contracts should serve as a safe guarding tool for the employer as well. The termination of the contract, which normally brings the employment to an end, should ideally follow procedures anchored against statutory regulations and requirements. At this point, an alleged breach of the employment contract by either party will be determined by the court of law, and the ruling will take into account the legality of the contents of the contract. (Grogan.2007)

2.4.2 Appropriate HR and LR policies

A Human Resource policy document is a guideline that states the approach used by the organisation in meeting its short term goals as well as meeting the overall strategic goals of the organisation (Wheelen & Hunger, 2004). The HR policy will primarily rest on the organisation's value statement and philosophy, as well as the strategic objectives of

the organisation. Based on the organisation's strategic values, the Human Resource (HR) department should then formulate strategies and objectives that are anchored against the overall business strategy.

The HR policy document will define its procedures in recruitment, selection and retention strategies. For example, where vertical integration is the company's corporate grand strategy, then the HR as a strategic partner will ensure that the recruitment strategy is aligned to processes and procedures that recruit diverse employees. Better still, the policy could reflect training and development initiatives to be undertaken to enhance the overall business strategy of the organisation. The HR policy should as a result, be in tandem with the overall business policy (Hough et al, 2008:5).

Compliance with legislative prescripts informs the need for a labour relations policy. For this reason, the labour relations policy and the HR policy should be complimentary while also supporting business goals. A formal labour relations policy will contain broad guidelines for the maintenance of a balanced relationship. It is important to ensure that principles of nondiscrimination and fairness in general are clearly articulated in the policy. A labor relations policy serves to inform employees, employers and stakeholders on the organisation's strategic direction, and further defines how the organisation fulfills its legal obligations through spelling out employer and employee rights and duties. According to Ehlers (2007:68), a labour relations policy document should;

- Be conducted within applicable laws of society.
- Clarify management's labour relations objectives.

- Confirm the relationship with, and interest in employees, and
- Indicate the means and practices by which this relationship can be maintained.

In addition, Finnemore (2006:133) states that, "a labour relations policy document promotes consistency, while also giving direction to the union and employees in guiding and influencing them in their formulation of company expectations."

2.4.3 Fair remuneration and service conditions

Fair remuneration and service conditions are cornerstones of a healthy labour relationship. Remuneration as payment or reward for work done, and ideal service conditions as comprising healthy, nurturing and safe work environment, are constitutional rights of every citizen in a working relationship in South Africa. Occupational Health and Safety Amendment Act, No. 181 of 1993, Section 8. Service conditions are required to be safe and conducive for employees to carry out their duties, thus the employer has the duty to provide a safe and healthy working environment, while an employee has to fulfill his/her duties according to agreement between the two parties. As well, the employee has the right to fair remuneration, which follows a consistent and transparent, market related practices and processes, for work carried out in a safe and healthy working environment.

An organisation's reward system greatly influences the motivation of employees. It is an integration of an organisation's policies, practices and processes, which is based on the organisation's philosophies and values. It informs the relevant reward strategies in line with employee's contributions, competencies, skills and market rates.

Bergman & Scarpello (2001:198) state that employees will often be as productive as their level of motivation, managers should therefore ensure that reward systems are equitable, competitive and informed by fair HR policy and practice.

2.4.4 Communication

Communication is the exchange of information, ideas and feelings and therefore forms an integral part of any relationship. Luthans as cited in Bendix (2008:324) defines communication as, 'the flow of information, perceptions and understandings between individuals and between different groups"

Communication in an organisation may be formal or informal. Formal communication channels are established by the organisation and transmit professional or job related messages, and informal communication channels are informed by individual personal needs which often do not relate to organisational activities. Regardless of the channel of communication, effective communication is essential and will inform the success or lack thereof, of the objective of the communication. The functions of communication according to Robbins et al (2011) serve four main purposes:

- The authority hierarchies that guide interactions amongst organisational members should be controlled, therefore, through communication, control mechanisms are communicated to organisational members, such as the chain of command and reporting lines.

- Secondly, motivation is fostered through communication, according to Robbins, 'through clarifying to employees what is to be done, how well they are doing and what employees can do to improve performance. (Robbins et al, 2011:268)
- Communication is further viewed as contributing to creating a passage way for emotional expression, where employees in a work group will share thoughts and ideas on both a formal and informal process.
- Finally, through communication, information aiding in decision making is also shared.

Organisational success is greatly owed to the ability of managers to effectively communicate the business strategy to employees, as well as employees communicating to managers issues relating to role clarification, job security or remuneration. The success in communicating any of these issues will however be determined by the communication style, typified by the manner in which the communicator encodes the message, and the manner in which the receiver decodes the message. Bendix (2008) views communication as a complicated transactional process subject to interference, filtering and unfortunately distortion. Noise, temperature, discomfort, distance and too much information are cited as common barriers to effective communication. Delays in receipt or transmission of information is a barrier to communication that cannot be ignored, as well as the decoding and encoding styles, which could also hinder the objective function of effective communication.

Sound labour relations practices will include effective communication systems that connect all the parties in the labour relationship. The organisation should thus design a policy on communication, being the point of reference, which should inform the procedures, policies and practices regarding communication. It becomes imperative for managers to plan a communication strategy with awareness of the needs of not only the both parties, employers and employee needs, but to include external bodies such as labour unions, customers and suppliers.

According to Armstrong (2001:809), "what management wants to say depends upon an assessment of what employees need to know, which in turn is affected by what they want to hear." He further states that, employees will want to hear and comment about changes in working conditions and methods.

2.4.5 Fair HRM management practice

HRM seeks to serve the modern business effectively, through carrying out people-oriented organisational activities. (Torrington et al, 2005). Essentially, HRM activities are geared towards achieving an organisation's objectives of staffing, employee performance, change management and administration. An organisation's HR department should as a result determine the organisations strategic direction and align it with organisation enhancing labour relations practices which then inform the contents of a labour relations policy framework. Not only should the document outline the processes, practices and procedure in the activities of the human resource department, but it should explicitly guide the fair and consistent application of all practices. The disciplinary and grievance procedures should as well be clearly articulated in the policy

document. To prevent grievances and disputes that may harm some or all the parties in the labour relationship, Ehlers (2007:18) notes, "fair communication and representation systems as part of HRM practices should be implemented to improve understanding between labour relations parties."

The constitution of South Africa accommodates the prescriptions of fair labour practices. Where the acts are not explicitly stated, yet implied, judicial precedence and the code of good conduct will present summative guidelines that ensure fair human relations practices in the workplace. The HRM policy guideline should outline the legislative restrictions that inform the contents of the document. These may include the statutory rights, for instance Section 9 (2) provision for Equality Law and the Labour Relations Act which prohibits any form of discrimination in the workplace. The code of good practice provides that, a dismissal is automatically unfair if the reason for the dismissal is one that amounts to an infringement of the fundamental rights (CCMA Note Sheet 2011).
There exists a need for employees to be informed of all statutory requirements that affect their day to day dealings in the workplace, thus placing a necessity for organisational leaders to design and adopt effective and efficient communication practices.

2.4.6 Training and development

An HR department's primary task is to invest in HR practices that enhance the organisation's value proposition. To achieve this, HR should develop policies or programs that facilitate talent growth of employees. This may be through training and

developing employees to ensure that employees are motivated and better equipped to meet the needs of the shifting environmental forces in which the organisation operates in. Ulrich (1999) cites training as one of the HR practices that deliver the most value to business. Thus if not for the satisfaction of the business's strategic need, then training and development are legal requisites. The South African labour law makes it a constitutional right for employers to train and develop employees. According to Ehlers (2007:29), "the right of access to training, means that employees have the right to receive appropriate training in order to be able to exercise the right to work meaningfully and on a competitive basis", thus, Ehlers adds, "no employee should be refused training or retraining on unfair discriminatory grounds."

