

**Evaluation and Analysis of substantive and procedural
management of dismissals in the Department of Justice
(specifically Master of the North Gauteng High Court, Pretoria)**

By

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Declaration

I, Yvonne Makhubedu hereby declare that this research mini-dissertation is my own original work, that all reference sources have been accurately reported and acknowledged, and that this document has not previously, in its entirety or in part, been submitted to any University in order to obtain an academic qualification.

Signature

Date: 7 November 2012

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I dedicate this mini dissertation to my late mother Paulinah, father Jansen and brother Anias Makhubedu.

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Abstract

After a review of the literature relevant to dismissal management systems been over time and across different government departments, this thesis confines it's relevant to case study of the department and implementation of a dismissal management system in the department of Justice (Master of the High Court). Collection followed for the relevant data by a discussion of the development and implementation of the dismissal management system at the Master of the High Court over period of five years from 1st June 2007 to 31st May 2011. Next, an analysis of major themes that emerged from the research, in terms of important items for consideration in the development and implementation of a dismissal management system in the department of Justice. After analysing the relevant information, it became apparent that the dismissal management system has no direct influence on the delay of the Master of the High Court. Although the department of Justice is dismissal management systems undergoes continual improvement, significant inroads have been made into providing a sensible, clear and dynamic solution to the problem of rewarding efficient and effective dismissal management system in a number of ways.

TABLE OF CONTENT

Declaration	2
Acknowledgements	3
Abstract	4
CHAPTER 1: OVERVIEW OF THE STUDY	10
1.1 Introduction	10
1.2 Background of the Problem Statement	13
1.3 Problem Statement	14
1.4 Background and Rationale	15
1.5 Research Objectives	15
1.6 Research design	15
1.7 Dissertation Layout	16
1.8 Conclusion	17
CHAPTER 2: LITERATURE REVIEW	19
2.1 Introduction	19
2.2 Dismissals	19
2.2.1 The Historical Contract of Dismissals	21
2.3 Reasons for Dismissals	23
2.4 Dismissal Impacts	25
2.5 Markets	27
2.6 Definition of Dismissals	28
2.7 Bias and Dismissals	29
2.8 Problems with Dismissals	31
2.9 Criteria for Dismissals	34
2.10 Dismissals and Benefits	36
2.11 Social Principles	41

2.12	Economic Theory and Dismissals	41
2.13	Research Questions	46
2.14	Conclusion	46
CHAPTER 3: RESEARCH METHODOLOGY		48
3.1	Introduction	48
3.2	Types of Research	49
3.2.1	Qualitative and Quantitative Research	49
3.2.2	Research Methods	50
3.2.3	Primary and Secondary Data	51
3.3	Data Method	51
3.3.1	Methods for Collecting Primary Data	51
3.3.2	Questionnaires	53
3.3.3	Sampling Methods	54
3.3.4	Types of variables	55
3.4	Ethical Construction to the Study	56
3.5	Limitations	57
3.6	Conclusion	57
CHAPTER 4: DATA COLLECTION		58
4.1	Introduction	58
4.2	Response Rate	58
4.3	Demographics	59
4.4	Measures of association	62
4.5	Correlations	66
4.6	Conclusion	68

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.1	Introduction	69
5.2	Summary of the Study	70
5.3	Response to Research Questions	70
5.3.1	Are proper procedures followed in dismissal hearings, or have a disproportionate number of employees been dismissed unfairly?	70
5.3.2	Are a number of employees been, dismissed unfairly?	71
5.3.3	Are managers who deal with dismissals credible?	71
5.3.4	Do employees and supervisors follow the dismissal from management system policies and procedures?	72
5.3.5	Do employees consider the dismissal management system fair?	72
5.4	Recommendations	72
5.5	Conclusion	73
	References	76
	Appendix A: Table of Contents	79
	Appendix B: A short disclaimer describing the purpose of the study	86
	Appendix C: A reminder regarding research questionnaire collection	87
	Appendix D: Questionnaire	88
	Appendix E: Matrix	91
	Appendix F: Correlations	99

LIST OF FIGURES

Figure 4.1	Age of Respondents	59
Figure 4.2	Gender of Respondents	60
Figure 4.3	Grew up in SA	60
Figure 4.4	Qualifications of Respondents	61
Figure 4.5	Ethnics of Respondents	61
Figure 4.6	The dismissal process is standard in all aspects	62
Figure 4.7	The proper procedures are followed in dismissal hearings?	62
Figure 4.8	Are a disproportionate number of employees dismissed unfairly?	63
Figure 4.9	During unfair dismissals do you think the proper procedures we're not followed?	63
Figure 4.10	Was the manager well trained to handle the hearing?	64
Figure 4.11	Did the manager use the manual during the dismissal?	64
Figure 4.12	Does other staff acknowledge the dismissal handled by specific managers well?	65
Figure 4.13	Were there any repercussions after a dismissal or were they all accepted?	65
Figure 4.14	Were there ever deviations of procedures during a hearing?	66
Figure 4.15	Were there ever deviations of procedures during a hearing?	66

LIST OF TABLES

Table 3.1	Overview of the difference between quantitate and qualitative Research	50
Table 3.2	Questionnaire Outline	54

Chapter 1

Overview of the Study

1.1 Introduction

The Labour Relations Act defines the meaning of dismissals to be where an employer has terminated a contract of employment with or without notice what is required in the same Act or initiative by the employer to terminate the contract. Dismissal is not a legitimate instrument of coercion in the collection bargaining process under the Labour Relations Act of 1956. Furtado and Ro Zeff (1989) therefore conclude that the evidence for pure dismissals is highly tentative. Pedman and Lin (2002) concurs that they provide evidence that the subset consisting of pure dismissal enouncements generate lower abnormal returns that combined enouncement of dismissals and successors.

The relative lack of research on employee perceptions on the role of management dismissals is the primary impetus of this study, which advances this important, but neglected research area by investigating potential predictors and consequences of role of management in dismissals.

The aim of the study is to determine employee perceptions on the role of management in dismissals. This chapter begins with introduction, the background of the study, statement of the problem, research aims and objectives, research design, limitation of the study and the significance for the study.

Chapter one of the study outline as follows: The background of the study, statement of the problem, research aims and objectives, research design, limitation of the study, and the significance for the study.

1.2 Background to the Problem Statement

Management of dismissals is a process aimed at determining the result of an employee's actions, one of its main functions being to discipline and combat employee's wrongful actions. It is frequently seen as one of the hallmarks of the new managerialism in human resource management, also commonly represented as a device for individualising the employment relationship.

It has become an increasing tool to manage and improve the dismissals of employees, to make more valid decisions and to enhance effectiveness of the organisation overall performance. Dismissal management systems are among the most human resource systems in organisations as far as they yield critical decisions integral to various human resource and outcomes.

Every method of managing dismissals has its positive and negative characteristics. They all have common characteristics, in such that they are opinion based generally one sided and are rarely based on metrics. The employers undertake the dismissal because they believe that it increases discipline and decreases corruption. The Human Resource Managers' concerns are improving the ability of managers to manage dismissals.

An organisation's dismissal management system is one of its most important managerial activities. It seems that there are dislikes with staff members due to management way of dismissals. The management of dismissals is significant as every employee needs and deserves to know where they stand in the disciplinary hearings.

Thomas (2007: 1) asserts that getting the most from the employee promotes top management of dismissals are one of the biggest challenges for public sector managers. Ensuring that employees are managed, developed, recognised and rewarded is a full-time job for the line manager. Managers must communicate well with dismissal consequences, an environment that encourages and enables the employees' accountability for results; and differentiate between high and low levels of dismissals and, equally important managers must be held accountable for these responsibilities. Similarly, employees need to make sure they clearly understand what will be expected from them and how this relates to the overall organisational goals; pursue a path of continual learning; regularly communicate with their supervisor, and hold themselves accountable and responsible for their actions.

In the Republic of South Africa's Public Service Act (1994) the Executing Authority is required to furnish approval as to the persons to be dismissed whenever it is necessary to make any disciplinary hearings.

In order to enable itself to comply with the instruction with regard to the consideration of such person's relative conduct Justice Department formal system of management of dismissals have to comply with Act 103 of 1994. However, Thomas (2007: 1) argues that many organisations implement dismissal management systems that designed on paper but these same organisations are unsuccessful at making the cultural shifts necessary to make significant change and results.

The Marco Leonard (2008) concurs that the presence of dismissals costs has an impact on efficiency because dismissal protections raise organisations adjustment costs.

The accuracy of the dismissal management process is important. If the process is inaccurate it is unlikely that employees will buy into the dismissal management system. The effort to improve management of dismissal should lead to greater buy in from managers.

The disagreement between workers and management over the accuracy and legitimacy of dismissal standards and criteria are extremely common. The disagreement between workers and management over accuracy and legitimacy of dismissal standard and criteria are extremely common (Miller and Thornton, 2006: 53).

1.3 Problem Statement

According to Susanne Hahn (2009, 465 – 477) that although dismissal is a most prominent and urgent problem in the global economic crisis, it is not confirmed to the situation and it is a continuous problem. Jose E (2001) mentions that whenever there is a dismissal, a double moral hazard problem can arise. The solution to the problem does not necessarily imply the elimination of firing cost.

Joanmo (2007) states the legal rule governing unjust dismissal is an important component of Labour Law in any country. It is difficult to compare the scope of legitimate dismissals in a particular country with that of other countries.

Michael Segalla (2001) states that before, turning to the choices of the respondents; reflect on what criteria considered important to the decision of choosing someone for dismissal.

The subject management dismissal reviews triggers a wide range of complex responses from employees and managers alike. The pain of conducting employee disciplinary hearings reviews seems to rank alongside root canal on the list of things that managers look forward. Presently, there is no current management process subjected of Dilbert lampoons than the management of dismissals.

Scholtes (1993) states that at best management of dismissals do not work, at worst they cause serious damage to the morale within the organisation. Despite the extensive use of management of dismissals most people lack confidence in the process. Furthermore Scholtes contends that management of dismissals concept cannot be fixed, since it is a reflection of leadership philosophy (Rasch, 2004: 411). Despite the popularity of management of dismissals as management tools, there is an on-going debate among practitioners, academicians and scholars regarding the true efficacy of management of dismissals (Schraeder, Becton and Portis, 2007: 20).

Roberts (2002: 333) also highlights that dismissals are a controversial management tool searching for answers to ubiquitous problems in system design and administration. Critics of management of dismissals present a number of compelling arguments against its use. Anecdotal, empirical and personal experience demonstrates a multitude of problems with dismissal system practices. The main critiques are that the employee dismissals assumes a false degree of disciplinary hearing accuracy, encourage dysfunctional employee conflict, assigns and inordinate amount of responsibility for poor performance to individual employees while undervaluing the overall work process, underemphasises the importance of the work group.

Ronny Noren's (2004) traditional short-term unemployment policy could amount to unpleasant structures effects on the rate of unemployment. The traditional management of dismissals treats employees as outcasts of the organisation, fails to create a dialogue and rarely results in negative employee development. Furthermore books and articles provides direction on how to put the subject of disciplinary hearings at ease and how to hold difficult conversation but the fundamental flaws in management of dismissals is rarely examined and the books do nothing but underscore the defects in the traditional dismissal management.

According to Scholtes (1998), the range of problems with managing dismissals is because of the fact that dismissal management systems based on a widely held invalid assumption. Many of these false assumptions relate to the process of the disciplinary hearings themselves. Furthermore these assumptions have questionable validity. A review of the literature on management of dismissals find it littered with criticism on the dismissal process (Law, 2007: 18). Shraeder (2007: 22) asserted that management of dismissals detrimental to organisations if they are not utilised appropriately and if the dismissal management system does not match the culture or system within the organisation, then the system will not be effective.

Jawahar (2007: 736) agrees that perceptions of fairness is important to all human resource processes, e.g. discipline charging and verdict and particularly so, to the dismissal process. Other researchers have also acknowledged the importance of fairness to the success or failure of dismissal systems (Smither, 1988, Taylor *et al*, 1995).

There are numerous veto points that can derail even the most carefully designed systems. Furthermore personal bias, unclear dismissal standards, inadequate documentation and absence of coaching and training are few factors that increase dismissals.

The research problem derived from the assumption that management of dismissal systems become subject to biasness and subjectiveness in the disciplinary hearing processes at the Department of Justice. The problem to be investigated is, therefore, to determine why management of dismissals are experienced as being biased and subjective and whether or not the negative feelings that follow relate to the questioning of the appropriateness, effectiveness and efficiency of the dismissal system used.

1.4 Background and Rationale

Turk and Roolah (2005: 9) state that management of dismissals is a process aimed at determining the results of an employee's actions, one of its main functions being to discipline an employee wrongful actions. Furthermore, they emphasise that a dismissal management criterion has to be relevant, reliable and justly measurable, while also closely linked with the objectives of the organisation

and its subdivisions. Management of dismissals has done little to improve its usefulness as a managerial decision making tool.

The other difficulty is incompetent supervisors that conduct professional disciplinary hearings. Carel et al. (2008: 247) believe that formal training of supervisors is the most effective way to prepare the managers and supervisors to conduct successful employee disciplinary hearings.

The outcome of this study is to make a contribution with regard to the management of dismissal process and the elimination of employee dissatisfaction at Justice Department. There is a need for the entire organisation, particularly departments in general, to apply management of dismissals objectively.

1.5 Research Objectives

The aim of this study is to demonstrate that the results of management of dismissals, if applied incorrectly, lead to disputes, grievances and complaints of unfair dismissals from the side of employees. Further, recommendations will conduct at the end of the study.

The objectives of the study are to determine

- a) the degree of objectivity of management of dismissals;
- b) the way in which it is experienced by employees; and
- c) the way in which supervisors conduct management of dismissals.

In management of dismissals, supervisors have to make use of rules that deals and from the basis of the management of dismissal.

1.6 Research Design

According to Mckendrick (2001: 256) research design provides the answers to questions of what the means to obtain information needed. It is the overall plan or strategy by which questions answered by respondents. For the purposes of the study of quantitative measures are applied.

For the quantitative measure, research questionnaires will distribute to respondents. The rationale to use questionnaires is the validation of information that will gather to eradicate any doubt or feeling of bias. The information gathered

through need to be congruent with the questionnaires, to ensure validity and reliability.

The following methods used to collect and analyse relevant data. Namely, a research methodology, which comprises methodological techniques (such as primary sources, secondary sources and group administration), survey techniques; method of data collection, which comprises the use of questionnaire such as data analysis; validity and reliability tests; ethical considerations; demarcation of research, which comprises both time demarcation and numerical demarcation (general purpose, target population and sample); clarification of terminology; and conclusion.

1.7 Dissertation Layout

Chapter One: This chapter will include this introductory chapter.

Chapter Two: A review of the literature relating to management of dismissals, contextualised at the Department of Justice. This chapter outlines management of dismissals, in terms of definitions, criticism of management of dismissals, role and ethics, mental health and participation, measurement and feedback, employee conflict and competition, accountability and trust, fairness and bias rating satisfaction and dissatisfaction, advantages and disadvantages of management of dismissals as well as the development and communication of management of dismissals.

Chapter Three: The research methodology described. The research paradigm and the research methodology will also be discussed, including the population and sample size. The detailed account of both data collection techniques and data analysis and interpretation will be presented. Issues of the validity and reliability of the study will be detailed. Ethical issues will also be discussed and limitations on the research will be clarified.

Chapter Four: Will provide a detailed chronology of results obtained from the performance appraisal. An analysis of these results in terms of the literature presented and findings discussed.

Chapter Five: A link between the literatures established, in this study, collected and presented data. It will also contain conclusion and recommendation for further study.

1.8 Conclusion

The problems based on the assumption that management of dismissals systems is subjective to biasness in the disciplinary hearings. The absence of management of dismissals would have led to highly capable organisations founding themselves in the midst of mediocrity.

The study focused on employee perception on the management of dismissals in the Department of Justice and triggered by low morale on employees when it is time for disciplinary hearings. This chapter has presented information pertaining to management of dismissals. An introductory look on management of dismissals and a brief history of management of dismissals outlined, followed by its background, research problem, research objectives, research design and conclusion.

