

Exploring the effectiveness of disciplinary measures in a North-West Government Department

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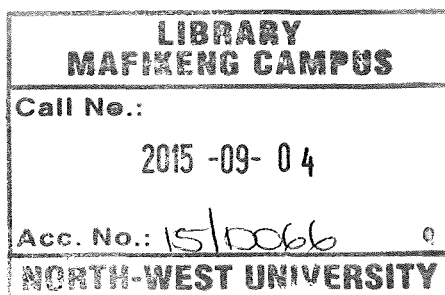
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November 2013



DECLARATION

I, Malebogo Mogotsi, declare that **“Exploring the effectiveness of disciplinary measures in a North-West Government Department”** is my original work notwithstanding the assistance and guidance of both my main and co-supervisors. All the sources of information used for the study have been cited and referenced. I declare that the information in the study has never been used before by any researcher for qualification at the same or another tertiary institution.



Signature

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“Those who are ready to join hands can overcome the greatest challenges”,-

Nelson Mandela

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ABSTRACT

EXPLORING THE EFFECTIVENESS OF DISCIPLINARY MEASURES IN A NORTH-WEST GOVERNMENT DEPARTMENT

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In May 2013, the National Public Service Commission (NPSC) announced that twenty-two thousand public servants across the country had been charged with misconduct for corrupt activities and that R 300 million had been recovered from perpetrators.

At face value it can be concluded that the disciplinary measures that are used to deal with employee misconduct in government are effective. But when a deeper look is taken to determine whether the measures are effective as far as disciplining employees is concerned, the hidden truth is uncovered.

This study explored the effectiveness of disciplinary measures in a North-West Government Department. The aim was to determine whether the measures put in place were effective when it came to dealing with the misconduct of employees.

A qualitative research approach was used in the study as it provided an in-depth understanding of the issues under investigation for the purpose of finding answers to the research questions. Semi-structured and in-depth interviews were used to gather data. The interviews provided much needed information about the perceptions of employees about the misconduct procedure of the department.

The findings showed that employees preferred that an internal disciplinary procedure be formulated instead of relying on the standard Disciplinary Code and Procedure. The findings also highlighted factors such as the damage to the reputation of an organisation and monetary loss as some of the consequences of not properly following misconduct procedures of the Department.

The findings also showed that factors such as pressures of life, treatment by management and low wages were causing employees to commit misconduct in the workplace. Furthermore, acts of misconduct such as absenteeism, fraud, corruption and late-coming were some of the common acts of misconduct committed by employees at the North-West Government Department.

The regular training of employees was needed in order to deal effectively with misconduct in the Department. This study paved a way for future researchers who would like to conduct the same or similar research.

**CHAPTER 1:
INTRODUCTION**

1.1. INTRODUCTION

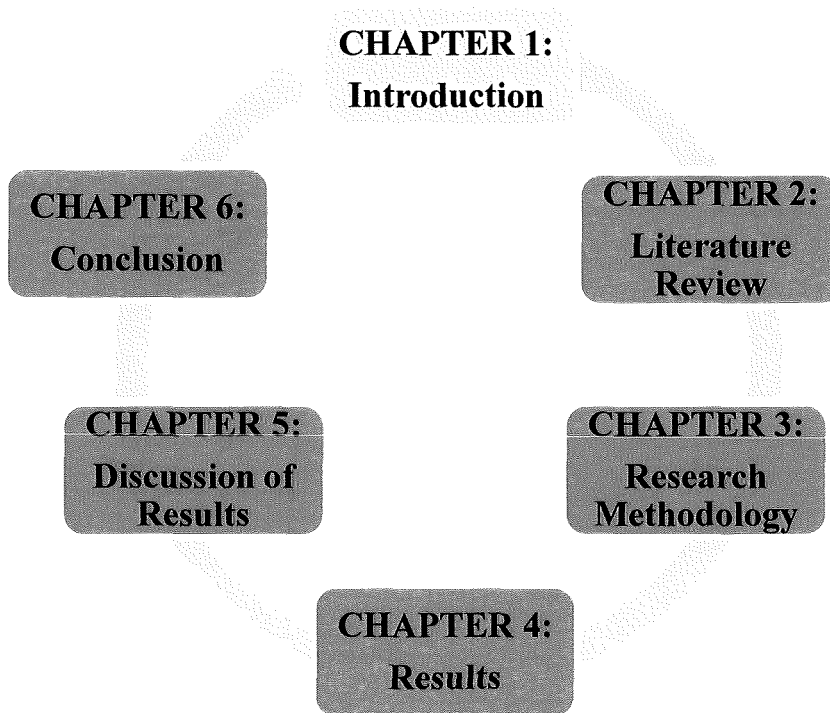


Figure 1-1: Chapter 1 in Context

In this chapter an overview of the study is made. Topics such as the background of the study, problem statement, research questions, general research objectives, specific research objectives, expected contributions of the study are discussed.

Lastly, the research design, approach, method, literature review, research participants, and research procedure are briefly discussed. Key concepts are defined. The division of chapters is made and a conclusion is drawn.

1.2. BACKGROUND OF THE STUDY

Misconduct by public servants is on the rise and the South African government is losing millions of rands as a result of misconduct (Mafikeng Mail, 2013). Acts of misconduct such as absenteeism without permission, theft, fraud, the failure to carry out lawful instructions, and participating in unprotected strikes are some of the dominant acts of misconduct committed by public servants.

According to Grogan (2008:266), “misconduct is said to take place when an employee capably disregards the rules of the workplace”. The rules may have been expressed verbally by the employer or be written in the employee’s contract of employment. A contract of employment is a written agreement entered into by an employee and employer for the purpose of making personal services available, with subordination and remuneration present (Landis & Grossett, 2005:92).

Misconduct therefore refers to wrong doing by an employee in the workplace. Put differently it refers to an act by an employee in the workplace that contravenes established rules in a workplace usually contained in the disciplinary code of the organisation. A disciplinary code and procedure are the substantive and procedural rules which govern conduct and performance in an organization and employers must take into consideration their own code when disciplining employees (Landis & Grossett, 2005:160).

According to Grogan (2008:266), “the legal basis for dismissal for misconduct is when the employees concerned are deemed to have committed a breach of material term of their contracts or destroyed the employment relationship, which justifies its termination by the employer”.

There is no legal definition of the term ‘misconduct’ found in statutes or case laws within the South African Legal framework, even though misconduct is one of the grounds on which an employer can dismiss an employee (Grogan, 2008:266).

Misconduct in the Public service is dealt with in terms of the Disciplinary Code and Procedures (Resolution 1 of 2003) of the Public Service Coordinating Bargaining Council (PSCBC). The disciplinary measures that are available to deal with misconduct are not effective insofar as disciplining employees is concerned.

1.3. PROBLEM STATEMENT

Misconduct by public servants is on the rise in one North-West Government Department, and different acts of misconduct are committed on a daily basis. When employees have committed serious offences they are often placed on precautionary suspension for long periods of time and this has resulted in the government department wasting millions of rands on officials who are being paid but are not working pending the finalisation of disciplinary investigations.

The provision of services to the public is being severely affected by the delay in the resolution of misconduct cases. In a statement found on the website of the North-West Government (25 May, 2013), “the public loses trust in reporting alleged corruption against government officials, which paints a negative picture as far as the fight against corruption in the public service is concerned”.

The delay in the speedy resolution of cases has resulted in an increase in the number of complaints reported to the National Anti-Corruption Hotline about this government Department. There has also been an increase in the number of grievances and dispute cases as a result of cases not being finalised properly and on time.

When cases are not finalised on time, questions are often asked if the measures put in place to deal with misconduct cases in government are working effectively and whether they are being put into practice correctly taking into consideration the number of appeal cases.

1.4. RESEARCH QUESTIONS

The study is prompted to address the following questions based on the aforementioned problem statement:

- What are the perceptions of employees about the misconduct procedures in the department?
- What are the consequences of not following the misconduct procedures of the department?
- What are the recommendations that employees give to improve the misconduct procedures in the department?

1.5. RESEARCH OBJECTIVES

According to Nkatini (2005:19), “an objective is a specific and precise goal that the research sets to achieve during the research process”.

1.5.1. General Research Objectives

The general objective of this research is to determine the effectiveness of disciplinary measures in the government department.

1.5.2. Specific Research Objectives

The specific objectives of this research are:

- To determine the perceptions of employees about the misconduct procedures in the department
- To determine the consequences of not following the misconduct procedures of the department

- To establish the recommendations that employees give to improve the misconduct procedures in the department

1.6. EXPECTED CONTRIBUTIONS OF THE STUDY

The study is important from both the theoretical and practical perspectives. From the academic or literature point of view, the study aims to contribute, through its findings and recommendations, new information in support of existing knowledge in sources of information such as books, articles and journals.

From the practical side, the study seeks to come up with strategies and plans to assist managers to put in place the available disciplinary measures. The study's findings will not only assist the government department under study, but may also assist other government departments in the country encountering the same or similar challenges.

1.7. RESEARCH DESIGN

According to Bryman and Bell (2011:40), "a research design provides a framework for the collection and analysis of data".

1.7.1. Approach

For the purposes of this study, the qualitative approach has been selected as the most relevant and appropriate research methodology. According to Lehmann (2006:3), "the qualitative research methodology refers to a set of research techniques in which data is obtained from a large group of respondents".

In support of this definition, Klenke (2008:7) refers to the qualitative approach as multi-method in focus, involving an interpretive, naturalistic approach to its matter.

The qualitative method can also be defined as an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem (Klenke, 2008:7).

According to Klenke (2008:7) “the qualitative approach involves the studied use and collection of a variety of empirical materials, for example, case studies, personal experience, introspective, life story, interview, observational, historical, interactional, and visual texts that describe routine and problematic moments and meaning in individuals’ lives”.

The qualitative approach ensures an in-depth understanding of the issues under investigation for the purpose of finding answers to the research questions. This approach assists the researcher to study things in their natural settings, attempting to make sense or interpret phenomena in terms of the meanings people bring to them (Klenke, 2008:7).

The qualitative approach enables the researcher to address the issue of quality by dealing with aspects such as validity, practicality and effectiveness (Maree, 2007:38). In addition, the qualitative approach ensures that data collection, that is, the intensive personal involvement and in-depth responses of individuals, secure a sufficient level of validity and reliability.

The research questions in this study expect that the answers given would be verbal, hence the choice of the qualitative approach. The term ‘qualitative research’ is used to serve as a contrast to quantitative research, because qualitative research embodies observations and analysis that are generally less numerically measurable than methods that are typically considered as quantitative research, for example surveys and experiments (Shi, 2008:144).

According to Maree (2007:39) “the quantitative approach explains the statistical procedures that will be carried out to investigate the research problems, for example, descriptive and inferential statistics”.

1.7.2. Research Strategy

The research methods or techniques may be defined as the methods the researcher uses in performing research operations (Kumar, 2008:4). In other words all those methods which are used by the researcher in the course of resolving the research problem are termed research methods. The research methodology is a way of systematically solving the research problems.

According to Kumar (2008:5), “a research methodology has many dimensions and research methods constitute a part of research methodology although the scope of research methodology is wider than that of research methods”. Research methodology does not only include the research methods, but also considers the logic behind the methods that are used in the context of a research study.

Research methodology also explains as to why particular methods or techniques are used and why others are not used so that the research results are capable of being evaluated either by the researcher or by others. The failure to distinguish between research methodology and design leads to a poor research.

A research design is a plan, structure and strategy of investigation so conceived as to obtain answers to research questions or problems and the plan is a complete scheme or programme of the research (Kumar, 2005:84).

According to Maree (2007:70) a research design “can also be defined as a plan or strategy which moves from the underlying philosophical assumptions to specifying the section of the respondents, the data gathering techniques to be used and the data analysis to be done”.

Maree (2007:70) furthermore states that “the choice of research design is based on the researcher’s assumptions, research skills and research practices, and influences the way in which the researcher collects data”.

A research design is therefore a procedural plan that is adopted by the researcher to answer questions of validity, objectively, accurately and economically (Kumar, 2005:84).

According to De Vaus (2001:9) “the function of a research design is to ensure that the evidence obtained enables one to answer the research questions as unambiguously as possible”. Furthermore research design is different from the method by which data are collected.

Research design is the logical structure of the inquiry whereas the research method is the mode of data collection (De Vaus, 2001:9). According to De Vaus, (2001:10) there are four types of research designs, which are the experiment, case study, longitudinal design, and cross sectional design.

All these types may use the questionnaire, interview, observation, analysis of documents and unconstructive methods as data collection methods (De Vaus, 2001:10). Each of these designs are discussed briefly in points below:

- **Experimental designs:** This type of research design is generally used to identify whether an independent variable has an effect upon a chosen dependent variable (Gratton, & Jones, 2010:101).
- **Longitudinal study:** Is a research design that uses the same group, and measures particular variables over an extended period of time (Gratton & Jones, 2010:101).
- **A case study:** May be understood as the intensive study of a single case where the purpose of that study is (at least in part) to shed light on a larger class of cases that is, population (Gerring, 2007:20).
- **Cross-sectional design:** When using this type of research design, researchers study individuals of different ages at the same time (Jackson, 2008:163).

Gratton and Jones (2010:101), on the other hand, add that there are three more types of research designs, which are the time series, grounded theory and ethnography.

- **The time series design:** This type of design involves measurements that have been taken over time (Babbie, 2008:392).
- **The grounded theory:** This type of research design is an inductive qualitative methodology that allows the researcher to identify the main concern of a group of subjects and the behaviours they use to resolve their main concern (Barbara, Artinian, & Pamela, 2009:3).
- **Ethnography:** Is regarded as the product of a cocktail of methodologies that share the assumption that personal engagement with the subject is the key to understanding a particular culture or social setting (Jupp, 2006:101).

For the purposes of this study, a case study is selected and used because it is the most suitable type of research design.

1.7.3. Method

According to Bryman and Bell (2011:41), “a research method is simply a technique for collecting data”. It can involve a specific instrument, such as a self-completion questionnaire or a structured interview schedule, or participant observation whereby the researcher listens to and watches others.

1.7.3.1. Literature Review

According to Boote and Beile (2005:1), “a literature review is an evaluative report of studies found in the literature related to a selected area”. The review should, according to Boote and Beile (2005:1), describe, summarize, evaluate and clarify literature and should give a theoretical basis for the research and help determine the nature of own research”.

According to Bless, Smith, and Kagee (2006:24), the purpose of the review of existing literature is one of or a combination of the following:

- To sharpen and deepen the theoretical framework of the research. That is to study the different theories related to the topic, taking an interdisciplinary perspective where possible.
- To familiarise the researcher with the latest developments in the area of research, as well as in related areas. In particular the researcher should become acquainted with the problems, hypothesis, and results obtained by other researchers in order not to duplicate efforts but to widen and deepen them.
- To identify gaps in knowledge, as well as weaknesses in previous studies. That is to determine what has already been done and what is yet to be studied or improved.
- To discover the connections, contradictions, or other relations between different research results by comparing various investigations.
- To identify variables that must be considered in the research, as well as those that prove irrelevant. This finding is often a result of the comparison of different investigations.
- To study the definitions used in previous works as well as the characteristics of the populations investigated, with the aim of adopting them for the new research. Often some definitions are found to be correct and unbiased so that they can be adopted for the new investigation along with other basic characteristics of the population.
- In so doing, homogeneity between research projects is gained which will allow for an easier comparison of the results obtained in different studies.
- To study the advantages and disadvantages of the research methods used by others, in order to adopt or improve on them in one's own research.

According to Bless et al., (2006:25), "it should be noted that although a literature review is essential, it also carries some dangers". For example the results of previous research may influence a researcher to accept without criticising the chosen characteristics and explanations of the literature and this might deprive the researcher the opportunity to discover new possibilities and to observe without preconceptions or expectations" (Bless et al., 2006:25).

Bless et al., (2006:25), go on to say that, “one may develop the tendency to emphasise mainly what has been brought to one’s attention or to work within an already established framework, instead of exploring new approaches”.

Reviewing the literature is an important and cardinal step in a research. Information sources are wide and varied, but are usually classified under two broad headings, which are the primary and secondary sources of information (Lashley & Best, 2003:93).

The background information to this study is to be provided by literature review. In other words, both the primary and secondary sources of information are used. According to Lashley and Best (2003:93), “primary sources of information are those from which the researcher gathers information first hand, and this might be through a variety of methods clustered in three main styles of research, namely, experimentation, observation and surveys”.