Increased motivation of employees has a linear correlation with job satisfaction, thus, to increase motivation, employers should consistently develop employees in a way that is relevant to both the employee and the organisation's needs. The need to design training programs that facilitate employee's adjustments to structural and technological innovation is undeniable (Ehlers et al, 1997). Great emphasis is placed on the South African labour relations field, given the constitutional requirements that seek to redress past inequalities brought about by the segregatory government. Affirmative Action measures will not recognise prior learning as fair discrimination justified by inherent job requirements, rather, the development and training of previously disadvantaged employees to meet job requirements takes forefront. Evidence of training and development efforts should be available to justify any dismissal or demotion.

The Skills Development Act (SDA) No.31 of 2003 seeks to provide an institutional framework to devise and implement national, sectoral and workplace strategies to develop the skills of the South African workforce, where a levy-grant scheme and a national skills fund is made available to regulate the training initiatives. To realise the strategic objectives of an organisation, the employee's individual objectives should be aligned with the overall organisational objectives. The job roles should therefore be linked to the achievement of these goals. It makes it imperative that employees be tasked with the knowledge, skills and expertise necessary to execute strategy relevant tasks, and where a gap is evident, the employer should not only equip the employee with the necessary skills but should further ensure that continued learning is made available as a means of motivating the employee and complying with statutory requirements, which have a direct bearing on the long term survival of the organisation.

2.4.7 Health and safety

Health and safety in the workplace is regulated by the Occupational Health and Safety Act (OHSA) which was established in 1994. Employers have the duty to ensure that the work environment is safe and healthy for employees.

Employers have a duty to inform all employees on the possible hazards attached to the work assigned, as well as precautionary measures which should be taken and observed in the workplace. Employers are further expected to have a health and safety representative in the workplace, as surety for adherence to the Act. The act gives workers the right to safe and healthy working conditions. Workers therefore have the

duty to take precautionary measures for their own safety and health in the workplace. The Act therefore calls on employees to;

- Cooperate with any health and safety precaution in the workplace,
- To report potential hazards that may impact on their health or safety to the employer and,
- To report injury arising from operations in the workplace or associated with the workplace, as soon as possible to the employer.

Management should have a health and safety policy guideline, anchored against statutes, which upon agreement with the union, should inform employees of their rights and duties regarding health and safety issues. In the absence of such a policy document, according to Bendix (2008:601), "the union will take over the function of monitoring managerial practices." The commonality of the interest in health and safety issues in the workplace, Bendix adds, justifies the need for the involvement of union representations in the implementation of health and safety practices.

2.4.8 Discipline and dismissal procedures

Employers should essentially communicate the sanctions attached to transgressions committed in the workplace. The nature of the business will also determine the gravity of the transgression. For instance, where the employees should impress their duty of good faith, then a transgression that breaches that duty, and is so stated in the workplace policy, could be grave enough to warrant dismissal, albeit a procedurally fair one.

The establishment of a disciplinary code is the initial step in ensuring the consistency of a workplace disciplinary procedure. According to Bendix (2010), the purpose of a disciplinary code is:

- To ensure fair and equal treatment of all employees
- To encourage timely corrective action, and
- To ensure that all principles of natural justice are applied before an employee is dismissed.

The disciplinary code should apply to all employees including managers and supervisors and it will not be applied for the purpose of intimidation or victimization.

The disciplinary code, as submitted above, upholds s9 and s23 of the constitution in ensuring that employees are treated equally and are subjected to fair labour practices. The disciplinary code further subscribes to the preamble of the Promotion of Equality and Prevention of Unfair discrimination Act (PEPUDA) in stating that, the disciplinary procedure should by no means undermine the aspirations of the constitutional democracy. (PEPUDA, 2000)

Establishing the gravity of the offence based on set organisational standards will determine the tone of the procedure. A non repeat offender may still have a chance of rehabilitation and thus a written warning would be applicable and all proceedings relating to the corrective action taken should be recorded and the signatures of both the supervisor and the employee should be amended, together with those of the witnesses, who should include the union representative.

The employee should be aware of the transgression he/she is being charged with, and should further agree to the charges laid against him/her prior to any corrective action

being instituted. Where the organisation has a program designed for rehabilitating offenders, then stringent record keeping should be evident. The records will assist managers in keeping track of progress, and where the employee commits another transgression, the record serves as evidence that the employee is beyond rehabilitating therefore justification of the dismissal will be made available.

2.4.9 Workplace representation

Workplace representations provide a platform for employees to influence their working conditions and take part in the decision making process of an organisation. Workplace representations are usually formed through a democratic election process. Ehlers et al, (1997:28) adds "the election must be a formal procedure, preferably entrenched in a constitution drawn up by the parties or stipulated by a country's statutes." Elected workers then form part of the supervisory boards or senior management team that represents the interests of the organisation's workforce. They however exclude senior managers, who form part of the construct employer and have the authority to hire, fire and formulate policies.

Chapter 5 of the Labour Relations Act, regulates the establishment of workplace forums, as worker representation structures. The establishment of workplace forums in a public sector is mandated to the relevant minister, whereas in the private sector, application for the establishment of a workplace forum is made to the CCMA often by a trade union representative.

The roles of workplace representations include the need to promote the interests of all employees regardless of their affiliation to trade unions. Workplace representations

ensure that worker's needs and concerns are laid out and as a result considered during decision making. The structure thus facilitates greater transparency, efficiency and productivity in the workplace.

According to the South African Labour Guide, workplace representation in disciplinary hearings is not an absolute right for employees; therefore, employers are not bound by labour legislation or case law to allow employee representation during a disciplinary hearing. It is nevertheless necessary that all decisions made by the employer to allow or deny representation of employees during dispute hearing be anchored against fair and consistent HR practices. The employee is however allowed to refer the matter to an external dispute resolution body for arbitration.

2.5 Results of negative individual employment relations conditions

2.5.1 Poor employee performance

Employee performance directly influences organisational performance, poor employee performance will therefore most likely lead to poor organisational performance. Based on the Equity Theory, Bergman & Scarpello (2001) state that where workers compare their inputs with the outputs, if reward systems are perceived as lower than the work being carried out, employees may seek to achieve a balance and thus reduce the input (level of commitment to assigned duties), therefore poor employee performance will manifest. On the other hand, the expectancy theory when related to worker motivation, an employee's expected rewards for performance is linked to performance outcomes,

thus according to Ehlers, a worker's experience of and expectation with the outcomes of his efforts, will in-turn influence his/her motivation (Elhers, 2007:47).

The HRM department should not only focus on curbing the symptoms of poor performance, rather the embedded HRM practices and cultures may need to be examined. The recruitment, selection and retention policies may not be linked to organisational strategic needs. Where unfair retention strategies are practiced for instance, reward systems that are not linked to employee performance, employee motivation may be minimal, leading to poor performance. Other areas directly linked to poor performance include unclear job roles, uncompetitive recruitment practices, poor leadership or ineffective communication practices. Poor employee performance means that either of the members of the employment relationship has not fulfilled their duties or responsibilities, the resulting behavioral outcomes will as a result strain the relation between the employer and employee.

Poor employee performance warrants a disciplinary hearing, however grounded on fair procedure and good faith. The disciplinary procedure will therefore seek to rehabilitate rather than punish. Where documentation proves that the employee is beyond rehabilitation, then other measures such as transfer to a lesser demanding job portfolio or demotion may be instituted. On the extreme level, then dismissal may be considered. According to Bendix (2010), the employer will prove that:

- The reason for dismissal is a fair reason
- Related to the employee's conduct or capacity; or
- Based on the employer's operational requirements; and

- That the dismissal was effected in accordance with a fair procedure.