This study will add to new body of knowledge that will shed light to the Department of Justice's management on dismissal management. This body will also eradicate a norm where Justice employees are possibly demotivated and demoralised when it is time for disciplinary hearings. The findings of this study will unveil a suitable dismissal management technique and eventually benefit the Department of Justice. The management of dismissal is a tool through which the department could keep employees motivated if it is done properly and contribute to production and service delivery. This may finally lead to an improved economic growth of South Africa and yielding high level of employment.

Chapter Two will contextualise the management of at the criticism of management of dismissals, role and ethics, mental health and participation, measurement and feedback, employee conflict and competition, accountability and trust, fairness and bias, rating satisfaction and dissatisfaction, advantages and disadvantages of management of dismissals as well as the development and communication of management of dismissals.

The objective is to emphasise the significance of management of dismissals as it relates to the effectiveness of the organisation and to emphasise the ways in which will affect the development of the organisations employees.

Chapter 2

Literature Review

2.1 Dismissals

This chapter provides an outline of management of dismissals, in terms of its historical content, the reasons for dismissals of the people who are impacted and problems encountered because of the mismanagement of dismissals in the Department of Justice.

Meaning of dismissal in terms of the Labour Relations Act dismissal means that: (a) an employer has terminated a contract of employment with or without notice, what is required is some act or initiative by the employer to terminate the employment contract.

In *Ouwehand v, Houtbay Fishing Industries* it was stated the employee must prove same overt act by the employer that is the proximate cause of the termination of employment, for instance:

- i. Unilateral Act of giving notice by the employer.
- ii. The termination of the contract by the employer before the expiry of a fixed term contract.
- iii. The voluntary winding of a company.
- iv. The termination of the contract by the employer before the employee commences employment.
- v. The repudiation of the contract by the employer, for instance because of a demand of a third party and so forth.

2.1.1 The historical contract of dismissals

Vestal (2006) state that an employer has a right to dismiss employees, who refuse to accept changes to their terms and conditions of employment. When such changes are necessary for the viability of the employers enterprise and whether there is a link between such a dismissal and that contemplated by Section 187(1) (c), Vestal (2006) first examined the historical background of Section 18(7) (i) (c). Vestal (2006) agreed that Section 187(1) (c) intended to be a way with the concept

of dismissal lock out as encapsulated in the definition of a lock out in terms of the 1956 Labour Relations Act. In terms of the definition of the lock out an employer permitted to dismiss employees as a way of inducing them to accept a demand.

However the dismissal has to be conditional and coupled with an offer of re-employment should the employees accept the demands. Such dismissals, for example in ocean fertiliser, were held to be fair dismissals that were final and not also impaired by an offer of re-employment upon acceptance of employer if demand fell outside the ambit of the lock out and were held to be unfair. Such was the case in (commercial catering Allied workers Union v Game Discounty).

In Section 187(1) (c) only seeks to outlaw conditional dismissals that have a purpose of compelling employees to accept a demand in respect of a matter of mutual interest. A dismissal that is on conditional falls outside the scope of Section 187(1) (c).

The Court stressed the following in terms of Section 187(1) (c):

- A final dismissal cannot serve the purpose of compelling the dismissed employees to accept a demand in respect of a matter of mutual interest between employer and employee because, after he has been dismissed finally, no employment relationship remains between the two.
- An employee is acceptance of an employer is demand in respect of a matter of mutual interest can only be useful or worth having if the employee is going to continue in the employers empty.
- An employee who accepts the demand and continues in the employers employ that would serve a useful purpose however, if the employees that are dismissed finally and irrevocably, their agreement that the employer may do away with the transport subsidy is irrelevant. The workers whose agreement matters are those who are going to be in his employ"
- It is therefore clear that according to the Court, Section 187(1)(\) (c) strictly applied to dismissals that are conditional and accompanied by an offer of re-employment upon acceptance of employers demand.
- Dismissals that is final in the sense that they are not accompanied by an offer of re-employment fall outside of the scope of this section.

2.2 Reasons for Dismissals

The results of this study indicate that nationality is a good determinant of the choice of whom to dismiss. Nationalities are more concerned about the social effects of dismissal on the individual and work group. Others are more concerned about the economic benefits or lots to the organisation (Segalla and Parties 2011).

The issue of the terror of globalisation in other organisations one reads in the business headlines that two thousand employees dismissed were because of this or the merger. Another five thousand will because of a corporate restructuring plan and, may be a further two thousand five hundred because of outsourcing.

The process of termination for workers should be in place before employees are hired (Krimarch 2007). This provides a foundation from which to avoid legal problems. Studies document that dismissed employees who did not receive an explanation for their dismissal are 10 times more likely to sue their former employer than those who receive a full explanation. Only 0,4% of employees who saw themselves treated with high levels of dignity and respect during the dismissal process filed claims and claims were filed by 14,9% of employees where dismissal process was seen as and undignified.

Typically, European EPL requires firms that fire workers for economic reasons, to compensate them with a severance payment but if firms fire workers for disciplinary reasons, no compensation is payable (Jose, 2011). In all cases, firms are required to provide reasons for the dismissal and if these are considered unfair by Court, firms have to pay a higher indemnity (the unfair indemnity).

Work place and work force are important determinants of employment contracts, management style and the extent of discipline and dismissal (Knight and Laetrile, 2000).

The rest theoretical literature on EPL does not take into account that legal restrictions to dismissals effect both economic and disciplinary dismissals (Boeri, 2004). The legal rule governing unjust dismissal is an important component of labour law in any country. To compare the scope of legitimate dismissals in a particular country is difficult because comparative studies on labour law require proper knowledge of historical background and socio-economic factors while the federal rules of civil procedure are trans-substantive, their impact, is not the impact

of the rules on the outcome of civil litigation, depends on the substantive claim at issue. Specifically the confluence of Rule 8(a) (2) is pleading requirements and Rule 12(b) (6) is dismissal criteria as recently interpreted by the Supreme Court in *Bell Atlantic* (Joonmocho, 2007).

Related to distributive justice is procedural justice, which is upheld when the process for making a decision is transparent and unbiased (Southey, 2010) this study focus on the impact of a status discipline system on its use and rapidity of discharge of state employees. Results show that factors associated with utilisation of dismissal of state employees differ from factors associated with how quickly state terminates employees. This study shows that state adopting at will employment are no more likely to fire employees than states with civil service employment. Systems are, but they do terminate employment relationships more quickly (Selden, 2006) when establishing the effects of the change in the paper regulations on small establishments hiring and firing behaviour. The major concern is that unobserved heterogeneity might bias the results. (Bauernschuster, 2009) yet the problem of biased estimates can be tackled if repeated cross Section data are available for the treatment as well as an appropriate control group that covers as post treatment periods. In that case, difference in differences technique applied, allowing for time in variant unobserved treatment heterogeneity.

Although the descriptive cross tables give impressions of the effects of the change in Germany, one should interpret it with caution. To be able to make rigorous statements about the impact of the relaxed dismissal protection regulations on the hiring and firing behaviour of small establishments, the effects are now analysed in a multi variety setting.

In 2006 employment report, the European Commission appealed to the strategy of flexicurity and announced four components of flexicurity such as:

1. Flexible and reliable contractual arrangements.
2. Comprehensive lifelong learning statements.
3. Effective active labour market policies and
4. Sustainable Social Protection System.

Schmid, (2006) Kaufman begins his historical narrative in chapter 3 by reviewing the labour problem at the turn of the century, which consumed national debate and led companies to experiment with new approaches to tame labour (Rosemary Batt, April 2010).

The significant impact of investment analyst's ratings and reports on the demand for and the valuation of a firm, stock that analysts represent an important external control mechanism that serves to monitor agreement (Wiersema, 2008).

Previous empirical studies of wrongful dismissal cases have not considered the impact of the Supreme Court of Canada decision in *Wallace v United Grain* (Wagar, 2009).

2.3 Who is impacted upon by dismissals?

A recent survey of over seventeen thousand households in Europe by Eurobarometer suggests that the answer to who will go is clearly the youngest and oldest employees. Middle-aged employees appear to be less unemployed than the other two groups (Segalla, Hec, Pans, 2001).

Most employers believe it is safest to say as little as possible and do not go into detail with a fired employee's prospective employers (Buppert, 2008). Many employers refuse to reveal anything other than the former employee's title and dates of employment.

In order to encourage managers to pursue goals consistent with the maximisation of shareholder wealth, many firms employ mechanisms designed to keep managers' interest aligned with those of shareholders (Iqbal, 2007).

Your boss wants to speak to you. You are fired, why? You may suspect a personality conflict with the boss or maybe you feel that the company wants to replace you with a recent college graduate at half your pay or may be even with the boss's brother in law but you know your job performance and attendance are not the cause. It does not matter you are fired. No reason or warning, that is the Law (Saltzman, 2008).

Through dismissal is a most prominent and urgent problem in the current global economic crisis, it is not confined to this situation (Hahn, 2009). It is a continuous problem, re-organisation of companies, the relocation of production

abroad, the termination of production or whole industries, mergers and acquisition, new strategic decisions all managers accompanied by dismissals.

The presence of dismissal costs has an impact on efficiency because dismissal protections raise firm's adjustment costs. Firms will distort their production, choices, substituting capital for labour, retaining unproductive workers whose wage exceeds their productivity and not hiring workers whose wage lies below their productivity (Leonardi, 2008).

Lucas, (2004) argue that the legislation has not been effective in controlling managerial power in the case of dismissals. Building on the basic principle according to which labour market institutions have a substantial impact on the labour market performance, in the recent years economists begun to pay special attention to the relationship between the employment performance of a given economy and strictness of its employment protection legislation (Besancenot, 2008).

Workers are entitled to receive a severance payment and when dismissed, due to operational reasons, dismissed due to disciplinary reasons, workers miss out. This gives the incentive for firms to claim the dismissal has taken place due to shirking, even though it has been due to a productivity shock (Stahler, 2007). The vast theoretical literature on EPL does not take into account that legal restrictions to dismissals affect both economic and disciplinary dismissals (Boerie, 2005).

In an economy with those erogenous workers, the self-selection of workers into different sectors of the economy plays an important role in explaining the economic outcomes observed in different sectors of the economy (Demiralp, 2010).

Various aspects in legislating dismissal law cause the trend in increased unjust dismissal. Firstly, the disorderly process of law making may result in design failure in the vague standards that fail to establish clearly the scope of legitimate dismissals (Joonmo, 2007). In view of the above, a better understanding of multiculturalism and its impact on organisations is important for a number of reasons (Stone, 2007).

A large body of academic research examines the causes and consequences of Coeburn over in publicly traded corporations. This research examines the factors that lead to the removal of a firm's top executive and identifies how these factors vary across different types of firms (Fee, 2001). However, note that the mechanism indicates a direct drawback of managerial turnover as the new manager has less information on the subordinate's abilities, initially his task assignment decisions will be worse in expected terms than the old managers. Both effects, the increase of effort and the reduction of the quality of the task, assignment are two sides of the same than can cause the loss of information implied by managerial turnover the optimal dismissal decision trades off these two effects (Haffler, 2003).

This study focuses on the impact of a state's discipline system on its use and rapidity of discharge of state employees. Results show that factors associated with utilisation of dismissal of state employees differ from factors associated with how quickly states terminate employees.

This study shows that states adopting at will employment are no more likely to fire employees than states with Civil service employment systems are but they do terminate employment relationships more quickly (Selden, 2006).

2.4 Markets

A second reason attributed to the pressures of globalisation, is the development of global product markets (Jacobs-Belschak, 2001). The scenario further offer distinct choices and dialogue among the four fictional managers discussing their own preferences.

It is fair to note that most studies of organisational or managerial problems have been primarily ethnocentric and often North American in their conception and execution. One of the common problems included making work force adjustments after managers or in response to increase competition. The typical situation identified during the interviews often had these elements.

Before turning to the choices of the respondents, reflect on what criteria considered important to the decision of choosing someone for dismissal. Normal market preference is for an employee that costs the least, is trainable and performs well. If a company faces a situation where it has to reorganise its

resources because of a manager, major financial loss or simply to improve its competitiveness it may find it cost effective to get rid of some of its less productive resources. The warning triangles represent the group of employees who still provide some benefit to the firm but perhaps are more marginal.

Among researchers focusing on international business three dominant streams for research, appear on a basis for understanding and explaining the values and practices of companies. Further people disagree that organisations are essentially culture free (Hammers and Hickson, 1979).

The choices made by the respondents clearly indicate that European managers do not always agree but should agree on dismissing workers in the downsizing process. Although the choices are different, perhaps the reasons for them dictated by the national socio-economic initiations as suggested above. For example, are there labour laws or union contracts opening the decisions of the respondents? To study this question the written responses were examined to determine what criteria respondents used to make their decisions.

The top ten reasons aggregated at the European and country levels for dismissal presented only two justifications consistently noted within the top five reasons of each country. The first takes advantage of the existence of early retirement programs that is commonly implemented in many countries and industrial sectors. In view of the above, a better understanding of multiculturalism and its impact on organisations is important for a number reasons (Stone, 2007).

Traditional short-term unemployment policy could camouflage unpleasant structures effects on the rate of unemployment such as low capacity rate (Nonen, 2004). This has for a long time been the problem in the Swedish economy. A natural question in this situation concerns the elaboration of an economic policy necessary to increase the capacity and the adaptability to meet the demand of structural change.

Whereas the rate of industrial transformation in the Swedish economy in general restricted by a failure to absorb labour in expanding sectors, the transformation process has prevented the unresponsiveness of the stagnating sectors to release labour. This we must ask to what extent has the labour market restricted the expansive parts of the industry? Obviously the lack of transformation in the labour

market, not only effect but also to great extent determine the conditions for the whole industry.

Structural change in the economy is essential to expect progress. If labour market policies are devoted mainly to resisting change that will mean slower growth for the whole economy, that potential conflict between the need for efficient transformation policy on one hand and diametric labour market policy interest on the other, remind us about the discussion of long and short policy measures.

Research on disinvestment and how this variable responds of changes of other variables of the economy and disinvestment activities can be influenced by economic policy, its important knowledge to find new and more efficient policy rules with this knowledge the labour markets in several advanced countries would be more flexible and the results would be also better performing.

The concept of transitional labour market aims at providing a consistent framework to give flexicurity a clear direction. The first step of such a framework is to clear the meaning of flexicurity from analytical point of view.

2.5 Definitions of Dismissals

Susanna Hahn (2009, pp 465 – 477) note that the reorganisation of companies, the relocation of production or whole industries, mergers and acquisitions, new strategic direction – all these measures are often accompanied by dismissals. Koeniger (2004) state that labour dismissals costs are an important exist cost for firms. For, example the regulation on dismissals costs imposes notification periods.

The behaviours that lead to dismissal normally occur over a long period patient termination, discharging a patient, patient firing or terminating the provider – patient relationship all terms that define the end of a provider – patient relationship (Eastek, 2007)

Lisa (year unknown) state that over the last eight years, the number of auditor resignations and client dismissals has grown significantly and the trend picked up the pattern in dismissals of Big Four Firm by SEC registrants can be attributed in part of rising Big Four audit fees in the make of sox.

Dedman and Lin (2002) mentions that one must provide evidence that the sub set consisting of pure dismissal announcements generate lower abnormal returns than combined announcements of dismissals and successors.

Iqbal (2006) argue that two of these mechanisms are management equity ownership in the firm and the threat of dismissal for poor performance, while these two mechanisms are independent. It is possible that management ownership could reach a point where managers have sufficient average to entrench themselves and reduce the probability for their dismissals. Grant (2009) some code definitions allowed in this way to evolve so that the final code definition better reflected the date

2.6 Bias and Dismissals

Segalla (2009) state that the personal bases of the EMDM project principle designers, Roberts (1970), in her influential paper on culture and management studies notes that one of its main limitations is that the kinds of questions covered and the methodological strategies employed are largely determined by the author's biases. Researchers have examined common organisational problems from a theoretical perspective in one context or another.