The primary sources refers to those in which the creator was a direct witness or was in some other way directly involved in or related to an event (Johnson & Christensen, 2010:424). Secondary source are those sources that are created from primary sources (Johnson & Christensen, 2010:424).

Primary sources are generally viewed as the more valuable sources of information but regardless of whether an information source is primary or secondary, it must be evaluated for its accuracy and authenticity (Johnson & Christensen, 2010:424). This means that each information source must pass the test of internal and external criticism by the researcher.

According to Johnson and Christensen (2010:424) ‘external criticism refers to the validity, trustworthiness, or authenticity of the source whereas internal criticism refers to the reliability or accuracy of the information contained in the material collected by the researcher’.

In making the assessment of the reliability and accuracy of the information and source, the researcher engages in positive and negative criticism.

Positive criticism means that the researcher must be sure that he or she understands the statements made or the content of the source materials, whereas negative criticism refers to evaluating the accuracy or authenticity of the statements made and the meaning conveyed in the source material (Johnson & Christensen 2010:424). The primary data in this research will be collected by the researcher through structured interviews.

Secondary sources refers to information that already exists and has been gathered by someone else. Examples of secondary sources are books, newspapers and journal articles (Lashley & Best, 2003:93).

According to Lashley and Best, (2003:93) 'it is important to start with a research of the secondary sources, even with those exercises which require one to gather primary data, because secondary sources provide a valuable overview of the key issues and questions'.

In this research, books, journals, and the internet are used as secondary sources of information. Other documentation such as relevant policy documents, for example, the code of conduct for the public service, is used.

1.7.3.2. Research Participants

According to Goddard and Melville (2001:34), 'the term 'population' refers to any group that is the subject of research interest'. The study population therefore refers to people that have been identified as having a problem or those that are directly involved in or related to the problem.

The population in this study consists of all employees from salary level 9-12, who have subordinates and have the responsibility for managing discipline in their respective directorates or units. The total number of these employees is 30.

In cases where a study population is large, researchers often make general findings of a study based on a subset of a population, and this is referred to as a sample (Goddard & Melville, 2001:34).

According to Maree (2007:172), there are two major classes to which sampling methods belong, and these are the probability and non-probability methods. Probability methods are based on the principles of randomness and probability theory while non-probability methods are not based on the principles of randomness and probability theory (Maree, 2007:172).

In addition, probability samples are defined as those in which the probability that any given sampling element will be selected is known. Conversely, in the non-probability sampling, the likelihood that any given element will be selected is not known (Maxfield & Babbie, 2008:162).

Each element in the population belonging to the probability sampling class, has a known, non-zero probability of being selected and this means that an objective mechanism is used in the selection procedure (Maree, 2007:172). There is therefore no human interference in this process of selecting a sample in the population.

The sample in this research is selected by way of purposive convenience sampling, also known as judgment sampling (Ary, Jacobs, Razavieh, & Sorensen, 2010:156). In this type of sampling method, sample elements that are judged to be typical or representative are chosen from the population with the assumption that errors of judgment in the selection will counter balance each other (Ary et al., 2010:156).

According to Babbie (2010:198), the quality of the selected sample has the same distribution of characteristics as the population from which it has been selected. This means that the descriptions and explanations derived from an analysis of the sample are assumed to represent similar ones in the population (Babbie, 2010:198).

The sample size of 6 (n) is a good and fair representation of the 30 employees that have been identified as the study population.

1.7.3.3. Measuring instrument

According to Punch (2005:95), reliability is “a central concept in measurement” and basically means consistency. There are two main types of consistency in relation to reliability and these are consistency over time (stability), and internal consistency (Punch, 2005:95). Each of these concepts is discussed below:

- **Consistency over time:** Is usually expressed in the question “if the same instrument were given to the same people, under the same circumstances, but at a different time, to what extent would they get the same scores”. To the extent they would, the measuring instrument is reliable and to the extent that they would not, it is unreliable (Punch, 2005:95).
- **Internal Consistency:** Concerns itself with the extent to which the items are consistent with each other (Punch, 2005:95).

The researcher used the ATLAS.ti. to ensure quality of the data.

1.7.3.4. Research Procedure

Permission to conduct the research was given by the Head of Department (HoD) through the recommendation of the Human Resource Management Director upon the written request from the North-West University on the behalf of the researcher.

After the approval by the HoD, the researcher identified the research participants, met them and requested them to take part in the research, to which they all agreed. The participants were subsequently interviewed.

1.8. DEFINITION OF CONCEPTS

The key concepts of the study are defined in the table below:

Table 1-1: Definition of concepts

CONCEPT	DEFINITION
Misconduct	Misconduct is said to take place when an employee capably disregards the rules of the workplace (Grogan, 2008:266).
Financial misconduct:	Financial misconduct is defined as any material losses through criminal conduct, unauthorized, irregular, fruitless and wasteful expenditure (Public Service Commission, 2009:6).
Precautionary suspension	Precautionary suspension is said to take place when an employee is suspended with full pay (Resolution 1 of 2003).

The table below provides the meaning of abbreviations used in the study:

Table 1-2: Abbreviations used in the study

ABBREVIATION	MEANING
BCEA	Basic Conditions of Employment Act
BBBEE	Broad-Based Black Economic Empowerment Act
COIDA	Compensation for Occupational Injuries and Diseases Act
EEA	Employment Equity Act
HoD	Head of Department
KPMG	Klijnveld Peat Marwick Goerdeler
LRA	Labour Relations Act
NPSC	National Public Service Commission
OHSA	Occupational Health and Safety Act
PSCBC	Public Service Coordinating Bargaining Council
PSC	Public Service Commission
SDA	Skills Development Act
SDLA	Skills Development Levies Act
UIA	Unemployment Insurance Act

1.9. CHAPTER DIVISION

The plan or structure of a study refers to an overview of the study starting from the beginning to the end. This research is divided into six chapters and the contents of each are briefly explained.

CHAPTER 1: INTRODUCTION

Chapter one includes the introduction, definition of concepts, background of the study, the problem statement, research questions, objectives of the study, research design, research methodology as well as the division of the study.

CHAPTER 2: LITERATURE REVIEW

This chapter of the research entails the literature survey that has to do with the exploration of all relevant sources such as text books, journal articles, and the internet about disciplinary measures. It has an introduction, content and a brief conclusion of the most important findings from the literature.

CHAPTER 3: RESEARCH METHODOLOGY

This chapter of the study is the research methodology that entails an introduction outlining the method used. The data gathering instruments and techniques as well as the research design are also described in this chapter.

CHAPTER 4: RESEARCH FINDINGS

This chapter entails analysis and presentation of data. The data is rearranged and summarised for ease of analysis, interpretation and presentation.

CHAPTER 5: DISCUSSION OF THE FINDINGS

In this chapter, the results of the study are unpacked and discussed in detail. The purpose is to put the results in such a manner that they are understandable.

CHAPTER 6: CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS

This chapter focuses on summarising the research findings. Recommendations and a conclusion are made in this chapter and the limitations of the study are discussed.

1.10 CONCLUSION

The chapter introduced and gave a background of the study and gave an outline of what is to be expected in the chapters to follow. In the next chapter, literature in line with the problem statement and objectives is outlined and then discussed.

**CHAPTER 2:
LITERATURE REVIEW**

2.1. INTRODUCTION

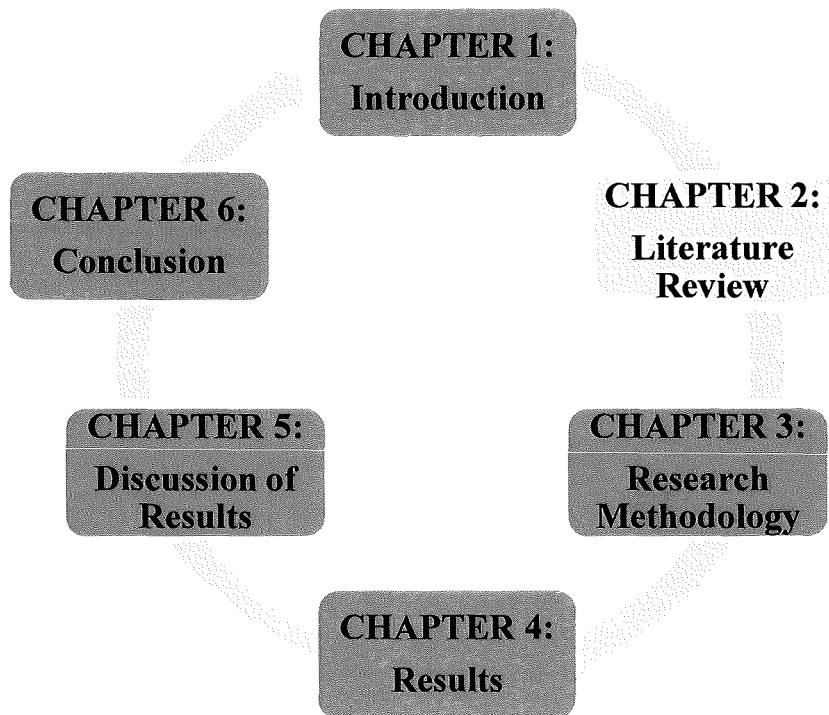


Figure 2-1: Chapter 2 in Context

This chapter deals with the literature and research done by various authors and researchers about misconduct, causes of misconduct, misconduct procedures, types of misconduct, challenges in dealing with misconduct, as well as the consequences of misconduct. The chapter also explains the relevance and importance of sources of labour law in relation to employee misconduct in the workplace.

2.2. ROLE PLAYERS IN EMPLOYMENT

There are three main role players in employment which are management, employees and the state (government). The function of each role player in relation to misconduct is briefly discussed.

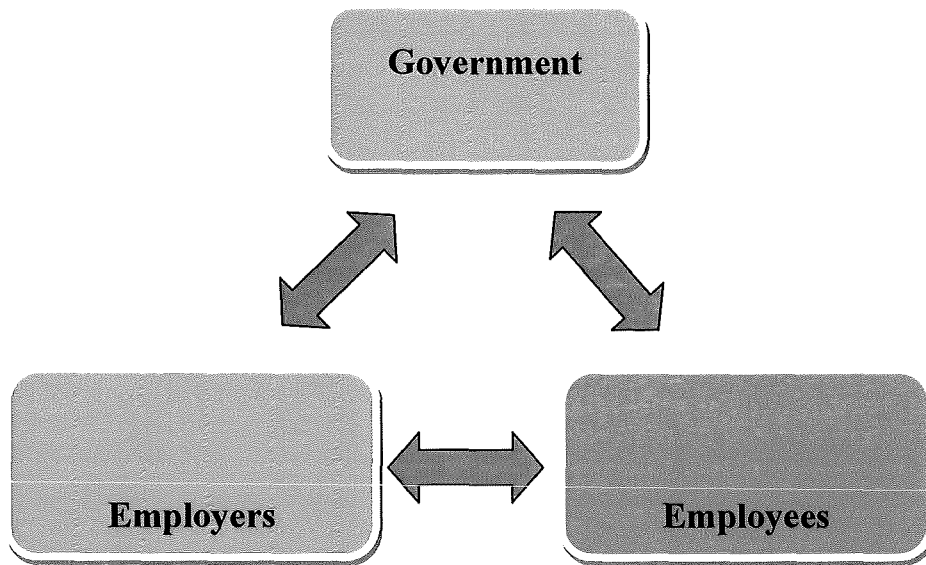


Figure 2-2: Tripartite Employment Relations System (Adapted from Nel, Kirsten, Swanepoel, Erasmus, & Poisat, 2008:40)

Management: According to Nel et al., (2008:39), management refers the representatives of the employer in the workplace, whose role is to see to it that the right things are done in the right way in order to realise the ultimate objectives of the enterprise. Employers must set out clear disciplinary rules that stipulate how employees should behave at work. All employees should be informed about behavioural rules, through induction, notice boards, and meetings.

One way for management to ensure that things are done correctly in the workplace is to discipline their employees when they step out of line.

According to Van der Bank, Engelbrecht and Strümphera (2007:2), discipline can be defined as action or behaviour on the part of the authority in an organisation, (usually management) aimed at restraining all employees from behaviour that threatens to disrupt the functioning of the organisation.

It is an employer's prerogative to impose discipline in the workplace (Ponelis, 2011:21). In other words, disciplinary action must be initiated by management in response to unsatisfactory work performance or unacceptable behaviour on the part of the workers (Van der Bank, Engelbrecht & Strümphera, 2007:2).

Ponelis (2011:21) goes on to say that "it is the employer (more usually managers appointed by the employer), who will set the standards of conduct required of employees and who will decide whether to discipline employees for failing to comply with these standards". It is also the employer who decides what sanction, if any, should be imposed if the employee is found guilty (Ponelis, 2011:21).

The employer disciplines employees in a progressive manner. According to Chelliah and Tyrone (2010:93), a progressive discipline system constitutes a procedure for dealing with job related behaviour of an employee which does not meet the performance standards or a code of proper behaviour as set by the employer.

Employee: An employee is defined in section 213 of the Labour Relations Act 1995 (No. 66 of 1995), as any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive, any remuneration, and any other person who in any manner assists in carrying on or conducting the business of an employer. The term employee can also be used to describe a person who is paid to work for somebody (Wehmeier, McIntosh, Turnbull, & Ashby, 2006:479).

Employees are usually represented by employee organisations (trade unions), which may be members of umbrella trade union federations such as the National Council of Trade Unions and the Congress of South African Trade Unions (Nel et al., 2008:39). Employees have the duty to abide by the rules and regulations as set out by the employer and to carry out any lawful orders given to them (Landis & Grossett 2009:192).

Government: According to Nel et al. (2008:39), “the government plays the role of both master to and servant of the two primary participants which are management and employees”. It is master because it makes the laws that ensure that employment relations are practiced in such a way that the general order in society is not disrupted, and servant because it helps both primary parties to conduct their relationship in an orderly fashion (Nel et al., 2008:29).

In addition to the above mentioned three role players, there are two more players, namely customers and competitors (Nel et al., 2008:40). The functions of each of the two role players in relation to misconduct are briefly discussed below.

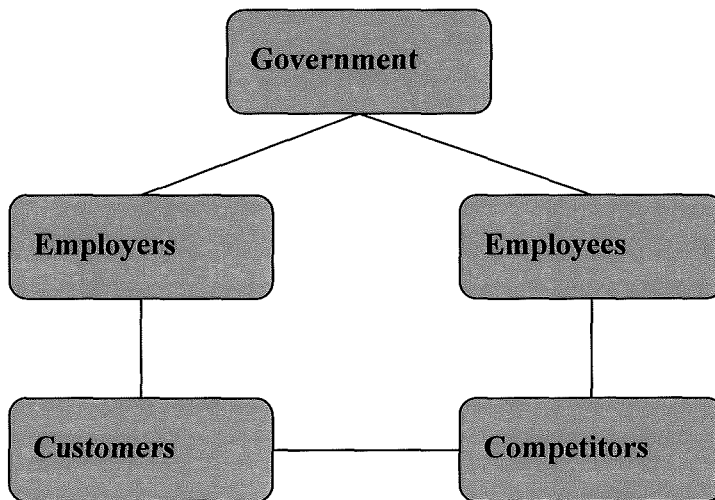


Figure 2-3: Pentagonal Employment Relations (Adapted from Nel et al., 2008:40)

Customers: Any organisation, whether private or public, exists and survives because of its customers. It is therefore important that customers are treated well by the employees of an organisation so as to ensure that they continue purchasing or using the services of the enterprise (Nel et al., 2008:40). Customer behaviour thus holds potential implications based on how employees treat the customer (Nel et al., 2008:39). Within the public sector, customers are the general public.

Competitors: According to Nel et al., (2008:39), “no organisation can survive in the long run without taking cognisance of what other organisations are doing, since they can deliver new or alternative products which threaten the organisation”. Government departments have a responsibility for benchmarking and learning from each other when it comes to dealing with misconduct cases so as to establish best practice.

2.3. SOURCES OF LABOUR LAW

The relationship between an employer and employee is regulated by employment laws. Within the South African context, the sources of labour law or agreements that regulate employment relations are the Constitution of the Republic of South Africa Act 1996 (No. 108 of 1996), collective agreements, common law, custom and practice, contract of employment and the international labour standards.