2.5.2 Low levels of job satisfaction

Tied to poor employee performance is a low level of job satisfaction, which may indicate low motivation or inability to perform the designated duties. Low levels of job satisfaction imply sub-standard performance and directly impact on the goal achievement of the organisation. The degree to which employees understand their roles as well as the impact of their performance on the strategic goal achievement of the organisation, will depend on the employer employee relationship dynamics. These include the employer's recognition of the training or developmental needs of employees, and the subsequent initiatives taken to address the gaps, "an organisational culture grounded in practices and behavioral norms that match what is needed for good strategy execution helps energise people to do their jobs in a strategy supportive manner (Hough et al, 2008).

An organisation's deliberate effort to develop the skills of employees should therefore be leveraged against necessary resources to facilitate the implementation of training initiatives. Efforts to motivate employees to accept the training and development initiatives should be made. For instance, the developmental initiatives should have a direct link with performance based reward systems. Then, a gradual but assured improvement in the levels of job satisfaction may be achieved. The Sectoral Education and Training Authorities (SETA) established in terms of the Skills Development Act (SDA) regulates the training of employees in organisations. For this reason, an employer may not justify a dismissal based on low levels of job satisfaction, if initiatives

to develop or train an employee were not taken. Exceptions will be made, according to Grogan (2007) to cases where the employer can prove that employees were given the opportunity to train or develop their skills and that the employees failed to accept the training or development initiatives and further understood the repercussions of their actions.

2.5.3Deviant employee behaviour

Deviant employee behaviour is tantamount to misconduct. It is a deliberate disregard of the employer's authority which may entail the negligent or deliberate breaching of workplace rules or policies. The behavior tends to be distractive and impacting on the organisation's goal achievement as well as demoralize co-workers. Besides delayed achievement of organisation's goals and objectives, when employees demonstrate defiant behavior, the varied disciplinary actions, which must follow fair procedure, imply costs on the part of the organisation. These may be costs associated with legal bodies invited for mediation or arbitration, together with the time spent by both the employer and the employee preparing for and attending disciplinary hearings. These may range from subtle verbal counseling to unearth root causes and constructive criticism, to disciplinary hearings gradually leading to dismissal, yet all underpinned by principles of good faith. Schedule 8 of the Labour Relations Act (LRA) of 1995 recognises three grounds on which a dismissal of an employee for deviant behavior might be legitimate. These are:

- The conduct of the employee,
- The capacity of the employee, and

- The operational requirements of the employer's business.

Deviant employee behavior thus warrants dismissal depending on the gravity of the transgression or in cases where the continued employment relationship would be intolerable.

2.5.4 Workplace conflict

Conflict in the workplace is an inevitable variable given the conflicting interests of the interacting parties in the labour relationship. Conflict resolution practices may follow any three of divergent conflict resolution approaches, the unitary approach, the pluralist approach and the societal corporatism approach Finnemore (2006). The South African labour relations subscribes to the latter.

The unitary approach to labour relations management is a system favoured by the autocratic leader, where power is centralised and total control is assumed by the owner or top management. Under the unitary approach, the owners or management has legitimate power and controls all decision making mechanism, as such opposition groups are not permitted since conflict is perceived as disloyalty and hence dysfunctional and arising from insubordination. Trade unions, Finnemore (2006:6) states, "are seen to an intrusion that creates confusion among otherwise satisfied workers who are encouraged to make unreasonable demands, and to strike when these demands are not met." Fox (1996) as cited by (Finnemore 2006:6) thus concludes that: "We have to see the organisation as a "plural" society, containing many related but separate interests and objectives which must be maintained in some kind of equilibrium."

NWU LIBRARY

The pluralist approach is an opposite of the unitary approach, besides viewing the society as composed of diverse interest groups, conflict is viewed as natural phenomena that accompanies a relationship, however capable of resolving when compromise is adopted. Trade unions and employer organisations, as Finnemore (2006) adds, are seen as legitimate and functional, where the employee's right to strike or employers' right to lock out are viewed as necessary power balancing acts. A key feature in the pluralist approach is its view of the necessity of strikes as balancing act, a view that gives trade unions an upper-hand in bargaining power. It is this view that relegates the pluralist approach to second place in the South African labour relations approach, and hence the societal corporatist approach as predominantly governing labour relations in the country (Bendix, 2010, Finnemore 2006 and Ehlers 2007).

The societal corporatism approach, that the South African labour relations subscribes to, places solidarity of labour relations groups on the fore front. Given the dynamics of the South African labour relations history, the need to redress past socio-economic and political inequalities, has led to the formulation of legislation that seeks to erase past segregatory practices and policies. Kenworthy & Kittel (2003) as cited in (Finnemore 2006: 8), state that: "The concept of Social Dialogue which is an extremely comprehensive construct and forms the basis of Societal Corporatism is strongly promoted by the International Labour Organisation (ILO) as a driving force for change in society and also provides a comprehensive tool for analysis."

Conflict in the workplace in the South African context is thus viewed as inevitable and hence natural in the labour relationship and it is resolved through consensus agreement. National Economic Development and Labour Council (NEDLAC) was as a

result established to promote social dialogue. Conflict resolution mechanisms were established to facilitate a swift process of addressing conflict arising between the parties in a labour relationship. The CCMA provides a platform for both employers and employees to present grievances and seek arbitration or mediation. The labour courts also act as conflict resolution bodies.

2.5.5 Formal grievances

A grievance procedure is lodged by an employee when he/she wishes to express dissatisfaction with perceived violation of human or constitutional rights and wishes to bring the perceived injustice or violation to the attention of the employer (Finnemore 2006). It is a constitutional right for an employee to lodge a grievance procedure without any prejudice or fear of discrimination. Grievance procedures offer an opportunity for management to improve workplace climate, thus increasing employee morale and motivation. According to Finnemore (2006), any grievance procedure should adhere to stipulated timeframes if it should be considered credible.

A formal grievance procedure should be in writing, clearly describing the complaint and dates of occurrences. Bendix (2008:828) outlines the procedures for lodging a formal grievance.

The first stage according to Bendix (2008:828) should be a verbal grievance presented to a direct supervisor. If the grievance is not settled within two days then a written grievance form must be completed and handed to the HR department, which will then forward it to the employee's supervisor. The supervisor is accorded a maximum of two days to attempt to resolve the dispute or grievance. If the grievance is not resolved

within the stipulated time, the grievance is forwarded to the departmental manager accompanied by a copy of the grievance form.

The second stage will be instituted if the grievance resolution process has failed to determine an appeasing result. The department manager should arrange a meeting with the parties involved within two days of receipt of the grievance document. At the meeting, the aggrieved employee will be permitted a representative, usually a shop steward, also present should be the foreman and a member of the HR department. If the matter is not resolved, then the grievance will be directed to the third and final stage. At this point, the divisional manager is given a week to arrange for a meeting with the employee, an HR representative and a union representative (if requested by the employee). The divisional manger will propose a settlement, if the aggrieved employee is unwilling to accept the proposed settlement, the employee may then pursue external bodies such as the CCMA or labour court for intercession. Failure to adhere to time frames may overthrow the grievance procedure when it is referred to arbitration.

An HR policy should clearly state the grievance procedure and ensure that all organisational members are conversant with the contents of the policy. The policy ensures that the grievance procedure follows a consistent and fair procedure and that it remains aligned to the constitutional requirements.

2.5.6 Resignation

Resignation is the abrupt ending of an employment relationship, often following unsatisfactory working conditions experienced by an employee (Armstrong, 2001). It implies poor labour relations within the employment relationship. The relative

abruptness of the termination of employment, which according to Bendix (2008) should be a written notice of at-least four weeks, tends to disrupt processes and progress, as well as create uncertainties for not only the employer, but co-workers as well. An above industry turnover ratio tends to mirror the internal structures and designs of an organisation, often reflecting unfavourable management style. On the extreme case, where a high exodus of talented employees is experienced, greater uncertainties and an erosion of investor confidence will be achieved. The loss of talented employees is costly and thus should be avoided where possible. Managing labour relations tends to reduce the magnitude of conflict within the organisation and thus lower turnover rate.