Buppert (2009) the employer can say anything that is factually true or a legitimately held opinion the employer can say he or she was not satisfied with the NP's work or that the NP had an abrupt manner with patients, if that is his or her opinion. Most employers believe it is safest to say as little as possible and not go into detail with a fired employee's prospective employers.

An NP faced with the prospect of an unfavourable reference might want to reveal to a prospective employer that he or she left the last position on bad terms with an individual in the position of providing references and explain.

Reilly (2011) states that literature emphasises stereotyping through such implicit associations and Payne (2006) highlight the finding, using laboratory experimental evidence on the "weapon bias" theme that an individual's propensity to implicitly stereotype increases with the need to make rapid or split second decisions.

Cingano, Leonardi, Messina and Pica (2008) states that the goal of the analysis is to establish whether it is positive, in which case the judge would be biased in favour of workers by worse labour.

Besancenot (2009, pp. 262 – 271) argue that their analysis builds on an original hypothesis of impartial justice, according to which, under imperfect information, the equilibrium probability that the judge gives a verdict favourable to the worker should match the frequency of good workers in the population of suing workers. For sure, any more sophisticated models should fulfil this orientation, or else justice appears bias in favour of either workers or firms.

Aragon-Correa (2006) mentions that to reduce possible social desirability bias,

- promised that analyses can aggregate and no organisation would be identified individually,
- randomly compared self-evaluation of managers with the evaluations of environmental practices of their firms by competitors,
- questions should include specific actions and strategies rather than about general ethnical claims (Banerjee, 2001).

Southey (2010) states that related to distributive justice are procedural justice, when the process for making a decision is transparent and unbiased.

Bauernschuster (2009) states that when estimating the effects of the change in the PADA regulations on small establishments hiring and firing behaviour, the major concern is that unobserved heterogeneity might bias the results.

Wagar (2009), comments on procedural justice, the employer failed to apply principles of procedural justice before the termination, the variable includes the employer is failing to investigate thoroughly before termination, to provide an explanation, to provide an unbiased hearing and to allow an appeal of the decision.

2.7 Problems

Segalla, (2001, pp. 58 – 72) mentions that one of the common problems included making work force adjustments after mergers or in response to increased competition. The typical situation identified during the interviews often had these elements. According to Davies (2007, pp. 28 – 30) when commenting on legal

issues he mentions that the process for termination should be laid out even before employees are hired. This provides a foundation from which to avoid legal problems.

Eastek (2007) states that it is important that nurse practitioners consider the risks and consequences of patient termination. At the same point, every provider deals with the question of whether and how to dismiss a problem of patient from his or her practice. One week after his appointment, the patient telephone to request a refill of his pain medication, a pharmacist phones to inform the NP that another physician had provided the medication one week earlier. The pharmacist did not to fill the prescription.

Reilly (2010) argue that the motivation for use of the letter treats the source of the problem as individual heterogeneity rather than as attributable to a difference in the regime determining the Zeros and the counts. In order to address the problem of excess Zeros, a zero inflated. A position estimates within a fixed effect.

Hahn (2009, pp. 465 – 477) mentions that though dismissal is a most prominent and urgent problem in the current global economic crisis, it is not confirmed to the situation. In fact, it is a continuous problem.

Jose E (2001) mentions that whenever there is a dismissal, a double moral hazard problem can arise. However, the solution to the problem does not necessarily imply the elimination of firing costs. They derive a pareto-efficient EPL system in which the gap between the legislated severance payment for those dismissals considered fair and unfair is a relevant feature.

Stahler (2008) argue that the problem is analysed in a matching model to be able to model operational dismissals and the decision of job creation endogenously. Noren (2004) argue that traditional short-term unemployment policy could camouflage unpleasant structural effects on the unemployment e.g. to low capacity rate. This is an on-going problem in the Swedish economy.

Southey (2010) mentions that there were incidences where the employee could not account for their misbehaviour, other to amount the defence that it was out of character behaviour, for example, "his actions were out of character – all the giving evidence indicated they had worked without problems.

Selden (2006) mentions that unexpectedly, the finding indicated that in states with authority centralised in the state personnel office, employees terminated more rapidly for behavioural problems and table 3 presents the results of the regression model estimated for the time to terminate employees for performance problems. The independent variables account for 78% of the variation in termination time for performance problems. Bauernschuster, (2009) mentions that yet the problem of biased estimated can be tackled if rejected cross-section data are available for the treatment as well as an appropriate control group that covers pre- as well as post treatment periods. Batt (2010) mentions that the labour problem at the return of the century debating led companies with new approaches to tame labour.

Wagar (2009) state that progressive discipline is an intermediate response to an employee's performance is based on the principle of proportionally (McKinley (2001) the Supreme Court of Canada asserted that the employer should balance the discipline imposed on the employee with the severity of the misconduct. The Court considers the employers requirement to respond proportionately to employee performance problems and other misconduct to be an important principle in the light of the employers vulnerable position relative to the employer and the valued placed on employment by individuals and by Canadian society. In many of the cases, the Court would have supported a lesser form of discipline rather than harsher discipline of dismissal.

2.8 Criteria

Segalla (2009) states that before turning to the choices of the respondents lets reflect on what criteria might be considered important to the decision of choosing someone for dismissal. Upon examining table 2 it is clear that human sentiment is largely absent among the information provided to the respondents.

Cools (2007 pp. 721 – 742) states that the second legal regime, the weaker form of the structure regime, can be used on a voluntary basis by Dutch Multinational Companies that meet the criteria for the "structure regime" but have more than 50% of their employees working outside the Netherlands. Under this regime, the management board is appointed by the annual meeting of shareholders. The supervisory board retains most of the legal power and shareholders have a limited say.

Saltzman (2006) mentions that a 1964 arbitration ruling set forth seven tests. Asserting that an employer has a just cause for discharge only if the answer to each question is yes and many arbitrators have adopted tests 1, 2, 6 and 7 but view tests 3, 4 and 5 as unduly restrictive.

The seven tests are:

1. Did the employer give fore warning or fore knowledge of the possible or probable disciplinary consequences of the employee conduct to the employee?
2. Was the employer's rule or managerial order reasonably related to the orderly, efficient and safe operation of the company's business?
3. Did the employer, before administering discipline to an employee, make an effort
4. To discover whether the employee violated or disobeyed a rule or order of management?
5. Was the employer's investigation conducted fairly and objectively?
6. At the investigation did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?
7. Has the employer applied its rules, orders and penalties even handily and without discrimination to all employees?
8. Was the degree of discipline administered by the employer reasonably related to (a) the seriousness of the employee's proven offence and (b) the record of the employee's service?

Hahn (2009 pp. 465 – 477) state that a mixture of criteria incorporating has proved that the criteria will raise the acceptance by the employees probability for this development as the mentioned established rules are those which are proved and criteria will raise the acceptance by the employees the probability for this development. The discussion of the other rules George considers may provide further candidates.

The rule to except those employees from dismissal who work most efficiently can also conflict, with the existing rules e.g. the rewarding of loyalty and the esteem for essential abilities. As with the seniority rule, one may consider a mixture that

contains the efficiency criterion. Assessing the consequences of the efficiency rule alone, one can initially expect an incentive for all the remaining employees to engage in their job.

One has to account, though, for findings on the 13 players; there are colleagues who do their job reliably and with a long-term perspective but do not struggle to ascend to higher ranks as they, for different reasons, are content with their job and prefer stability and continuity to going in for a career. These employees could be upset by the enforcement of an efficiency rule alone, uncertainty does not motivate, besides these employees will even totally look for another company e.g. a small or medium sized business that offers jobs possibly less lucrative but with more stability. These possible consequences again suggest the incorporation of several criteria into the rule of dismissal.

Head (2004) mentions that on a more general note, it has been argued that the legislation has not been effective in controlling managerial power in the case of dismissals (Collins 1982) and may even be perceived as legitimating managerial control. This is in part due to the interpretation of the legislation by judges, who seem reluctant to intervene in the employment relationship. The Court does not have their own standard of fairness but instead tend to endorse the ordinary practice of employers.

Denham (1993) contends that this serves to support the managerial prerogative for instance, the band of reasonableness test examines what a reasonable employer would have done and not what the tribunal; this can merely reflect managerial attitudes and may not result in a fair decision.

Cho (2007 pp. 409 – 422) states that it is also suggested that Korean Courts have traditionally used tenure, age and number of family members as important criteria for establishing justness of dismissal.

Malveaux (2010) the Supreme Court's recent interpretation of Rule 8(9)(2) is pleading requirement and Rule 12(1)(6) is dismissal criteria in *Bell Atlantic v Twombly* and *Ashcroft v Iqbal* set forth a plausibility pleading standard which makes it more difficult for potentially civil rights claims alleging intentional discrimination to survive dismissal. In the case of *McDonnell Douglas* the Court state that an employment discrimination complaint like all complaints need only

meet Rule 8's criteria of containing a short and plain statement of the claim, showing the plaintiff entitled of relief.

2.9 Dismissals and Benefits

Segalla (2001) state that the warning triangles represent the group of employees who still provable some benefit of the firm but perhaps are more marginal. It would probably be too disruptive on the recruitment, training and social system to dismiss them if the organisation is rich enough to continue to pay them.

Vestal (2006) mentions that some of the lessons learned have come many years after the fact, perhaps some wisdom that comes from experiences can be useful to others. Been removed from one job where the person is not successful does not mean she cannot be extremely successful in another role. You may be doing her a favour by enabling her to succeed somewhere else. This situation has determined that it is not a case of a work group collectively undermining the person, it is important to move quickly to rectify the situation. In the case of bad fit or lack of ability to be successful nothing will be cured by time, in fact failure to take timely action will worsen the situation for everyone.

Have a frank and honest conversation with the individual and talk through the options. If you truly feel that leaving the individual in place will only prolong the inevitable, do not offer that option. Most of the people will opt to work on a bad situation in the hopes that they can turn the tide, while in reality it only delays a necessary decision. Find a way to create a transition that maintains the person's dignity and hope so she can move on to other opportunities. This usually means that you take a discussion, take decisive action, provide a transition plan and move forward. The transition plan will vary depending on the role, the person's longevity in the organisation. If the person must leave the organisation because there are no other opportunities, you may want to provide outplacement counselling and some limited financial support. If the person will transit internally, create a positive message, support for the new role and follow up to ensure success.

For instance, when a worker must be dismissed on grounds of the inability to get along with other staff members due of lack of knowledge or skills, the worker should be referred to a coach or a counsellor. If the situation feels like it is a bad

thing happening to a good person, take the time to think through your own feelings on firing this to find people who have expensed hang fired who will tell that it was a defining event for them that moved them forward to other things for which they were better suited. In different cases, workers will be grateful that you made the decision that they could not make themselves. Sometimes individuals lose their job because of other changes in the organisation such as new leadership that wants a new team.

Buppert (2009) as for benefits, expect them to end as of the date of firing and 15 days for unused vacation, unless the NP has contract that states that the terminated HP is entitled to payment for unused vacation, there may be no right to that benefit.

Iqbal (2007 pp. 298 - 312) states that we can conclude that continuing managers accumulate additional equity in the company during a period leading up to the dismissal of a member of the management team while replaced managers do not accumulate shares prior to their replacement. This evidence represents additional verification of the manager entrenchments hypothesis.

Hahn (2009 pp. 465 – 477) states that if one assumes these empirical relations, one will argue that the company would benefit from this rule but it might also happen that the enforcement and application of this rule have very negative emotions and judgements.

Stahler (2008 – pp. 1162 – 1178) states that for theoretical researchers, the assignment is to investigate the origin of those mistakes and to examine the cost/benefit analysis to see if the costs to reduce these mistake can be compensated by the benefits of law unemployment rate. Norton (2006 p3) argue that alignment produces dramatic benefits and consider alignment as a necessary condition for organisational effectiveness.

Wagar (2009) when dealing with factors coded in the content analysis mentions a wearable not serious and below it states the following: the employer failed to consider that the poor performance was not so serious as to repudiate the employment contract. This occurred where the employee had shown no intent to perform poorly, to benefit from the failure to meet standards, or to repudiate the contract in any way.

2.10 Social Principles

Segalla (2001) mentions that a concept called social justice has become a broad area of research that can a set of social principles used to resolve conflict. Davies (2007) state that when dealing with emotional and psychological issues, Demisted most common mistake is impulsively, without documentation of the unacceptable behaviour before taking action. If no national basis is provided, other employees may fear being dismissed as well. It is necessary to briefly inform the remaining employees immediately after dismissing the employee so roomers are stopped before they start.

Buppert (2007) mentions that she has written about restrictive covenants also called non-compete clauses, in nurse practitioner employment contracts many times restrictive. Covenant is a clause in which an employee promises an employer that he or she will not practice in the same speciality as the employer, within a set number of miles from an employer's business. Sometimes the clause requires an NP to promise not to practice at all for a set period after the employee leaves the employer's business.

In the event of any termination of employee's employment, whether by termination of employment of this agreement by employer or employee or by explanation of the term of this agreement, employee both while employed by employer and for 2 years after the expiration or termination of this agreement, will refrain. From soliciting patients treated by employee or any other employee both while employed by employer and for 2 years after the expiration or termination of this agreement, will refrain. From soliciting patients treated by employee or any other employee or employer during the period of employee's employment.

Remedies employee further recognises and acknowledges that a breach of the foregoing non-competition covenants may cause irreparable harm to employer and that the monetary damages caused by a breach of such covenants are not ascertainable. An employee therefore agrees that equitable remedies, including an injunction are appropriate and the employee hereby consents to injunctive relief.

Eastek (2007) argue that when considering patient termination, it is important to consider the ethics of patient termination. Ethical principles provide guidance and resolution in health care, organisations, although situations are not always opened

by a single principle. There are many principles but beneficence, no malfeasance and veracity are most often used for decision making. These principles do not answer all encountered problems, although they lead us in an evolving set of standards put forth by society. Jackson (date unknown) note that audit firms acknowledged their potential liability's and sort out to protect themselves with malpractice insurance. Nevertheless, the economist reports that insurance firms are refusing to cover auditors for much, or are charging prohibitively expensive premiums.

Lawsuits against CPA firms estimate to have increased, with many asserting conflict of interest and poor audit quality. As the economy's law, more businesses are likely to fail. In the past, the number and size of lawsuit settlements have risen as the economy declined

Cools (2007 pp. 721 – 742) mentions that all average abnormal returns are insignificant during event windows $d = 1$ and in the ten day period previous to announcement, indicating that there is no leakage of top executive dismissal decisions. In addition, extending the $d = 0$ window with one extra day, capturing possible lagged effects, does not influence the effect as is expected in an efficient capital market.

Saltzman (2007) stated that managers have legitimate concerns too. They may impose discipline to rehabilitate a potentially satisfactory employee, to deter employees from breaking employer rules in the future or protect profitability or academic quality in the case of higher education, managers can eliminate positions to stay within their budgets and relocate resources from low priority to high priority uses. The employer lacked just cause to dismiss an employee. Arbitrators differ radically on the issue of whether a failure to accord a complete and fair investigation and hearing prior to the arbitration requires an individuation of discipline under the just cause standard the significance of the claim of procedural deficiency against the harm done to the interests of the grievant by the omission.

Stahler (2007) stated that in the present paper we will do two things, first we introduce the firm's decision of when to dismiss a worker, this allows us to explicit

describe the feedback effects between severance payments and job destruction in the of judicial mistakes.

Hoffler (2003 pp. 877 – 890) state that models have three kinds of players such as, the firm owner, a: firm manager and two subordinate workers and b: at the beginning of each period the owner has the opportunity to replace the manager by a new one, the workers cannot be replaced and stay in the firm of all three periods. The only decision the manager has to make is to select one of the two workers every period for an important position or a more attractive task. The importance of the position is reflected in two ways. First, however the selected worker performs in the leading position will determine the firm's profits. Second, workers like being prompted, the worker holding the important position receives a utility gain. We ensure that the only incentive to exert effort stems from the desire to get promoted to the attractive position. No payments contingent on the performance are feasible.