The other important source of labour law is legislation. The core or principle legislation is the Labour Relations Act 1995 (No. 66 of 1995) (LRA). Other legislation includes the Basic Conditions of Employment Act 1997 (No. 75 of 1997) (BCEA), Employment Equity Act 1998 (No. 55 of 1998) (EEA). Compensation for Occupational Injuries and Diseases Act 1993 (No. 130 of 1993) (COIDA), Occupational Health and Safety Act 1993(No. 85 of 1993) (OHSA).

The Skills Development Act 1998 (No. 97 of 1998) (SDA), Skills Development Levies Act 1999 (No. 9 of 1999) (SDLA), Unemployment Insurance Act 2001 (No. 63 of 2001) (UIA) and the Broad-Based Black Economic Empowerment Act 2003 (No. 53 of 2003) (BBBEE) are other Acts that impact on labour relations.

In this research much of the focus will be on the LRA and the BCEA.

Labour Relations Act 1995 (No 66 of 1995): The LRA is the principle labour legislation and is relevant in this research because it deals with issues including but not limited to disciplinary and grievance procedures, and recognition agreements (Linde, B., Schalk, & Linde H, 2008:87). It also contains Schedule 8 and provides a guideline on key aspects of dismissal for reasons related to conduct, capacity as well as the proper procedure to be followed (Landis & Grossett, 2005:160).

Basic Conditions of Employment Act 1997 (No 75 of 1997): The purpose of this Act is to ensure that employees enjoy certain minimum conditions of employment, thereby protecting the most vulnerable workers from exploitation by employers (Bendix, 2010: 33).

The relevance of this legislation to the study is that it stresses the need for employment contracts. In the contract of employment, certain employment rules are written such as working hours.

2.4. EMPLOYEE MISCONDUCT

According to Grogan (2008:266), “misconduct is said to take place when an employee capably disregards the rules of the workplace”. The rules may have been expressed verbally by the employer or be written in the employees’ contract of employment.

A contract of employment is a written agreement entered into by an employee and employer for the purpose of making personal services available, with subordination and remuneration present (Landis & Grossett, 2005:92).

Misconduct therefore refers to wrongful doing by an employee in the workplace. Put differently it refers to an act by an employee in the workplace that contravenes established rules usually contained in the disciplinary code of an organisation.

A disciplinary code and procedure are the substantive and procedural rules which govern conduct and performance in an organisation. Employers must take into consideration their own code when disciplining employees (Landis & Grossett, 2005:160).

According to Grogan, (2008:266), “the legal basis for dismissal for misconduct is when the employees concerned are deemed to have committed a breach of material term of their contracts or destroyed the employment relationship, which justifies its termination by the employer”.

There is no legal definition of the term misconduct found in statutes or case laws within the South African Legal framework even though misconduct is one of the grounds on which an employer can dismiss an employee (Grogan, 2008:266).

According to the Department of Education and Early Childhood Development (2013:30), misconduct generally involves wrongful, improper, or unlawful conduct, motivated by a premeditated or intentional purpose or by a blatant disregard to the consequences of one's acts. Misconduct may involve either gross negligence or a deliberate departure from accepted standards. Misconduct can include a single act or repeated acts.

Misconduct may also include conduct outside, as well as inside, the workplace, for example, where the employee has failed to maintain the general standards of conduct required in the Public Sector (Department of Education and Early Childhood Development, 2013:31).

Misconduct in the Public Service is dealt with in terms of the Disciplinary Code and Procedures (Resolution 1 of 2003) of the Public Service Coordinating Bargaining Council (PSCBC).

2.4.1. Types of Employee Misconduct

According to Bendix (2010:378), “the disciplinary code is based on the categorisation of the transgressions which will be subject to the disciplinary action”. Transgressions are usually divided into three types namely, less serious transgressions, serious transgressions, and transgressions which may result in dismissal; for the purpose of the study, transgressions have been divided into less serious misconduct and serious misconduct.

2.4.1.1. Less Serious Misconduct

Less serious misconduct is one where a verbal or written warning may be appropriate or suitable for the misconduct that has been committed by an employee (Caisley, 2008:136).

According to Louw (2010:258), for less serious forms of misconduct, the employer should follow progressive disciplinary sanctions that might range from verbal reprimands to final written warnings or suspension without pay.

Misconduct which is not serious enough to justify dismissal, for example lateness or absenteeism, may justify dismissal if the employee does not respond to a series of warnings (Louw, 2010:257). According to the Resolution 1 of 2003, for less serious misconduct, no formal enquiry shall be held.

In terms of the Resolution, there are four sanctions that may be imposed on an employee who has committed a less serious offence, which are, corrective counselling, verbal warning, written warning, and final written warning. Below is a brief discussion of each of the sanctions.

Corrective counselling: According to Resolution 1 of 2003, “in cases where the seriousness of the misconduct warrants counselling, the manager of the employee must bring the misconduct to the employee’s attention, determine the reasons for the misconduct, give the employee an opportunity to respond to the allegations, seek to get agreement on how to remedy the conduct, and take steps to implement the agreed course of action”.

Verbal warnings: According to Resolution 1 of 2003, “ in cases where the seriousness of the misconduct warrants a verbal warning, the manager of the employee may give a verbal warning and the manager must inform the employee that further misconduct may result in more serious disciplinary action and record the warning”.

Written warnings: According to Resolution 1 of 2003, “in a case where the seriousness of the misconduct warrants a written warning the manager may give the employee a written warning”.

The resolution further goes on to state provisions that will apply when an employee has been given a written warning, which are that the written warning must be filled in using Annexure B, that the manager must give the warned employee a copy of the written warning and the employee must acknowledge receipt by signing. That if the employee refuses to sign, the manager must hand the employee the warning in the presence of a colleague who shall confirm that the employee refused to sign.

The other provisions are that the written warning must be filed in the employee’s personal file for a period of six months after which it shall be destroyed and that if on or before the six months period the employee commits the same or similar offence the written warning shall be used in determining an appropriate sanction.

Final written warnings: According to Resolution 1 of 2003, “in case where the seriousness of the misconduct warrants a final written warning the manager may give the employee a final written warning”.

The resolution goes on to state provisions that will apply when an employee has been given a final written warning which are that the written warning must be filled in using Annexure C, that the manager must give the warned employee a copy of the written warning and the employee must acknowledge receipt by signing. That if the employee refuses to sign, the manager must hand the employee the warning in the presence of a colleague who shall confirm that the employee refused to sign.

The other provisions are that the written warning must be filed in the employee’s personal file for a period of six months after which it shall be destroyed and that if on or before the six months period the employee commits the same or similar offence the written warning shall be used in determining an appropriate sanction.

2.4.1.2. Serious Misconduct

A serious misconduct is one that warrants a formal disciplinary enquiry and may lead to the dismissal of the accused employee (Caisley, 2008:136).

According to Louw (2010:257), “generally dismissal should only follow if the misconduct is so serious that it makes the continued employment relationship intolerable”.

Schedule 8 of the LRA contains the Code of Good Practice: Dismissal, which provides guidelines in order to determine whether an employee is guilty of misconduct and also as to appropriate sanctions (Louw, 2010:258).

In terms of the LRA, any person who is determining whether a dismissal for misconduct is unfair should consider:

- (a) whether or not the employee contravened a rule or standard regulating conduct in, or of relevance to, the workplace; and
- (b) if a rule or standard was contravened, whether or not-
 - (i) the rule was a valid or reasonable rule or standard;
 - (ii) the employee was aware, or could reasonably be expected to have been aware, of the rule or standard;
 - (iii) the rule or standard has been consistently applied by the employer; and
 - (iv) dismissal was an appropriate sanction for the contravention of the rule or standard.

Sanctions other than dismissal that may be imposed in a case of a serious misconduct are counselling, written warning, final written warning, suspension without pay, demotion or a combination of the sanctions (Public Service Commission, 2008:9). Furthermore, issues of substantive and procedural fairness should be taken into consideration during a disciplinary enquiry.

The Code of Good Practice concedes that every incident has to be judged on its merits and gives as examples of such misconduct, gross dishonesty, wilful destruction of property, intentional threats to the health and safety of others, a physical attack on the employer, a co-employee, customer or client, and gross insubordination (Bendix, 2010:379).

The common law reasons for dismissal are the failure or refusal to work, deliberate and continued absenteeism, gross negligence, serious incompetence, refusal to carry out orders, repeated late coming, incapacity of the employee, dishonesty in the sphere of work, disloyalty to the employer, drunkenness, assault, and gross insubordination or insolence (Bendix, 2010:380).

In terms of Resolution 1 of 2003, the following steps must be taken when charging an employee with serious misconduct:

- The accused employee must be given a notice of enquiry at least five days before the date of the hearing. The notice of enquiry takes the form of Annexure D found in the Resolution.
- If the employer believes that the employee's presence in the work place might jeopardise investigations into the alleged misconduct the employer may suspend or transfer the accused employee on full pay. The disciplinary enquiry must be held within 60 days depending of the complexity of the matter and the length of investigations, and the chair of the hearing will decide on further postponements.
- The disciplinary enquiry must be held within 10 working days after the notice has been delivered to the accused employee.
- At the hearing, the chair must be appointed by the employer and be an employee on a higher grade than the representative of the employer.
- The employer and the accused employee may agree that the hearing be chaired by an arbitrator from the relevant bargaining council appointed by the council and the decision of the arbitrator will be final and binding and only open to review in terms of the LRA.
- The accused must be informed of all his or her rights such as the right to representation.

2.5. THE FACTORS CAUSING EMPLOYEE MISCONDUCT

There are many factors that result in an employee committing misconduct in a workplace.

Below is a detailed discussion of some of the common factors that cause employees to misbehave in a workplace.

2.5.1. Conflict

An employee cannot work alone or in isolation at all times and has to work with others in a group or team. Since individuals are different in terms of race, personality, cultural beliefs, religious beliefs, values and goals, conflict is inevitable.

The term 'conflict' has no single clear meaning, but in an organisational setting it is considered as a breakdown in the standard mechanisms of decision making, so that an individual or group experiences difficulty in selecting an alternative (Rahim, 2010:15).

Conflict is a type of behaviour which occurs when two or more parties are in opposition or in battle as a result of a perceived relative deprivation from the activities of or interacting with another person or group (Rahim, 2010:15).

According to Rahim (2010:15), "conflict can also be defined as an interactive process manifested in incompatibility, disagreement, or dissonance within or between social entities that is, individual, group, and organisation". Furthermore conflict can be real or perceived, that is, exist in reality or be imagined by a person.

As a result of conflict between employees, dissatisfaction can occur and this can affect productivity within the organisation. In fact, one of the major causes of employee dissatisfaction is the continuous disagreement, arguments and 'fights' with colleagues (Gennard & Judge 2005:303).

Complaints by an individual employee against the behaviour of another employee are likely to centre on alleged bullying or harassment. According to Gennard and Judge (2005:303), "harassment complaints can be more difficult to manage in that in some cases, the alleged harasser or bully is also the manager of the employee making the complaint".

In most cases or for the most part, a problem employee is the cause of much distress both for other employees and the supervisor. Harassment, bullying, and disruption is therefore usually caused by a "problem employee" (Davies & Hertig, 2008:88).

A problem employee is defined as a person who disrupts the normal flow of activity in a workplace (Davies & Hertig, 2008:88). A problem employee can either be well liked by other employees as a “class clown” or be disliked by other employees as a problem maker. Conflict within the workplace is therefore one of the causes of misconduct in the workplace.

2.5.2. Personality

Employees are all unique in themselves, and it is important for supervisors to understand the fact that each person must be dealt with differently.

The term personality refers to all those fundamental traits or characteristics of a person that endure over time and that account for consistent patterns of responses of everyday situations (Furnham, 2005:161).

People have different personalities with some being aggressive and lonely while others are always happy. There are many other adjectives that are intended to give an indication of people’s personalities and each describes what psychologists refer to as traits (Makin, Cooper, & Cox, 1996:60).

A trait is the basis of many influential theories of personality and is a generalisation made from observing the way a person habitually behaves (Makin et al., 1996:60). It is best summed up as a predisposition to behave in certain ways.

The trait of extroversion and introversion is also part of everyday language and is widely understood. It is composed of two related components which are sociability and impulsiveness. Furthermore the traits can be divided into stable introverts and extroverts and also unstable introverts and extroverts (Psych Tests AIM, 2012:1).

Stable introverts are seen to be passive, careful, thoughtful, peaceful, controlled, reliable, even tempered, and calm while unstable introverts are quiet, unsociable, reserved, pessimistic, sober, rigid, anxious and moody (Makin et al., 1996:66).

Stable extroverts are said to be carefree, easy going, responsive, talkative, outgoing, sociable, lively, confident and like leading, while unstable extroverts are touchy, restless, aggressive, excitable, changeable, impulsive, optimistic, and active (Padhye, 2013:165).

Davies and Hertig (2008:86), on the other hand, argue that there are five personality types of employees that come into the workforce which are the political, aesthetic, social, economical, and theoretical personalities.

The political type of employee is said to be very intimidating to both other employees and their supervisors. Their personality is controlled by aggression, demands, authority and control, which could either lead to a successful professional employee or to a very difficult employee (Deleon, 2009:20).

A political type of employee prefers to be given authority and control over what they do and how they do it, that is, they want to decide how to get the expected results. Furthermore they want to be given regular feedback from their supervisor based on the results that they have produced.

Aesthetic employees on the other hand base their success on their creativity and usually need a lot of room to use their imagination throughout their work. Freedom to work as they please is necessary and integral for these types of employees to produce excellent work. They also need more time to complete tasks as compared to other employees, so it is wise and essential to give them adequate amount of time.

Social employees work well with others and are usually productive but when they do not have enough work to do, they can be very irritating to others hence disturbing them from completing their jobs. One dominant characteristic of these types of employees is that they often speak without thinking and when given tasks they need time limits and a deadline to complete.

Economical type of personality consists of people who are very detailed, are good planners, precise and do things “by the book”. These employees are analytical by nature and are motivated by information. They also have a tendency of taking a lot of time to complete assignments given to them.

Theoretical employees are “highly technically skilled people” and in many times, they know more about a specific job than even the supervisor. They like probing and asking questions in order to understand and reading is often their hobby.

According to Davies and Hertig (2008:86), it is extremely important for supervisors to understand the different types of employees because every employee will fall into one of these types of personalities. Understanding the personality types in relation to employees will allow a supervisor to give assignments in the manner that fits that type of employee.

Apart from the obvious possibility of an improvement in employee performance and increase in productivity, the supervisor will also be able to reduce the need for discipline because assignments are made specifically for each type of employee (Davies & Hertig, 2008:86)

In an organisational setting consisting of different people with different personality traits, disagreements can occur as a result of interactions and the nature of the interactions. For example if there are more extroverts than introverts in an organisation, the two groups may clash and that could negatively affect their working relationship as well as productivity in the organisation.

One employee's personality can therefore intimidate another and result in that employee being unhappy in the workplace. An unhappy employee is most likely going to misbehave in an attempt to vent out.

Personality is therefore one of the factors that causes employee dissatisfaction and unnecessary fights in the workplace which could warrant that disciplinary action be initiated in order to address the situation.

2.5.3. Perception

Perception is the complicated process of viewing the world and interpreting the view (Chapman & McKnight, 2001:3). It is a mental activity that is full of choices and it is within one's power to concentrate on some aspects in one's world and set others aside.

Perception differs from sensation in that it is a process which involves the recognition and interpretation of stimuli which register on one's senses, while sensation refers to the responses to sensory receptors and sense organs to environmental stimuli (Rookes, & Willson, 2000:1).

Perception is simply the process by which people become aware of something, triggered by a variety of stimuli such as a product and emotions (Davis, 2010:16). These stimuli can result in a person having either a positive or negative perception.

Job seekers have different perceptions about different things. For example a person may perceive that a particular company is paying well just by seeing most of the company's employees driving luxurious cars. That person will have a positive perception about the company and its employees and may aspire to work for the company.

As soon as a person sets his or her eyes on a particular company, for example, he or she develops a positive or negative perception about it and this may therefore influence his or her decision whether to apply for a job in the company or not.

After the processes of recruitment and selection have been completed, and a person has signed a contract of employment, the induction or orientation process follows. This is where the employee will be able to see firsthand what the company is all about and what his or her job content entail. The new recruit is most likely to be taken for training depending on the type of company and job.