2.5.7 SUMMARY

Labour relations and the inherent conflicting interest of the parties in the relationship makes it pertinent for a positive approach to handling workplace issues as prescribed by legislation and common law principles. An absence of a clear cut policy framework that provides a blueprint for guiding workplace interactions may lead to the manifestation of one or more of the afore mentioned negative labour relations outcomes, which all have a detriment effect on the long term survival, bottom line or strategic goal achievement of the organisation. The identification of critical conditions related to harmonious individual labour relationships is therefore critical.

CHAPTER 3

Research methodology

3.1 Introduction

This chapter defines the research methodology used in this study to give answers to the research questions. The approach links the research questions and objectives to the data collection and interpretation method.

3.1.1 Research aim

The aim of the study was to identify the ten critical conditions related to a harmonious individual labour relationship, to achieve this aim, the study was guided by the following research questions:

- How do individual labour relationships relate to other processes, components and outcomes of the labour relations system?
- Which positive labour relations related experiences or outcomes should result from interaction or behaviour in an individual labour relationship?
- Which of the aforementioned experiences or outcomes should be deemed as critical desirable conditions for harmonious individual labour relationships?

A report on findings from a literature review and research that was conducted follows. The researcher identified thirty six possible critical conditions through a literature survey and a brainstorming session. From a qualitative questionnaire subsequently developed

and administered to a panel of experts, the researcher identified and selected the final ten critical conditions.

3.2 Research method

3.2.1 General

The purpose of this study is to identify the ten critical desirable labour relations outcomes that should exist in order to ensure harmonious relations between an employer and an individual employee. The research methodology that was used in this dissertation was the questionnaire survey method, using a panel of experts. This required the identification of thirty six general labour relations conditions and the identification of the ten most important conditions in the list by a panel of experts. The following steps were followed in this research:

1. Develop a general criteria set for identifying critical desirable individual employment relations outcomes;
2. Conduct brain storming sessions with post graduate students in labour relations and identify thirty six qualifying conditions;
3. Develop an appropriate questionnaire;
4. Circulate questionnaire to expert panelists; and
5. Analyse findings of expert panel.

3.1.2 General definition of positive labour relations conditions

In order to qualify as a critical desirable condition for purposes of this research, a labour relations condition should comply with all of the following criteria:

- Common to most individual employment relationships;
- Positive for employer and employee;
- Would normally have a positive outcome in labour relations;
- Is normally not related to negative employment relations experiences; and
- Is not necessarily specifically prescribed in labour laws.

3.1.3 Identifying potential conditions

Two brainstorming sessions were conducted to identify as many as possible critical desirable labour relations conditions, and to propose thirty six conditions that could be further considered by a panel of labour relations experts. The brainstorming sessions were conducted with MBA (HRM) students at the NWU (Mafikeng) and post graduate HRM students of the University of Pretoria UP during the latter part of 2010.

Participants were grouped into manageable teams of ten members, and ground rules were set. To ensure that all team members contributed, participants waited their turn on a rotational basis to give their contribution. Each of the proposed conditions were then rated by all group members, and the thirty six highest rated desirable labour relations conditions were identified. Each condition was then specifically defined by the researcher, after consulting labour relations textbooks and dictionaries.

Table 2.1 reflects the thirty six critical desirable conditions that were identified during the brain storming session with various groups of post graduate labour relations students of the NWU and the University of Pretoria.

Table 3.1.4-a: critical desirable labour relations conditions

CONDITION	DESCRIPTION
1. Legal compliance	Knowledge of, and compliance with the Constitution, Common law and all applicable labour laws and codes
2. Contractual compliance	Knowledge of, and compliance with of all applicable contractual and/or formal agreement provisions and respect for related rights and duties
3. Fairness	Just, as agreed, within rules and expectations. Rights are claimed and related duties are performed.
4. Equity	How somebody treats two or more parties in similar positions or situations, impartiality , objectivity, unbiased
5. Consistency	Remaining the same, constant application of principles, constant results or behaviour at different times
6. Trust	Belief, faith or confidence in the reliability, ability, sincerity and commitment of another person
7. Good faith	An honest and sincere intention to find an agreement or solution to a problem
8. Fair Discrimination	Making distinctions, choices or differentiating based on objective criteria that are related to inherent job requirements.
9. Harassment free	Absence of various forms of workplace harassment. Harassment = To trouble or annoy continually, or unwelcome and unwanted interaction
10. Acceptance	Experience of belonging to a relationship, group or social circle without rejection
11. Awareness	Well-informed about rules and regulations and what is going on in the workplace
12. Certainty	Knowledge that something is certain to happen, or that a result or outcome is assured, Security, Confidence
13. Co-dependency	Mutual reliance on or trust in somebody or something for help or support
14. Commitment	Engagement, obligation, dedication, pledge or bind to a course of action
15. Competence	Adequately qualified, capable, able, effective
16. Consideration	Giving careful thought to something, considerate regard for others, thoughtful act
17. Dignified	Situation where esteem or respect, formality in bearing or appearance is evident
18. Empathy	The ability to identify with and understand somebody else's feelings or difficulties

19. Focus	Concentrated effort or attention on a particular thing
20. Honesty	Without pretensions, not deceptive or fraudulent, frank, marked by truth
21. Integrity	Possessing and steadfastly adhering to high moral principles or professional standards
22. Loyalty	Steadfast in allegiance or duty, unwavering in devotion to task or cause
23. Motivation	A feeling of enthusiasm that makes somebody want to do something, or thing that causes such a feeling
24. Performance	The way in which somebody does a job, judged by its effectiveness
25. Politeness	Showing or possessing good manners or common courtesy
26. Positivity	Constructive (positive thinking), increase or progress, convinced or confident
27. Professionalism	Qualities associated with a profession or unique position, competence, skill
28. Reliability	Trustworthy and accurate in providing a desired result
29. Respect	Esteem for a person/thing, heed, regard, avoid interfering or offending
30. Sensitivity	Tactful treatment, secrecy, responsive to slight external change
31. Support	Furnishing physical or psychological assistance, supplying necessities, aiding causes, policies or interests
32. Sympathy	Feeling or expression of pity or sorrow for the distress of somebody else, share somebody else's feelings
33. Tolerance	Willingness to endure differences and variation without confrontation
34. Transparency	The quality of being clear and open, obvious or evident
35. Understanding	Comprehend the nature, implications and/or meaning of a situation or opinion, ready to listen to reason,
36. Wellness	Mental or physical wellbeing or soundness
37. Boundaries	Being aware of the nature and limitations of relationship interaction
38. Objectivity	The ability to be removed from a situation, avoiding subjectivity
39. Open communication	Intentional constructive listening and talking
40. Insight	Knowledge and deeper understanding of a situation

3.2 The research instrument

3.4.1 Guidelines for developing questionnaires

An emailed questionnaire was used as the primary data gathering tool. This is because it allows the researcher to gather both quantifiable and qualitative data while determining, from the panel of experts, the ten critical labour relations outcomes from a list of the thirty six initially identified outcomes, then propose generic definitions for each of the identified outcomes. The questionnaire was sent to the panel of experts via email attachment as a way of expediting the data gathering process, taking into account the geographical dispersion of the panel of experts. The use of an emailed questionnaire also ensured that data analysis could begin right away.

The questionnaire comprised two sections, section A aims at gathering biographical data of the respondents, essentially to highlight the professional and academic proficiency of the respondents, which is necessary in arriving at a conclusion that is substantiated by a panel of specialists in the area under study. Section B aimed at deriving the ten critical conditions necessary for a cordial labour relationship, primarily through an un-ordered close ended questionnaire, which is cited by Robinso (2011) as useful for identifying priorities that require rank ordering. Generic definitions of each selected outcome were recorded on the adjacent spaces provided.