As in the career concerns literature, we assume that initially all players are symmetrically informed about the workers types, which are independently drawn from a normal distribution with mean and precision. We are interested in the effect of replacing an informed manager by a less informed one. Therefore we make the extreme assumption that a new manager has no knowledge about the firm's past performance signals. Additionally, we assumed that the owner is not able to communicate her information to the new manager. All players are risk neutral and there is no discounting. The owner payoff consists of the sum of the profits of all three periods where the profits y in period equals the signal of the worker who selected in period (Hagar 2009). The hierarchical profit results suggests that factors related to performance management, including the use of performance standards and warnings fund evidence of an employee is past satisfactory.

Performance is significant pre-selectors of a dismissed employer's success. In addition, of progressive discipline and workplace practices consistent with the principles of procedural justice appear to be important. HR practices with respect to case outcome.

Henle (2009) states that monitoring software that tracks internet and e-mail activity is an important aspect of any electronic use policy method by which employers can determine policy compliance. Organisations can monitor all employees on a random or periodic basis or they can only monitor who has violated the policy in the past or suspected to violating the policy (Donati & Hardgrove 2002).

Suspicion of policy violations may be aroused due to a decline in employee productivity or observations of inappropriate online activity by supervisors or co-workers. The current study investigates employee perceptions of fairness, concerning periodic monitoring of all employees and monitoring only for a cause.

- Thibart and Walkers (1973) process control constructs supports the notion that employees should perceive for cause monitoring as fairer than periodic monitoring of all workers. These authors argue that the degree of influence individuals have over evidence collection and presentation affects fairness perceptions.
- Thus the more control employees have over when they are monitored for policy violations the more likely they are to perceive the policy as fair, with a policy stressing. For cause monitoring employees can control the extent to which they are monitored through their personal behaviour.
- Thus employees have the ability to avoid monitoring which results in higher perceptions of personal control (Stanton & Barnes-Farrell, 1996) and control over the monitoring process which is, in turn, linked to greater perceptions of procedural justice. (Stanton 2000).
- Hypothesis, perceptions of policy procedural justice will be greater when electronically policies contain monitoring for cause versus periodic monitoring.
- Disciplinary procedures are a crucial component of electronic use policies because without sanctions, the policies are largely meaningless. Electronic use policies can incorporate one of three different disciplinary methods. First companies can implement zero tolerance programs, which result in immediate termination of those caught violating the policy even if it is their first offense (Young of case, 2004).

- Similarly the bias suppression rule advocates for disciplinary policies that concretely state the consequences of violations. This rule argues that policies must be free of self-interest and advocacy of personal doctrines on the part of decision makers if they are to be perceived as just (Leventhal, 1980). Zero tolerance and progressive discipline prevent personal beliefs or feelings from influencing the consequences associated with violations and aid in the natural application of electronic use policies. Hypothesis perception of policy precedential justice will be greater when electronic use policies contain progressive discipline or zero tolerance versus managerial discretion.
- Grievance and appeal procedures are designed to give employees a means to voice their disagreements or concern without fear of relation from their employer (Gaskin, 1998) thus protecting them from unfair disciplinary decisions (Lewin & Peterson 1988).
- Electronic use policies that include an appeal mechanism, should be perceived as fairer than policies lacking such a mechanism, first much research shows that grievance procedures enhance procedural justice perceptions by giving individuals a chance to value their opinions, have those opinions considered and influence decisions (Kanfer & Earley 1990).
- Haraway (2002) found that employees are often leery of grievance procedures that are dominated by management. Managers are perceived as upholding administrative discretion, maintaining the status quo and supporting lower level decisions instead of independently determining if a fair decision was made.
- Study – Method, procedure and participants, consisted of 138 undergraduate business students who were surveyed during their regularly scheduled classes. Participation was voluntarily but a fair Section 23 gift certificate was used as an incentive. No identifying information was collected to ensure participants anonymity. Using a 2 x 2 between subjects design, participants were randomly assigned to one of four experimental conditions, with approximately 32 participants in each condition. Participants were asked to read the electronic we policy of a hypothetical company and complete items reassuring their perception or policy. Fairness and demographic characteristics.

- Mine surveys were omitted due to missing data which resulted in a final sample of 129, the sample consisted of 54% males and participants ages ranged from 19 – 52 with an average age of 23, 31 years.
- Dependent measure and manipulation checks. Procedural justice the fairness of the electronic use of policy was assessed using Colquitt's (2001) procedural justice scale. The scale was modified to assess the fairness perceptions of electronic use policy in particular versus organisational procedures in general.
- Manipulation checks a one way analysis of variance was conducted to determine the effectiveness of the consent and monitoring manipulations of the electronic use policy.

2.11 Economic Theory and Dismissals

Segalla (2001) states that when specifically used against the middle aged employee, using long term cost savings as a justification, it reflects more the classical economic approaches. He also argues that the Spanish are perhaps the most internally inconsistent in their logic for dismissal. Their choices for dismissals are more similar to the English choices than any of the other nationalities. They often approach a little by dismissing the younger average performance employee. This appears to reflect in justifying the dismissal because an employee's performance is not so bad as to preclude finding another job.

Vestal (2006) states that the liberty alliance project comprises of over 60 consumer and technology organisations that are dedicated to developing and deploying open federated network identification specifications that support all current and emerging network devices in the digital economy.

Members include American express, general rates, Nokia, RSA security, United Airlines, Sun micro systems and others. The 1, 0 specifications is based on the SAML spandrel is set to lead the way for web services and has many supporters who are building SAML authorisation such as the capabilities into the products including SA security, IBM among others.

Criticism of the alliance expresses privacy and security concerns some commentators feel that the companies involved in the alliance will export user confidential details for marketing purposes. Security is a concern issue because the specification is now and theoretical not yet tested in the world of E-Commerce.

Davies (2009 pp. 28 – 30) when commenting about legal issues states that their motivations are economic. Psychological studies document that dismissed employees who were not given an explanation for their dismissal are 10 times more likely to bring a suit against their former employer than those who receive a full explanation. Only 0, 4% of employees who saw themselves as treated with high levels of dignity and respect during the dismissal process filed claims. Claims were filed by 14, 9% of employees whose dismissal process was seen as disrespectful and undignified.

The economist reported that insurance firms are refusing to cover auditors for such or are charging prohibitively expensive premiums. The problem has become so great that some insurance companies are closing their doors to accounting firms. Lawsuits against CPA firms are estimated to have increased, with asserting conflicts of interests and poor audit quality. As the national economy laws, more businesses are likely to fail. In the past, the number and size of lawsuit settlements have raised as the economy declined.

Reilly (2011) when commenting on econometric modelling issues stated that we now turn attention to the econometric issues Germane to the second stand of the empirical analysis, the number of fouls called by a referee. Hahn (2009 pp. 465 – 477) stated that seeing it from a wider perspective, one also has to take into account the economic consequences of numerically remarkable dismissals, the tax income of cities and states is reduced and as private consumption decreases, merchants, private schools, fitness club and so on are affected too.

Jose (2003 pp. 323 – 335) stated that moreover, it ignores important undesirable redistribution effects that EPL systems can have, in our model due to asymmetric information, disciplinary dismissals may be costly while economic dismissals may be costless. There is a commonly held view that firing costs are high because dismissal conflicts involve large administrative and legal costs and that these in turn lead to higher labour costs.

Head (2004 pp. 239 – 254) stated that theft appeared to be a common reason for dismissal, followed by lack of suitability. The high levels of ability and suitability dismissals raise questions *inter alia* about the quality of panic recruitment may not offer a sustainable solution to the problem of finding suitable staff. A more systematic approach may reduce recruit problems and ultimately the incidence of dismissal.

Andrea and Chino (2003 pp. 913 – 944) therefore concludes that in our case not only the DE but also the AS explanations of trials can play a role moreover since the lawyers of the firm and of the union involved in all the cases share the same kind of experience and information, the signals are likely to be highly correlated. As a result, the asymmetric stakes cannot be dismissed as a relevant explanation to understand the behaviour of the parties in our case study.

Besancenot (2009 pp. 262 – 274) mentions that in general, a firm would separate from an employee if at one moment in time the optimal organisation of the production process requires less labour, often referred to as the economic or objective motive or because the worker does no longer fulfil his tasks in an adequate manner.

Referred to as the personal or subjective motive and yet many European countries took workers' rights one step further and ruled that fired workers can take employers decision to court even if the motive of the dismissal involve no discriminatory practice. Southern Europe firms opts for the economic motive to pay the worker a substantial severance payment. The law defines in a very narrow way what accepted as a valid economic motive – several economists (Ahuc and Karmarz, 2004, Blanchard and Tinole, 2004) surmise that firms probably economic, turning now to the note of justice, the majority of cases brought to court by workers fired for personal motives.

Blanchard and Tinole, (2004) state that a theoretical analysis of the judicial strategies of firing firms and dismissed workers with an institutional setup inspired by the Southern European experience, mainly France HS original contribution to existing EPL literature is to show that the existing labour justice interaction is consistent with multiple equilibrate. Hence policies aiming at improving the employment performance of a given economy should pay due consideration not

only to the impact of small variations in legal firing costs but also to the possibility to shift from an equilibrium to another.

Stahler (2007) state that in the present paper, we will do two findings; first we introduce the firms decision of when to dismiss a worker. Boeri (2005 pp. 2057 – 2077) mentions that the vast theoretical literature on EPL does not take into account that legal restrictions to dismissals affect both economic and disciplinary dismissals. In an efficiency wage environment (Shapiro and Stiglitz, 1984), this observation is important because the likelihood of disciplinary layoffs deters workers from shirking, whilst the probability of economic layoffs affects positively the efficiency wage the employer has to pay in order to induce workers not to shirk.

Deminalp (2010) state in any economy with heterogeneous workers, the self-selection of workers into different sectors of the economy plays an important role in explaining the economic outcomes observed in different sectors of the economy. Starting with Rays (1951) seminal paper, a large literature has emphasised that the distribution of workers in a given sector is endogenous on workers sectoral choices, and it has sought to identify the determinants of these choices. The standard model of sectoral choice that are based on asymmetric information do not address how the informational advantage of workers in labour markets with asymmetric information affects workers sectoral occupational choices and whether the informational asymmetric reinforces or dimities the effects of self-selection in the economy.

Cho (2007) state that the legal rules in governing unjust dismissals is an important component of labour law in any country. It is difficult to compare the scope of legitimate dismissals in a particular country with that of other countries, because comparative studies on labour law require proper knowledge of historical background and socio-economic factors. The economic dismissal process embraces the business reorganisation, the restructuring reasons and takes a form of the collective dismissals where employees dismissed on managerial reason beyond the labour contract.

In 1980, the Korean Courts interpreted the scope of justifiable reasons so narrowly as to allow legitimacy of economic dismissals when the firms bankrupted without such economic dismissals. On 26 February 1998, the tripartite commission made an agreement to adopt the new dismissal law in order to satisfy CmF demands. It legitimated economic dismissals in the course of the transfer, acquisition and mergers considered justifiable reasons for economic dismissals in the 1996 bill.

Stahler (2003) stated that between 1984 and 1990 shows a reversed picture. In that period the economy was in great expansion, shortage of labour resources and an increasing inflation. However both variables have their weaknesses as a proxy of disinvestment. Bankruptcies are a legal concept, comprising only a part of the process of disinvestment. In most cases, it is not the company or the whole industrial activity that is economic obsolete. For example, it can be an economic necessity to terminate. Some production or change does not necessarily imply bankruptcy on the contrary, in the integrated open economy the request for change in the process of production is an important element of the growth process.

A measure that does not necessarily imply bankruptcy is employees who had received notice of dismissal or lay off but even this measure has its weaknesses. For example, if one part of the company becomes economic, obsolete, the labour force moved to another activity in the same company. The rate of industrial transformation in the Swedish economy restricted by a failure to absorb labour in expanding sectors; the transformation process has also been prevented by the unresponsiveness of the stagnating sectors to release labour. Research on non-investments and this variable responds to the change of other variables of the economy and law disinvestment activities influenced by economic policy.

The six countries' laws benchmarked against the following criteria: Coverage of unfair dismissal protection, tests for determining the fairness of economic dismissals, procedural fairness requirements employer rights to severance payments and notice, information and consultation obligation of employers.

The note compares Australian regulation of economic dismissals with five other member countries of the organisation for economic co-operation and development – Germany, Ireland, New Zealand, the United Kingdom and the United States of

America. Australia's regulation of economic dismissals was positioned towards the weak protection end of the spectrum. In fact, of the six countries examined in the study only the USA provided weaker protection of employees.

Australia's dismissals for agent economic dismissals are under work choices, Germany was located at the strong end of the spectrum. Figure 2, shows how the regulation of economic dismissals under the Act compares and internationally, it seen that Australia now ranks alongside Ireland and the UK towards the stronger end of the Spectrum of protection.

Petersen (2008) states that this is referred to in the literature as the separathesis, that is the idea that it is possible to separate the economic from the social, business from ethic and the company from its stakeholders (Freeman and Velamuri, 2006).

2.12 Research Questions

Most of the problem statement solved certain issues, but there is still some items missing and the research questions will clarify with this. They are:

1. Overall, is there a serious dismissal deficient in the department?
2. Are proper procedures followed in dismissal hearings or do a disproportionate number of employees been dismissed unfairly?
3. Are managers who deal with dismissals credible?
4. Do employees and supervisors follow the dismissal from management system policies and procedures?
5. Do employees consider the dismissal management system fair?

2.13 Conclusion

This chapter has presented information pertaining to the management of dismissal, in terms of definitions, role and ethics, markets, social principles, criteria, economic theory and dismissals, dismissals and benefits.

Observation through consulted literature reviewed in chapter 2 that researchers have focused on reducing errors in the tools but have not been particularly concerned with facts that are actually measuring. Academicians have delved into the mind of the managers and tried to determine the process to dismiss

employees. They attempt to train the manager to improve labour relations skills. They tell the manager to keep a dismissal diary while these ideas are theoretically sound, practically the amount of time for this exercise is too demanding.

Chapter 3 will discuss the research methodology followed in this study. The research paradigm and the research methodology will also be discussed including the population and sample size. The detailed account of both data collection techniques and data analysis and interpretation will be presented. Issues of the validity and reliability of the study will be detailed. Ethical issues will be discussed and limitations on the research will be clarified.

Chapter 3

Research Methodology

3.1 Introduction

In the previous chapter, the research problem stated in terms of three questions that remain unanswered from the literature reviewed. This chapter defines the research methodology used in this study to give answers to the raised questions. Research methodology refers to the steps or approach to link the research questions and objectives to data collection, analysis and interpretation in a logical manner (Hartley, 2004). The methodology used for this research problem must always take into account the nature of the data collected in the reduction of a problem (Leedy and Omrod, 2005).

To research questions arrived at were:

1. Are proper procedures followed in dismissal hearings or do a disproportionate number of employees been dismissed unfairly?
2. Are managers who deal with dismissals credible?
3. Do employees and supervisors follow the dismissal from management system policies and procedures?
4. Do employees consider the dismissal management system fair?

The aim of the study is to determine the extent to which information quality impact on quality of managerial divisions. To validate this, it is necessary to collect information from targeted population using correct methodology and analyse the responses overall. This chapter defines the research methodology used in this study; the data collection method chosen, types of questions asked, development of the questionnaire, the survey population and sample size determination, data handling and concludes with the discussion of the researcher compliance with research ethics.

3.2 Research Types

3.2.1 Qualitative and Quantitative Research

Leedy and Ormrod, (2005) note that all research can be categorised as qualitative, quantitative, or what they refers as triangulation. The nature of the data and the problem for research will dictate the research methodology. If the data is verbal the methodology is qualitative and if the data is numerical the methodology is quantitative.