An employee may have a negative perception about a something during the course of work. For example if an employee's supervisor gives him or her low scores during performance assessment, while his or her "lazy" colleagues are given high scores, he or she may perceive that the supervisor has something against him or her.

Most employees perceive that managers undermine, oppress, and do not take them seriously. Management must constructively deal with perception issues of their employees. The failure to manage the perception of employee may result in employee dissatisfaction and in the long run manifest in unruly behaviour. Constant communication is therefore important in dealing with perception issues.

2.5.4. Attitude

According to Rosse and Saturay (2004:395), "employees have attitudes or viewpoints about many aspects of their jobs, their careers, and their organisations".

The term 'attitude' refers to one's general disposition that is, one's mental starting point for viewing life and the people and events (Chapman & McKnight, 2001:3). In other words, attitude is the way one looks at things mentally which means that it all starts in one's head.

There are positive and negative attitudes and there are many factors that cause either one of them. Negative attitude occurs when a person does not feel comfortable about a particular thing or around a particular individual or individuals. According to Chapman, and McKnight (2001:3), “it is a natural response for others to shy away from people who might make them feel negative”.

A person’s negative attitude can be seen through his or her actions or words. For example, when a supervisor is autocratic and gives an employee a tough time at work, an employee may start developing a negative attitude towards the supervisor. Continuation of this situation, may lead to employee dissatisfaction, poor work performance and bad behaviour of the employee at work.

The advantage of having a positive attitude as an employee is that one will be able to see more opportunities and is more likely to spot problems in time to avoid major consequences.

One is also more likely to look out for other employees that is, be a team player so as to work to higher standards of quality, safety, and productivity (Chapman & McKnight, 2001:9). Attitude is therefore one of the factors that may lead to employee misconduct.

2.5.5. Management Style

According to Wood and Brotherton (2008:476), “employees have expectations about how the organisation should operate as an employer”. In the 21st century world of work, employees expect management to include them in decision making, that is, always take into consideration their interests when making decisions.

According to Sears (2007:13), a manager with a winning mentality style cannot work his or her magic until workers are convinced that the manager is credible. The way managers treat their employees is therefore important in ensuring that they contribute effectively to the organisation (Sears, 2007:13).

The failure by management to be partners with the employees within an organisation and treat them in a fair and just manner, will likely result in employee dissatisfaction and poor work performance, low morale, and bad behaviour by employees. Communication is therefore key in avoiding unnecessary conflicts in the workplace (Sears, 2007:13).

2.5.6. Work Environment

An organisation should provide a safe and fair working environment for all its employees. It is stipulated in the BCEA, as to how many hours an employee should work, the leave that an employee is entitled to in a year as well as the issue of termination of contract (Grogan, 2009:59).

Some organisations simply chose to ignore legislation. This can cause employee dissatisfaction as result of employees feeling that they are being oppressed within the organisation. Lack of training is also one of the factors that contribute towards or leads to employee dissatisfaction (Wood & Brotherton, 2008:476). An organisation should provide for training and the development of its employees, that is, encourage and foster continuous learning. The failure to address the issues related to work environment, may result in low employee morale and negative attitude by employees.

Put in simple terms, if employees are not provided with a conducive working environment, then there is a very high chance that they could be dissatisfied and this can result in them lodging complains (grievances) and if not addressed, employees may misbehave by participating in unprotected strikes.

2.5.7. Job Content

Employees want to be in jobs that will assist them to grow and gain the necessary experience so that their value increases (Peterson & Nielson, 2009:8). According to Devonshire-Ellis, Scott and Woollard (2011:3), in order to assess a company's recruitment demands, an inventory has to be conducted of the functional areas which need to be covered and the defined functional areas are then broken into specific job content.

The failure by management of an organisation to provide employees with jobs that will assist them to achieve personal career goals is likely to result in the employees being dissatisfied and it is this dissatisfaction that could lead employees into behaving unacceptably in the workplace or even leaving the organisation through resignations.

The dissatisfaction of employees can be as a result of jobs which are boring and monotonous and do not provide the challenge that the employees want. For example, if an employee is employed as a human resource practitioner in a particular organisation, and is then given work to pack boxes and organise files, which is contrary to what he or she is employed for, he or she may be rebellious.

Another example could be a scenario where the job that an employee is hired for is monotonous that is, the employee is doing the same thing week in, week out. In this case, the employee may start getting bored and lazy and this could negatively affect the worker's attitude towards his or her job and production could decrease.

In an organisation where an employee or employees are experiencing job dissatisfaction, especially one that leads to unruly behaviour or misconduct of employees, management needs to find out why that is the case and provide solutions.

One solution to job dissatisfaction, after finding out what exactly is the problem, could be to train or re-train and to develop an employee so that he or she acquires the necessary theoretical and practical knowledge which he or she can use to do the job excellently. Managers could also make use of job involvement, enlargement, and rotation techniques so as to deal with and reduce job dissatisfaction.

According to DuBrin (2008:231), "job involvement is the degree to which individuals identify psychologically with their work and also refers to the importance of work to a person's total image". If for example a secretary of an organisation regards her job as a major part of her identity, she is experiencing high job involvement.

Job rotation and enlargement have been widely applied, and can help to counter some of the limitations of the traditional approach by broadening the variety in the work experience of the individual employee (Di Martino & Corlett 1998:119).

Job enlargement typically involves combining fragmented tasks into one job. In this case, an employee might thus perform a collection of boring tasks at the same time because through job enlargement, limited changes are made to the nature and experience of work.

Job enlargement or horizontal job loading therefore refers to expanding a worker's job to include tasks previously performed by other workers (Griffin & Moorhead, 2010:122). Job rotation on the other hand involves moving the individual worker from one fragmented and repetitive task to another at predetermined intervals (Di Martino & Corlett, 1998:119). Job rotation therefore refers to systematically moving workers from one job to another in an attempt to minimise monotony and boredom (Griffin & Moorhead, 2010:121).

Although job rotation and job enlargement have recently gone out of favour, some managers continue to use these techniques in their organisations.

A replacement for these techniques, is a more popular yet complex approach to job design, job enrichment. Job enrichment entails giving workers more tasks to perform and more control over how to perform them (Griffin & Moorhead, 2010:122).

The job that a worker performs can therefore be one of the factors that could cause dissatisfaction. A number of authors such as Zhou and George (2001:682), have suggested that job dissatisfaction may actually have a positive impact on organisational effectiveness. These authors believe that when employees are dissatisfied with their jobs, they may try to change their current work situation by coming up with new and better ways of doing things and this, they argue, is the essence of creativity.

Zhou and George (2001:682), therefore believe that dissatisfaction can lead to employee creativity. Employee creativity refers to the generation of new and potentially valuable ideas concerning new products, services, manufacturing methods and administrative processes, which in turn contributes to the organisation's renewal, survival, and growth in today's turbulent and competitive business environment (Zhou & George, 2001:682).

It is therefore possible that under certain conditions, employees' job dissatisfaction may actually lead to creative performance, which ultimately benefits them and the organisation they work for. An employee who behaves well in the workplace is more likely to be one who is satisfied.

Little is known about the circumstances under which this functional consequence of job dissatisfaction may occur. It is therefore naive for managers to assert that job dissatisfaction will always lead to creativity in the workplace, although it is known for example that job dissatisfaction can lead to turnover which negates the possibility of dissatisfied organisational members trying to improve conditions in the organisation through creative performance (Zhou & George, 2001:682).

2.5.8. Wages and Salaries

A majority of companies do not pay well and this often causes conflict and dissatisfaction of employees. Year in, year out, employees in different companies and professions go on strike to demand salary increases. In South Africa, the majority of the workers who strike are public servants (for example, teachers, nurses). Workers doing essential services, such as soldiers and doctors, have also gone on strike demanding an increase in salary.

Chapter 4 of the BCEA, stipulates how an employee should be remunerated for his or her contributions (Moyane, Strydom, Young, Jordaan, & Kalula, 2009:85). Despite this, many companies continue to under-pay employees, do not pay them at the times agreed, and even refuse to pay them at all. The failure by organisations to remunerate employees an adequate amount of money for survival is a major cause of employee dissatisfaction and unacceptable conduct in the workplace.

2.6. CHALLENGES ASSOCIATED WITH DEALING WITH MISCONDUCT IN THE WORKPLACE

The shortage of staff complement and lack of knowledge by personnel were two of the challenges when dealing with misconduct in the workplace (Public Service Commission, 2011:13).

In a research conducted in 2011, the Public Service Commission (PSC) found that not all employees who are supposed to know about disciplinary processes and measures knew and understood such, and hence it was of the view that all employees, managers and juniors alike must be sensitised about disciplinary procedures.

Another challenge that the PSC identified was the poor compliance with timeframes by investigators and the Presiding Officers. The lack of control measures which were used to monitor the adherence to the timelines was also another challenge when it came to dealing with misconduct cases (Public Service Commission, 2011:11).

The lack of internal policies to sensitise employees and key role-players on the procedures relating to disciplinary procedure and precautionary suspensions was a loop-hole that the PSC had also identified in its research (Public Service Commission, 2011:12).

The use of legal practitioners in disciplinary hearings, the delay in handling appeals, and departmental budget constraints are also other challenges when it comes to dealing with misconduct.

2.7. CONSEQUENCES OF NOT DEALING EFFECTIVELY WITH MISCONDUCT

According to the KPMG Fraud and Misconduct Survey (2010:1), misconduct has a negative effect on an organisation and can also have damaging consequences for the individuals involved, the government of the day and the wider community.

There are a number of repercussions of not dealing effectively with the misconduct of employees in the workplace. Some of the outcomes of not dealing effectively with workplace misconduct are briefly discussed in the subtopics below.

2.7.1. Breakage of trust relationship

The relationship between an employer and employee is founded on trust. Employers expect that employees will render services in exchange for remuneration, while employees expect to be paid a fair amount for their physical and mental contribution to the organisation (Sunderland, 2007:186).

If the employer fails to remunerate employees fairly for their efforts, employees may perceive that the employer has unilaterally broken the trust relationship. In retaliation, the employees may restrict effort, withdraw their labour and in extreme cases, riot (Sunderland, 2007:186).

On the other, if employees commit an act of misconduct in the workplace, the employer may perceive that the trust relationship has broken down. In fact, one of the tests frequently used by courts and arbitrators when they assess the appropriateness of dismissal is the effect the employee's misconduct would have on the employment relationship (Grogan, 2008:284).

The consideration to dismiss an employee based on the breakage of the trust relationship can be phrased in different ways. According to Grogan (2008:284), the courts may say that the 'trust' upon which the employment relationship was founded was destroyed or they may say that the employment relationship has been rendered 'intolerable' or 'futile'.

Grogan (2008:284) further goes on to say that an employer relying on irreparable damage to the employment relationship to justify dismissal should lead evidence in that regard. If this is not done, the conclusion that the trust relationship has been broken will be difficult to be reached by the decision maker and the employee may walk scot free.

One of the objectives of discipline is to create or maintain mutual trust and respect between the supervisor and subordinate. According to Van der Bank, Engelbrecht and Strümphera (2007:2), improperly administered discipline can create problems such as low morale and resentment between the supervisor and the subordinate.

The proper administration of discipline will not only improve employee behaviour but will also minimise future disciplinary problems through a positive supervisor-subordinate relationship (Van der Bank et al., 2007:2).

2.7.2. Cost of Misconduct

The National Public Service Commission (NPSC), announced that twenty-two thousand public servants across the country had been charged with misconduct for corrupt activities and that R 300 million had been recovered from perpetrators (Mafikeng Mail, 3rd of May 2013).

Financial misconduct is defined as any material losses through criminal conduct, unauthorized, irregular, fruitless and wasteful expenditure (Public Service Commission, 2009:6). Below is a table that better explains types of financial misconduct.

Table 2-1: Types of financial misconduct (Public Service Commission, 2013:4)

Corruption	<ul style="list-style-type: none"> • Bribery
Financial Mismanagement	<ul style="list-style-type: none"> • Wasteful and fruitless expenditure • Failure to follow procurement processes • Payments to service providers without receiving goods
Gross negligence	<ul style="list-style-type: none"> • Loss of state funds/property • Not authorised to approve expenditure
Theft	<p>Theft of</p> <ul style="list-style-type: none"> • State funds; Laptops; Petrol; Petty cash; State property
Misappropriation & Abuse	<ul style="list-style-type: none"> • Abuse of state property • Damage to government vehicle • Petrol card abuse • Telephone abuse
Theft	<ul style="list-style-type: none"> • Travel and subsistence claim fraud • Social Grant Fraud • Capturing fraudulent transactions

In the 2013 presentation of the Round Table on Financial Misconducts, the types of financial misconduct reported by departments were categorized as seen on the table above as corruption (e.g. bribery), financial mismanagement (e.g. failure to follow orders), fraud (e.g. S&T claim fraud), social grant fraud, theft (e.g. theft of laptop, petrol, food, petty cash, cheques), misappropriation and abuse (e.g. abuse of GG vehicle), gross negligence e.g. loss of state property, unauthorized expenditure.

The high cost of financial misconduct has a negative impact on service delivery as well as the trust relationship between the public and Government. According to the KPMG Fraud and Misconduct Survey (2010:2), the total figure lost through fraud in the public sector in Australia is \$15,665,120 and organisations believe they actually only detect one third of all fraud that occur in the workplace.

There are also heavy costs for employees who have committed misconduct because current and future employers are less likely to trust employees who have been involved in misconduct (KPMG Fraud and Misconduct Survey, 2010:2).

To be found guilty of misconduct can have detrimental effects on a person's career and it can also result in an employee being referred for counselling, having a reduction in salary, being re-assigned duties, having a reduced classification or having their employment terminated (KPMG Fraud and Misconduct Survey, 2010:2).

The cost of misconduct to the community is that it pays for the cost of misconduct as it is the community's money that is wasted through acts of misconduct, fraud and unethical behaviour (KPMG Fraud and Misconduct Survey, 2010:3).

Another cost of misconduct is a lack of community confidence in the ability of public authorities to deliver services in an efficient, effective and ethical manner.



Acts of misconduct by public sector officials create distrust in the systems, procedures and staff of public authorities (KPMG Fraud and Misconduct Survey, 2010:3).

2.7.3. Unstable working environment

According to Grogan (2009:130), “the function of discipline in an employment context is to ensure that individual employees contribute effectively and efficiently to the goals of the common enterprise”.

A disciplinary procedure aims to promote fairness and procedural justice in dealing with employee discipline. According to Van der Bank et al. (2007:1), the advantages for organisations of a consistent disciplinary procedure are threefold; first, it contributes to the stability of the workforce, second, labour turnover is minimised, and third, it promotes productivity.

The production and the provision of services would be impeded if employees were, for example, free to stay away from work, worked at their own pace, fought with fellow employees or disobeyed their employer’s instructions (Grogan, 2009:130). The failure of an organisation to deal effectively with the misconduct of its employees can therefore result in an unstable working environment.

The failure of management of an organisation to discipline an employee who has committed misconduct may set a trend for other employees to behave the same hence making the organisation unmanageable.

2.7.4. Damage to the reputation of an organisation

According to the iThenticate Report (2012:4), one of the most damaging long-term costs associated with misconduct is brand damage. Corporate reputation is the overall impression the company gives to its publics (Blythe, 2009:189).

According to Blythe (2009:189), customers and employees take up their roles in part because of corporate reputation, but they then become part of the communication process each time they talk to other people about the company and its products.

Since employees are the face of an organisation, how they conduct themselves inside and outside the organisation reflects the reputation of the organisation either positively or negatively. If they behave well this might create a good image for the organisation and attract customers but if they behave badly this might repel them (Blythe, 2009:189).

According to KPMG Fraud and Misconduct Survey (2010:1), years of reputation building can be lost through misconduct, and re-establishing this reputation requires heavy investment. A reputation reflects the culture, identity and integrity of an organisation. Organisational reputation affects employers' performance and stakeholder interactions. Gaining reputational capital is time-consuming and work intensive. Reputation can be lost in an instant when misconduct or unethical behaviour is uncovered (KPMG Fraud and Misconduct Survey, 2010:2).

2.8. CONCLUSION

Chapter provided detailed information that assisted in better understanding why employees behave the way they do and why they may find themselves committing different acts of misconduct on a daily basis. The literature also attempted to highlight the challenges when it comes to handling misconduct. The consequences of misconduct were also discussed in detail.

In the next chapter, the selected research methodology as well as data gathering techniques will be discussed.