3.4.2 Desirable LR Conditions Questionnaire

A customised questionnaire was developed following the identification of the thirty six critical desirable conditions.

The definitions of the thirty six identified critical desirable conditions were reviewed and adapted by two labour relations academics, and were then listed in a customised table. The ten conditions that were initially rated highest during the brainstorming sessions were listed first in order to allow panellists to judge if other conditions should be classed under general conditions or not.

Panellists were given the following instructions: "Researchers are conducting a survey in order to identify a core group of critical minimum labour relationship related conditions that should be established and maintained to ensure harmonious labour relationships between employers and individual employees in any workplace. Please consider all the conditions in the list and decide how important each condition is for positive and harmonious labour relationships with individuals in all workplaces. The first nine conditions in the list were considered to be critically important during an initial group discussion. You are welcome to add more conditions in the space at the bottom of the list, and rate them. Use the following rating scale to indicate your view:

- **0** - It is not an important condition, or it forms part of/is represented by a condition listed in 1 to 10
- **1** - It is an important condition, but is not specifically, or often, addressed in labour and case law
- **2** - It is a very important condition and is specifically, and often addressed in labour relations and case law

3.5 Rating by panel of experts

A panel of experts was required to rate the importance of each of the respective conditions that were identified. Twenty experts who were actively involved in labour relations as academics, managers, consultants or lawyers were identified and invited to serve on the panel of experts. For purposes of this research, a panelist was deemed to be an expert if he or she possessed at least an honours degree, or equivalent, in Labour Relations or a closely related field and at least five years experience of labour relations. An expert must have been actively involved in labour relations related work in the period 1991 and 2011. All panelists must also have been willing to dedicate approximately one hour of their free time to consider the model and complete the questionnaire. Twelve experts returned a correctly completed questionnaire. This amounted to a return rate of sixty percent. The panel had the following characteristics

Table 3.5-a: Characteristics of Panel of Experts

Focus Area in LR	Age	Race	Gender	Experience	Qualification
1. Academic (Labour Law)	48	w	m	20	LLD
2. Labour Lawyer (Practising)	30	w	m	5	LLB
3. Academic (LR Management)	40	a	m	7	M Com
4. Academic (LR Management)	54	a	m	20	M Admin
5. Labour Consultant (Labour law)	58	w	m	30	P Grad Dip
6. Academic (LR Management)	46	w	f	20	M Phil
7. Academic (LR Management)	50	w	m	25	D Com
8. Academic (LR Management)	50	w	m	25	PhD

9. Labour Lawyer (Practising)	48	w	m	19	LLB
10. Labour Broker	40	w	m	15	B Com Hons
11. Academic (Labour Law)	34	a	m	8	LLM
12. LR Director	50	a	m	20	P Grad Dip

3.6 Data capturing and analysis

Data was captured and analysed on a personal computer using MS Excel. Data was analysed by using descriptive and inferential statistical methods.

3.7 Descriptive statistics

3.7.1 General

To retain greater validity and reliability of the findings a variety of descriptive statistical measures were used. These are, the percentages that illustrate the degree of consensus of data findings; the arithmetic mean which measures central location; and finally, the standard deviation that illustrates the measure of variability of the data. The discussion follows.

3.7.2 Percentages

The ranking of the identified outcomes as highly critical was conducted by means of using percentages to determine the degree of consensus of the data findings, which in-turn influences the rank order. A higher recorded percentage rating indicates high

consensus and thus a higher rank and a lower recorded percentage rating indicates a low consensus relative to other recordings, therefore influencing the rank order.

3.7.3 The Arithmetic Mean

The Arithmetic Mean is one of the measures of central tendency, it narrows down the findings on the distribution of data by measuring its central location. As a result, the data is summarised to become more precise and thus measurable.

The arithmetic mean is computed as;

$$\text{Mean} = \frac{\text{Sum of observations}}{\text{Number of observations}} .$$

By adding all observations made and dividing the sum by the number of observations, the average (mean) value of the observations made is derived.

A subset of a population understudy is derived from a larger population or the parent population, any data gathered from the subset of that population represents the patterns in the larger population. The arithmetic mean is relatively simple to compute and Keller & Warrack add, "it is the best measure for central tendency" (Keller & Warrack, 2000:92). The greatest short fall of the method, they add, lies in it being greatly influenced by extreme observations. For instance, by adding a large value to the original sample of measurements, the mean is greatly increased. This shortfall is overcome by the use of the median.

3.7.4 The Standard Deviation

The standard deviation is a measure of variability of a set of quantitative data, which takes into account all the data in a set (Keller & Warrack, 2000:105). By using the standard deviation, the variance (mean squared deviation) which is the measure of the dispersion of a population of observations, allows risk to be identified and measured and thus it can be eliminated. Common measures of dispersion include the range, coefficient of a variation, variance and the standard deviation. The range measures the difference between the largest and smallest values of a set of data, it is relatively easy to compute and understand. The major shortfall of the range lies in its sensitivity to outliers, it further limits the measure of dispersion in that the values depend on only two scores which are influenced by the sample size. Chilisa & Preece (2005) advise that it should only be used for approximation.

The coefficient of a variation enhances the comprehension of the relative variability in two characteristics of a population, when characteristics are measured along very different numeric values.

The variance is the amount that a score deviates from the typical score, it takes into account all data, and also lends itself to computation of other stable measures. The variance is however hard to interpret and is often influenced by extreme scores. The standard deviation is the average deviation of the mean, and thus the square root of the variance. It is a prerequisite for several computations, and since it is not expressed in squared units, it makes more sense descriptively. The standard deviation is unfortunately influenced by extreme scores (Mishal & Ibrahim, 2006). The smaller the

standard deviation the tighter the probability distribution, thus the less variable the responses from the data gathered, therefore there would exist a greater correlation between the variables and often the more evident will the relationships from the findings be. On the other hand, the more dispersed data tends to reflect isolated incidences with low correlation between one another.

3.8 Expected value of research findings

The researcher acknowledges that this is a small sample that does not represent the population of South Africa, and further acknowledges that the findings discussed in this dissertation are not generally applicable to the whole South African labour force. It is however believed that the research findings that were reported in this dissertation yielded results that could provide useful for further research in the areas under investigation.

CHAPTER 4

Discussion of findings

4.1 Introduction

In this section, the results of the study are evaluated in light of the research questions, and the implications of the results are discussed, together with an analysis and interpretation of the data. The ten critical desirable individual labour relations outcomes are discussed in rank order.

4.2 Ratings of proposed conditions

The outcome of the administered questionnaires revealed the ten out of the initial thirty-six critical conditions identified as necessary for a harmonious labour relationship. The content validity of the findings is supported by the research design, where the initial identification of the critical conditions by a group of post graduate students, followed by the exhaustive literature review which discussed the key activities illustrated in the Individual Labour Relations Management Model (Ehlers,2007), informed the contents of the data collection tool administered on the panel of experts.

