

**AN INQUIRY INTO MANAGEMENT PERCEPTIONS ON SUPERVISION AND
GRIEVANCE PROCEDURES WITHIN NORTH-WEST PROVINCIAL GOVERNMENT**

By

Makhuzeni Kelebogile Charlotte

Student Number:

16871561

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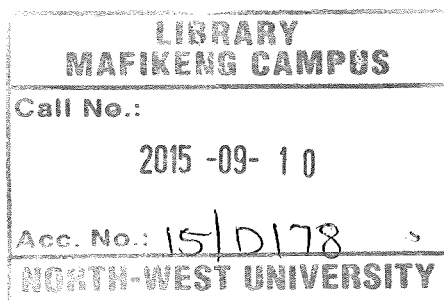
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Supervisor: Prof. E. N. Barkhuizen

Co-Supervisor: Mr. T. J. Maubane

07 NOVEMBER 2014



DECLARATION

DECLARATION

I Kelebogile Charlotte Makhuzeni, hereby declare that the research *“AN ENQUIRY INTO MANAGEMENT PERCEPTIONS ON SUPERVISION AND GRIEVANCE PROCEDURES ON NORTH-WEST PROVINCIAL GOVERNMENT EMPLOYEES* is my original work, and has never been submitted by the author or anyone else at any university for a degree. All the sources that I have used or quoted have been indicated and acknowledged by means of complete references. All ethical considerations with regard to research were observed throughout the process. Apart from the normal guidance from my supervisors, I have received no assistance, except as stated in the acknowledgements.

I declare that this study, undertaken for the completion of a Master of Administration in Industrial Relations degree at the North West University, has not previously been submitted by me or any other person for a degree at this or any other university, and that all sources and material herein have been duly acknowledged.

.....

Signed: Kelebogile Charlotte Makhuzeni

07 November 2014

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DEDICATION

I dedicate this project to God and my family – Khanyisa, Matshidiso, Kgosi, Kedibone and Nomalanga who missed my love and presence while the programme lasted.

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LIST OF ACRONYMS AND ABBREVIATIONS

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APP – Annual Performance Plan

BCEA - Basic Conditions of Employment Act

CCMA - Commission for Conciliation, Mediation and Arbitration

COSATU - Congress of South African Trade Unions

DC – Disciplinary Committee

DDG - Deputy Director General

DSAC – Department of Sport, Arts, and Culture

EJRA - Employer justified retirement age

GCIS - Government Communication and Information System

HOD – Head of Department

LRA – Labour Relations Act

MCA – Master's in Creative Arts

NWP - North West Province

NWPD - North West Provincial Departments

NWPG - North West Provincial Government

PSC – Public Service Commission

SABC – South African Broadcasting Corporation

SMS - Senior Management Service

SOSR - Some other substantial reason

SOWCU - South African Worker Cultural Unit

ABSTRACT

Background and Aim:

Suspensions of senior managers in the North West Provincial Government have become a rampant occurrence. A report by the Public Service Commission shows that, during the financial year 2008/09, 103 employees placed under precautionary suspensions and that more than R45 million was spent on cases, of which some were not finalised. The longer the postponement of cases, the greater the financial losses and service delivery deficiencies incurred. This shows that the department faces numerous challenges in the management of precautionary suspension. It is significant therefore, to investigate suspensions and grievance procedure of provincial government officials and the impact thereof on service delivery in the North West Province.

Method:

This research followed a qualitative research approach. Qualitative samples are generally small in size, due to the nature and complexities of qualitative studies, the latter requiring in-depth research in order to gather rich, detailed information from participants. The sample of the study was then drawn from the population of employees who were suspended in the department. Of the over 30 employees who were suspended, only six (N=6) employees participated in the present study. This included a senior manager responsible for labour relations' matters who was dismissed by a government department.

Results: The results of this study analyse suspensions, grievance procedures, and service delivery, and can be summarised as follows:

- Suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly.
- The analysis established that departments do not apply the disciplinary framework consistently, and do not treat discipline management with the appropriate level of seriousness.
- This equally applies to managers, and human resource and labour relations practitioners who have to support the former in a guiding and advisory capacity.

ABSTRACT

- Considering the grace consequences of suspension, it is strongly recommended that, instead of suspending that person is transferred to another institution. This would save tax payers money and preserve the quality of service delivery.

Practice Relevance: The study helped employees identify their strengths and weaknesses, and seek corrective measures in developing and growing their individual knowledge on grievance issues. For an organisation to be productive, management should make sure that employees are not ‘trapped’ in order for them to be suspended. If there is less of sabotage and entrapment in the organisations, employees will be motivated to perform to the best of their ability.

Keywords: unfair suspensions, unfair labour practice, grievance procedure, service delivery.

Chapter 1:INTRODUCTION TO THE STUDY

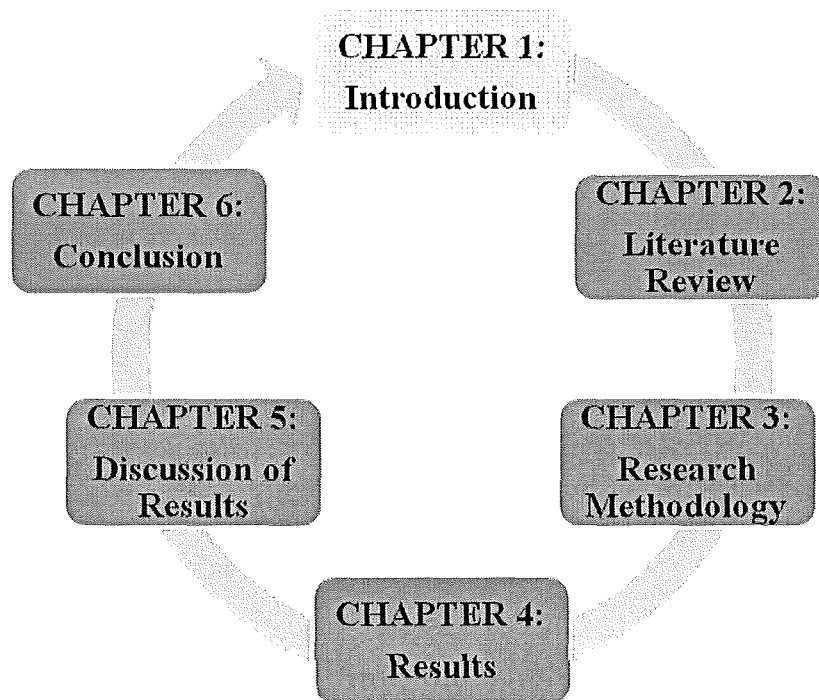


Figure 1-1: Chapter 1 in Context

1.1 INTRODUCTION

Suspensions of senior managers in the North West Provincial Government (NWPG) have become rampant. According to the Department of Public Service Administration, over 50 senior managers in the NWPG were either on suspension or had been charged with misconduct in the workplace. It is well known that, when an official is suspended or not on duty, this has a negative impact on the execution of duties for which the official was appointed. The delivery of services that are directly linked to the duties of suspended officials are hampered. However, the relationship between these two variables seems not to have been investigated prior to the present study, especially in the North West Province (NWP). It was therefore important to investigate the impact of suspensions and grievance procedures of provincial government officials on service delivery in NWP (Report on management of precautionary suspension in the public service – North West Provincial Legislature, 2012).