**CHAPTER 3:
RESEARCH METHODOLOGY**

3.1. INTRODUCTION

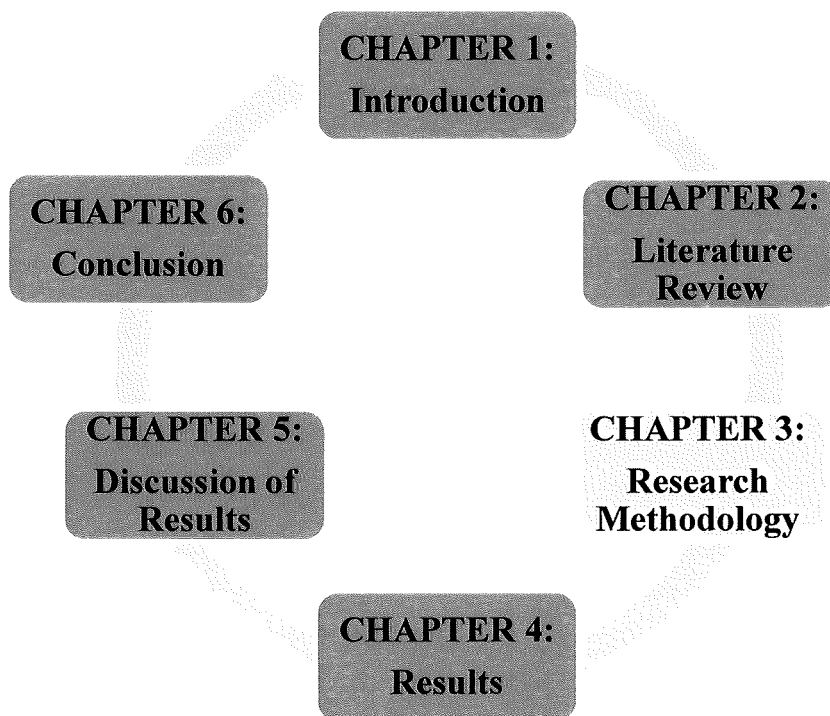


Figure 3-1: Chapter 3 in Context

The previous chapter dealt with the literature in relation to misconduct, misconduct procedures, types of misconduct, the challenges associated with misconduct as well as the consequences of misconduct.

This chapter focuses on the choice of research design and methods and their relevance to the study. It explains issues such as how the research was carried out, where the research was done, and who took part in the research.

3.2. RESEARCH PARADIGM-THE PHILOSOPHY

A paradigm is the patterning of the thinking of a person; it is a principal example among examples, an exemplar or model to follow according to which design actions are taken (Groenewald, 2004:6). Denzin and Lincoln (2000:157), define a research paradigm as “a basic set of beliefs that guide action”. This view is supported by Limpanitgul (2009:5), who defines a research philosophy as “a belief about the way data about a phenomenon should be collected and analysed”.

When undertaking a qualitative research, it is important to consider different research paradigms and matters of ontology and epistemology (Flowers, 2009:1). The two concepts that show the philosophical foundation of social science research are, ontology and epistemology and their relevance to the study are discussed below.

3.2.1. Ontology

Ontology, as a branch of philosophy, is the science of what is, of the kinds and structures of objects, properties, events, processes and relations in every area of reality (Smith, 2003:1).

Ontology describes our view (whether claims or assumptions) on the nature of reality, and specifically, is this an objective reality that really exists, or only a subjective reality, created in people’s minds (Flowers, 2009:1). The ontological perspective in this research is that reality about misconduct and its procedures should be learnt through other people’s perceptions and experiences.

3.2.2. Epistemology

According to Krauss (2005:758) the term ‘epistemology’ comes from the Greek word epistêmê, their term for knowledge, and in simple terms, epistemology is the philosophy of knowledge or how we come to know.

Krauss (2005:758), goes further to say that epistemology is intimately related to ontology, as ontology involves the philosophy of reality and epistemology addresses how we come to know that reality.

Flowers (2009:2) describes epistemology as ‘the theory or science of the method or grounds of knowledge’ expanding this into a set of claims or assumptions about the ways in which it is possible to gain knowledge of reality, how what exists may be known, what can be known, and what criteria must be satisfied in order to be described as knowledge.

Epistemology therefore seeks to find out what the relationship between the knower and what is known is, how we know what we know and what counts as knowledge (Krauss, 2005:758). The focus of this research, based on the ontological and epistemological assumptions, highlighted modernistic elements.

3.2.3. Modernistic Approach

A modernistic paradigm was selected as the most appropriate approach for this study because of the type, volume and complexity of the data gathered and the need to understand the research phenomenon in order to solve the research problem (Serfontein, Basson, & Burden, 2009:4). Furthermore, reality had to be understood in order to discover meaning and the approach enhanced the rigour of data collection and analysis (Serfontein, Basson, & Burden, 2009:4).

3.3. DESCRIPTION OF ENQUIRY STRATEGY AND BROAD RESEARCH DESIGN

This study aims to look at disciplinary measures in a North-West Government Department, to check if the existing procedures for dealing with misconduct are being followed correctly and to identify the challenges in following the procedures.

It also intends to identify some of the common acts of misconduct, the causes of the misconduct as well as the consequences of misconduct to the organisation, the employees and the community. A qualitative approach assisted in answering all these questions hence it was selected in this study.

The qualitative approach enables the researcher to address the issue of quality by dealing with aspects such as validity, practicality and effectiveness (Maree, 2007:38). The approach also ensures that data collection, that is, the intensive personal involvement and in-depth responses of individuals, secures a sufficient level of validity and reliability.

The usage of a case study enabled the researcher to examine the phenomenon in detail. According to Gerring (2007:20) a case study may be understood as the intensive study of a single case where the purpose of that study is (at least in part) to shed light on a larger class of cases, that is, population. It is the observations carried out in a real world setting and the objective is to immerse the researcher in the situation so as to gain a holistic understanding of the phenomena in its natural setting (Moody, 2002:2).

3.3.1. The basic characteristic of qualitative research

According to Lehmann, (2006:3) “the qualitative research methodology refers to a set of research techniques in which data is obtained from a large group of respondents”.

In support of this definition, Klenke (2008:7) refers to the qualitative approach multi-method in focus, involving an interpretive, naturalistic approach to its matter.

The qualitative method can also be defined as an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem (Klenke, 2008:7).

According to Klenke (2008:7) “the qualitative approach involves the studied use and collection of a variety of empirical materials, for example case studies, personal experience, introspective, life story, interview, observational, historical, interactional, and visual texts that describe routine and problematic moments and meaning in individual’s lives”.

The qualitative approach ensures an in-depth understanding of the issues under investigation for the purpose of finding answers to the research questions. This approach assists the researcher to study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them (Klenke, 2008:7).

The qualitative approach enables the researcher to address the issue of quality by dealing with aspects such as validity, practicality and effectiveness (Maree, 2007:38). In addition, the qualitative approach ensures that data collection, that is the intensive personal involvement and in-depth responses of individuals, secure a sufficient level of validity and reliability. The research questions which were posed to the selected sample were verbal hence the choice of the qualitative approach.

3.3.2. Description of the general characteristics of the research design

The following general characteristics namely empirical research, basic research, exploratory research, cross-sectional research, primary data, and qualitative data are briefly explained below.

Empirical Research: Empirical research methods are a class of research methods in which empirical observations or data are collected in order to answer particular research questions (Moody, 2002:1). The data collected and analysed in this research was primary data, that is, the information collected from the participants by the researcher.

Basic research: In this study the researcher used basic research skills to acquire information that assisted in solving the research problem.

Exploratory research: Exploratory research is undertaken when few or no previous studies exist. The aim is to look for patterns, hypotheses or ideas that can be tested and will form the basis for further research (Effective Learning Service, 2007:2). An exploratory study was appropriate in this study of “Exploring the effectiveness of disciplinary measures in a North-West Government Department” as little research had been done in the topic.

Cross-sectional research: When using this type of research design, researchers study individuals of different ages at the same time (Jackson, 2008:163). The information acquired from participants during interviews had to provide a broader picture of the phenomenon because the study was time-bound.

Primary data: Refers to those in which the creator was a direct witness or was in some other way directly involved in or related to an event (Johnson and Christensen, 2010:424). The researcher collected empirical data in order to answer the research questions.

Qualitative data: Qualitative data consists of words and observations, not numbers (Powell & Renner, 2003:1). Qualitative data is used in this research in the form of interviews.

3.4. SAMPLING

According to Mugo (2002:1), sampling is the act, process, or technique of selecting a suitable sample, or a representative part of a population for the purpose of determining parameters or characteristics of the whole population. When dealing with people, a sample can be defined as a set of respondents (people) selected from a larger population for the purpose of a survey (Mugo, 2002:1).

3.4.1. Target population

According to Goddard and Melville (2001:34), 'the term population refers to any group that is the subject of research interest'. The study population therefore refers to people that have been identified as having a problem or those that are directly involved in or related to the problem.

The population in this study consists of all employees from salary level 9-12, who have subordinates and have the responsibility for managing discipline in their respective directorates or units. The total number of these employees is 30 (N).

3.4.2. Units of analysis

The unit of analysis is the major entity that you are analyzing in your study (Trochim, 2006:1). For instance, units of analysis can be individuals, groups, artifacts, geographical units, and social interactions.

The units of analysis in this study are the managers in the department who are tasked with managing the discipline of employees in the department. This refers to managers on post titles such as Assistant Director, Deputy Director, and Director.

3.4.3. Sample Size

According to Babbie (2010:198), the quality of the selected sample has the same distribution of characteristics as the population from which it has been selected. This means that the descriptions and explanations derived from an analysis of the sample are assumed to represent similar ones in the population (Babbie, 2010:198). The sample size in this study is 6 (n) out of 30 managers in level 9-12.

3.4.4. Sampling technique

In cases where a study population is large, researchers often make general findings of a study based on a subset of a population, and this is referred to as a sample (Goddard & Melville, 2001:34).

According to Maree, (2007:172) there are two major classes to which sampling methods belong, and these are the probability and non-probability methods. Probability methods are based on the principles of randomness and probability theory (Maree, 2007:172) while non-probability methods are not based on the principles of randomness and probability theory (Maree, 2007:172).

In addition, probability samples are defined as those in which the probability that any given sampling element will be selected is known. Conversely, in the non probability sampling, the likelihood that any given element will be selected is not known (Maxfield & Babbie, 2008:162).

Each element in the population belonging to the probability sampling class, has a known, non-zero probability of being selected and this means that an objective mechanism is used in the selection procedure (Maree, 2007:172). There is therefore no human interference in this process of selecting a sample in the population.

The sample in this research was selected by way of purposive convenience sampling also known as judgment sampling (Ary, Jacobs, Razavieh, & Sorensen, 2010:156). In this type of sampling method, sample elements that are judged to be typical or representative are chosen from the population with the assumption that errors of judgment in the selection will counter balance one another (Ary et al., 2010:156).

3.5. PARTICIPANT PROFILES

Below are the profiles of the six participants interviewed as part of data collection:

PARTICIPANT	BACKGROUND
P1	Participant one is a black male and holds the position of a Director in the Legal Services Directorate of the Department. He has been in the employ of the Department for ten months and boasts a truck load of experience having previously worked at a municipality as a Legal advisor. He is also an active politician who is passionate about transformation, equality, and education for all.

PARTICIPANT	BACKGROUND
P2	Participant two is a black female and heads the Labour Relations Sub-Directorate in the Provincial office. She is one of the youngest Assistant Directors in the Province and has been acting as Deputy Director: Labour Relations for 3 years. Her total experience in the field of Labour Relations is 8 years. She holds a Diploma in Labour Relations and is currently studying towards a post graduate Diploma in Human Resource Management.

PARTICIPANT	BACKGROUND
P3	Participant three is a black female working at the Legal Services Directorate of the Department as a Legal Admin Officer. She was one of the people who established the Directorate in 1999. In 2002 she obtained her B. Juris qualification and in 2009 obtained her LLB degree. She is currently studying Theology.

PARTICIPANT	BACKGROUND
P4	Participant four is a black female who started working for government on the 6 th of January 1976 at the age of 20 years. She acquired her junior certificate (JC), during that time it was called form three. She worked for the Department of Education for ten years in different sectors such as leave, pensions and accounts section. She then transferred to the Department of Man Power (now called Labour) for three years, serving under Instructors condition of service now called lecturers. She then Transferred to the Department of Public Works in April 1990 where she is still working. She holds an LLB degree which she obtained in 2004 and was admitted as an Advocate of the High Court of South Africa. She holds the position of a Legal Admin Officer in the department.

PARTICIPANT	BACKGROUND
P5	Participant five holds the position of a Deputy Director at the Legal Services Directorate of the Department. He has been in the Legal fraternity for more than 20 years and is passionate about his work.

PARTICIPANT	BACKGROUND
P6	Participant six is a Deputy Director in the Legal Services Directorate of the Department. He has been in the employ of the Department for 10 months and handles amongst other duties the appeal cases arising from disciplinary inquires.

3.6. DATA COLLECTION

There are different methods that can be used to gather or collect data from the sample of respondents, and each method has advantages and disadvantages. According to Ary et al. (2010:379), there are two basic data gathering techniques in survey research and these are interviews and questionnaires.

The interview technique of data collection has to do with some form of direct contact between the people in the sample and the interviewer (that is the researcher or someone trained by the researcher) who may present the questions to each person in the sample group and record their responses, while a questionnaire is given to the intended respondents so that they fill it in by answering the questions (Ary, et al., 2010:379).

For the purposes of this research, the interview method of data collection was used to collect the data from the 6 employees who represent the population. Semi-structured and in-depth interviews were used to interview the employees for their appropriateness to the study.

- **Semi-structured interviews:** In semi-structured interviewing, the researcher combines the use of close-ended and open-ended questions (Klenke, 2008:126). Open-ended questions assisted in getting detailed answers from participants even though they were given leading questions.

- **In-depth interviews:** In-depth interviewing is a qualitative research technique that involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, programme, or situation (Boyce & Neale, 2006:3).

3.7. PRIMARY DATA COLLECTION PROCEDURE

The first step in collecting data was to meet the chosen participants individually during separate appointments. In the first meeting they were given the reasons why they were chosen and they were also told about the research topic in detail and about the value they were going to add through their participation. Consent was also gained from the participants.

The participants were also informed about how the interviews were going to be conducted and consent was gained. The participants were also given the opportunity to inform the researcher when they would be available to be interviewed.

Subsequent to the first meeting, a letter and a list of questions that they were going to answer during the interviews was sent to each participant. During the separate interviews, the participants were given an opportunity to voice their opinions and each interview lasted an average of thirty (30) minutes.

All interviews were recorded using a phone recorder, and hand notes were also recorded by the researcher. After the interviews were completed the information was stored and transcribing began.

3.8. DATA COLLECTION AND STORING OF DATA

Data was collected by means of semi-structured and in-depth interviews. The data obtained from the interviews were stored in a recording machine and transferred into a memory stick as well as stored in an empty compact disc (CD) after which they were transcribed.

3.9. DATA ANALYSIS

The data obtained were analysed using a program known as ATLAS.ti. The program is a powerful workbench for the qualitative analysis of large bodies of textual, graphical, audio and video data hence it was appropriate for this study.

According to Braun and Clarke (2006:82), “a theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set”. Thematic analysis, therefore, seeks to unearth the themes salient in a text at different levels (Attride-Stirling, 2001: 387).

There are six phases of conducting thematic analysis which are; familiarising yourself with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, producing the report (Braun & Clarke 2006:82). Each of these stages followed in analysing the data gathered during the interviews is explained in the table below.

Table 3-1: Phases of thematic analysis (Braun & Clarke, 2006:87)

PHASE	DESCRIPTION OF THE PROCESS
1. Familiarising yourself with the data	Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.
2. Generating initial codes	Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
3. Searching for themes	Collating codes into potential themes, gathering all data relevant to each potential theme.
4. Reviewing themes	Checking if the themes work in relation to the coded extracts (Level 1) and the entire data set (Level 2), generating a thematic ‘map’ of the analysis.
5. Defining and naming themes	Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells, generating clear definitions and names for each theme.
6. Producing the report	The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, producing a scholarly report of the analysis.

Thematic data analysis was therefore appropriate in this study because it assisted in soliciting themes from the research questions for the purpose of analysing the data gathered during the interviews.