Quantitative analysis is a formal, objective systematic process in which numerical data are utilised to obtain information about the world. It involves either identifying the characteristics of a phenomenon or explaining the possible correction among two or more phenomenon (Leedy and Ormrod, 2005). It is neither intended to involve experimental investigation by changing or modifying the situation under investigation nor does it aim to determine the cause and effect relationships. It is intended to examine the situation as it is, without any alteration (Leedy and Ormrod, 2005).

Drott (1989) asserts that quantitative methods involve systematic evaluation of alternative actions as a basis for choice between them. The application of the qualitative method involves setting up models of the problems by analysing selected inputs to the models of problems analysed, selecting inputs to models used which quantify the judgements responsible for organisational decisions and deriving the models, which quantify the judgements for organisations decision making, and deriving the model's outputs from inputs.

Grayson (1980) argues that some people avoid quantitative methods because of their inability to understand and interpret statistical or computational data and models. Grayson explains that these data and models they omit, help to make difficult decisions easy in different environments.

In qualitative research, personal bias acknowledged as an untenable feature of our humanity and one that is vital if were to explore the feeling, meanings and personal contact of the participants lived experiences and reflects meaning.

So while qualitative researchers are equally as scrupulous in showing that their Underpinning this approach to the question of bias lays a fundamental difference in the way the qualitative researchers view their participants (Nicholls, 2009).

Peshkin (1993) states that qualitative research

- Can reveal the nature of certain situations, settings, processes, relationships, systems or people;
- Enables a researcher to gain new sights about a particular phenomenon, develop new concepts or theoretical perspectives about the phenomenon and/or discover problems that exist within the phenomenon;
- Allows a researcher to test the validity of certain assumptions, claims, theories, or generalisations with real world contexts;
- Provide means through which a researcher can judge the effectiveness of particular policies, practical, or innovations.

Table 3.1: Overview of the difference between quantitative and qualitative Research

Qualitative	Quantitative
Counting only if clearly necessary	Bias toward counting
Favour greater personal investment in the data	Favour a more detached, impersonal orientation toward the data
Encourage substantial flexibility in research procedures - no strong prototyping models to follow	There are relatively clear mental model for the research designs - more rule driven
Focus more on understanding organisational processes and less predicting outcomes	Focus more on predicting outcomes and less on process variables
Heavily grounded within the local context in which the phenomena of interest occur. As a result generalising empirical results to a larger population or other settings can be problematic	It is typically presented as more context-free and therefore more generalisable
More explicit about participants' reactions	Less focus on participant reactions

3.2.2 What research method(s) is used in this thesis?

The qualitative approach can serve the following purposes, namely description, interpretation, verification and evaluation. Quantitative research is mainly aiming

at observation studies, completion research, development designs and survey research (Leedy & Ormord, 2005). This study approached quantitative research methodology as the study aims at examining the correlation between information quality and management decisions and the extent to which information quality impact on quality of managerial decisions.

3.2.3 What data is required primary and secondary data?

Primary data refers to the original information that is collected by the researcher specifically for the research study at hand, for example data obtained through interviews and surveys, secondary data refers to information that has been previously gathered by someone for the purpose which can be reused by the researcher. It includes books, journal articles and reports among others (Leedy & Ormord 2005). For this study we will use both primary and secondary data. A survey used to acquire primary data from mostly organisational reports, company magazines and available literature in the academic field.

3.3 Data collection method

3.3.1 Methods for collecting primary data

There are several types of research methods that can be used to collect primary data. Interviewing is probably the most common data gathering method in qualitative research (Leedy, et al, 2005). It can be described as the meeting of two persons exchange information and ideas through questions and responses, resulting in communications and joint construction of meaning about a particular topic (Esterberg, 2002). In qualitative studies, interviews are often quite open-ended, however in survey research interviews are fairly structured (Leedy, et al, 2005).

a) Interviews:

Leedy & Ormrod (2005) state that in quantitative research interviews structured than in qualitative research. In a structured interview, the researcher asks a standard set of questions and nothing more.

- Structured interview

Structured interview is most formal and rigid of the types and most likely used in survey research, telephone interviews and market research usually guided by an

interview schedule, with standardised questions and probes. Use is made of closed- and open-questions (but the latter are usually not very broad. Researcher arrives to remain as neutral and objective as possible, and controls and interview (Leedy, et al, 2005).

- **Semi-structured interview**

Semi-structured interviews recognised as in depth interviews. The aim is to explore a topic more openly and allow participants to express the ideas in their own words further; the aim is to move beyond our own life worlds and understands from other perspectives. It is useful for understanding how people construct reality. Participant's responses determine the order and structure of the interview (Leedy, et al, 2005).

- **Unstructured interview**

Unstructured interview conducted in the field in conjunction with an observational study. They are more spontaneous and free flowing. The questions are not pre-planned and it is closest to real conversations (Leedy, et al, 2005).

b) Survey

A survey is characterised by the systematic collection of numeric quantitative data from a group of entities using direct observation. The aim of the survey may be to

- describe (explanatory research);
- examine correlation and associations;
- explore differences;
- identify a trend; and
- test a theoretical model.

In this study, the primary data will be collected by means of survey using a structured questionnaire which will be e-mailed to the Head of the office Master's office who will be asked to fill in the questionnaire as well disseminate it to other decision makers in their areas. The reason for taking this route is time and cost efficiency given the geographic location of the Master of the High Court and the size of the Company. A survey is a good way, often the only way, of getting

picture of the current state of a group, a community an organisation, an electorate, a set of corporation and a profession.

In many cases, the surveys are snap shots, pictures of a particular point or period in time, although there are longitudinal surveys which take place over longer periods (James, 2001).

Leedy, et al (2005) concurs with that by stating that the survey research captures a fleeting moment in time, much as a camera takes a single frame photograph of an on-going activity.

A survey conducted to test the association between information quality and managerial decisions, with an aim to establish the extent to which the information quality imports on managerial decisions. The preferred design for the survey will be cross sectional because there will be no sufficient time to do observations of participations over a long time

3.3.2 Questionnaires

The questionnaire used the data-gathering tool. This will allow the collection of quantifiable and qualitative data and allow for the analysis of this data to determine patterns and relationships. The proposed survey questionnaire will be a word document.

The management personnel who selected using e-mail to complete the survey. (Schaefer and Dillman, 1998) have found significantly faster response times with e-mail. Surveys e-mails will include a short disclaimer describing the purposed of the study. In order to improve the response rates, the original e-mail will be followed by a reminder (Ref to Appendix B), which will be sent two weeks after sending out the questionnaire. A copy of the questionnaire will also be attached as a convenience to the participant and to prevent the loss of the questionnaire from being cited as a reason for the lack of a response. The targeted response rate is 60%.

Questionnaire should be as brief as possible and only that information essential to the research project (Leedy, et al, 2005). (In order to help maximise the number of responses to the questionnaire, a number of questions will be limited to no more than 10 questions. The questionnaire will consist of 2 sections (Refer to Appendix C). The first section of the questionnaire will be aimed at gathering biographical

data on the respondents such as age, gender, qualifications and frequency as well as the level of decisions that are normally made by a respondent, while the second section will focus on specific questions with regards to the extent the information quality impacts on managerial decisions. Responses are made on 5 point scales scored so that a high score was indicative of greater uncertainty or complexity other questions will require a yes or no answer and others will be open-ended questions where the respondents is expected to support their response by providing more details.

Table 3.2: Questionnaire Outline

A short disclaimer describing the purpose of the study -Refer to Appendix A	
A reminder - Refer to Appendix B	
Questionnaire – Refer to Appendix C	
'Thank You' Note – Refer to Appendix D	
Section 1 Questions 1 to 5	Gathers biographical data on the respondents including age, gender and qualifications
Section 2 Questions 6 to 7	Looks at frequency in decision making as well as the level of decisions that are normally made by a respondent.
Section 2 Questions 8 to 15	Focuses on specific questions with regards to the extent the information quality impacts on managerial decisions.

3.3.3 Sampling method

Sampling strategy that is design and size depends on the research paradigm. The quantitative method requires random and representative sampling characterised by larger samples (Leedy, et al, 2005). Fink (1995) state that sampling means making any portion of the population as representative of the target population. A population is a set of all cases of interest (Shaughney et al, 2008). The population of interests for this study are all the Masters Office heads and managers from their business areas that use information to make decisions. The participants will have to meet the following criteria to be included in the sample.

Other participant must be a manager and involved in decision-making. Other participant must have worked on this role at least four years. The restriction of at least four years' experience is stipulated because managers that are new may not have sufficient experience in dealing with information quality issues and this could skew the results. To get a fair representation in the sample, a list of names and e-mail addresses of Masters office heads will be obtained and randomly select the sample to be used in the following the stated criteria.

Krejae and Morgan (1970) have provided a table for the establishment of the appropriate sample size (S) based on the size of the population (N). In terms of this study, for $N = 2,600$, $S = 335$, therefore, for this study, S will be taken as 335. Thus, a minimum of 335 completed questionnaires will be required for meaningful conclusions drawn from the data gathered from survey.

3.3.4Types of variables:

Each question in a questionnaire or collected in a quantitative research, gives rise to a variable – a variable thus can be an empirically observable characteristic of some phenomenon that can take on more than one value or response category such as gender, job, level, level of agreement with a statement, profit, percentage of budget spent on advertising (Diamaintopslou & Schleepelmilch, 2004).

- Normal variables – the response categories can be placed in any order and the numbers assigned to the response categories have other property except to serve as labels.
- For nominal variables allow to us to categories responses.
- For nominal variables can determine how many (frequency) or what percentage of responses fall in each category.
- The response categories should be mutually exclusive & collectively exhaustive.
- Numbers assigned to the categories have no numerical meaning.

Ordinal variable – the response categories have a certain order and the numbers assigned to the response categories have an order.

- An ordinal variable allows us to categorise responses.

- Can determine how many (or what %) of responses are in each category.
- The order of the numbers assigned to the categories has meaning.
- The numbers assigned to ordinal variables do not have meaning.
- An ordinal variable allows us to rank or order responses.
- The difference between consecutive categories need not be the same.

Ratio variable – a numerical variable where there is some standard unit of the property being accurate statements on the differences between cases.

- A ratio variable allows us to categorise responses.
- We can determine how many (or what %) of responses are in each category.
- The numbers assigned to a ratio variable have numerical meaning.
- The order of the numbers assigned to the categories having meaning.
- A ratio allows us to rank or order responses.
- The distance between two cases can be calculated, that is how much more of less of the measured property cases contain.
- The ratio of two responses can be calculated.

A combination of variables used in the survey. In order to identify participants, nominal and ordinal variables would be used. Survey questions would vary from ordinal to ratio variables, depending on how the questions posed.

3.4 Ethical considerations pertaining to the study

According to Reinard (2001), the researcher may delete all names and identifiers from the data and report only on the broad categories of responses to help ensure confidentiality. In this study, participants will remain anonymous and the participation voluntary and considered unethical to use any personal details of respondents in the report, which can identify who the respondent is.

Each participant informed of the exact nature of the research and participation in the survey voluntary. Respondents noted that the information provided wouldn't be revealed for any purpose other than stated.

3.5 Limitations

The biggest limitation of a questionnaire is the inability of the researcher to ensure a sufficiently high return rate. The returned questionnaires may not be representative of the sample originally selected for the specific disciplines, which may affect the relevance of the research findings.

There are limitations due to the use of cross-sectional research methodology:

1. Cross-sectional analysis will be limited by the fact that it is carried out at one time point and gives no indication of the sequence of events – As a result of this it is impossible to infer causality;
2. Being a snapshot, cross-sectional analysis may provide differing results if conducted at another point in time;
3. There is also a limitation inherent in correlation research, that is, although correlation studies suggest that there is a relationship between two variables, they cannot prove that one variable causes a change in another variable. In other words, correlation does not equal causation;
4. Data integrity may also be a limitation. This is about whether the sample is giving a true reflection of the situation, with no intention to provide pleasing responses to the interviewer or trying to make things look worse.

3.6 Conclusion

This chapter defined the research design and methodology used in this study. Further, it looked at instrumentation, research type, population, sampling method and data gathering methods from a theoretical perspective. A discussion of how these were applied in this study was also presented. Justifications for the choices made were also given. Both Tse (1998) and Schaefer and Dillman (1998) have found significantly faster response times with e-mail surveys and the same is hoped for this study as it will use e-mail survey approach. The next chapter presents the study findings that would be used in rejecting or accepting the raised questions.

Chapter 4

Data Discussion

4.1 Introduction

This chapter discusses the research findings and provides analyses and interpretation of data. In the survey certain specific questions were asked and the analysis was done on application of Pearson correlation co-efficient and p-value. The Pearson correlation method correlates all listed variables with each other and indicate which of the resulting relationships are statistical significant. The survey was conducted with the custodian of entrepreneurship training and education in different business organisation, to evaluate the impact of entrepreneurship skills training and education offered to business start-ups, SMME's and entrepreneurs by GEP, South Africa.

Lashley and Rowson (2010) state that the lack of training in the business aspects of SMME operation has serious implications for the quality of business operations because a significant segment of a business is being managed by unskilled entrepreneurs who are not primarily concerned with commercial objectives which prioritise service quality as a way of generating profits and growth. Kessy and Temu (2010) assert that entrepreneur development has significant impact in the growth of the organisation by improving the skills of the owners, change their behaviour on how to perceive and conduct business activities and in turn enhance their ability to perform better and owners gain important edges even under stiff competitive environment.

This chapter opens with a descriptive introduction, the response rate, biographical profile of respondents; the next section reflects the analysis involved examination of the data and findings of the target market on the evaluation of the impact of entrepreneurship skills training and education offered to business start-ups, SMME's and entrepreneurs by GEP, South Africa.

4.2 Response Rate

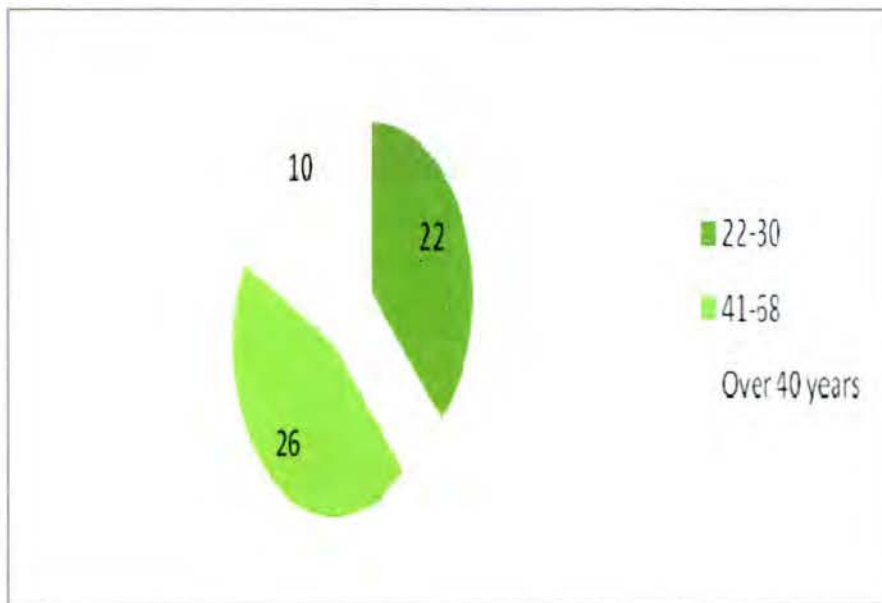
Out of the total sample of 65 approached, only 55 responded. 25 were males, 30 females and 1 (1%) did not answer. The preference was not given according to sex, the sample breakdown is considered as being a fair representative of the

demographics of the Masters Office Supervisors and Managers. The figure reflects that employees that occupy supervisory and managerial roles are dominantly male employees.