On the national front, the Public Service Commission (PSC) found that the sampled departments - Kwa-Zulu Natal (Public Works, Transport, and Education) Mpumalanga (Public Works Roads and Transport, and Education), Eastern Cape (Transport, Public Works and Education) and National Department of Home Affairs and Public Works) had placed 293 employees on precautionary suspensions during the two periods 2008/2009 and 2009/2010.

During the financial year 2008/09, 103 employees were placed on precautionary suspensions in the sampled departments, whereas in the financial year 2009/10, 190 employees were placed on precautionary suspension. In respect of both periods, the largest numbers of employees placed on precautionary suspensions were located in the levels 1 – 8, and totalled 228 out of 293. The second highest number was employees at levels 9 – 12, totalling 46 out of 293, and the lowest number was at Senior Management Service (SMS) level, totalling 19 out of 293 (Report on management of precautionary suspension in the public service, 2011:12).

Furthermore, regarding the cost implications of the precautionary suspensions, the Public Service Commission (PSC) discovered that the combined amount of the remuneration paid to public service employees placed on precautionary suspension amounted to more than R45 million, according to the Department of Public Service and Administration's internal report on precautionary suspensions for the period 2009/10. The PSC investigated eight provincial departments in three provinces, namely Kwa-Zulu Natal (Public Works, Transport, and Education), Mpumalanga (Public Works Roads and Transport, and Education), and Eastern Cape (Transport, Public Works and Education). In these departments, for the financial years 2008/09 and 2009/10, a total amount of R15 513 978.84 was paid to employees who were on precautionary suspension (Report on management of precautionary suspension in the public service, 2011:12). The two national department (Public Works and Home Affairs) that were part of the sample indicated that, for the financial years 2008/09 and 2009/10, a total amount of R7 963 028.33 was paid to employees placed on precautionary suspension.

The PSC stated concern that during the two periods reviewed, such a large amount was paid to employees who were placed on precautionary suspension before their disciplinary cases

could be concluded. In their report, the PSC noted that the Departments have numerous challenges in the management of precautionary suspension. For an example, the posts in the departments remain unoccupied for a long time pending the finalisation of cases, which is detrimental to other employees who have to take over the responsibilities and functions of the employees who are on suspension

Inadequate training contributes towards lengthy periods of precautionary suspensions. Inadequate compliance with timeframes by investigators and the presiding officers is another key challenge. The majority of sampled departments take more than the 60 day period prescribed by the Labour Relations Act to finalise investigations, which impacts on the period for the formulation of charges and ensuring that witnesses are timeously notified to attend the hearings. This practice also has financial and service delivery implications. This study is interested in outlining the effect of these implications on general development in the North West Province.

The need to improve the management of precautionary suspensions cannot be overemphasised. The PSC called for the prompt investigation and finalisation of cases. The longer the postponement of cases, the greater the financial losses and service delivery deficiencies incurred. Therefore, departments need to ensure strict adherence to timeframes, and work towards minimising costs relating to employees who are on precautionary suspension (Report on management of precautionary suspension in the public service, 2011:12).

The practice of suspending employees pending an investigation into serious misconduct and the institution of formal disciplinary proceedings is common in South Africa – as most of the suspensions in the provincial and national government departments are for this reason. This kind of suspension is usually done with provision of full salary and benefits. Paid suspensions are usually initiated by employers to facilitate their investigations and to reflect the seriousness of the allegations. For the most part, suspensions are initiated unilaterally by an employer, before these are investigated.

The South Africa Labour Relations Act 1995 (No. 66 of 1995) gives the Labour Court the power to determine the fairness of a suspension. In practice, however, this is a little-utilised provision; where employees have sought to challenge suspensions, they have often done so through urgent interdict proceedings. These applications often fail, as the court is reluctant to intervene so early in the process, especially where the employee has not been prejudiced financially or contractually. South Africa labour laws also afford dismissed employees an expedited route to final arbitration if they dispute the substantive and procedural fairness of a dismissal. Under the law, reinstatement is the preferred option when substantive unfairness has been established. Public policy considerations may also play a role in the court declining urgent relief. The courts may have been concerned that opening this door could result in a flood of similar applications once employees realise the tactical value of reversing unfair suspensions on an urgent basis.

The outcome of the study will help NLPDs to manage the impact of suspensions of provincial government officials on service delivery. The scope of this study involved assessing the impact on selected government officials who had been suspended.

Suspension is a disciplinary measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly. There appears to be a tendency, especially in the public sector, to apply suspension as a measure of first resort, and is almost automatically imposed where any form of misconduct is alleged. The purpose of removing an employee from the workplace, even temporarily and on full-pay, must be rational and reasonable, and must be conveyed to the employee concerned in sufficient detail to enable the employee to compile the representations that he or she is invited to make in a meaningful way, (Grogan, 2007).

An employee receiving a salary under a standard contract is not legally entitled to work, although ordinarily an employer will nonetheless be contractually obliged to pay the employee. This can be dependent on the agreed terms and conditions of the employee's employment. Suspending an employee on grounds of discrimination, whether the suspension is paid or unpaid, is classed as victimisation. In some cases, suspension could lead to

resignation and or constructive dismissal. Of course, there are those instances where precautionary suspension is a necessary measure, and where the reasons to remove an employee from the workplace are compelling. However, those cases are the exception rather than the norm, (van de Westhuizen, Wessels, Swanepoel, Erasmus, van Wyk and Wessels, 2011:496).

1.1.1 Precautionary suspension or transfer

The precautionary suspension of employees within the public service is one of the measures that departments can use in the course of instituting disciplinary procedures. When an employee is put on precautionary suspension, there are certain processes that must be complied with to certify that the suspension is legitimate, in order to safeguard the interests of both the employer and employee. The employer must make certain that the precautionary suspension does not have the effect of breaching the contractual rights of an employee (Grodan, 2009:140).

The PSC is tasked and empowered to, amongst others, investigate, monitor and evaluate the organisation and administration of public services. This mandate also entails the evaluation of achievements or lack thereof of government programmes. The PSC also has an obligation to promote measures that ensure effective and efficient performance within the public service, and to promote values and principles of public administration as set out in the Constitution.

The Disciplinary Code and Procedures (Resolution 2 of 1999) of Public Service Coordinating Bargaining Council, provides amongst others, that precautionary suspensions should be with pay, and that a disciplinary hearing should be held within one month from the date of an employee' suspension. However, Resolution 1 of 2003 extended the period of suspension to 60 days. The PSC is gravely concerned about non-compliance with the prescribed 60 days for the conclusion of cases, as well as the cost consequently incurred by the state (Kluwer, 2005:392). Accordingly, the PSC has conducted a study on the management of precautionary suspensions in the public service.

1.1.1.1 Circumstances under which employees are placed on precautionary suspensions

Officials may be put on precautionary suspensions depending on the nature of the charges being investigated (Erasmus, Swanepoel, Schenk, van de Westhuizen and Wessels, 2005:520). Some of the serious charges against employees who are placed on precautionary suspension by managers in the departments include financial misconduct, failure to bank state money, gross negligence resulting in loss of state monies, drunken driving, misuse of state property, corruption, sexual harassment, unauthorised expenditure, and violation of tender processes.