3.10. DATA VERIFICATION

The transcripts and the notes of the data collected were given back to the participants so that they could verify whether what had been recorded was what they had said during the interviews. This was done after the interview process was complete.

3.11. ASSESSING AND DEMONSTRATING THE QUALITY AND RIGOUR OF THE RESEARCH DESIGN

Because of the role of the researcher is judgement and intuition, and the potential for researcher bias in interpretivist research, the question as to how the trustworthiness of qualitative research findings can be demonstrated has received much attention in the literature (Carcary, 2009:13).

The researcher ensured that the participants had trust and also guaranteed their anonymity during the interviews. The information acquired is to be kept safe and confidential.

3.11.1. Credibility and trustworthiness

According to Chege (2011:11), credibility, and transferability provide the basis of evaluating the findings of qualitative research. Credibility deals with the accuracy of identifying and describing the subject of the study (Wise, 2011:1). Trustworthiness has to do with whether a study can be repeated (Carcary, 2009:14).

The reverting back of the researcher to the participants with the notes and transcripts so that they confirm the data showed credibility and trustworthiness.

3.11.2. Transferability

Transferability is concerned with the extent to which the findings of one study can be applied to other situations (Shenton, 2004:69). Transferability therefore deals with the applicability of the findings to another context (Wise, 2011:1). Even though the State is the employer having different departments, the findings of this study cannot necessarily be applied to other government departments.

3.12. RESEARCH ETHICS

A research may have associated risks, but it can also offer potential benefits to all participants (Peens & Strydom, 2007:103). Researchers therefore, have an ethical obligation of ensuring that the participants involved in the research are protected.

According to Maree (2007:41), “it is important to highlight the ethical considerations in regard to a research”. An important or essential ethical aspect in a research is the issue of the confidentiality of the results and or findings of the study and most importantly the protection of the identity of the participants.

The researcher obtained a formal letter of permission from the North-West University (Mafikeng Campus) to conduct research. The letter included the chosen research topic (which had been approved by the research supervisor) as well as the location that had been identified by the researcher as having a problem.

The letter was presented by the researcher to the identified government department to seek permission to undertake research in order to use its members as active participants in the research. Also mentioned in the permission letter was a request to interview the identified and relevant participants.

The management of the identified government department after careful consideration granted the researcher permission or liberty to undertake the research as well as be assisted where necessary, with relevant information.

Furthermore the participants in this research will remain anonymous. In other words the identities of the participants will not be revealed and the information that they give will not be used against them.

All guidelines were followed in obtaining the relevant information, and confidentiality of the highest order was exercised. The information obtained shall be used for purely academic purposes, and no part of the research is to be used for any other reason unless otherwise agreed upon by or with the knowledge and consent of the government Department. The data obtained will be kept safe for five years.

3.13. CONCLUSION

Research methodology and design are the heart of every research undertaken. The failure to plan out how a research will unfold, that is, how data will be collected (data gathering techniques), from whom it is collected (sample population) to mention but a few, may lead to inaccurate, biased, untrue data and findings.

In the next chapter an analysis and presentation of data is made.

**CHAPTER 4:
RESEARCH FINDINGS**

4.1. INTRODUCTION

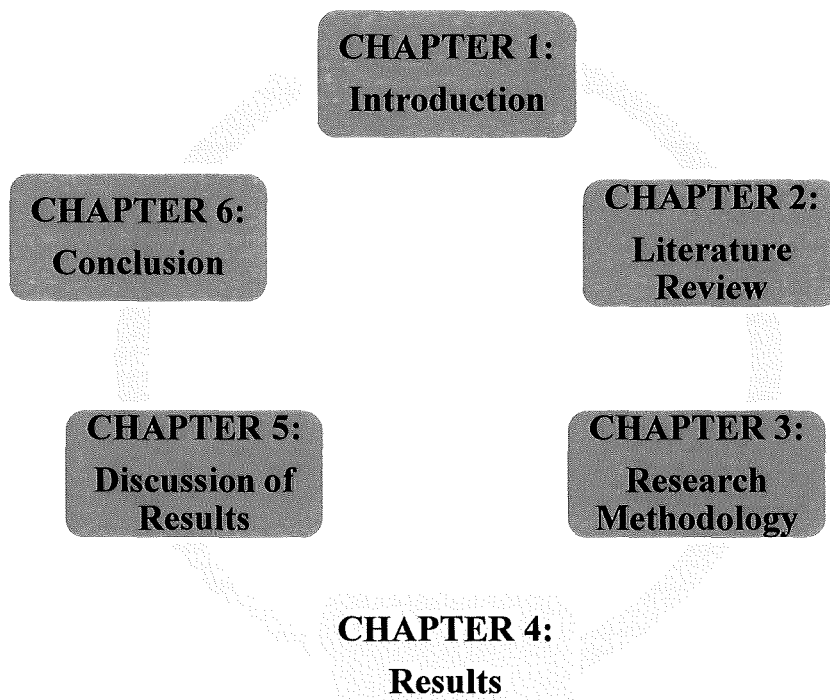


Figure 4-1: Chapter 4 in Context

The data gathered during the interviews is presented in line with the research questions. Themes are used to analyse the data and tables are used for discussion purposes. In the tables there are statements and an indication of which participant agreed with the particular statement. From there direct quotes derived from the interview transcripts are presented in italics and important sentences are underlined. In the end the analysed data is discussed in relation to the literature gathered.

4.1.1. Perceptions of employees about the misconduct procedures in the department

This section deals with the perceptions of employees about misconduct procedures in the North West Government Department.

Table 4-1: Participant responses relating to perception of employees about misconduct

Employees perception of misconduct and misconduct procedures	Participants
Conduct of employees in the workplace	P2, P3, P4, P5, P6
Common types of misconduct in the department	P1, P2, P4, P5, P6
Perception about factors causing misconduct	P2, P3, P4, P6
View misconduct in a negative light	P1, P2, P3, P5, P6
Implementation of misconduct procedures	P2, P5, P6
Policy not addressing misconduct	P1, P5
Lengthy period of cases	P1, P2, P4, P5, P6
Lengthy period of precautionary suspensions	P2, P4, P5, P6

A large number of the participants indicated that employees are supposed to conduct themselves in an acceptable manner in the workplace. Some of the quotes from the participants include:

...I think when you are employed when you are introduced to the a new service there is a code. They they show you they ought to show you er a code that is going to govern you the way you ought to behave. You must not come late, you must take instruction from the the you're your supervisor. And the also you must put the reason why your employed. You must give value for money. But not to say you must just be ere r er Mickey Mickey Mouse. Some just take everything...and

(P3)

...when they are employed they sign a contract of employment wherein there are certain er obligations rights which are set out. And they are generally expected to abide by those terms of agreement. Er therefore I would then simply say that employees are not expected to conduct themselves in any way which is contrary to those er terms, obligations of the agreement...and

(P6)

...they must ahere to the contract of employment. They must be honest. You know, they must comply generally with the condition of appointment employment...and

(P4)

...the employees are expected to conduct themselves in acceptable manner...and also...

(P2)

...the Batho Pele principles is actually embodying the behaviour of employees. Er apart from the principles of Batho Pele, the certain level of conduct that needs to be of practice and there are standards that needs to be set for people to behave themselves or conduct themselves in the Department...

(P5)

Most of the participants indicated that some of the common types of misconduct were absenteeism, fraud, corruption and late-coming. The direct quotes from the participants are:

...Late coming, accountability, theft of state property...and

(P1)

....Absenteeism from work is one. Two it can be alluded to er intoxicating substances abuse. The 3rd one is financial related which is now the big one...

(P5)

...drinking on duty. We also have the one of in insubordination...and

(P2)

...failure to... carry out instructions or tasks that has been allocated to one...and

(P6)

...not performing your duties...

(P4)

A large number of the participants indicated that pressures of life, treatment by management and low wages were some of the factors that were causing employee misconduct in the department. Some of the quotes from the participants include:

...the lower class people er its because of er because of of poverty of low wages and then of the pressure of life...and

(P3)

...Your supervisor doesn't care about you. You can you stay at home rather than to come to the office because you feel when you come to the office you're not be taken seriously or they don't care about you.

(P4)

...When it relates to issues of misconduct such as theft or fraud, misrepresentation and such, those might be caused by just selfish motives...and

(P6)

...some of the employees it's because of their.. health status. sometimes a person just find out that er... he has er... he is HIV positive. The other one is er... level of education. In our Department we are having...like our... majority of our employees' they are not educated...

(P2)

Majority of employees perceived misconduct in the Department in a negative manner. Some of the views are shown below in quotes:

...misconduct at face value its its very scary... but

(P1)

...not so severe this as I have seen...and

(P3)

...I would say misconduct it's a it's a very prevalent kind of offence...

(P6)

...Department is experiencing a... high level of misconduct but even though it's the same misconducts that keep on reoccurring. And those misconducts they do occur and then... the employees are aware of such misconducts but they keep on doing the same misconducts...but

(P2)

misconduct in the Department is misconstrued most of the time being misunderstood or in the sense that or it is taken or it is perceived to be it is perceived to be an act of or enormity. Meaning that people or enemies others on the basis of misconduct.

(P5)

The most prevalent perception of employees about misconduct procedures in the Department is that the implementation part of the procedures is the responsibility of the Labour Relations Section. Below are some of the quotes of the participants:

...In our Department we've got Disciplinary Code and Procedure... and

(P2)

...there are those people who are implementing it. But there are also those there is also the responsibility of the employer to constantly engage employees on the manual and its implications and to make the aware of types of misconducts and types of sanctions that they will face should they be found to be guilty of any act of misconduct. We have Labour Relations. But Labour Relations is not doing its job, Labour Relations it's just Labour Relations it is carrying only for misconduct cases. But the remedial action from the very same or code is not actually taken anywhere. The intention of the code through training is not advanced...

(P5)

... Well basically in the Department the people who are tasked or to ensure that or those measures are are are implemented are basically the Labour Relations office...

(P6)

Some of the participants felt that the misconduct procedures of the Department were not custom made and could thus not effectively deal with misconduct in the Department. Some of the quotes from the participants include:

...in my view, what is on paper as a policy issue would not address er... misconduct in the Department...

(P1)

...Unfortunately it's not the Department policy. But differently because the procedure does not fall within the Department, its external procedure it is how it is it is introduced from outside.

(P5)

The unavailability of chairpersons, of witnesses and of the employer representatives, are some of the factors given by the participants for the long periods over which misconduct cases are handled. Some of the quotes from the participants include:

...It's the whole question of passing the buck. Managers do not want to manage. They will be confronted with a case of misconduct, ponder over it instead of charging that particular person refer that matter to Labour Relations but not even assist Labour Relations as to how that particular person committed misconduct...and

(P1)

... lack of understanding of the required information for a successful trial. There are times where a certain human elements intervene. For example like the sickness of the chairperson or of the employer or of the person who is investigating or prosecuting the case or of the witnesses who are supposed to attend to testimony. Sometimes it is the suitability of time for whoever is prosecuting or whoever is representing the employee or for the employee herself or himself. Although the employee has got no has got limited rights limited rights in the sense that an employee can only say for me to be unable to come to the disciplinary hearing it is because I was sick. And if it is a longer period then we produce a sick note. Department certain other things that actually caused delays is lack of proper management. Not lack of proper management in the sense that the person who is dealing with er... It is the co-ordination of these cases sometimes a case can ere r er a disciplinary case has been delayed because investigations have not been completed. Sometimes investigations completed but the Department failed to take action in time...and

(P5)

...also the complexity of the matter is one of the issue that can cause the delay. Even also the protocol sometimes. Like we have the protocol where in our matters needs to go to the Director, then from the Director go to Chief Director then from there to Head of the Department for approval... and also

(P2)

...employees might request for postponement with valid reasons and as such the presiding officer be obliged to grant postponement....or

(P6)

...insufficient information. Maybe they must be investigation is taking place due in that period. That's the thing that cause the delay.

(P4)

The common reason why employees are put on precautionary suspension for long periods of time is that investigations would be still ongoing, Some of the quotes from the participants include:

...Firstly someone is put on precautionary suspension if there is a view that he or she might hinder the investigation or even the process of conducting a fair disciplinary process. Now depending on the kind of misconduct that that might result in this person being put in a long period. Although there are some regulations or prescriptions which outlines for how long can someone be put on pre precautionary suspension.

(P6)

...Is non-compliance with the prescripts. 60 days, after 60 days you're supposed to reinstate.

(P5)

...To do thorough investigations so that they mustn't bias be bias management. They must gather all the factors or do thorough investigations...

(P4)

...our principals their involvement in issues that is related to Labour Relations they refer the matter to our Legal Services. They prefer Legal, than Labour Relations of which er you will discover that Legal does not have er enough knowledge about some issues like for instance in Labour Relations we do know that er the misconduct cases should be finalised within 60 days if the person has been placed on precautionary suspension. When it comes to Legal Services it's normal for them if a person is on precautionary suspension. They just feel that er... that person simply because that person is earning his salary very month so there's nothing wrong of which there is a contradiction.

(P2)

In the literature it was indicated that the management style is one of the factors that has the potential of causing employee misconduct. The data gathered also show that the treatment by management can cause employees to stay at home and thus commit misconduct by so doing. The way a manager treats his employees is therefore important in ensuring that they contribute effectively to the organisation (Sears, 2007:13).

As far as perception about misconduct procedures is concerned, not much was said by the participants about the pros and cons of the misconduct procedures of the department even though a lot was said in the literature.

As far as the common acts of misconduct are concerned, there is a similarity between what was mentioned in the literature and what was gathered in the data. Acts such as financial misconduct and theft were indicated both in the data and in literature as some of the common acts of misconduct found in government departments.

With regard to the factors that were causing delays in cases and the factors that result in employees being put on precautionary suspension for long periods of time, there is a similarity between what was mentioned in the literature and what was found in the data gathered. A factor such as lack of knowledge of personnel responsible for implementing misconduct procedures in the department was common both in literature and in the findings.

4.1.2. Consequences of not following the misconduct procedures of the department

This category deals with the consequences of misconduct as well as that of not following the misconduct procedures of the Department.

Table 4-2: Participant responses about the consequences of misconduct in the Department

Consequences of misconduct	Participants
Impact of misconduct on the department	P1, P2, P3, P4, P5, P6
Impact of misconduct on employees	P1, P2, P3, P5, P6
Impact of misconduct on the community	P1, P2, P3, P4, P5, P6

Most of the participants indicated that the most obvious impact of misconduct on the Department is the damage to reputation. Some of the quotes by the participants include:

...I would say it hinder mainly service delivery in that ere r when one is charged with misconduct, there are Departmental resources that are going to be used. Firstly to discipline that particular person and the time and efforts which er could be er directed at ere r doing the core business of the Department is now channeled towards a particular process that is the disciplinary process which involves resources, personnel and such. It impacts on er on the reputation.

(P6)

...it has got a very negative effect...

(P5)

...Misconduct casts the department in a very bad light...

(P1)

...Like for instance the... image of the Department is at stake... and

(P2)

...it dented the name the name of the Department...and

(P3)

...Maybe I can say it has an impact because er s some of the suspended officials or all of them they were suspended with full salary before for a long period.

(P4)

Concerning the consequences of misconduct on employees, the participants indicated that misconduct and the failure to properly follow the procedures impacted negatively on motivation and job satisfaction. Some of the quotes from the respondents are:

...Er firstly if if a person commits a misconduct there are various sanctions that may be imposed on that particular person and one of them might be dismissal. Er which would definitely impact on the income and not only him but his or the people who rely on him for survival.

(P6)

...Let me say you have committed fraud. Even people down there they know that you're driving a Mercedes but er were heard that you have stolen the government money. You lose integrity even in the society...and

(P3)

...also they cause the low morale to other employee. Even the motivation...

(P2)

It demoralises them. They are forever demoralised. They are forever demoralised because sometimes they see people being suspended and they get affected adversely by er work overloads and they get demoralised especially when people stay home for such a long time. Ultimate dismissal er throws the last blow on employees.

(P5)

...The acts of the impact of misconduct of employees erodes employee confidence. It has got an impact on job satisfaction and and motivation.

(P1)

Majority of the participants indicated that the impact of misconduct on the community was service delivery. Some of the quotes from the participants are:

...it impacts severely on service delivery and the ability of the of the state to achieve its strategic objectives and execute its legislative mandate in a sense that “ if we come late, community suffer if we come late the annual performance of the Department do not get implemented and and overall objectives of the department do not er... get realised. But in a in the overall it creates a laissez-faire approach and a state of anarchy.