4.3 Demographics

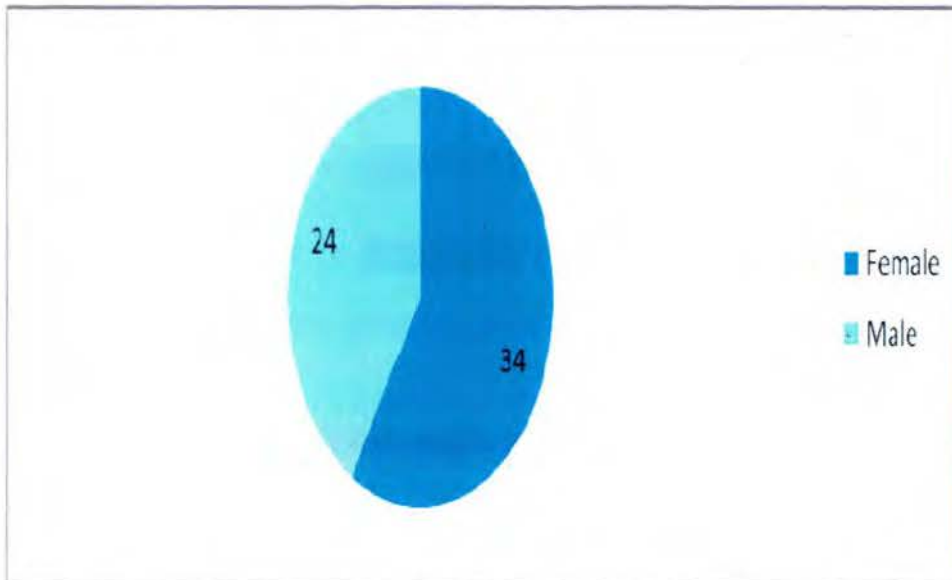
This section gives a background of the sample the study is dealing with. This is to show the sample demographics that the questionnaire was targeting. The demographics therefore include the age and gender of the respondents; the duration that this sample had worked with or at the institution and the positions they occupied. The demographics provide a good foundation as they give a reader a sense of the sample we are dealing with such as the Profile of the Justice Department employees

Figure 4.1 Ages of Respondents



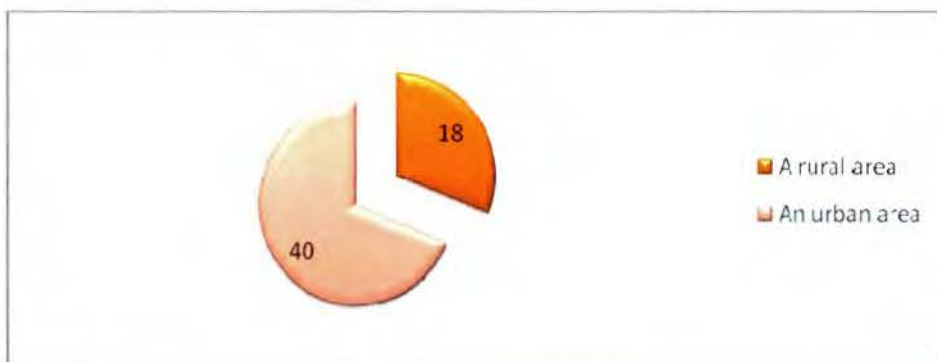
The data extrapolated from the graph indicates a 63 percent of the sample (41-50 yrs.) this has mainly been due to accessibility and also they are considered the mature age and has been there long enough to understand the dynamics in the organisation. Nevertheless, other groups were also represented in order to collect information that covers or is representative of all working age groups

Figure 4.2 Genders of the Respondents



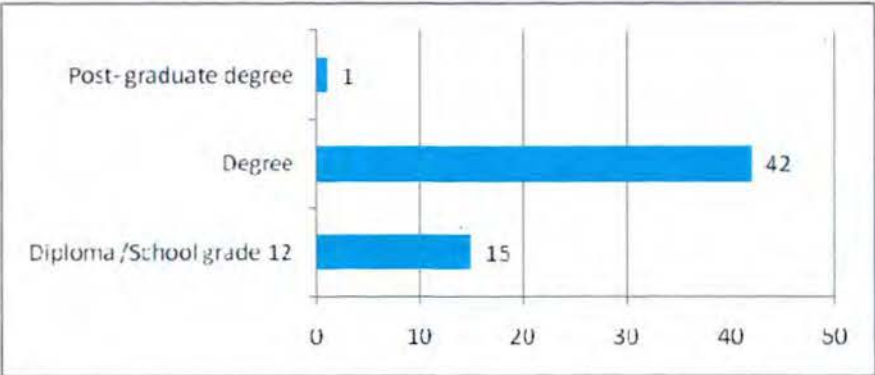
There have been drives by the South African government recently to encourage women to be actively involved in our economic activities. Unfortunately the industry is still male dominated though there are improvements every year. Given the background we were biased to males so that the outcome will be representative of the actual activities on the ground.

Figure 4.3 Grew up in



The marginalised black community dominates the Government departments by 75% representation by those that grew in rural areas. This could attribute to the Employment Equity Act, 55 of (1998) to employ individuals from disadvantaged groups in South Africa and the results clearly shows a lack of qualified individuals within the organisation.

Figure 4.4 Qualifications of Respondents



Educated people are generally believed to act rationally and logically. Our sample indicated the majority of people do hold a degree and at least a diploma. We also expected people holding such qualifications to be literate enough to understand their rights in the work place. In addition, also found that respondents find it easier to deal with since they somewhat educated and can be flexible. Further, it means that education is not a differentiating factor and employees need to have acquired the required level of education to occupy these positions.

Figure 4.5 Ethnicity of Respondents

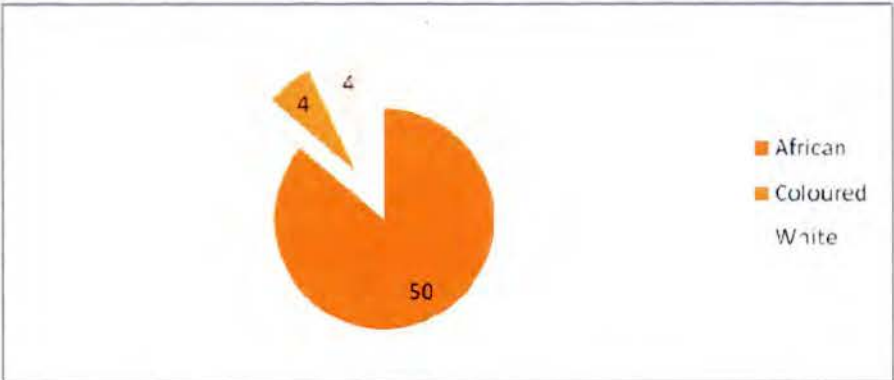
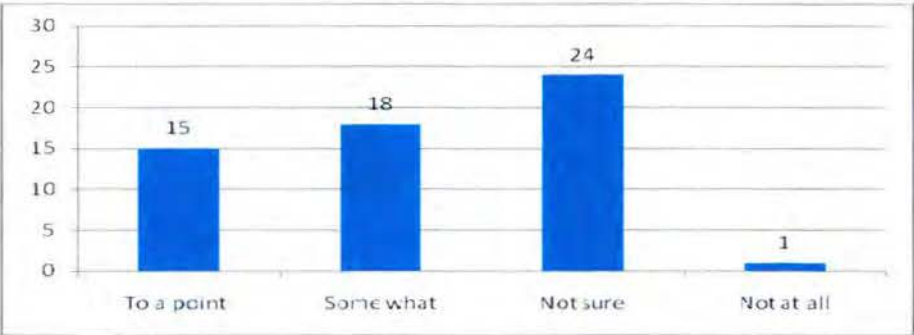


Figure 4.5 indicates that most of the respondents are white (50). The respondents seem to be well trained and educated. Following in the ethnic group were four percent coloured and four percent African. The department should focus on future goals achieved in the department working together. Lesser experience may imply that The Justice department employees have limited understanding of the impact of the implementation of dismissals. Therefore, respondents may not provide a true reflection of the impact of the dismissals.

4.4 Results of Investigation

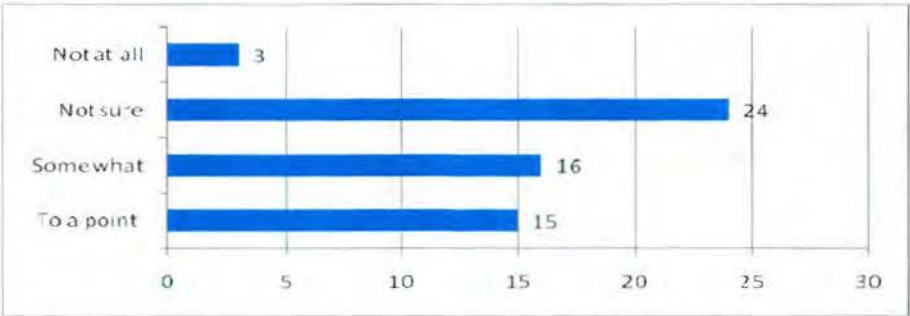
Based on the background provided above on the demographics, a questionnaire distributed to the target groups and respondents reacted positively to the questionnaire without hassles. The section below will provide the reader with the results of the questionnaire and possible hypothesis to that effect. It will basically highlight on what was the intention of the question with its results. The data below in graphs to make it easier for the reader to interpret them.

Figure 4.6 The dismissal process is standard in all aspects



The dismissal process is not standard at all aspects, as there was never a proper training. In the department before, so most of the respondents they were not sure whether the process is standard in all aspect. This sample explains that the department contributed a lot with the unfair dismissals that occurred within it as the process was not standard at all

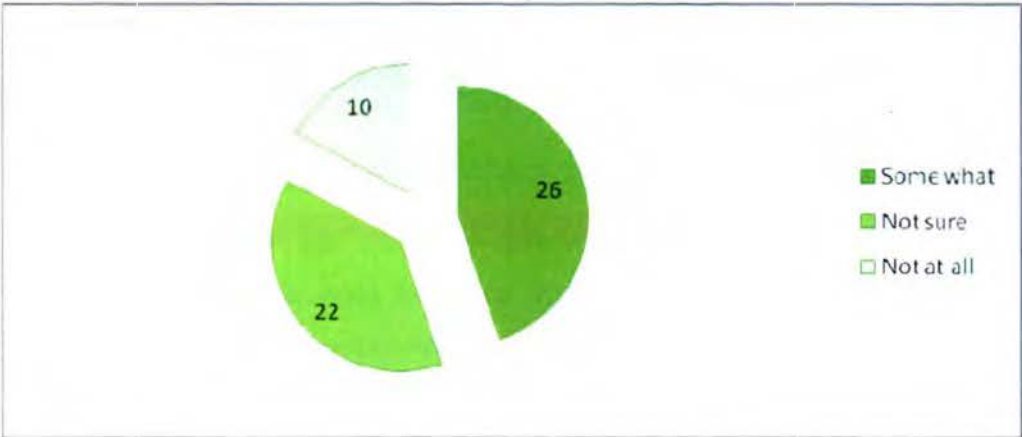
Figure 4.7 The proper procedures are followed in dismissal hearings



Training is very important when it comes to dealing with procedures. It clearly indicates that management conducted dismissals hearing procedures poorly because of their lack of training and skills in this field. Furthermore, the management team were not sure whether the procedures that they followed were

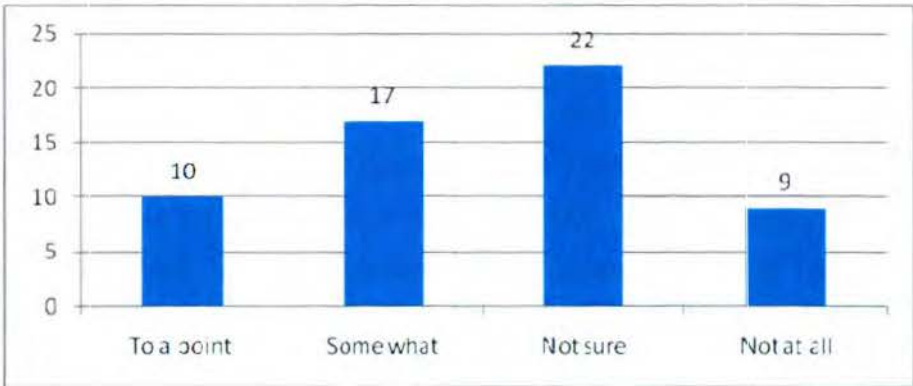
the correct ones or not, this sample shows that the respondents are not sure what a procedure is and how to follow it. The department must look in to the matter to assist management in requiring the skills and training to handle dismissal hearings correctly.

Figure 4.8 Are a disproportionate number of employees dismissed unfairly?



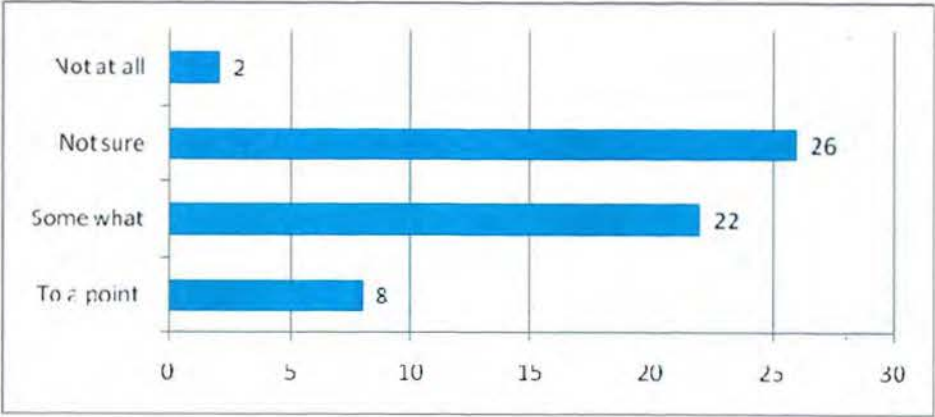
The number of employees in the organisation is unfairly dismissed as procedures are not followed and training was not emphasised by the employer when dealing with dismissals. Most of the respondents agreed with the researcher.

Figure 4.9 During unfair dismissals do you think the proper procedures were not followed?



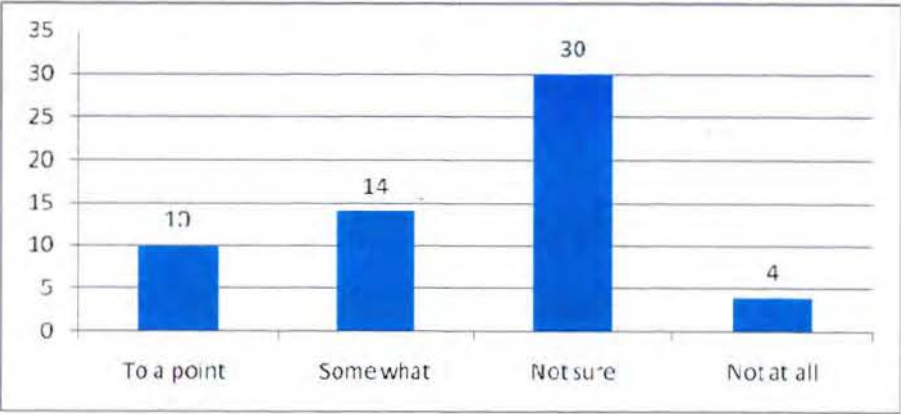
The respondents had difficulties in answering and the staff has never had any formal training before as the sample shows that they were not sure what the proper procedure is to be followed. For an example the respondents are not sure whether a procedural is substantive and fair as they lacked training.

Figure 4.10 Was the manager well trained to handle the hearing?



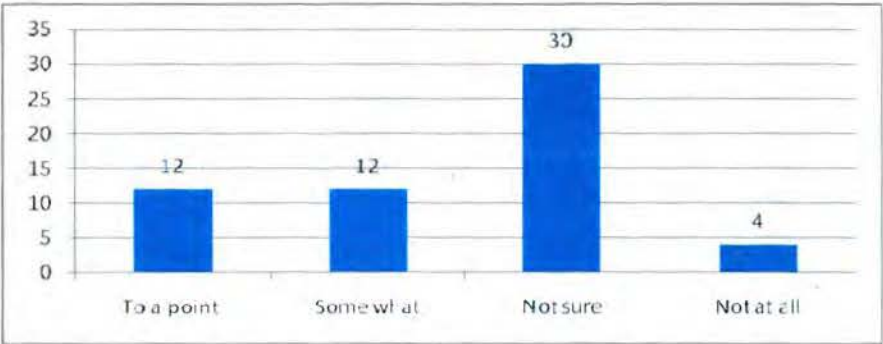
The managers were not well trained to handle the hearings in the organisation as most of the respondents were not sure when the question was asked and the results of the mismanagement of hearings amounted to high rate of dismissals.