1.1.1.2 Departments' challenges in the management of precautionary suspensions

The Report on management of precautionary suspension in the public service (2011:14) highlights a number of challenges in the management of precautionary suspensions. First the posts in the departments remain unoccupied for a long time pending the finalisation of cases, which is detrimental to other employees who have to take over the responsibilities and functions of the employees who are on suspension. Second inadequate training contributes to lengthy periods of precautionary suspension. Third poor compliance with timeframes for handling suspension cases by investigators and the presiding officers. Finally the majority of the sampled departments had taken too long to finalise investigations, which impacts on the period for the formulation of charges and ensuring that witnesses are notified timeously to attend the hearings (Report on management of precautionary suspension in the public service, 2011:14).

1.1.1.3 Misconduct and serious misconduct

Misconduct is one of the bases on which disciplinary actions should be taken against an employee. It is therefore relevant to define the concept of misconduct in the context of the present study. Misconduct usually involves deliberate wrongdoing, but there may be circumstances where an employee acts so carelessly that it amounts to serious misconduct (i.e. gross negligence or recklessness). Serious misconduct involves serious wrongdoing. Where, after a fair process, it is established that an employee's actions amounted to serious

misconduct; an employer may terminate the employee's employment without notice (sometimes referred to as instant or summary dismissal). The misconduct must have been sufficiently serious that it undermined the trust and confidence of the employer in the employee (e.g., theft, sexual or other assault, or the use of illegal drugs at work) (Jerold, Israel, Nancy, Orin & Kerr, 2009:208).

Sometimes employment agreements list behaviours that amount to serious misconduct. If an employee engages in misconduct that is listed, that doesn't necessarily mean that serious misconduct has automatically occurred. In every case the employer must consider all the facts and the employee's response before it decides whether serious misconduct has occurred. Furthermore minor misconduct cannot become serious misconduct just because it is on the serious misconduct list (Jerold, Israel, Nancy, Orin & Kerr, 2009:209).

1.1.2 Discipline and grievance procedure

Organisations should set standards of performance and conduct reinforced by organisational rules. Problems or grievances raised by employees when standards are not met may be dealt with informally, but if a formal approach is needed, agreed or laid down procedures help employers to be fair and consistent. Disciplinary procedures may be used for problems with employees' conduct or performance, although some organisations have a separate procedure for dealing with performance problems. Grievance procedures are used for considering problems or concerns that employees wish to raise with their employers (Davies, 2011:129).

1.1.2.1 General principles of grievance procedure

An integral part of the problem statement of this study is the application of the grievance procedure at the workplace, specifically in the North West Provincial Government Departments. It is therefore important to lay a proper foundation for a discussion relating to grievance procedures and this justifies the need to include text on the grievance procedure in general, also on all other applicable elements of the concept. Farnham (2000, pp. 415 & 416) highlights the following general principles of grievance procedures:

- Any employee who has a grievance is entitled to make use of the grievance procedure.

- A grievance is any feeling of dissatisfaction, injustice or unfair treatment an employee may experience in relation to their employment with the organisation, and which has not been resolved informally.
- The purpose of the grievance procedure is to enable an employee to have his or her grievance resolved fairly, quickly, and as close to the point of origin as possible.
- Employees may lodge grievance without fear of victimisation. The organisation needs to assure employees that they will not be prejudiced in any way as a result of using the procedure.
- Any employee lodging a grievance in terms of this procedure is entitled to representation by an employee representative (who is a work colleague), provided that such a person agrees to represent the employee.
- Normal earnings will be paid to the employee and an employer representative who is a working colleague for time spent whilst resolving a grievance that follows the provisions of this procedure.
- Each step in the procedure is subject to stipulated time limits. It is however accepted that these time limits may be varied by mutual agreement or in relation to the availability of a person involved in the process.
- This procedure may not be invoked as a result of any disciplinary action taken in accordance with the organisation's disciplinary procedures and or codes

Subsequently, in practice, within government departments, especially in the North West Province, the application of the grievance procedures is on a selective basis, on a case-by-case basis. There are cases where the entire procedure is not followed and an employee is suspended without any steps that need to be taken prior to suspension. Again, in some of the cases, the procedure is followed; however, it is not clear to what extent the procedure is being followed. This was one of the aspects of the problem statement for the present study (posed in Section 1.2, below), and the research design includes clarifying the grey area evident in Research Question 2 namely "How accurately is the employer applying labour relations

practices in suspending and disciplining employees in North West Provincial Government departments?’’

1.2 PROBLEM STATEMENT

On the basis of the elaborate background provide in the preceding section it is appropriate to ponder a problem statement of how suspensions – whether or not grievance procedures are followed – impact on service delivery in the Provincial Government departments. There seems to have been no scientific enquiry into these phenomena and the determination of the impact thereof on the achievement of organisational goals and objectives. There is therefore a need to scientifically determine the impact of suspension of employees on service delivery by government departments in the North West Province. This study will therefore attempt to close the gap. The motivation for this study was that a very large number of government employees, especially in Senior Management Service, had been suspended over the past five years. At the same time, service delivery by Provincial Government departments has not been impressive. This situation seems to indicate that there are grave implications to service delivery related to suspensions in the province. However, no scientific study has been launched to investigate the situation. This study will therefore be undertaken to put under scientific scrutiny the relationship between suspension and service delivery by Provincial Government departments in the North West Province.

1.3 RESEARCH QUESTIONS

The main research question is:

- What are management perceptions of suspensions and grievance procedure of provincial government officials and the impact thereof on service delivery in the North West Province?

In order to answer the main research question stated above, the following sub-questions have been formulated:

- What are the implications to service delivery of suspending employees by Provincial Government departments in the North West Province?

- How accurately is the employer applying labour relations practices in suspending and disciplining employees in the North West Provincial Government departments?
- Are the rights of employees who are suspended being observed by the employer both during suspension processes as well as in the disciplinary hearings?

1.4 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. It provides concrete direction for content, methods, and mental processes involved in the research. Moreover, it points to hypotheses and research questions that must be responded to during the research process. The research objectives set for the present study are listed below.

The general research objective was: to investigate suspensions and grievance procedures of Provincial Government officials and the impact thereof on service delivery in the North West Province.

In addition to the general objective, the following sub-objectives were formulated:

- To determine the implications for service delivery of suspension of employees by Provincial Government departments in the North West Province.
- To determine how accurately the employer is applying labour relations practices in suspending and disciplining employees in the North West Provincial Government departments.
- To determine whether or not the rights of employees are being observed by the employer both during the suspension processes as well as in the disciplinary hearings.

1.5 EXPECTED CONTRIBUTION OF THE STUDY

This study will contribute to the organisation and the body of knowledge in three ways: theoretically, methodologically and practically. From a theoretical point of view, it is

important to note that the study will contribute to previous studies that been done on grievance procedures.

With regard to the methodological contribution, interviews will be conducted to address the research objectives of the study, and will used as a data collection instrument to gather respondent's thoughts and perceptions with regard to their organisation's unfair suspensions and grievance procedures.

The practical contribution of the study will lie in the application of successful and effective human resource management strategies, with reference to how the organisation invests in its employees. The study will help employees develop and grow their knowledge of issues around grievances. Management should make sure that procedures and policies are applied and employees are motivated to perform to the best of their ability and not be trapped by signing for large amounts of expenditure in the name of service delivery. There is limited research and knowledge that has been constructed on suspension.