(P1)

...But I would say misconduct impact in the community goes with the trust that the community has given or has bestowed to the employees. Everybody is doubted in the employment entity. Meaning public servants so public servants are no longer trustworthy in terms, the eyes of the community. They are no longer trust worthy... so

(P5)

...it does affect the... because people from outside they will view the Depar our Department as like for instance neh! they would say people that works on road the road workers they have the perception that those people they don't have work. They just go around and sleep under the trees...and

(P2)

...service delivery is suffering... as well as

(P4)

...community confidence...and

(P3)

...its its its its more related to like er the impact on the Department because it also comes to the issue of the the service delivery and also the trust of the community in the particular Department. Because once this kind of allegations of misconduct comes to the community they tend to generalize and have a certain view or perception about that particular department.

(P6)

The findings in relation to the impact of misconduct on the department, employee and community are similar to the ones found in the literature. In literature it was indicated that misconduct and the failure to follow misconduct procedures accordingly could break the trust relationship, result in financial losses, unstable working relationships and damage the reputation of the organisation.

There are also heavy costs of misconduct for employees who have committed misconduct because current and future employers are less likely to trust employees who have been involved in misconduct (KPMG Fraud and Misconduct Survey, 2010:2).

According to Van der Bank, Engelbrecht and Strümphera (2007:1), the advantages for organisations of a consistent disciplinary procedure are threefold. First, it contributes to the stability of the workforce, second, labour turnover is minimised, and third, it promotes productivity.

According to the iThenticate Report (2012:4), one of the most damaging long-term costs associated with misconduct is brand damage. Corporate reputation is the overall impression the company gives to its publics (Blythe, 2009:189).

4.1.3. Recommendations from employees on how to improve the misconduct procedures in the department

This category deals with the recommendations given by participants on the improvement of misconduct procedures in the North-West Government Department.

Table 4-3: Participant responses about the improvement of misconduct procedures

Consequences of misconduct	Participants
Regular training	P2, P5
Reorientation of organisation	P1
Separation of duties by Labour Relations Section	P5
Relationship with unions	P5
Role of management	P2, P3, P4, P6
What should be done to those who commit misconduct	P4

Most of the participants recommended that education of employees about misconduct procedures be prioritised. Some of the quotes by the participants include:

...Like I said, education is a key. If you are able to teach people about misconduct, you'll be able to teach them about the effect of misconduct as well. If you are able to teach them about misconduct you the effects will either be the penalties for misconduct how it affects everybody. Both internal and employees as well as external communities. You will be able to manage the understanding of what the misconduct looks like and you will be able to revert at least from growing big and big and big. It will actually come down because most of the time there is what we call progressive discipline. It must be a policy or let me say all those policies they must be taught. Each and every employee in order for them to be able to conduct themselves properly they must have each and every piece of legislations either in their desktop or in their in front of their desk. They must have information each and every employee. If she is dealing with finance she must know how PFMA operates. If she is dealing with Employment Equity she must know. If she is dealing with any other, they must know.

The training was supposed to be given for fully detailed training for all the employees apart from those that are actually implementing the proper disciplinary code and procedure...and

(P5)

...we do we conduct er... the workshops whereby we share information with the employees about misconduct...

(P2)

One of the participants reiterated the importance of the department to relook at its role and contribution. Some of the quotes by the participants include:

....I think what needs to happen is that the organisation should re-orientate itself. To have as its driving force an employment force that understands what is it which is expected to do how it's expected to behave, the necessary legislations that governs employment. The impact and the effect on misconduct on the organisation, the community and the people it's suppose to serve. That we put in place a system to ensure that misconduct cases are handled or disposed with within a short space of time. Er which means that they should not unnecessarily take long. Er and if if its done in that particular I believe that much of the time which is wasted on dealing with this thing on on this issues might be reduced.

(P1)

One of the participants recommended that Labour Relations Section should change how it operates and have separation of duties while the other indicated the need for them to speed up investigations. The participant is quoted below as saying:

...Unfortunately in our Department we don't have a misconduct unit within this institution. Labour Relations is being misused. Labour Relations is a very nice key to transform to lead to the transformation. Instead misconduct Labour Relations their concentrating on misconduct dominantly, that's what they do. If you take grievance procedure, it must have its designated people. If it is not a misconduct. Misconduct must because there is interpretation of laws and whatever. There must be a unit that interprets those. Labour Relations must be able able to deal with all the Labour Relations er acts that are actually supposed to promote harmonious relationship between the employer and the employee. That is the role of the Labour Relations. That's why they are called Labour Relations. So basically in order to be able to manage properly misconduct cases in the Department you must separate responsibilities. You must be able to define what the other person must do you must be able to teach...

(P5)

One of the participants advised that the department not distance itself from Trade unions because together they can make a meaningful contribution to the organisation. The participant is quoted as saying:

...We find ourselves actually distancing ourselves from the unions and we think that the unions should come and play the other part. The unions are there to protect the interest of their employees. But the employer has got the right and the duty as well to protect the very same employee...

(P5)

Most of the participants indicated the need for management to do its work. Some of the quotes of the participants include:

...I think the managers they need to do their work. Like for instance neh! We're having a challenge wherein managers they will refer their matters to Labour Relations without intervening. They want the people or the employees to view Labour Relations as if they are the police...

(P2)

...What is expected of management to deal with the problem of misconduct is the management must lead with exemplary. And then they must not they must be fair when dealing... When I am wrong, I am wrong...and

(P3)

...management should monitor the dis the misconduct...

(P4)

...Firstly it's to identify the root cause of such misconduct. Er whether er there are certain assistance which can be given to said employees in order to avoid them continue committing the same ere r misconduct. But basically I may say it depends on the kind of misconduct that has been committed. For instance, if someone absent himself from work. You might have to investigate what is the cause and whether this person should be er referred for Employee Wellness Program.

(P6)

One of the participants said that the department must deal with the employees who commit misconduct. The participant's direct quote is:

If I have stolen a lot, let the Department deal with me accordingly so that I people who would look at me would be afraid to do this to commit the very same misconduct...

(P4)

The findings about the role of management in relation to the research questions as compared to literature are similar. In the literature it was indicated that the role of management, as far as discipline is concerned, is to see to it that the right things are done in the right way in order to realise the ultimate objectives of the enterprise (Nel, Kirsten, Swanepoel, Erasmus, & Poisat, 2008:39). Literature also showed that it is the prerogative of management to discipline its employees and to take firm action against ill-discipline.

Regular training of employees as per the recommendation of one of the participants was also essential. Lack of training is also one of the factors that contribute towards or leads to employee dissatisfaction (Wood & Brotherton, 2008:476). An organisation should provide for training and the development of its employees which, encourages and fosters continuous learning. The failure to address the issues related to work environment may result in low employee morale and a negative attitude by employees.

Some of the factors such as job content, conflict, personality, and attitude as found in the literature were not mentioned by participants as having the potential of causing employee misconduct in the workplace. However, low wages or salaries were mentioned both in the data gathered and in literature as one of the factors that cause employee misconduct.

4.2. CONCLUSION

The results of the study revealed vital information about how employees are supposed to conduct themselves in the workplace, the common types of misconduct, perception about the factors causing misconduct, the view about misconduct, and implementation of misconduct procedures.

The results also highlighted some of the impacts of misconduct on the department, employees and community. They also indicated the recommendations that the participants gave to improve on the misconduct procedures of the department.

The next chapter presents a discussion about the findings of the study.

**CHAPTER 5:
DISCUSSION OF THE FINDINGS**

5.1. INTRODUCTION

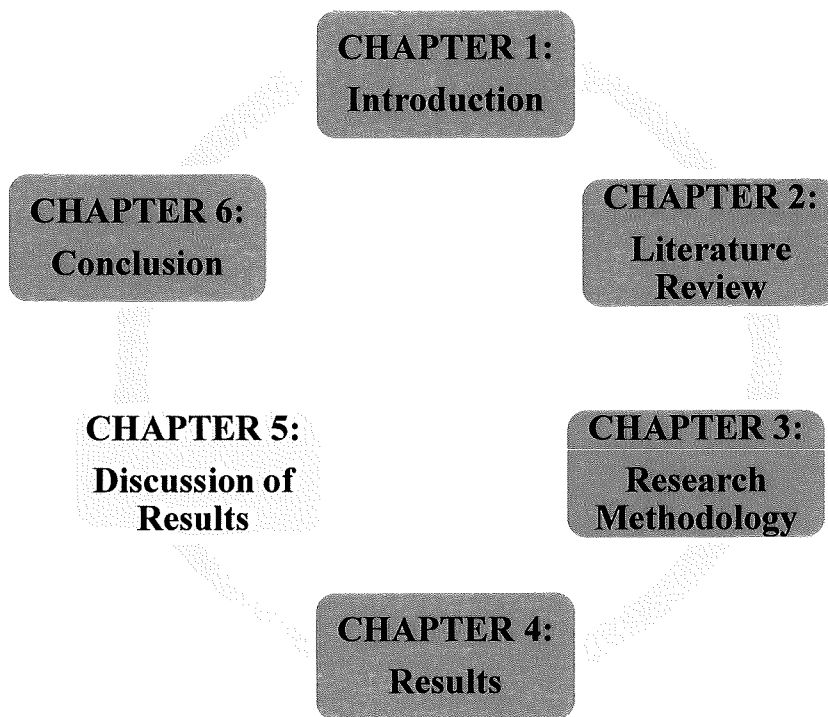


Figure 5-1: Chapter 5 in Context

This chapter deals with the discussion of the results that have been presented in chapter 4. As indicated at the beginning of the study, the main objective of the research is to determine the effectiveness of disciplinary measures at a North-West Government Department.

The results are discussed using the specific objectives of the study as stated below:

- To determine the perceptions of employees about the misconduct procedures in the department
- To determine the consequences of not following the misconduct procedures of the department
- To establish the recommendations that employees give to improve the misconduct procedures in the department

5.1.1. Research Objective 1: To determine the perceptions of employees about the misconduct procedures in the department

The results showed that some employees perceived misconduct procedures as foreign to the Department. In other words, the procedures were not tailor-made to suit the Department's ever changing working environment. The lack of internal policies to sensitise employees and key role-players on the procedures relating to disciplinary procedure and precautionary suspensions was a loop hole that the Public Service Commission had identified in its research as found in the literature (Public Service Commission, 2011:12).

Furthermore, the results showed that managers perceived that the implementation of the Disciplinary Code and Procedure for the Public Service (Resolution 1 of 2003) was the sole responsibility of the Labour Relations Section of the Department.

As far as the long period its takes for cases to be concluded, something which is contrary to the spirit of the misconduct procedures in government, the results show that factors such as the unavailability of chairpersons, of witnesses and of the employer representatives were the major contributing factors.

The results tally with the literature as far as adherence to time frames is concerned. According to research done by the Public Service Commission (2011:11), there was poor compliance with timeframes by investigators and Presiding Officers.

The results showed that the reason why employees are put on precautionary suspension for long periods of time was because of the complexity of cases. The lack of understanding of Labour matters by the Legal Services Directorate of the Department was another factor that resulted in employees being put of precautionary suspension for long periods.

In the literature one of the findings of the research done by the Public Service Commission was that not all employees who are supposed to know about disciplinary processes and measures know and understand such and hence it was of the view that all employees, managers and juniors alike, must be sensitised about disciplinary procedures (Public Service Commission, 2011:13). The results are therefore consistent with what was found in the literature.

The results showed that the common acts of misconduct in the Department which arise as a result of not following misconduct procedures properly, are absenteeism, fraud, corruption and late-coming. The results are consistent with what was found in the literature. Acts of misconduct such as corruption (e.g. bribery), financial mismanagement (e.g. failure to follow orders), fraud (e.g. S&T claim fraud), social grant fraud, theft (e.g. theft of laptop, petrol, food, petty cash, cheques), misappropriation and abuse (e.g. abuse of GG vehicle), gross negligence (e.g. loss of state property, unauthorized expenditure) were indicated as the common acts of financial misconduct in government departments (Public Service Commission, 2013:4).

With regard to the factors that were causing employee misconduct, the results showed that factors such as pressures of life, treatment by management and low wages were causing employees to commit misconduct in the workplace. The results confirm what was found in the literature. The way managers treat their employees is important in ensuring that they contribute effectively to the organisation (Sears, 2007:13).

5.1.2. Research Objective 2: To determine the consequences of not following the misconduct procedures of the department

The results showed that not following misconduct procedures had negative consequences for the Department and the employees, as well as the community at large. The results are consistent with what was found in the literature. According to the KPMG Fraud and Misconduct Survey (2010:1), misconduct has a negative effect on an organisation and can also have damaging consequences for the individuals involved, the government of the day and the wider community.

The consequence to the department was the severe damage to the reputation of the organisation. The results tally with the literature findings. According to the iThenticate Report (2012:4), one of the most damaging long-term costs associated with misconduct is brand damage.

The failure to follow misconduct procedures also resulted in monetary losses for an organisation. The high cost of financial misconduct had a negative impact on service delivery as well as the trust relationship between the public and Government. The results confirm what was found in literature. According to the KPMG Fraud and Misconduct Survey (2010:2), the total figure lost through fraud in the public sector in Australia is \$15,665,120 and organisations believe they actually only detect one third of all fraud that occurs in the workplace.

Furthermore, the National Public Service Commission (NPSC) announced that twenty-two thousand public servants across the country had been charged with misconduct for corrupt activities and that R 300 million had been recovered from perpetrators (Mafikeng Mail, 3rd of May 2013).

Another possible outcome of not properly following the prescribed misconduct procedures was instability in the workplace. According to Van der Bank, Engelbrecht and Strümphera (2007:1), the advantages for organisations of a consistent disciplinary procedure are threefold. First, it contributes to the stability of the workforce, second, labour turnover is minimised, and third, it promotes productivity.

The results showed that the repercussions of not following misconduct procedures as far as employees are concerned are that employees get demoralised and demotivated. They end up having low morale, low self confidence, and their dignity and respect by the community is taken away. It also affects job satisfaction. In cases where sanctions are too harsh, employees end up losing their jobs and their dependents suffer.

The results confirm what was found in the literature. To be found guilty of misconduct can have detrimental effects on a person's career and it can also result in an employee being referred for counselling, having a reduction in salary, being re-assigned duties, having a reduced classification or having their employment terminated (KPMG Fraud and Misconduct Survey, 2010:2).

In cases where the employer fails to remunerate employees fairly for their efforts, employees may perceive that the employer has unilaterally broken the trust relationship. In retaliation, the employees may restrict effort, withdraw their labour and in extreme cases, riot (Sunderland, 2007:186).

The results showed that the failure to follow misconduct procedures were that the community suffered when it came to service delivery. The community ends up losing trust and confidence in the Department and resort to striking in an attempt to demand better services. When employees are put on precautionary suspension for long periods of time tax payers' money is being wasted.

The results confirm what was found in the literature. The cost of misconduct is a lack of community confidence in the ability of public authorities to deliver services in an efficient, effective and ethical manner. Acts of misconduct by public sector officials create distrust in the systems, procedures and staff of public authorities (KPMG Fraud and Misconduct Survey, 2010:3).

5.1.3. Research Objective 3: To establish the recommendations that employees give to improve the misconduct procedures in the department

The results showed that the continuous training of employees was key to better understanding and implementing misconduct procedures. Regular workshops should be held to make employees aware of the prescripts that govern misconduct, the different acts of misconduct as well as the consequences of misconduct, where necessary.

The results confirm what was found in literature. According to the literature, lack of training is also one of the factors that contribute towards or lead to employee dissatisfaction (Wood & Brotherton, 2008:476). Employee dissatisfaction can lead to employee misconduct.

There was also a need to separate duties as far as handling misconduct cases was concerned. According to the results, management had to 'pull up their socks' and take charge as far as disciplining their subordinates was concerned.

The results confirm what was found in the literature. It is an employer's prerogative to impose discipline in the workplace (Ponelis, 2011:21). In other words, disciplinary action must be initiated by management in response to unsatisfactory work performance or unacceptable behaviour on the part of the workers (Van der Bank, Engelbrecht & Strümphera, 2007:2).

The results also showed that the Department saw unions as enemies rather as partners who are there to assist in bringing about stability in the workplace.

5.2. CONCLUSION

The chapter provided a detailed discussion of the results using the objectives of the study. In summary the results showed that misconduct procedures were not properly followed because there was a confusion of roles and also lack of understanding of the procedures.