Figure 4.11 Did the manager use the manual during the dismissal?



The managers did not use any manuals when conducting hearings, as most of them relied on the little knowledge that they had. This clearly shows that the department did not see training as an investment that could help the organisation to achieve its objectives. Figure 4.10 indicates that managers who participated in the training programme on dismissals within the department where the staff had to have the knowledge of why the management came into a conclusion of dismissing them in the disciplinary hearing conducted against them. Majority of the respondents were not sure about the question and they were reluctant to answer it.

Figure 4.12 Does other staff acknowledge the dismissal handled by specific managers well?



Most of the respondents (30) acknowledged that they are not sure whether specific managers handled dismissals correctly, as this resulted in the high rate of dismissals in the department. Most of the respondents believe that the manager did not handle the dismissal procedures well. Poor results.-

Figure 4.13 Were there any repercussions after a dismissal or were they all accepted?

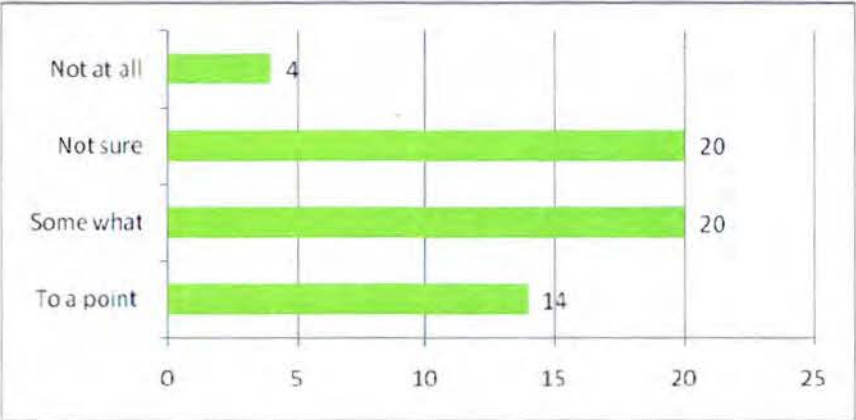
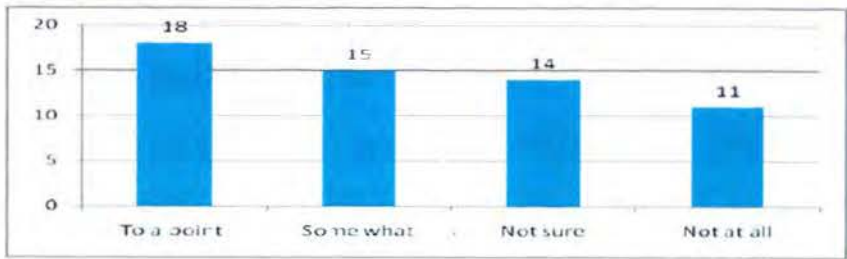


Figure 4.13 shows that 20 respondents somewhat believed that there are repercussions after a dismissal and will accept the outcome. Four respondents did not believe that there are repercussions after a dismissal, Twenty respondents were not sure if there are repercussions after a dismissal and fourteen respondents believed to a point that there are repercussions after a dismissal and would accept it. It clearly indicates that the employee's lack training, skills or have failed to acknowledge the outcome after a dismissal and will not accept the decision made by the manager as they seem to have not been fully briefed on dismissals by the organisation.

Figure 4.14 Were there ever deviations of procedures during a hearing?



Most of the respondents (18) believe that there were deviations in the procedures of hearings and they were unable to understand management procedures in dismissals. There were some deviations in the process as indicated by the majority of the respondents. All the deviations were due to lack of training (15).

Figure 4.15 Were you aware of policies and procedures during a hearing?

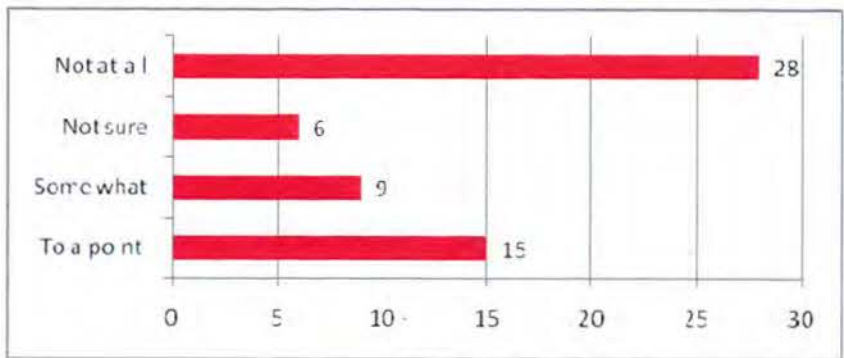


Figure 4.15 indicates that most of the respondents are not aware of the policies and procedures during a hearing (28). The employer seems to have not invested in training the employees on the policies and procedures during hearings that the employees do not know how the decision of dismissing them. Most of the respondents are not aware at all about the policies and procedures and the department must look into this issue before employing personal in the future.

4.5 Measures of Association

Thus far our discussion of the topic has focused on the values of a single variable of interest obtained from a sample questioned. However, it is possible to consider more than one variable associated with a given population. For example, two variables from the same population that might be considered are age and gender. Other examples are qualification and area, all the questions that were in the questionnaire against each other. In this chapter we consider pairs of variables

and possible relationships between these variables. In all of the sections the variables are nominal.

4.5.1. Nonparametric Statistics: Rank Correlation

When we record data at the ordinal scale of measurement or reduce numerical data to the ordinal scale by transforming them to ranks, we can perform the computational procedures of correlation on the ranks. The resulting coefficient, which is given the symbol r and called Spearman's rank correlation in recognition of the psychologist C E Spearman, who popularised the procedure. It provides a measure of linear association between the ranks of the x variable and those of the y variable. The bounds on the coefficient are the same: $-1 < r < 1$. If r is fairly large and positive, then there is close positive agreement between the ranks of the two variables. If r is close to -1 , then when one variable has a high rank, its companion tends to have a low rank and vice versa. Also, when r is near zero, the ranks of the x and y variables are nearly independent.

4.5.2. Results

Correlations analyses were used to test the model and are presented in the correlation table in the appendix. The hypotheses raised in the previous chapters were supported: Area of dwelling has a strong negative correlation which means that in urban areas the issue of gender is not really a contribution factor to a greater extent compared to the rural areas in terms of the unfair dismissal. This may be attributed to lack of free information flow. Furthermore, the greater the age the higher the risk of unfair dismissal in urban areas as indicated by a strong positive correlation (**+0.731**) between the area and gender. This is also supported by the results on the correlation between race and gender a strong positive relationship **+0.816**. And in addition, the race factor is still rife in the rural areas according to our research there is a strong negative relationship between race and area **-0.745**.

Are a disproportionate number of employees dismissed unfairly? This question has a strong positive correlation with area of **+0.795**. The higher the age the higher the respondents agreed to the question 11 hence the positive correlation of **+0.858** between the question 11 and the age question 1. This found to be true in

the case of area and a belief that proper procedures followed incorrectly in dismissing an employee (strong positive **0.822**).

The research has also shown that managers without training to were unable to handle the dismissals as indicated by a strong positive relationship between the age and question 13 (Was the manager well trained to handle the hearing?). This is also supported by the response to the same question in which most people seem to indicate that the managers are not properly trained though they reckon that they have received training. Correlation between area and managers following proper procedures indicates a strong positive relationship. It is a clear indication that managers tend to relax in the rural areas than in urban areas and this is mainly attributed to a higher literacy rate in urban areas. The rest of the relationships between these variables assumed in this study will be in the correlation table in the appendix.

4.6 Conclusion

The primary data came from the questionnaire for the targeted population. The presentation and analysis of the data reviewed that generally managers in the Justice Department are conscious of what is required in order to manage successfully the dismissal process. This is so because more than 83% of the respondents showed that they agreed or acknowledged that management went through the training process.

Furthermore, in an effort by the researcher to uncover clear evidence to the unfair dismissals in the department various correlations amongst the variables under research done. The results also showed evidence of unfair dismissals taking place and a lot if discrepancies. This chapter has highlighted some areas of concern such as racism, lack of education, different demographics being amongst other factors that affect the dismissal processes in the Justice department.

In the next chapter, the reviewed evidence from the literature, qualitative and quantitative analysis by the researcher used to derive measures to enhance effectiveness of dismissal procedures in the department. Furthermore, challenges that can be faced in trying to implement these measures will be discussed and how to overcome them. Gaps for future research will be highlighted as well.

Chapter 5

Conclusion and Recommendations

5.1 Introduction

This chapter represents the conclusion and recommendations of this case study. Firstly, a summary of the Department of Justice case study is presented. This is followed by recommendations in terms of further research that could be done into this area of study as well as same advice for other governmental organisations that are intending to develop and implement dismissal management system.

5.2 Summary of the Study

This research consisted of a case study on the dismissal management system at a Government Department, specifically Master of the High Court. The main purpose of the case study was to describe and analyse the development and system at the department of justice included a thorough review of documentary information and participant observation of the development and implementation of the dismissal management system from its inception. This followed by an assessment of potential areas for future development of the Department of Justice dismissal management system.

After much consideration of the Department of Justice case study the researcher on clues that the introduction of the dismissal management system to the Department of Justice, has overall, been a success. Contrary to envisaged outcomes, the system did not result in an improvement in the achievement of departmental objectives but instead had a significant positive impact on the overall improved focus. Currently the dismissal management system in operation at the Department of Justice based on a combination of the management by objectives and goals because of the ambiguous nature of the targets and the difficulty in setting "quantifiable measures. this was possibly not the best choice of dismissal management approach for the Department of Justice. However, further study into the changes that this approach would effect of the current system needs.

The main findings that came out of this case study are that the development and implementation of a dismissal management system takes time and commitment from all involved. Effective communication and a culture of trust are vital.

Despite the system not having a direct impact on the achievement of results, it has had a great impact on the staff and has certainly highlighted areas that require attention and further improvements.

5.3 Research Questions

The main findings of this research in relation to each research question are been discussed. Each question is f discussed from the findings relating to that question.

5.3.1 Are proper procedures followed in dismissal hearings, or have a disproportionate number of employees been dismissed unfairly?

The Department of Justice has had a dismissal management policy in place since October 2004 and improved results in terms of efficiency and effectiveness are recently beginning to show.

Vestal (2006) note that a way to deal with the concept of dismissal lock out is to encapsulated in the definition of a lock out in terms of the 1956 Labour Relations Act. In terms of the definition of the lock out an employer permitted to dismiss employees as a way of inducing them to accept a demand.

Dismissals has to be conditional and combined with an offer of re-employment should the employees accept the demand. Such dismissals, for example in ocean fertiliser, were held to be fair dismissals that were final and not also impaired by an offer of re-employment upon acceptance of employer if demand fell outside the ambit of the lock out and were held to be unfair.

5.3.2 Are a number of employees been, dismissed unfairly?

Employees are pleased with the current generation of dismissal management system, which provides them with a useful tool for continued assessment as well as reflection on their jobs and roles, it is clear that there are an attempt to define the importance of the performance management system to the Department of Justice.

Krimarch (2007) note that when handling the process of termination for workers should be in place before employees are hired. This provides a foundation from which to avoid legal problems. Studies document that dismissed employees who did not receive an explanation for their dismissal are 10 times more likely to sue their former employer than those who receive a full explanation. Only 0,4% of

employees who saw themselves treated with high levels of self-respect and respect during the dismissal process filed claims and claims were filed by 14,9% of employees where dismissal process was seen as and undignified.

5.3.3 Are managers who deal with dismissals credible?

Disciplinary procedures are essential components of electronic use policies because without sanctions, the policies are largely worthless. Electronic use policies can incorporate one of three different disciplinary methods. First companies can implement zero tolerance programs, which result in immediate termination of those caught violating the policy even if it is their first offense (Young, 2004).

Lewin & Peterson (1988) state that grievance and appeal procedures are designed to give employees a means to voice their disagreements or concern without fear of relation from their employer thus protecting them from unfair disciplinary decisions

5.3.4 Do employees and supervisors follow the dismissal from management system policies and procedures?

Most staff felt that the dismissal management system provided them with a clear framework that enables them to achieve their goals and objectives. Some staff felt that a clearer job profile would contribute to the success of the system.

Electronic use of policies are perceived as fairer than policies lacking such a mechanism, first much research shows that grievance procedures enhance procedural justice perceptions by giving individuals a chance to value their opinions, have those opinions considered and influence decisions (Kanfer & Earley 1990).

Thomas (2007: 1) argue that requiring the full potential from the employer promotes top management of dismissals are one of the biggest challenges for public sector managers. Ensuring that employees skilled, developed, trained, recognised and rewarded is a full-time job for the line manager. Managers should be clear and regularly communicate dismissal consequences, an environment that encourages and enables the employees' accountability for results; differentiate between high and low levels of dismissals and, equally important managers are accountable for these responsibilities.

Furthermore, employees should ensure that they understand their required position and tasks in the department and how this affects overall organisational goals. Employees should pursue a path of continual learning; regularly communicate with their supervisor, and hold themselves accountable and responsible for their actions Republic of South Africa's Public Service Act (1994) the Executing Authority is required to furnish approval as to the persons dismissed whenever it is necessary for any disciplinary hearings.

Haraway (2002) found that employees are often suspicious of grievance procedures by management decisions. Managers noted as upholding administrative discretion, maintaining the status quo and supporting lower level decisions instead of self-reliantly determining if a fair decision made.

5.3.5 Do employees consider the dismissal management system fair?

However, perhaps more important in the long run are the side effects from the learning that has taken place over time, which has had a substantial effect on organisational operations. Staff of the Department of Justice (Master of the High Court) including the director, have acknowledged that the department can no longer function as a "one man brand", where the director is the sole strategic decision maker and public face of the office (Cho & Lee, 2007).

Despite the system not having a direct impact on the achievement of results, it has had a great impact on the staff and has certainly highlighted eras that require attention and further improvements. Criticisms aimed at dismissal management systems in general seem to have implications for the development and implementation of any dismissal management system (Bauernschuster, 2009).



5.4 Recommendations

- In terms of the Department of Justice the department should see if the inclusion of the commitments to the departments in the initial phases of the dismissal management cycle, have improved the departmental targets and the accuracy of budget spending.
- Whilst it was noted that the consideration in the development of a dismissal management system presented in chapter 2 were taken into account during the development of the dismissal management system at the Department of

Justice, from the member of central themes that emerged from the research it was clear that in this environment there are other factors that need to be considered.

- It is also evident that most of the criticisms aimed at dismissal management systems in general did occur at the Department of Justice. These criticisms then seem to have implications for the development and implementation of any dismissal management system.
- Further research into the field of human resource of government management tools, specifically dismissal management in South Africa would greatly enhance the knowledge available in this area, also noted in the Draft King Report (2001), the concept of the importance of creating a balance between economic and social goals with the express aim of aligning the goals of individuals, corporations and society is growing importance.
- Dismissal management systems assist in the alignment of individuals and organisations goals, in the best interest of both, perhaps an area of interest of these systems in the future, particularly in the instance of dismissal management systems for Departments would be towards facilitating and intonating social objectives within the organization.

5.5 Recommendation to other Government Department

In the current South African climate where a culture of dismissals or unemployment is prevalent amongst departments, the dismissal management system is a useful tool that can assist government departments in the achievements of its targets.