1.6 RESEARCH DESIGN

The following elements regarding research design were considered:

1.6.1 Research Approach

Gill and Johnson (2002:74) define research methodology as the plan or blueprint according to which data is collected to investigate the research hypotheses or questions in the most economical manner. The research methodology used in the present study was the descriptive design of the phenomena and investigation. Foxcroft and Roodt (2005) define descriptive design as the precise measure and reporting of the characteristics of the population or phenomenon under study; in the present study, its purpose will be to describe the consequences of unfair suspension in an organisation.

The study was qualitative in nature. The functional or positivist paradigm that guides the qualitative mode of inquiry is based on the assumption that social reality has an objective

ontological structure, and that individuals are responding agents to this objective environment (Sekaran, 2000).

1.6.2 Research method

1.6.2.1 Literature review

According to Nel and Rogerson (2004:4), a study of the literature involves tracing, identifying, and analysing documents containing information relating to the research problem. A literature review is also important to identify the previous (background) knowledge, and to gain more insight and more information. Literature reviews are secondary sources, and, as such, do not report any new or original experimental work (Hart, 2001). It is important that research be built on the results of previous work done by other researchers on the same concepts. The literature review represents an interactive process between the researcher and previous research studies, in which the researcher generates and refines concepts relevant to the study (Saunders, Lewis & Thornhill; 2009). A literature review study covers published information in a particular subject area, and sometimes information in a particular subject area within a certain time period (Troyka, 2002).

1.6.3 Research participants

This research study was conducted amongst the employees of a North West Provincial department. Participants of the study will thus be referred to as the population. According to Sekaran (2000: 266), *population* refers to the entire group of people that the researcher wishes to investigate, the complete set of events, people or things to which the research findings are to be applied. The population of the present study will consist of full-time employees who were suspended.

At the time of the present study, the full staff complement of the Department of Sport, Arts, and Culture stands at 680, as per information provided by the Human Resource Management Office; however, the study will not take this number into an account for purposes of sampling. The sample of the study will be drawn from the population of the employees who were suspended in the Department. Of the over 30 employees who were suspended, only six will participate in the study, as this number constitutes the management component of the

department. Therefore, a total number of six (N= 6) employees will be the population of the study.

1.6.4 Data collection methods

There are many possible ways of gathering information directly from participants, and for the purpose of the present study, the following methods were used.

1.6.4.1 Interviews

Leedy and Olmrod (2001) state that, in qualitative studies, an interview format is either open-ended or semi-structured. In the present study, semi-structured qualitative interviews based on the designed interview schedule will be conducted in the form of an open-ended format asking the same set of questions in the same sequence and wording to each interviewee.

During data collection processes, information will be obtained through interviews, the only method that will be used in the present study. This interview method of data collection will allow the interviewees an opportunity to expand on the topic as they see fit, to focus on particular aspects, and to relate their own experiences. Terreblanche, Durrheim and Painter (2006:297) stated that conducting an interview is a more natural form of interacting with people than having them fill out a questionnaire, do a test, or perform some experimental task. Therefore, it fits well with the interpretive approach to research. It gives us an opportunity to get to know people quite intimately, so that we can really understand how they think and feel. At one level, interviews are simply conversations, similar to the hundreds of short and long conversations we have all the time, but at the same time they require skill.

An interview involves a one-on-one verbal interaction between the research and a respondent. Interviews should have a plan, according to Goddard and Melville (2001:49). The researcher must not direct the respondent's answers through his or her tone of voice or through the way he or she phrases a question, e.g., 'You agree with us that this is right, don't you?' Interviews address the key issues to be investigated during the study with the aim of achieving the objectives of the study.

1.7 POPULATION AND SAMPLE

The purpose of sampling is to obtain information on a small number of individuals which could be generalised to the larger aggregate (population) from which the sample came. It is common knowledge that the sample of a study directly represents the population under study.

1.7.1 Sampling Technique

1.7.1.1 Purposive Sampling

Purposive sampling is a non-random selection of participants on purpose. The criteria according to which the sample it will be drawn will be linked to the research questions. The researcher will use a purposive sampling method with a purpose in mind, namely to interview senior management employees who were put on suspension by the leadership of the department. The researcher will usually have one or more specific predefined groups he or she is seeking, and in this case, it will be suspended employees. Purposive sampling will be very useful in this situation because the researcher needs to reach a targeted sample quickly, and sampling for proportionality is not a primary concern, as already highlighted in paragraph 1.6.2.2. With a purposive sample, the researcher will be more likely get the opinions of the target population; however, there are also likely to be overweight subgroups in the population that are more readily accessible (Chrisler & McCreary, 2010:181).

1.7.1.2 Convenient Sampling

Convenient sampling is selecting the sample by including participants who are readily available and who meet the study criteria. In the present study, the research will not use a convenient sampling, but rather scheduled interviews, as agreed with the participants.

A convenient sample may be used at the beginning of the sampling process, when the investigator does not know the pertinent criteria for sample selection, or it is used when the number of participants available is small or when some of them are not available for the interview (Chrisler & McCreary, 2010:181).

1.8 RESEARCH PROCEDURE

Permission was requested from the Head of Department (HOD) of the Department of Sport, Arts and Culture (DSAC). The researcher wrote a letter of request, which together with the formal letter from the university, will be taken to the HOD to sign for approval for the use of the organisation for the study. The researcher conducted one-on-one interviews with staff members who were suspended. The researcher also requested respondents' time and patience to be interviewed. All interviews will be done by the researcher personally.

1.9 DATA ANALYSIS

Individual interviews will be conducted with each suspended employee. The data will be captured and presented in table format, each interviewee. Data will be presented by way of verbatim quote in Chapter 4. Furthermore, data will be organised according to the sequence of the interview questions in the interview schedule. The data collected in response to each question will be presented in table format for the purposes of analysis and interpretation of data.

1.9.1 Reliability

Reliability is the extent to which an experiment, test, or any measuring procedure yields the same result in repeated trials. Without the agreement of independent observers able to replicate research procedures, or the ability to use research tools and procedures that yield consistent measurements, researchers would be unable to draw conclusions, satisfactorily formulate theories, or make claims about the generalisability of their research results. In addition to its important role in research, reliability is critical for many parts of our lives, including manufacturing, medicine, and sports (Welman, Kruger & Mitchell, 2005:144). Reliability is such an important concept that it has been defined in terms of its application to a wide range of activities.

Other secondary sources of information in the present study will be published books and information from the department's materials (Welman, Kruger & Mitchell, 2005:145).

1.9.2 Validity

Validity refers to the degree to which a study accurately reflects or assesses the specific concept that the researcher is attempting to measure. While reliability is concerned with the accuracy of the actual measuring instrument or procedure, validity is concerned with the study's success in measuring what the researchers set out to measure (Welman, Kruger & Mitchell, 2005:142).

Researchers should be concerned with both external and internal validity. *External validity* refers to the extent to which the results of a study are generalisable or transferable. Most discussions on external validity focus solely on generalisability (Campbell and Stanley, 1966). A reference to transferability is included here because many qualitative research studies are not designed to be generalised.

Internal validity refers to (1) the rigour with which the study was conducted (e.g., the study's design, the care taken to conduct measurements, and decisions concerning what was and was not measured) and (2) the extent to which the designers of a study have taken into account alternative explanations for any causal relationships they explore (Huitt, 1998). In studies that do not explore causal relationships, only the first of these definitions should be considered when assessing internal validity (Welman, Kruger & Mitchell, 2005:143).