The results also showed that not following misconduct procedures correctly had a negative impact on the Department, the employees and the community.

In the chapter to follow, conclusions are drawn and an indication of the limitations of the study is made. Recommendations for practice and for future research are given.

**CHAPTER 6:
CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS**

6.1. INTRODUCTION

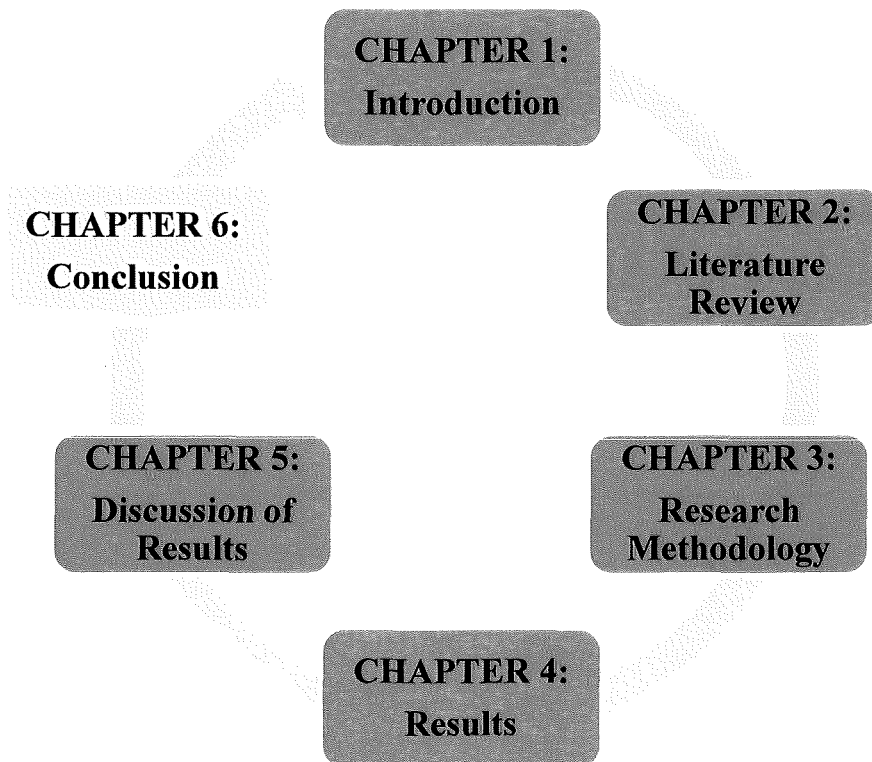


Figure 6-1: Chapter 6 in Context

This chapter presents a summary of the entire study and conclusions are drawn from what was found in both the literature and the results. The limitations encountered are also discussed and recommendations for the Department as well as for future researches are made.

6.2. OVERVIEW OF THE STUDY

The section to follow discusses three issues which are, the purpose of the study, general objectives as well as giving an overview of the study.

6.3. PURPOSE OF THE STUDY

The main purpose of the study was to explore the effectiveness of disciplinary measures in a North-West Government Department.

6.3.1. Research Objectives

The specific objectives of the research were:

- To determine the perceptions of employees about the misconduct procedures in the department
- To determine the consequences of not following the misconduct procedures of the department
- To establish the recommendations that employees give to improve the misconduct procedures in the department

6.4. CONTENT OF THE STUDY

The content of the study is briefly explained in chapters as follows:

CHAPTER 1: INTRODUCTION

Chapter one included the introduction, background of the study, the problem statement, research questions, objectives of the study, research design, research strategy as well as the division of the study.

CHAPTER 2: LITERATURE REVIEW

This chapter of the research entailed the literature survey that has to do with the exploration of all relevant sources such as text books, journals, articles, and the internet about misconduct and the procedures for dealing with misconduct. It had an introduction, content and a brief conclusion of the most important findings from the literature.

CHAPTER 3: RESEARCH METHOD

This chapter of the study discussed the research methodology. It consisted of an introduction and the justification for the method chosen. The data gathering instruments and techniques as well as the research design were described in the chapter.

CHAPTER 4: RESEARCH FINDINGS

This chapter contained the analysis and presentation of the findings. The data was rearranged and summarised for ease of analysis, interpretation and presentation. The direct quotes of the participants were used to explain the findings.

CHAPTER 5: DISCUSSION OF THE FINDINGS

In this chapter, the results of the study were unpacked and discussed in detail. The purpose was to put the results in an understandable manner by using the research objectives.

CHAPTER 6: CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS

This chapter focused on summarising the research findings. Recommendations and conclusions were made in this chapter.

6.5. CONCLUSIONS DRAWN FROM THE STUDY

In this section of the study, summaries and conclusions are drawn from the findings of the study as well as the literature.

6.5.1. Conclusions from the Literature

The following conclusions have been drawn from the literature:

There are five role players in employment, which are management, employees, the state (government), customers and competitors. Employees, as one of the main role players have the duty to abide by the rules and regulations as set out by the employer and to carry out any lawful orders given to them (Landis & Grossett 2005:192).

On the other hand it is the employer's prerogative to impose discipline in the workplace (Ponelis, 2011:21). In other words, disciplinary action must be initiated by management in response to unsatisfactory work performance or unacceptable behaviour on the part of the workers (Van der Bank, Engelbrecht & Strümphera, 2007:2).

Discipline is therefore a managerial function, and in cases where employees in an organisation have committed less serious misconduct, they ought to be disciplined informally by way of corrective counselling, verbal warning, written warning and final written warning as indicated in Resolution 1 of 2003 (Disciplinary Code and Procedure for the Public Service).

According to Louw (2010:258), for less serious forms of misconduct the employer should follow progressive disciplinary sanctions that might range from verbal reprimands to final written warnings or suspension without pay. Furthermore, misconduct which is not serious enough to justify dismissal, for example lateness or absenteeism, may justify dismissal if the employee does not respond to a series of warnings (Louw, 2010:257).

A serious misconduct is one that warrants a formal disciplinary enquiry and may lead to the dismissal of the accused employee (Caisley, 2008:136). In other words, where employees have committed serious misconduct and there is evidence to that effect, they must be brought before a formal disciplinary inquiry.

The procedure for running a formal inquiry should be observed throughout the process. Both substantive and procedural fairness must prevail from the start until the end of the process. Important time frames with regard to dealing with misconduct cases and the length of time employees should be put on precautionary suspension should be adhered to.

Factors that cause employees to commit misconduct such as management style, low wages or salaries, personality, perception, attitude problems, working environment, and job content should be looked into to reduce and ultimately curb employee misconduct.

The shortage of staff complement and lack of knowledge by personnel is one of the major challenges when it comes to dealing with misconduct cases in the workplace (Public Service Commission, 2011:13). Employees should therefore be taught how to conduct themselves in the workplace and vacancies should be filled.

The other conclusion that is drawn from literature is that misconduct has a negative effect on an organisation and can also have damaging consequences for the individuals involved, the government of the day and the wider community (KPMG Fraud and Misconduct Survey, 2010:1).

In other words, there are consequences for not correctly putting into place the disciplinary measures when disciplining employees. Issues such as the breakage of the employment relationship, the cost of misconduct, an unstable working environment, and damage to the reputation of the organisation are the repercussions of not following misconduct procedures.

6.5.2. Conclusions from the Results

The following conclusions have been drawn from the results:

The results showed that employees preferred a custom-made or internal disciplinary code and procedure in the workplace. What also emerged from the results was that there was confusion between management and the Labour Relations Section as to which party was responsible for the implementation of the available disciplinary procedure.

The results also showed that factors such as the unavailability of chairpersons, of witnesses and of the employer representatives accounted for the long period it took for misconduct cases to be concluded. As for the long period employees suspected of committing misconduct were put on precautionary suspension, a factor such as the complexity of the case was common amongst the answers given by the participants.

The results also showed that acts of misconduct such as absenteeism, fraud, corruption and late coming were some of the most reoccurring types of misconduct. Factors such as pressures of life, treatment by management and low wages were identified as having the potential of resulting in employees committing misconduct in the workplace.

Misconduct had undesired effects for an organisation, and employees as well as the wider community. Monetary losses can be incurred, the reputation of an organisation can be ruined, service delivery can be hindered, and employees can lose morale and not be motivated to do work.

Lastly the results re-emphasised the need for regularly training employees in so far as disciplinary procedures were concerned. Information should be cascaded down to employees to keep them abreast of the latest developments in laws that govern their employment.

6.6. LIMITATIONS

The usage of purposive convenience sampling method was a limitation of the study in that the results cannot be generalised to other populations. The other limitation was with regard to the actual costs of misconduct in the government department under study because the participants were reluctant to provide the information.

The fact that the interviews had to be recorded, presented a challenge. For most, if not all the participants, it was the first time they were being formally interviewed for academic purposes. The participants were shy and withheld most crucial information because they feared that what they said would possibly be used against them and cost them their employment.

6.7. RECOMMENDATIONS FOR FUTURE PRACTICE

Regular training is necessary in order to bring about common understanding between management and their subordinates. It is clear from the results that employees at the North-West Government Department still need more training on labour issues particularly on misconduct procedures.

Information on notice boards and pamphlets should be given to employees. Newly recruited employees should be taught about the Code of Conduct and the disciplinary code and procedure of the department. Furthermore, managers should play a more active role when it comes to disciplining employees and refrain from passing the buck to the Labour Relations Section of the Department.

Where a case has been referred to the Labour Relations Section of the Department, and it is identified upon the completion of the investigation that a particular manager failed to apply progressive discipline, appropriate disciplinary action should be taken against that manager.

Vacancies at managerial level where posts are already funded should be filled. Furthermore, a clear line should be drawn between the role of Labour Relations, and the Legal Services Directorate of the Department, so far as dealing with misconduct cases is concerned. The role of the Labour Relations Section is two folded. Firstly, as a proactive measure, it is to mend relations between managers and their subordinates and secondly as a retroactive measure to discipline employees who have committed serious misconduct.

The role of the Legal Services Directorate on the other hand is, amongst other duties, to deal with appeals emanating from disciplinary inquires as delegated by the Member of the Executive Committee's office. They are also responsible for referring cases that need to be reviewed at the Labour Court to the State Attorney's office and to monitor that the cases do in fact get reviewed.

Labour Relations Officers who have lost interest in the field of Labour Law or who have been wrongfully placed should be placed in Sections that better suit their skills and knowledge. Labour Relations Officers should also be regularly trained so that they are able to respond to the ever-changing labour law environment. There should be less political interference from the powers-that-be.

An internal disciplinary Code and Procedure which is consistent with national policy should be formulated. Proper monitoring tools should be put in place to ensure that time limits are adhered to. The factors that are causing employee misconduct, such as the working environment, should be looked into instead of rushing to discipline employees.

As an alternative to precautionary suspension, the transfer of an alleged transgressor from one unit to another as provided for in the Resolution 1 of 2003 should be utilised.

6.8. RECOMMENDATIONS FOR FUTURE RESEARCH

The study was conducted in a single government department where staff complements were not large. The recommendation is that the same or similar research should be conducted at other government departments at Sub-District, District, Provincial and National Offices. Questionnaires as data gathering tools should be used instead of interviews when conducting the same or similar research taking into consideration the limitation interviews present.

6.9. CONCLUSION

Disciplinary measures in an organisation are put in place for a reason. The proper following of the procedures is crucial when correcting the behaviours of employees who have committed misconduct.

The relationship between managers and their subordinates is vital in so far as production and the achievement of strategic goals of the organisation are concerned. As a proactive measure, managers need to make their subordinates aware of how they are expected to behave in the workplace. Progressive discipline should be applied in an attempt to correct the behaviour of employees and in formal disciplinary inquiries fairness should prevail.

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APPENDIX A

-Data gathering instrument(s)-

EXPLORING THE EFFECTIVENESS OF DISCIPLINARY MEASURES IN A NORTH-WEST GOVERNMENT DEPARTMENT

1. How are employees expected to conduct themselves in the department?
2. What is your perception about misconduct in the department?
3. What are some of the common acts of misconduct that are committed by employees in the department?
4. What are the factors that are causing employee misconduct in the department?
5. What measures are put in place in the department to ensure that misconduct procedures are followed properly?
6. What is expected of management when it comes to dealing with misconduct in the department?
7. Why is it taking a long time for misconduct cases to be concluded in the department?
8. Why are employees put on precautionary suspension for long periods of time?
9. What is the impact of misconduct in the department?
10. What is the impact of misconduct on employees?
11. What is the impact of misconduct on the community?
12. What are your recommendations with regards to misconduct in the department?

APPENDIX B

-Informed consent form-



NORTH WEST UNIVERSITY
UNIBESITHI YA BOKONE BOBETHA MA
NOORDWES-UNIVERSITEIT
MAFIKENG CAMPUS

**School of Management Sciences
North West University
Private Bag X2046
Mmabatho
2735
Tel: 018-3892014/2173**

Fax: 018-3892022

19 July 2013

**Director
Human Resource
North West Dept. of Public Works,
Roads and Transport
Mmabatho**

Dear Sir/Madam

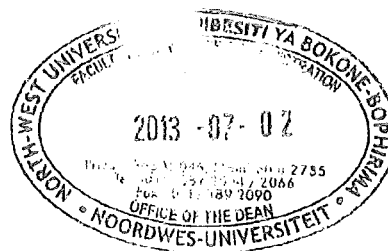
SUBJECT: PERMISSION TO CONDUCT RESEARCH WITHIN YOUR ORGANIZATION

This letter serves to introduce **Mr Malebogo Mogotsi (student No.21464227)** who is a Masters student registered for Masters degree (M Admin) in Industrial Relations by full dissertation, at the North West University, Mafikeng Campus.

The topic of his study is **"An investigation of misconduct cases in the North West Provincial Government Departments.**

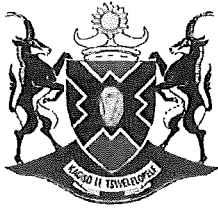
Your assistance in this regard would be highly appreciated and kindly note that information gathered would be treated with the strictest confidence.

.....
**Mr TJ Maubane
Department of Industrial Psychology
Faculty of Commerce and Administration**



APPENDIX C

-Organisation letter-



dpwrt

Department:
Public Works, Roads and Transport
North West Provincial Government
Republic of South Africa

Ngaka Modiri Molema Road
Provincial Head Office
Mmabatho, 2735
Private Bag X 2080, Mmabatho, 2735
Republic of South Africa
Tel.: +27 (18) 387 2460
Fax: 086 527 9211
Website: www.nwpg.gov.za/public-works

DIRECTORATE: HUMAN RESOURCE MANAGEMENT

dpchabanyane@nwpg.gov.za

TO : THE ACTING HEAD OF DEPARTMENT

FROM : HRM DIRECTOR

SUBJECT : PERMISSION TO CONDUCT RESEARCH

Kindly find attached hereto a letter from the North West University requesting permission for Mr Malebogo Mogotsi to conduct research as part of his credits for completing (**Masters degree (M Admin) in Industrial Relations**).


This request is forwarded to you for your consideration as the Departmental Information Officer.


MR P. J. MOREMEDI
DIRECTOR HRM

06 - 08 - 2013
DATE

Consideration

I hereby give/~~do not~~ give consent to the request above.


MR M.S. THOBKGALE
HEAD OF DEPARTMENT

07/08/2013
DATE

PERMISSION TO CONDUCT RESEARCH: MALEBOGO MOGOTSI (21464227)

APPENDIX D
-Certificate of English-

1065 Hector Peterson Drive

Unit 5

Mmabatho

29/01/2014

CERTIFICATE OF LANGUAGE EDITING

The dissertation entitled

**EXPLORING THE EFFECTIVENESS OF DISCIPLINARY METHODS IN A
NORTH-WEST PROVINCIAL GOVERNMENT DEPARTMENT**

Submitted by

MALEBOGO MOGOTSI

For the degree of

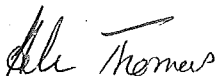
**MASTER OF ADMINISTRATION
(INDUSTRIAL RELATIONS)**

In the

**FACULTY OF COMMERCE AND ADMINISTRATION
MAFIKENG CAMPUS
NORTH WEST UNIVERSITY**

has been edited for language by

Mary Helen Thomas B.Sc.(Hons) P.G.C.E



Ms. Helen Thomas

Lecturer

School of Undergraduate Studies