- In today's very competitive markets, where government departments, can be seen to be competing with one another the achievement of targets could be the difference between long term sustainability because dismissal management systems can be adopted to suit any organisation and based on the case study of the Department of Justice, the researcher recommends the introduction of dismissal management system into departmental where feasible from the information provided on governmental

and academic departments, it is clear that these could benefit from dismissal management system.

- In introducing a dismissal management system to the Department of Justice, there are few important points to note, the development and implementation of a dismissal management system take time but rewards are long term.
- Having developed and implemented a dismissal management system with the main aim of achieving certain primary objectives, these might only be reached if the system does not work exactly as planned. Be aware of unexpected benefits and take advantage of them.
- An effective dismissal management system requires buy in from all stakeholders if it is to achieve desired goals without commitment from top management a dismissal management system will not function properly because the organisation goals cascade down into individual goals, top management needs to be supportive of the system. Employee buy in is also important to enable the system to work smoothly.
- Employees need to understand how they and the organisation can benefit from the system so from the beginning get them involved in workshop ideas with them and continually ask for their input and feedback. Enablers of the system are a culture of trust and effective communication system. In conclusion, dismissal management system can assist an organisation to achieve synergistic results.
- Competitive market forces employers to propose changes to the employees' terms and conditions of employment. Employers are not permitted to unilaterally introduce such change. Consent employees have to be obtained. The employer has to negotiate with employees will appreciate the need for a change to their terms and conditions of employment.
- The employer can make use of the lock out option; however, if the worker initiates the lock out, the worker is entitled to the use of replacement labour. The 1995 Labour Relations Act is very clear on that. The lock out may take a very long time if the employees do not capitulate at the same time,

production would have come to a halt. This in a way shows that the lock out option may fail to produce positive results for the employer.

The next question is whether the employer can use dismissal as a way of pressurising the employees to accept his demand. Dismissal is not permissible in disputes revolving around mutual interest. Dismissal is not a legitimate instrument of coercion in the collective bargaining process.

5.6 Conclusion

Training for dismissal procedures can be the backbone of business intelligence for an organisation, giving management a unified view of its processes in the Department of Justice, Master of the North Gauteng High Court, Pretoria. When dismissal procedures fail, it is usually because the company did not dedicate enough time or money to training and managing culture change issues.

The findings of this study provide a point of departure with dismissals, the impact of the implementation the procedures in Justice Department, Master of the North Gauteng High Court, Pretoria. The study has highlighted dismissal challenges as experienced by employees.

The study indicates that the dismissal process classified under three major types: there is deficiency in the procedures of dismissals; employees are concerned about their positions and are not satisfied with the quality of output from the dismissal procedures from management. Results highlight the need the management of the Justice Department, Master of the North Gauteng High Court, Pretoria, to explore the opportunity to ensure that the employees receive sufficient training and knowledge to be familiar with the procedures in dismissals, improve the dismissal process reliability and reduce possible dismissals in the future.

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Research Questions	Survey Questions	Variable(s) and Relationships measured	Question Type
Are proper procedures followed in dismissal hearings or do a disproportionate number of employees been dismissed unfairly?	During unfair dismissals do you think the proper procedures were not followed?	Ordinal/Nominal Variables	Likert scale
Are managers who deal with dismissals credible?	PART 5: How credible are managers who deal with dismissals? <i>Please tell us a little about yourself</i>	1.1 Not within scope, poorly, fairly, mostly, completely	Likert scale
Do employees and supervisors follow the dismissal from management system policies and procedures?	Please mark only ONE option per question below. Was the manager well trained to handle the hearing?	1.2 Not within scope, poorly, fairly, mostly, completely	Likert scale
Do employees consider the dismissal management system fair?	Did the manager use the manual during the dismissal?	1.3 Not within scope, poorly, fairly, mostly, completely	Likert scale
	Does other staff	1.4 Not within scope, poorly, fairly, mostly,	Likert scale

	acknowledge the dismissal handled by specific managers well?	completely	Likert scale
		1.5 Not within scope, poorly, fairly, mostly, completely	Likert scale
		1.6 Not within scope, poorly, fairly, mostly, completely	Likert scale
		1.7 Not within scope, poorly, fairly, mostly, completely	Likert scale
		1.8 Not within scope, poorly, fairly, mostly, completely	Likert scale

		1.9 Not within scope, poorly, fairly, mostly, completely	
		1.10 Not within scope, poorly, fairly, mostly, completely	

		Ordinal/Nominal Variables	Likert scale	Descriptive stats-frequency tables, bar charts
		3.1 Not within scope, poorly, fairly, mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
		3.2 Not within scope, poorly, fairly, mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
		3.3 Not within scope,		

		poorly, fairly, mostly, completely 3.4 Not within scope, poorly, fairly, mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
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		Variables		stats-frequency tables, bar charts
		2.1 Not within scope, poorly, fairly ,mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
		2.2 Not within scope, poorly, fairly ,mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
		2.3 Not within scope, poorly, fairly ,mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho
		2.4 Not within scope, poorly, fairly ,mostly, completely		
		2.5 Not within scope, poorly, fairly ,mostly, completely	Likert scale	Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient

			Likert scale	testing with personal information –Pearson & Spearman Rho Convert nominal to ration 0,1,2,3,4 & do correlation co-efficient testing with personal information –Pearson & Spearman Rho Numerical Description Location ,spread, distribution, cross tabulation
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Appendix B : A short disclaimer describing the purpose of the study.

Dear Respondent

I am an assistant master in the office of the master of the North Gauteng High Court and currently completing the research component of a Masters in Business Administration (MBA) with the North-West University (NWU)– Mafikeng Campus.

Towards this end, I would really appreciate your input in understanding the management of dismissals in the department of justice specifically the master of the north high court (Pretoria) I have attached a questionnaire which will assist me in collating the required data.

May I request for your assistance in the following:

- 1) Please complete the questionnaire to the best of your ability and;
- 2) Kindly forward it to other masters. For follow-up purpose, kindly copy me when you forward the questionnaire to other masters.

The questionnaire will not take more than 15 minutes to fill in. After filling in, please e-mail your response to: ymakhubedu@justice.gov.za . The closing date is the 25th of October 2012.

Thanking you in advance for your contribution in this regard.

Kind Regards,

YVONNE MAKHUBEDU

012 339 7967

0766807931

Appendix C

A reminder regarding research questionnaire collection

Dear Respondent

May I please remind you, to fill up the attached questionnaire no later than this coming Tuesday, the 15 of October 2012.

Your support is highly appreciated.

Thank you and kind regards,

YVONNE MAKHUBEDU

(012) 339- 7967

0766807931

Appendix D: Questionnaire

FOR OFFICE USE ONLY: Respondent Code: _____

VOLUNTARY QUESTIONNAIRE

**Evaluation of the substantive and procedural management of dismissals in the department of justice
specifically the master of the north high court pretoria**

Graduate School NWU

Researcher: MRS YVONNE MAKHUBEDU

Supervisor: Prof Sam Lubbe

Note to the respondent

- The researcher needs your help to understand how people view the management of dismissals in the department of justice.
- Although the researcher would like you to help her, you do not have to take part in this survey.
- If you do not want to take part, just hand in the blank questionnaire at the end of the survey session.
- What you say in this questionnaire will remain private and confidential. No one will be able to trace your opinions back to you as a person.

The questionnaire has three parts:

- Part 1 asks permission to use your responses for academic research.
- Part 2 asks general personal particulars like your age, gender and academic qualifications.
- Part 3 asks the management of dismissals in the department of justice.

How to complete the questionnaire

1. Answer the questions as truthfully as you can. Also, please be sure to read and follow the directions for each part. If you do not follow the directions, it will make it harder for the researcher to do the research project.
2. The researcher only asks you about things that you and your fellow employees should feel comfortable to share. For those questions that you do answer, your responses kept confidential.
3. You can mark each response by making a tick or a cross, or encircling each appropriate response with a PEN (not a pencil) or by filling in the required words or numbers.

PART 1: Permission to use my responses for academic research

I hereby give permission that my responses may be used for research purposes provided that my identity is not revealed in the published records of the research.

Initials and surname _____

Postal address: _____

_____ Postal code: _____

Contact numbers: Home: _____ Cell: _____

Signature: _____ Date: _____

Thank you very much for filling in this questionnaire.

No.	PART 2: GENERAL PERSONAL PARTICULARS <i>Please tell us a little about yourself</i> Please mark only ONE option per question below.	11. Are a disproportionate number of employees dismissed unfairly? ☐ To a point ☐ Somewhat ☒ Not sure ☐ Not at all
1.	I am _____ years old. ☐ Under 21 ☐ 22 - 30 ☐ 30 - 41 ☐ Over 40 years old	12. During unfair dismissals, do you think the proper procedures were not followed? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
2.	I am a: ☐ female ☐ male.	PART 5: How credible are managers who deal with dismissals? <i>Please tell us a little about yourself</i> Please mark only ONE option per question below.
3.	I grew up in: ☐ a rural area ☒ an urban area	13. Was the manager well trained to handle the hearing? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
4.	I have: ☐ a diploma/school Grade 12 ☐ a degree ☐ a post-graduate degree ☐ Not completed schooling	14. Did the manager use the manual during the dismissal? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
5.	I am: ☐ African ☐ Coloured ☐ Indian ☐ Oriental ☐ White ☐ a member of another ethnic group:	15. Does other staff acknowledge the dismissal handled by specific managers well? ☒ To a point ☐ Somewhat ☐ Not sure ☐ Not at all

6.	I am: ☐ Academic ☐ Student ☐ Other	16.	Were there any repercussions after a dismissal or were they all accepted? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
7.	The process is followed closely by all parties ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all	17.	Were there ever deviations of procedures during a hearing? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
8.	The dismissal process is part of the job function process in printing ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all	18.	Were you aware of policies and procedures during a hearing? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
9.	The dismissal process is standard in all aspects ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all	19.	Were there ever deviations of procedures during a hearing? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
PART 4: Are proper procedures followed in dismissal hearings, or is a disproportionate number of employees been dismissed unfairly? <i>Please tell us a little about yourself</i> Please mark only ONE option per question below.		20.	Was the deviation handled well? ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all
10.	The proper procedures are followed in dismissal hearings ☐ To a point ☐ Somewhat ☐ Not sure ☐ Not at all		

Appendix E: Matrix

#	Author	Paper Title	2.1 Definition	2.2 the reasons for dismissals	2.4 Entrepreneurs hip development	2.5 Entrepreneurs hip education
1	Aragon-Correa, JA, Garcia-Morales, VJ, Hurtado-Torres, N & Sharma, S, 2008.					
2	Bauernschuster, S, 2009.	Relaxed Dismissal Protection: Effects on the Hiring and Firing Behaviour of Small Firms. Besance not, D & Vraanceanu				
3	Boeri, T & Jimeno, J	The effects of employment protection				

	JF, 2003	ent protection : Learbnin g from variable enforcem ent				
4	Booth, R, Kohut, G & Henle CA, 2009	Designin g electronic use policies to enhance employee perceptio ns of fairness and to reduce cyberloafi ng: An empirical test of justice theory				
16	Buppert, C.2008	What are your rights if you get fired				

17	R, 2009. Multiple equilibrium s	in a firing game with impartial justice, Labour Economic s 16				
18	- JNP Buppert, C.2007	Think three times before signing a non competen ce clause				
19	Cho, J & Lee, KY, 2007.	Deregulat ion of dismissal law and unjust dismissal in Korea				
20	Cingano, F, Leonardi, M,Messina , J & Pica, G, 2008.	Employment Protection Legislation, Productivity and Investme				

		nt				
21	Cools, K & Mirjam van Praag, C 2007	The value of top executive departures				
22	Davis, KR.2007.	You are dismissed: Create a plan before you fire an employee				
23	AGD Impact <i>March</i> 2007	Occupational self-selection in a labour market with, moral hazard				
24	Eastek, SE 2007. Termination	Management turnover across the corporate hierarchy				

35	Forsyth, A, 2007	Protection Against Economic Dismissals:				
36	Galdin-Sanchez, JE & Guell, M 2003	Dismissal conflicts and unemployment, European Economic Review 47				
37	Grant, JD & Wagar, 2009	The Courts' views on Employee Performance Management: An Empirical Investigation of Wrongful Dismissal Case Outcome				

38	Hahn, S. 2009	Does individual employment legislation constrain the ability of hospitality employers to "hire and fire"?				
39	J & Lucas, R.2004. Hoffler, F &	When and why dismissing a manager increases the subordinates' performance.				
40	Lehino, A, Polo, M & Rettore, E, 2003.	Are judges based by labour market condition				

		s?, <i>European Economic Review</i> 47 (2003) pp 913- 944.				
	Malo, MA & Munoz- Bullon, F, 2008	Long- term effects of involuntar y job separatio ns on labour careers				
	Lukaszew ski, KM, Stone- Romero,E F & Stone, DL, 2007	The impact of cultural values on the acceptan ce and effectiven ess of human				
	Malveaux, SM, 2010.	How Pre- Dismissal Discovery can address				

		the detriment al Effect of Iqbal on Civil Rights				
	Neergaard , p & Pedersen, ER, 2009	What matters to manager s? Manage ment Decision Vol.47 No 8 2009 pp. 1261- 1280.			1	

APPENDIX F: CORRELATION

Notes

Output Created	30-Oct-2011 13:39:27
Comments	
Input	Active dataset
	DataSet1
	Filter
	<none>
	Weight
	<none>
	Split file
	<none>
	N of rows in working
data	58
	File
Missing value handling	Definition of missing
	Cases used
	User-defined missing values are treated as missing.
Syntax	Statistics are based on cases with no missing values for any variable used.
	REGRESSION
	/MISSING LISTWISE
	/STATISTICS COEFF OUTS R
	ANOVA
	/CRITERIA=PIN(.05) POUT(.10)
	/NOORIGIN
	/DEPENDENT Ethnic
	/METHOD=ENTER Qu1 Qu2 Q
	Qu3 Qu4 Qu5 Qu6 Qu7 Qu8 Qu9 Qu10
	Qu11 Qu12 Qu13 Qu14.
	00:00:00.016

Resources Required	Processor Time	00:00:00.062
	Elapsed Time	7612 bytes
	Memory Required	0 bytes
	Additional Memory	
	for Residual Plots	

Variables Entered/Removed^b

Model	Variables Entered	Variables Removed	Method
1	Qu14, Qu6, Qu4, Qu9, Qu10, Qu1, Qu8, Qu2, Qu7, Qu5, Qu12, Qu3, Qu11, Qu13 ^a		Enter

a. All requested variables entered.

b. Dependent Variable: Ethnic

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.732 ^a	.535	.384	.813

a. Predictors: (Constant), Qu14, Qu6, Qu4, Qu9, Qu10, Qu1, Qu8, Qu2, Qu7, Qu5, Qu12, Qu3,

Qu11, Qu13

ANOVA^b

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	32.697		2.366	3.535	.001 ^a
Residual	28.406		.661		
Total	61.103				

a. Predictors: (Constant), Qu14, Qu6, Qu4, Qu9, Qu10, Qu1, Qu8, Qu2, Qu7, Qu5, Qu12, Qu3, Qu11, Qu13.

b. Dependent Variable: Ethnic

Coefficients^a

Model		Unstandardised Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.291	3.229		.710	.482
	Qu1	-.890	.616	-.691	-1.446	.155
	Qu2	.696	.999	.574	.697	.490
	Qu3	.018	.916	.014	.019	.985
	Qu4	-.387	.181	-.349	-2.140	.038
	Qu5	.484	.665	.351	.728	.470
	Qu6	-.326	.419	-.302	-.778	.441
	Qu7	.717	.574	.586	1.250	.218
	Qu8	-1.051	.583	-.876	-1.801	.079

Qu9	.071	.230	.062	.308	.760
Qu10	-.429	.382	-.372	-1.122	.268
Qu11	.223	.951	.255	.234	.816
Qu12	-.587	.479	-.716	-1.224	.227
Qu13	.770	1.040	.872	.741	.463
Qu14	.185	.645	.219	.287	.776

a. Dependent Variable: Ethnic