Validity of interview schedule: The validity of the interview schedule constructed for the study will be founded on the basis that the interview questions will be formulated around policy issues and decisions made by government departments with regard to unfair suspension and grievance procedures. The fact that the interview questions will be based on governmental policy statements will ensure their validity in addressing the research questions of the study.

Another point that will affirm the validity of the interview schedule is the fact that the subjects of the study will be the people who are responsible in whole or in part for the implementation of these government policies.

1.10 DEFINITION OF KEY CONCEPTS

Table 1-1: Definition of Key Words

Key concept	Definition
Management	A process consisting of planning, organising, actuating, and controlling, performed to determine and accomplish the objectives using people and resources (Tripathi & Reddy, 2008:2).
Service delivery targets	These are the milestones set in the annual performance plans of the department to be achieved in bettering the lives of citizens in one way or another. These targets usually have either quarterly or annual timeframes, and are directly linked to the strategic objectives of the department.
Perceptions	Perception is the organisation, identification, and interpretation of sensory information , in order to represent and understand the environment (Gray & Peter, 2006:281).
Grievance procedure	The centrepiece of union-management relations (Eaton & Keefe 1999:137).
Grievance	Complaint by an employee that the behaviour of management, or that of an employee, was unfair and unjust in its application to him or her (Gennard & Judge, 2005:300).
Suspension	Absence from duty effected by management (Grogan 2009:74).
Unfair labour practice	Any unfair act or omission that arises between an employer and an employee (Grogan 2009:74).

Dismissal	An employer terminates the contract of employment with or without notice (Grogan 2007:179).
Misconduct	Improper behaviour or intentional wrong - doing or deliberate violation of standards of work or behaviour (Shian 2007:263).
Programme	A plan of activities for achieving something (Lusthaus, Andrien, Anderson, Carden & Montalvan, 2002:13).
Organisation	A social unit of people systematically structured and managed to meet a need or to pursue collective goals on a continuing basis. All organisations have a management structure that determines relationships between functions and positions, and sub-divides and delegates roles, responsibilities, and authority to carry out defined tasks. (Barjis, Eldabi, & Gupta 2011:45).

1.11 ETHICAL CONSIDERATIONS

The study will be conducted with assurance of confidentiality to subjects, and will respect their right to privacy and anonymity. Data collected will be treated with the utmost integrity and honesty. The study will also be conducted in manner that will ensure lack of bias and persuasion, whilst targeting a high response rate (Bless & Higson-Smith, 2000:193). The research will be used solely for academic purposes. Participation in the study will be voluntary. The outcome of the study will be presented at relevant research forums, and published in line with the general policies and laws governing publications of this nature.

1.12 CHAPTER DIVISION

The following section provides a list and brief summaries of the chapters for the remainder of the study.

1.12.1 Chapter 1: Introduction

This chapter served as an overview of the study and provided the reader with a better understanding of the underlying problems that the study will address. This chapter also provided the impetus for the research study by highlighting the problem statement and research objectives, an academic justification for the research, and a basic outline of the report which follows. This chapter also provided the research objectives.

1.12.2 Chapter 2: Literature Review

This chapter will present an extensive literature review of all the concepts and aspects required for the development of a sound foundation for the execution of this study. The chapter commences with a focus on each concept of the study. The different aspects that make up the concepts in the study will be discussed. These key concepts are:

- Suspension
- Grievance procedure
- Service delivery
- Misconduct

1.12.3 Chapter 3: Research Methodology

This chapter will commence with a description of the applicable research paradigm, and a detailed discussion of the research design and methods selected as the framework through which the research questions of the study were answered. An explanation of the population and sample as well as the sampling methods is followed by a description of the data collection methods and instrument. Furthermore, issues which could affect the reliability of the research are considered before ethical concerns related to the study are contemplated. The research was designed in such a manner that it adequately met the research objectives of the study.

1.12.4 Chapter 4: Results

This chapter provides a brief discussion on the statistical techniques utilised in the study. The discussions include the processing, analysis, and interpretation of data in figures and tables. The chapter will commence with a discussion of the biographical information collected during the data collection stage of the study. The chapter will include a discussion on the statistical analysis of the different concepts pertinent to the study. The final section of the chapter discusses the different relationships established through the study, through the hypotheses developed.

1.12.5 Chapter 5: Discussion of the Results

This chapter provides a review of the study, summarises the key points of the literature review, and the key empirical results provided in Chapter 4. The chapter also discusses the research questions with reference to the literature review.

1.12.6 Chapter 6: Conclusions

This chapter consists of an overview of the research findings of the study in relation to the literature review and the statistical analysis undertaken. The significance and limitations of this study are discussed, and suggestions for potential research opportunities regarding suspension, grievance procedures and service delivery are made.

1.13 CONCLUSION

The study seeks to find out the impact of WIL on enhancing the employability of Human Resource Management graduates. Soft and hard skills are both necessary in the workplace but most employers place more emphasis on soft skills and we need to find out why.

Chapter 2, the literature review chapter of the study follows with an in-depth discussion on work integrated learning, graduate employability, soft and hard skills and how all these contribute to employability.

Chapter 2:LITERATURE REVIEW

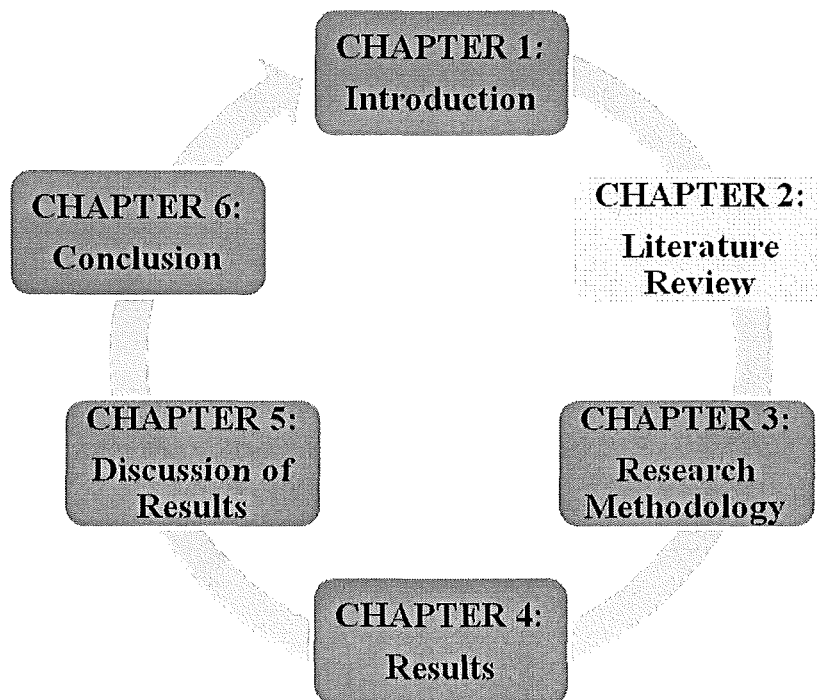


Figure 2-1: Chapter 2 in Context

2.1 INTRODUCTION

This literature review will cover the following concepts: unfair suspension, grievance procedure and service delivery. A literature review demonstrates skills in library searching, to show command of the subject area, as well as an understanding of the problem, to satisfy the research design and methodology (Hart, 1998). Furthermore, the aims of a literature review are to reveal the ability to select available documents (published and unpublished) on the topic that contain data, ideas, and evidence from another researcher's point of view, expressing particular views on the nature of the research study, and how it is to be investigated, and the effective evaluation of these documents in relation to the research proposed.