Table 4.2-a: Expert panel ratings of proposed conditions

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
1. Legal compliance	*1*	*1.92*	*0.29*	*91.67*
5. Consistency	*2*	*1.92*	*0.29*	*91.67*
3. Fairness	*3*	*1.83*	*0.39*	*83.33*
9. Harassment free	*4*	*1.83*	*0.39*	*83.33*
20. Honesty	*5*	*1.83*	*0.39*	*83.33*
7. Good faith	*6*	*1.75*	*0.62*	*83.33*
2. Contractual	*7*	*1.75*	*0.45*	*75.00*
4. Equity	*8*	*1.75*	*0.45*	*75.00*
6. Trust	*9*	*1.75*	*0.45*	*75.00*
8. Fair Discrimination	*10*	*1.67*	*0.49*	*66.67*
15. Competence	11	1.58	0.51	58.33
28. Reliability	12	1.50	0.52	50.00
21. Integrity	13	1.42	0.51	41.67
11. Awareness	14	1.33	0.65	41.67
14. Commitment	15	1.33	0.49	33.33
24. Performance	16	1.33	0.49	33.33
22. Loyalty	17	1.25	0.62	33.33
29. Respect	18	1.25	0.45	25.00
33. Tolerance	19	1.25	0.62	33.33
34. Transparency	20	1.25	0.45	25.00
35. Understanding	21	1.25	0.45	25.00
10. Acceptance	22	1.17	0.39	16.67
16. Consideration	23	1.17	0.58	25.00
27. Professionalism	24	1.17	0.58	25.00
30. Sensitivity	25	1.08	0.29	8.33
12. Certainty	26	1.00	0.43	8.33
36. Wellness	27	1.00	0.60	16.67
13. Co-dependency	28	0.92	0.29	0.00
17. Dignified	29	0.92	0.51	8.33
31. Support	30	0.92	0.51	8.33
23. Motivation	31	0.83	0.58	8.33
25. Politeness	32	0.83	0.58	8.33
26. Positivity	33	0.83	0.58	8.33
18. Empathy	34	0.75	0.45	0.00
19. Focus	35	0.75	0.62	8.33

The ten critical labour relations conditions identified are discussed in turn in their rank order:

4.1.1 Legal Compliance

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
1. Legal compliance	*1*	*1.92*	*0.29*	*91.67*

a. The high percentage of 2 ratings confirms that panellists generally agreed that legal compliance was the most important desirable condition in individual labour relationships. This is further confirmed by the high mean and a small standard deviation.

b. The OXFORD dictionary defines the term 'Legal' as lawful or established and founded upon law, and 'compliance' as accedence to prescribed settings. Legal compliance in the workplace essentially relates to the meeting of legal employment obligations as set by the government of the day, and by parties in an employment relationship. This includes the Constitution, common law, statutory law and all forms of delegated legislation.

c. This result indicates that it is of utmost importance that employers and employees have to comply with all applicable laws in the workplace, in order to participate in harmonious labour relationships.

4.1.2 Consistency

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
5. Consistency	*2*	*1.92*	*0.29*	*91.67*

a. Consistency was ranked second, also with a high percentage of 2 ratings at 91.67%. The low standard deviation illustrates a low measure of variability between research findings which also indicates relative consistency. The high mean further confirms the acceptability of the outcome by the panel of experts.

b. Consistency is defined as the degree of retaining firmness, (English Concise Dictionary). Consistency in the labour relations context will relate to the relative degree of limited deviation in general pattern of behaviour of the parties in the labour relationship. The behaviour of the employers and employees as regulated by workplace regulations, policies and procedures should be relatively consistent to levels where employees are informed of expected workplace conduct, through documented policies that outline workplace processes, systems and procedures.

c. Consistency in workplace interactions, depicted by equitable application of practices and policies will ensure that a high level of certainty in HRM administrative, operational and strategic practices is retained (Ulrich,1997) and as such discriminatory practices are eliminated. Consistency is therefore highly desirable.

4.1.3 Fairness

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
3. Fairness	*3*	*1.83*	*0.39*	*83.33*

a. Fairness was considered a highly desirable outcome in the labour relationship, it was ranked third with a high percentage of 2 ratings, a high mean and a relatively low measure of dispersion, corroborate the findings.

b. Fairness is defined based on the test of a reasonable man, thus according to Bendix (2010), fairness is the equal treatment and consideration of all parties, where according to Salomon as cited in (Bendix,2010:20), the criteria would be reciprocity and balance between the parties concerned, where one party should not benefit at the detriment of another. From a labour relations perspective, fairness is what exists between the two parties, which should be within the rules, unbiased and just. Parties involved in decision making, should be perceived as acting fairly. PEPUDA (2000) was established to promote fair labour practices, making it constitutional for employers to act with fairness.

c. Fair employment practices will ensure that employers exhibit behaviours that are based on good faith and epitomise honesty and equity in interactions.

4.1.4 Harassment Free

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
9. Harassment free	*4*	*1.83*	*0.39*	*83.33*

a. Ranked 4th and exhibiting a relatively low measure of variability, a high mean and percentage of 2 ratings, harassment free is considered a highly sought-after outcome in the labour relationships.

b. Harassment is unfair discrimination and is prohibited on any one or a combination of grounds. It is listed in S(6) s(1) of the EEA, which states that the harassment of any

person is intolerable and warrants legal remedies for the affected persons. It is hence mandatory for the employer to ensure that employees are protected from any forms of harassment in the workplace, and to further ensure that employment policies and practices promote a harassment free environment for employees. It therefore states that, "To give effect to section 9 read with item 23(1) of Schedule 6 to the Constitution of the Republic of South Africa 1996, so as to prevent and prohibit unfair discrimination and harassment; to promote equality and eliminate unfair discrimination."

4.1.5 Honesty

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
20. Honesty	*5*	*1.83*	*0.39*	*83.33*

a. Honesty was ranked 5th on the critical labour relations outcomes continuum and scored a relatively high average rating of 1.83, as well as a high percentage of 2 rating. The standard deviation is also low. These findings indicate a generally high shared consensus of panellist's views on the significance of honesty in workplace interactions.

b. Just or fair employment practices based on good faith principles will deem an employment relationship as honest. The Oxford Dictionary defines honesty as behaviors without pretensions, not deceptive or fraudulent, frank, and marked by truth.

c. Employment relationships that are based on honesty will epitomize trust based and fair practices in the workplace. Employers and employees should ideally impose a trust relationship on one another, which is earned primarily through honesty in interactions.

4.1.6 Good Faith

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
7. Good faith	*6*	*1.75*	*0.62*	*83.33*

a. Good faith as an individual employment relationship is identified as a critical outcome, ranked 6th, with a percentage of 2 ratings of 83.33 and average rating of 1.75 indicating its significance in employment relationships. The standard deviation of 0.62 falls within the bracket that deems it acceptable according to the laws of the method.

b. The Oxford dictionary defines the term "good faith" as an honest and sincere intention. The authority placed on good faith in labour relationships is determined by the conflict that otherwise comes about in the absence thereof. If an employer finds it necessary to impose conditions that are perceived by an employee as unfavourable, they should be made in good faith and the courts will seek to determine whether the decisions were made in good faith before a sanction or award can be made. Employees should also act in good faith, thus Grogan (2007: 156) states, "an employer who steals, for example breaches their duty to act in good faith.

b. The degree to which both the employer and employee exercise good faith in their interaction will to a large extent determine the perceived fairness of dealings of both the parties in the relationship, and will thus form the basis of either a trust based relationship or a antagonistic labour relationship.

4.1.7 Contractual Compliance

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
2. Contractual compliance	*7*	*1.75*	*0.45*	*75.00*

a. Contractual compliance was ranked 7th most critical desirable outcome. The high percentage of 2 ratings confirms that panellists generally agreed that legal compliance was an important desirable condition in individual labour relationships. The relatively small standard deviation confirms the agreement among panellists.

b. According to Bendix (2010:96), employment interactions in the South African labour relationship context "is governed in the first instance by the contract of employment, which is guided by common law." These are either written or unwritten mutually agreed rules, regulations, rights and duties that bind the employer and the employee. An employment contract is defined as "an agreement entered into between an employer and an employee at the time the employee is hired that outlines the exact nature of their business relationship, specifically what compensation the employee will receive in exchange for specific work performed." Contractual compliance is therefore acting in accordance with set rights and duties as stated in the contract of employment, enforceable by the courts, either in written or unwritten form, where common law furthermore will not take into account the fairness of the contract, but rather the fact that a contract between the parties was concluded (Bendix, 2010).

c. The result indicates that contractual compliance is essential in a labour relationship and both parties should comply with the initial agreement that determined their work relationship.