A literature review is said to be simplified by breaking down the research problem into themes and sub-themes, which will enable the researcher to conduct his or her research in much more detail

(Hart, 1998). Literature helps reveal what is known and what remains to be researched on a particular topic of research. The concept of the framework of the study is to relate the variables identified in the problem and other variables.

The aim of the review of literature related to the present study was to:

- provide a base understanding of the issues in the North West Provincial government
- identify best practices that could form the basis of this study's recommendations; and
- derive a methodology for suspension and grievance procedures and establish key indicators and appropriate processes and methodologies.

Relevant literature, documentation on provincial government policies and strategies, and previous similar studies were used to compile the review of the literature. Discipline in the workplace entails both rights and responsibilities. The employer's right to discipline employees may not be exercised unfettered. This right is confined by the standard of fairness. Fairness in the context of labour relations entails the balancing of both the employer and the employee's interests. The fairness of disciplinary action involves three dimensions, namely substantive fairness, procedural fairness and consistency. The Labour Relations Act (S 188) regulates dismissals and provides that a dismissal is unfair if the employer fails to prove that the dismissal was for a fair reason and in accordance with a fair procedure.

Employees have statutory recourse against procedurally and substantively unfair disciplinary action in terms of the LRA S 119 (1) (a), and unfair labour practice or unfair dismissal disputes may be referred to the appropriate dispute resolution forum for conciliation and arbitration. An internal appeal, depending on the employer's policy, practice or disciplinary code, may also be an option for a dissatisfied employee. Employees are in a less certain position when they contend that the disciplinary procedure followed by the appointed chairperson conflicts with their standard procedures.

2.2 MISCONDUCT

2.2.1 Misconduct and serious misconduct

Misconduct usually involves deliberate wrongdoing, but there may be circumstances where an employee acts so carelessly that it amounts to serious misconduct (i.e. gross negligence or recklessness). Serious misconduct involves serious wrongdoing. Where, after a fair process, it is established that an employee's actions amount to serious misconduct, an employer may terminate the employee's employment without notice (sometimes referred to as instant or summary dismissal). The misconduct must be sufficiently serious that it undermines the trust and confidence that the employer has in the employee (e.g. theft, sexual or other assault, or the use of illegal drugs at work) (Jerold, *et al.* 2009:210).

Sometimes, employment agreements list actions that amount to serious misconduct. If an employee engages in misconduct that is listed, it does not necessarily mean that serious misconduct has automatically occurred. In every case, the employer must consider all the facts and the employee's response before deciding whether serious misconduct has indeed occurred. Also misconduct cannot become serious misconduct just because it is on the serious misconduct list (Jerold, *et al.* 2009:212).

Grogan (2009) stated that an employee has a duty to be obedient and to refrain from misconduct. Obedience of an employee towards an employer suggests that the employer has control over the employee's conduct in the workplace. In order for the employer to exercise effective control, discipline has to be maintained. The maintenance of discipline includes making disciplinary rules, taking action in the event of a transgression and imposing a suitable sanction. The general rule is that an employer should not repeat the application of discipline against an employee in respect of the exact same transgression. The unequal nature of the employment relationship may result in an abuse of power by the employer. The LRA, ancillary legislation, regulations as well as common law principles, aspire to balance the inequality in employment relations through stipulations concerning fair discipline in the workplace.

Disciplinary rules and procedures, together with appropriate penalties for misconduct, are generally set out in disciplinary codes. Collective agreements frequently incorporate disciplinary rules and procedures that have been agreed to by the employer and trade unions on behalf of employees. The employer will be held to the standards established by its own disciplinary code. Compliance with these standards does not always guarantee a fair outcome. The standards must be not only be fair themselves, but they also have to be applied fairly with due consideration of the employee's rights (Rycroft & Jordaan 1992).

2.3 PROCESS OF DISCIPLINARY ACTION

The purpose of any disciplinary action is to prevent a recurrence of the inappropriate behaviour or misconduct. The emphasis should be on the corrective action required to change the employee's conduct, and giving the employee a reasonable opportunity to do so, not on punishing the employee. An employer should generally take the following steps when considering disciplinary action for possible misconduct or serious misconduct. Employees should also know their rights and obligations in this process (Swanepoel, Erasmus, Van Wyk, & Schenk, 2011:493-497). Williams and Collins (1997) recommend the following processes to be taken for disciplinary action:

- a) Before taking action: - Before commencing a disciplinary process, the employer should assess whether the particular concern or complaint is sufficiently robust and serious to require such a process. It may be necessary for the employer to undertake some preliminary steps to make this assessment (e.g. to read documents, or to speak briefly with someone who saw what happened or the employee who might be disciplined). If the employer needs to speak with an employee who could be disciplined later, then the employee needs to be told of this possibility and that what he/she says could be relevant in any disciplinary process.
- b) Forewarning and information: - If the employer decides to commence a disciplinary process, the employer should provide the employee at the outset with all of the relevant information (e.g., documents), the reasons why the employer is concerned, and the possible consequences the employee is facing (e.g. a warning or dismissal). It could be procedurally unfair if, at the end of the disciplinary process, the employer decides to take a type of disciplinary action that the employee was not forewarned about.

- c) Preparing for a meeting: - The employee should be invited to a meeting to provide a response. The employee should have enough time before the meeting to consider the information provided and to prepare his or her response and should be told that the response can be made orally or in writing, or in both ways. The employee should also be told who will be attending the meeting, and should be told of his or her right to be accompanied by a support person or representative.
- d) Listening and explaining: - At the meeting, the employer should listen to the employee's response with an open mind. If the employer disagrees with the employee's response, the employer should say so, and should provide reasons. This does not necessarily have to be done at the meeting, but the employee needs to know what it is that the employer is thinking, so that he or she has an opportunity to address these concerns.
- e) Keeping a record: - It may be helpful for both the employer and employee to keep a record of all discussions, agreements, and meetings held.
- f) If further investigation is needed: - Once the employer has the employee's response, it may be necessary to investigate further. The employee should be given an opportunity to comment on any new information that comes out of that further investigation. It may be necessary to meet again to do this.
- g) Decision: - Once the employer has all of the relevant information, the employer can decide whether the employee has committed misconduct or serious misconduct.
- h) Considering action: - The employer should consider what action, if any, should be taken. At this stage the employer should consider any facts that could be relevant (e.g., that the person is a long-serving employee with a clean record), possible alternatives to disciplinary action, and any other appropriate assistance that might be provided to help prevent a recurrence (e.g., training or supervision). The action may also take the form of a warning (see below). If the employee has not had an opportunity to comment on the outcome (e.g. dismissal or disciplinary action) it might be necessary to have another meeting to hear and consider what he or she has to say.
- i) Preliminary decision: - In serious or complex situations, the employer could provide the employee with a preliminary decision (including details of any proposed disciplinary action), and allow the employee to comment before a final decision is made. The employer

must consider the employee's comments with an open mind – that is, the employer must be prepared to listen to the employee and consider the information before making a final decision.