4.1.8 Equity

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
4. Equity	*8*	*1.75*	*0.45*	*75.00*

a. Equity i is identified as a critical outcome and scored a standard average rating of 1.75, a standard deviation of 0.45 which remains below 0.50, indicating still an acceptable measure of dispersion of the position of the panellists regarding the significance of equity in employment relations.

b. The English Concise Dictionary defines equity as the quality of being impartial, or a system of jurisprudence founded on principles of natural justice and fair conduct. Ehlers (2007) provides the criteria for equity as how a party treats two or more people in similar positions. The promulgation of Employment Equity Act has further created pathways for South African employers in the new political dispensation with guidelines for implementing discrimination free employment practices.

c. Employment interactions based on equity minimise discriminatory practices to a large extent. It is from this position that equity is included in the ten critical desirable conditions related to harmonious individual relationships.

4.1.9 Trust

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
6. Trust	*9*	*1.75*	*0.45*	*75.00*

a. Trust is ranked 9th and scored an average rating of 1.75 with an acceptable measure of dispersion of .45. The percentage of 2 ratings remains high at 75.00 indicating consensus of panellist's view on the high worth of trust in a labour relationship.

b. According to Bendix (2010), the conflicting interests that undeniably exists between the parties in the labour relationship as well the continued battles of the will in which the parties may be engaged, calls for some measure of trust to be established. The English Oxford Dictionary defines "trust" as reliance on and confidence in the truth, worth and reliability. The labour court will as a result seek to establish whether trust in a labour relationship has been irrevocably breached to levels that warrant dismissal. Breach of the trust relationship is therefore the test applied when determining whether the employee should be dismissed or not. If there is no evidence of such a breach, then the employer cannot dismiss and should apply corrective action (Grogan, 2007).

4.1.10 Fair Discrimination

CONDITION	RANK	AVERAGE RATING	STANDARD DEVIATION	PERCENTAGE OF 2 RATINGS
8. Fair Discrimination	*10*	*1.67*	*0.49*	*66.67*

a. Fair discrimination received both the lowest average rating as well as a low percentage rating, however all within an acceptable range. The measure of dispersion

remains below 0.50 and therefore panellists still retained a relative level of consistency in their measure of the of relevance and importance of the condition.

b. Discrimination in the neutral sense of differentiation is not forbidden, thus certain forms of differentiation that are part of the neutral order of the workplace, as Grogan (2007) states, do not constitute discrimination. Different wage levels and benefits for employees of different seniority or skill, is not discrimination. The different job roles and obligations of employees makes it necessary for a graduated remuneration policy to be used as a way of meeting the organisational needs as well as motivating key employees to remain with the organisation. Any discrimination that is based on an inherent requirement of the particular job does not constitute unfair discrimination. (Nel et al.1997:261). Furthermore, discrimination based on the need to give effect to Affirmative Action Measures is also not classified as unfair.

Unfair discrimination will further take the form of the contravention of the constitutional rights of all citizens as stipulated in Section 9 (1), 9(2) 9(3), 9(4) and 9(5) of the South African Constitution. Any deliberate acts by the employer, that leads to differentiated treatment of employees, ranging from the initial recruitment practices(based on Chapter 2 of the Employment Equity Act) to the distribution of employee benefits, which directly or indirectly benefits a segment of the employment force will thus be classified as unfair discrimination and warrants a disciplinary procedure.

c. Differential treatment that is based on inherent job requirements and the need to implement AA measures are necessary for an organisation's continued sustainability. Panellists considered fair discrimination as a critical condition that should be included in the ten conditions critical to individual employment relationships.

4.2 Summary

The ten labour relations conditions necessary for a conflict free labour relationship were identified and selected as critical to the successful interaction of both the employer and employee. Although not definitive, these conditions should provide a strong foundation that guides a productive, conflict free interaction between parties involved in a labour relationship.

NWU LIBRARY

Chapter 5

Summary

5.1 Introduction

This study has been structured in five chapters. Chapter one provided an overview of the problem and the dissertation. Chapter two offered a literature review dealing with the nature of labour relations systems and outcomes. Chapter three presented an overview of the research methodology and Research findings were reviewed in the previous chapter. Specific conclusions and recommendations that were deducted from the literature review and research findings are discussed in this concluding chapter.

5.1.2 Research objectives

The purpose of this study was to report findings from a literature review and a research initiative that was conducted in order to answer the following questions:

a) **How do individual labour relationships relate to other processes, components and outcomes of the labour relations system?**

Individual labour relationships will be influenced by, and will also influence a multitude of factors, such as conditions in the external and internal environment, labour laws, organisational behaviour, organisation level labour relations policies and procedures, collective bargaining and dispute resolution options.

Harmonious labour relationships have certain labour relations experiences or conditions in common. These conditions can be experienced by employers and employees.

Individual and group labour relations are closely related, and there is a dynamic interactive relationship between individual labour relations and collective bargaining.

Harmonious labour relations conditions are often not prescribed by legislation or common law principles. Instead, they arise from continued interactions of employers and employees who seek to maintain a productive labour relationship.

Legislation has an authoritative influence on the contents of an employment contract, which essentially forms the basis of an employment relationship. A breach of the psychological contract Stone, (2001) as cited by (Collins, 2005), states, often causes breakdown in the efficient performance of the explicit contract of employment. An outcome that strains the employer and employee relationship

b) Which positive labour relations related experiences or outcomes should result from interaction or behaviour in an individual labour relationship?

There are numerous positive outcomes in individual labour relations, and they will all be influenced by a magnitude of variables. The researcher acknowledges

the fact that a number of other qualifying conditions may have been proposed by other groups of labour relations students, but due to time and resource constraints, elected to use the thirty six positive conditions that were identified by the participants for practical purposes of this study.

c) Which of the aforementioned experiences or outcomes should be deemed as critical desirable conditions for harmonious individual labour relationships?

The identified ten critical desirable conditions for harmonious individual labour relationships, are not a definitive list, they however present a point of departure for both employers and employees who seek to work towards a harmonious labour relationship. The weight of the conditions is derived from the biographical profile of the panel of experts who identified them, the choice of the research participants was therefore informed by the need to identify ten critical desirable conditions for harmonious labour relationship conditions applicable to employees and employers and extract functional and practical definitions of the conditions from labour relations practitioners with a wealth of experience in dealing in labour relations related disciplines. Although the research method relied on the judgement of the expert panellists, an exhaustive literature study employed limited the predisposition of their views through collaborating panellist's definitions with those derived from the literature study, as a result, the content validity of the findings was augmented. Broadreau et al (2001), supports the approach in stating that literature surveys when combined with expert panellist's

views increase content validity of research findings. The researcher considered additional literature and definitions of each of the selected conditions and attempted to define each condition in one sentence that describes the behaviour related to each condition. The following table proposes amended definitions for each of the ten critical desirable conditions:

Table 5.1.2-a: the critical desirable conditions in individual relationships

CRITICAL DESIRABLE CONDITION	RELATED BEHAVIOUR DESCRIPTION
1. Legal compliance	Knowing, and complying with the Constitution, Common law, Statutes and all applicable codes of practice
2. Consistency	Constant behaviour and application of principles in a relationship at different times
3. Fairness	Acting within agreements, rules and expectations, by performing duties when related rights are claimed.
4. Harassment free	Abstaining from various forms of unwelcome attention that has a negative effect on others.
5. Honesty	Behaving truthfully and frank, without pretensions or deceptive intentions.
6. Good faith	Honestly and sincerely attempting to find mutually beneficial agreements or solutions to problems
7. Contractual compliance	Knowing, and complying with all applicable contractual provisions and respect all related rights and duties
8. Equity	Treating equals as equals
9. Trust	Having confidence in the reliability, ability, sincerity and commitment of another person or party
10. Fair Discrimination	Making distinctions, choices or differentiating based on objective criteria that are related to inherent job requirements.

5.2 Recommendations

From the findings, the researcher offers the following recommendations;

a. It is recommended that these findings be used to develop a questionnaire for measuring employee and/or employer satisfaction with these conditions.

   A simple rating scale can be used e.g.: Agree, Strongly-Agree or Disagree

b. Where a 50% and above positive response rate is achieved, it is recommended that these conditions be used as guidelines for managers and employees when defining the initial contract of employment

c. The researcher believes that these conditions should be discussed in induction courses and introductory LR courses in organisations to improve awareness and understanding.

d. Deliberate effort should be directed towards increasing awareness of critical harmonious labour relations conditions through their inclusion in the elementary level of the educational curriculum.

e. It is therefore recommended that further research studies be conducted on the subject area to bring to light supplementary critical harmonious individual labour relations conditions that are essential in a labour relationship, which the researcher, due to time and financial constraints unable to reveal.

5.3 Final conclusions

Harmonious labour relationships in the workplace will to a large extent determine the long term sustainability of an organisation. It is therefore of critical need that cordial

labour relationships in the workplace be fostered to ensure that both parties in the relationship who are characterised by conflicting needs and expectations be managed in a manner that benefit both parties.

Legislation, common law and case laws have predominantly prescribed fundamental principles and laws that govern the relationship. They however fail to directly prescribe critical individual behaviours that enhance the labour relationship, which if not observed, often tend to result in conflict, which impacts on the productivity, thus sustainability of the organisation. A reasonable argument considering the financial losses associated with poor employee performance, turnover rate, work stoppages or interruptions and mediation and arbitration costs that are incurred when either party seeks to remedy a perceived labour relations related disgruntlement.

List of References

Armstrong, M. (2001) ***A Hand Book of Human Resource Management Practice.*** 8th Ed. London: Kogan Page

Bendix, S. (2008) **Industrial Relations in South Africa.** Cape Town: Juta & Co Ltd

Bendix, S. (2010) [a] ***Labour Relations in Practice.*** Cape Town: Juta & Co Ltd

Bendix, S. (2010) [b] ***Industrial Relations in South Africa.*** 5th ed. Cape Town :Juta & Co Ltd

Bergman, T.J. & Scarpello, V.G. (2001) ***Compensation Decision Making.*** 4th Ed. Harcourt College Publishers: Troy

Boudreau, M. C., Gefen, D. and Straub, D. (2001) ***Validation guidelines for IS positivist research.*** MIS Quarterly, 25 (1), 1-23

Chilisa, B. & Preece, J. (2005) ***Research Methods for Adult Educators in Africa.*** Gaborone: Pearson Education

Clarke, G.M. & Cooke, D. (2004) ***A Basic Course in Statistics.*** New York: Oxford University Press Inc.

Collins, H. (2005) ***Flexibility and stability of expectations in the contract of employment*.** London School of Economics: London. Down loaded from http://ser.oxfordjournals.org March 12 2010

Commission for Conciliation Mediation and Arbitration. 2010. *CCMA Infosheet: Equity.* Johannesburg: CCMA. Available from: www.ccma.org.za. Accessed 01 June 2011.

Department of Land Affairs HRM Harassment and Unfair Discrimination Policy: 2007. Pretoria: Government Printer

Ehlers, L. (2002) **Labour Relations**. Unpublished Doctoral Thesis

Ehlers, L. (2007***) LABOUR RELATIONS: System, Processes and Practice.*** Pretoria: EAMS Publishing

Ehlers, L., Erasmus, B.J. Scholtz, G.J., Swanepoel, B. J., Tsabadi, M. & Van Rooyen, P. H. (1997) ***South Africa Industrial Relation. Theory & Practice.*** Western : Cape Van Schaik

Erasmus, B.J. & Nel, P. S. (1999) ***The Management of Employment Relation: Organisational Level Perspectives.*** Durban: Butterworths

Finnemore, M. (1999) ***Introduction to Labour Relations in South Africa. 7th*** Ed. Durban: Butterworth Publishers

Finnemore, M. (2006) ***Introduction to Labour Relations in South Africa. 9th Ed***. Cape Town: Lexis Nexis

Finnemore, M. (2009) ***Introduction to Labour Relations in South Africa.*** *10th Ed.* Johannesburg: Lexis Nexis

Fisher, R. & Ury, W. (1983) ***Getting to yes: Negotiating Agreement Without Giving in.***

Grogan, J. (2007) ***Workplace Law. 9th ed.*** Cape Town: Juta & Co Ltd

Haralambos, M. & Holbron, M. (1995) ***Sociology Themes and Perspectives. 4th Ed.*** London: Collins Educational

Hough, J., Arthur, A., Thompson, A.J. Strickland III. & Gamble, J.E. (2008) ***Crafting and Executing Strategy. South African Edition. Text Readings & Cases.*** Mc Graw Hill: Berkshire

Hugh, C. (2005) ***Flexibility and stability of expectations in the contract of employment.*** Oxford University Press. Downloaded from http://ser.oxfordjournals.org on March 12, 2010

Keller, G. & Warrack, B. (2000) ***Statistics for Management & Economics***. 5th Ed. USA: Library of Congress Cataloguing in Publication Data

Kreitner, R. & Kinicki, A. (1998) **Organisational Behaviour.** *4th Ed.* Boston: Irwin McGraw-Hill

Legal Compliance (2011) ***The meaning of compliance.*** Downloaded from www.hradvance.com.au/ on 16 May 2011

Luthans, F. (2011) ***Organizational Behaviour: An Evidence Based Approach.*** Twelfth Edition. Boston. McGraw-Hill

Mishal, N.N.H. & Ibrahim, A. S. (2006) **Ankara Cancer:** Epidemiology Course

Nel P.S., Kirsten M., Swanepoel B.J., Erasmus B.J. and Poisat P. (2009) ***South African Employment Relations.*** *Sixth Edition.* Johannesburg: Van Schaik Publishers.

Oxford Advanced Learners Dictionary. (2001) New York: Oxford University

Practical HR Management for Business (2007) Australian Business. Downloaded from http://www.hradvance.com.au/ on 19th August 2011

Promotion of Equality and Prevention of Unfair Discrimination Act 2000. Pretoria: Government Printer

Republic of South Africa. (1998) ***The Employment Equity Act (Act 55 of 1998).*** Pretoria: Government Printer

Republic of South Africa. (1996) ***The Constitution of the Republic of South Africa*** **(Act 108 of 1996)**. Pretoria: Government Printer

Republic of South Africa. (1995) ***The Labour Relations Act (Act 66 of 1995)*** Pretoria: Government Printer

Robbins, S. P. & Judge, T. A. (2011) **Organizational Behaviour.** *14th Edition*. Boston :Pearson

Salamon, M. (1987). ***Industrial Relations: Theory and Practice.*** London: Prentice-Hall

Torrington, D., Hall. L. & Taylor, S. (2005). ***Human Resource Management. 6th Edition.*** England :Prentice Hall

Tustin, C. & Geldenhuys, D. (2000). ***Labour Relations: The Psychology of Conflict and negotiation***. Cape Town: Oxford University Press

Ulrich, D. (1997) Extracted from ***Strategic Human Resources Management.*** 2011 MBA Notes. North West University

Ulrich, D. (1999) Extracted from ***Strategic Human Resources Management.*** 2007 MBA Notes. North West University

Van Wyk, M. W. (2002). ***Conceptions of equality and social justice. A philosophical overview with reference to South Africa***. *Southern African Business Review*. 6(2): 42-51

Walton, J. (1999) ***Strategic Human Resource Development***. London: Prentice Hall

Wheelen, T.J. & Hunger, J.D.(2004) ***Strategic Management and Business Policy. 8th*** Ed. New Jersey: Pearson Education