- j) Final decision: - Once the employer has reached a final decision, the employer should inform the employee of same and provide reasons for the decision. This needs to be done in a respectful and sensible way.
- k) Giving notice: - If the decision is to dismiss, and there is no serious misconduct, the employee should be given notice in accordance with his or her employment agreement. If the employee is to be dismissed for serious misconduct, the employer does not have to give notice, but may choose to do so anyway (William & Collins, 1997).

Both sides are required throughout the process to cooperate with each other, to answer questions honestly and openly, and to act in a respectful and sensible way. The employee has the right to have a representative present to speak on his or her behalf (Durai 2010:493).

2.3.1 Proof

A disciplinary investigation is not a criminal prosecution – the employer does not need to prove that misconduct occurred beyond all reasonable doubt. However, to discipline an employee for misconduct, the employer needs to be convinced that the misconduct occurred, and there needs to be reasonable grounds to support that. The more serious the misconduct (e.g., theft, sexual assault), or the more serious the possible consequences are for the employee (e.g., final warning, dismissal), the stronger the employer's supporting information and reasoning need to be before action is taken (Grogan 2009:135).

2.3.2 Suspension

In particularly serious cases, an employer might be entitled to suspend an employee during the disciplinary process. Generally, there is no right to suspend unless the employment agreement provides for suspension. However, employers can sometimes suspend employees when investigating very serious cases if there is good reason (e.g. alleged theft resulting in a need to

ensure the accounts are not interfered with during the investigation; or alleged sexual assault resulting in the need to protect the employee who may have been sexually assaulted). The employer must also follow a fair process before deciding to suspend the employee. The employee should be given an opportunity to comment on the proposed suspension, and provided with the reasons why the employer thinks suspension is appropriate. Again, the employer must consider the employee's comments with an open mind.

2.3.3 Warnings

In circumstances where the misconduct is not serious, or where the employer decides not to dismiss, the employer may decide to give the employee a warning. The employment agreement may stipulate whether written or verbal warnings are required. The type of warning required may be different at different stages of the process. The warning must include information making it clear what the misconduct is and the consequences of further misconduct. A final warning should be in writing, unless a different process is stipulated in the employment agreement (Durai 2010:494).

If an employee has previously received warnings, the employer might be able to dismiss the employee, or give a further or final warning. However, a previous warning or warnings do not always justify dismissal or a final warning – generally speaking, a warning for one type of conduct cannot be relied upon when dealing with another type of misconduct, especially if a warning was given a long time ago (Grogan 2009:135-136).

2.4 SUSPENSION

Suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly. There appears to be a tendency, especially in the public sector, to apply suspension as a measure of first resort; it is almost automatically imposed where any form of misconduct is alleged. The purpose of removing an employee from the workplace, even temporarily and on full pay, must be rational and reasonable, and must be conveyed to the employee concerned in sufficient detail to enable the employee to compile the representations that he or she is invited to make in a meaningful way (Eccleston & Goschen 2008:14).

An employee receiving a salary under a standard contract is not legally entitled to work, although ordinarily an employer will nonetheless be contractually obliged to pay the employee regardless. This can be dependent on the agreed terms and conditions. Suspending an employee in terms of reacting to a discrimination case, whether the suspension is paid or unpaid, is classed as 'victimisation'. In some cases, suspension could lead to resignation or constructive dismissal (Eccleston & Goschen 2008:14). Of course, there are those instances where precautionary suspension is a necessary measure, and where the reasons to remove an employee from the workplace as a precautionary measure are compelling, but those cases will be the exception rather than the norm.

2.4.1 Precautionary suspension

The precautionary suspension of employees within the public service is one of the measures that departments can use in the course of instituting disciplinary procedures. When an employee is put on precautionary suspension, there are certain processes that must be complied with to certify that the suspension is legitimate, done in order to safeguard the interests of both the employer and employee. The employer must make certain that the precautionary suspension does not have the effect of breaching the contractual rights of an employee (Grodan, 2009:140).

The Public Services Commission (PSC) is tasked and empowered to, amongst others, investigate, monitor and evaluate the organisation and administration of Public Services. This mandate also entails the evaluation of achievements, or lack thereof, of government programmes. The PSC also has an obligation to promote measures that would ensure effective and efficient performance within the Public Service, and to promote values and principles of public administration as set out in the Constitution.

The Disciplinary Code and Procedures (Resolution 2 of 1999) provides, amongst others, that precautionary suspensions should be with pay, and that a disciplinary hearing should be held within one month from the date when an employee is placed on suspension. However, Resolution 1 of 2003 extended the period of suspension to 60 days within which a hearing should be held. The PSC

is gravely concerned about non-compliance with the prescribed 60 days for the conclusion of cases and the cost consequently incurred by the state (Kluwer, 2005:392). Accordingly, the PSC has conducted a study on the management of precautionary suspensions in the Public Service.

2.4.2 Circumstances under which employees were placed on precautionary suspensions

Erasmus et al. (2005: 509) identify two conditions under which employees can be placed on precautionary suspension. First officials were put on precautionary suspensions depending on the nature of the charges being investigated. Second the serious charges that led to precautionary suspension by managers included financial misconduct, failure to bank state money, gross negligence resulting in loss of state monies, drunken driving, misuse of state property, corruption, sexual harassment, unauthorised expenditure, and violation of tender processes (Erasmus et al., 2005).

2.4.3 How long did the majority of the precautionary suspensions last?

- The majority of the sampled departments indicated that it took up to three months, on average, to conclude an investigation, during which period employees would be on precautionary suspensions.
- Departments cited, as a common reason for non-compliance with the prescribed 60 days period, investigations taking too long to finalise.
- With regard to the review of precautionary suspensions, the PSC found that most of the sampled departments reviewed the precautionary suspensions on a bi-monthly basis. None of the sampled departments provided the PSC with evidence of control measures which were used to monitor the adherence to the timelines. Some departments indicated that they use computer systems or manual registers to monitor precautionary suspensions.

2.4.4 Why do precautionary suspensions last longer than 60 days?

- a) The PSC found that the complexity of matters may require experts to examine closely the nature and extent of misconduct, causing delays in the conclusion of the investigation.
- b) Besides the drawn - out investigations, some of the reasons provided by the sampled departments for the extension of the period for precautionary suspensions during the disciplinary procedure included the following:
 - unavailability of representatives of the employees charged with misconduct;
 - witnesses not being available on dates of hearing
 - additional information requested not available at the disciplinary hearing;
 - interpreter not available;
 - employee being booked off sick; and
 - the recusal of the presiding officer according to stipulations contained in the Disciplinary Code of Procedure in the public Service: Resolution 1 of 2003: ix.

2.4.5 Number of employees placed under precautionary suspensions during the periods under review (2008/09).

- a) The PSC found that the sampled departments had placed a total of 293 employees under precautionary suspensions during the two periods reviewed.
- b) During the financial year 2008/09, 103 employees were placed under precautionary suspensions in the sampled departments, whereas, in the Financial Year 2009/10, 190 employees placed under precautionary suspensions, in the sampled departments.
- c) In both periods, most employees placed under precautionary suspensions were located in Levels 1 – 8, totalling 228 out of 293.
- d) The second-highest was employees in Levels 9 – 12, totalling 46 out of 293, and the fewest in the Senior Management Service (SMS) level, totalling 19 out of 293 (Public Service Commission: Report on management of precautionary suspension in the Public Service, 2011).

2.4.6 The cost implications of the precautionary suspensions

- a) The combined amount of the remuneration paid to Public Service employees placed on precautionary suspension was more than R45 million, according to the Department of Public Service and Administration's internal report on precautionary suspensions for the period 2009/10.
- b) The eight provincial departments included in the PSC study indicated that for the financial years 2008/09 and 2009/10, a total amount of R15 513 978.84 was paid to employees who were on precautionary suspension.
- c) The two national departments that were part of the sample indicated that, for the financial years 2008/09 and 2009/10, a total amount of R7 963 028.33 was paid to employees placed under precautionary suspension.
- d) The PSC voiced concern that such a large amount was paid to employees who were placed on precautionary suspension before their disciplinary cases could be concluded during the two periods under review (Public Service Commission: Report on management of precautionary suspension in the Public Service, 2011: x).

2.4.7 The Role of Labour Relations Components

The PSC found that not all employees were aware of disciplinary processes and measures. Hence, the PSC is of the view that all employees, managers and juniors alike must be sensitised about disciplinary procedures (Public Service Commission: Report on management of precautionary suspension in the Public Service, 2011: xi).

2.4.8 Departments' challenges in the management of precautionary suspension

- a) The posts in the departments remain unoccupied for a long time, pending the finalisation of cases, which is detrimental to other employees who have to take over the responsibilities and functions of the employees who are on suspension.
- b) Inadequate training of employees contributes towards undue lengthy periods of precautionary suspensions.

- c) There is poor compliance with timeframes by investigators and the presiding officers.
- d) The majority of sampled departments take too long to finalise investigations, which impacts on the period for the formulation of charges and ensuring that witnesses are notified timeously to attend the hearings.

2.5 REASONS FOR DISMISSAL

There are six reasons that an employer can rely upon to lawfully terminate a contract of employment. These are:

- The employee is incapable of doing the job;
- A series of acts of misconduct or a single act of gross misconduct committed;
- The position is redundant;
- The employee has reached retirement age;
- By continuing to employ, the employee, the employer would contravene a duty or a restriction;
or
- Some other substantial reason (Kluwer, 2005:392).

2.5.1 Capability or performance

An employee who is unable to do his/her job properly may be dismissed. Employers must, however, ensure that they follow a correct and fair procedure before dismissing an employee due to lack of capability or performance. There are various reasons why an employee may be unable to their job properly. Firstly, they may not have the correct qualifications or technical skills. In these circumstances, before considering dismissal, the employer should ensure that the employee is given the opportunity to improve his/her performance by offering them training. If the employer has not given the employee any opportunity to improve, the dismissal is likely to be unfair (Sanchez & Heene, 2010:148).

Secondly, the employee may have an illness or injury that makes it difficult to perform his/her duties. If an employee is consistently absent from work because of a genuine illness or injury, the employer should go through certain procedures before dismissing that employee. For instance, the employer should speak to the employee about the state of health and how long the injury or illness is likely to last. The employer may need to consider asking the employee's permission to contact the relevant doctor. The employer should also consider alternative work for the employee. If the employer dismisses the employee without going through the appropriate procedures, the dismissal may be unfair and, in some cases, the employee may have been discriminated against on the basis of a disability (Sanchez & Heene, 2010:148).

Finally, the employee may simply be incompetent, evident in a number of mistakes made at work or the employee being unable to reach reasonable targets. In these circumstances, an employer should only dismiss the employee if the employee has been given a series of warning about his/her performance and given the opportunity to improve (Sanchez & Heene, 2010:149).

2.5.2 Conduct

There are many reasons why an employer may dismiss an employee for misconduct. An employer can dismiss an employee for a series of incidents of misconduct, but before doing so, the employer should normally ensure that the employee is given a series of warnings (verbal, first written warning and final written warning) prior to dismissal. Employees can also be summarily dismissed (without notice) if they have committed one serious act of misconduct known as gross misconduct (Kluwer, 2005:392). Some examples of acts of gross misconduct are theft; attacking a fellow employee; sending abusive or inappropriate emails; abusing expenses; corruption; fraudulent bookkeeping; drug or alcohol abuse; and discrimination against other employees.

An employer must, however, ensure that fair procedure is followed before dismissing an employee for gross misconduct. Broadly speaking, if the employer believes that an employee has committed an act of gross misconduct, the employer should suspend the employee on full pay, pending an investigation. The suspension should be as short as possible. The employer should then carry out a

thorough investigation into the alleged act of gross misconduct. This investigation will normally require the employer to get the employee's version of events (Kluwer, 2005:293).

Following the investigation, if the employer still believes that the employee has committed an act of gross misconduct, the employer should invite the employee to a disciplinary meeting (Gordan, 2005:141). Before the meeting, the employer must ensure that the employee is given all of the evidence against him/her, so that the employee is in a position to defend him/her actions.

After the disciplinary hearing, having listened to the employee's side of the story, the employer must then decide what action to take. If the employer still believes that the employee is guilty of gross misconduct, the employer may issue the employee with a warning (either verbal or written), or dismiss the employee (Gordan, 2009:156). However, before an employer dismisses an employee for gross misconduct, the employer must ensure that the investigation was thorough and not flawed in any way. If the employer does have reasonable grounds for believing the employee to be guilty, the employer must also show that the punishment (warning or dismissal) was within the "band of reasonable responses" available to employers. In other words, dismissal must not be too harsh for the transgression.

2.5.3 Redundancy

Redundancy is a very common reason for dismissal. Very simply, an employee is redundant once he or she has become surplus to requirements. An employer can therefore fairly dismiss employees if they are redundant. However, an employee may be able to challenge his selection dismissal if he can prove that the redundancy is not genuine; or that he or she has been selected for redundancy for an inadmissible reason (for example if she has been selected for redundancy because she is pregnant); or the employer has failed to act fairly in all the circumstances (McMullen 2011:108).

In order to establish that a redundancy dismissal is fair, the employer should ensure that employee is given as much notice as possible of the fact that they are at risk of redundancy and properly consult with the employee/s and with any recognised union (simply informing staff of impending redundancies is not sufficient), be careful to ensure that the pool (group) of employees at risk of

redundancy is fairly defined (for example, if a builder employs three bricklayers, and needs to reduce this to two, then all three bricklayers should be put in the pool), ensure that fair and objective selection criteria are implemented and fairly applied (which means that the employer cannot use selection criteria such as attitude at work or other such non-quantifiable criteria, because this could lead to unfairness, depending on who was judging the employees' attitude) (McMullen 2011:108).

If, following consultation, it is still necessary to make redundancies; the redundant employee/s should first be offered any suitable alternative employment. If an employer fails to follow a fair procedure, any resulting dismissal may be unfair.

2.5.4 Retirement

The default retirement age of 65 has been abolished (as of 30 September 2011), and employers may therefore no longer rely on the default retirement age to dismiss employees. Instead, the employer can retire employees at a set age provided that the specified retirement age can be objectively justified as a proportionate response to a legitimate aim (Adams & Beehr 2003:95). This is known as the Employer Justified Retirement Age (EJRA). What this means in practice will be tested in the employment tribunals in due course, as and when the new legislation is relied upon by employers, and then challenged by disgruntled employees.

2.5.5 Contravening duties or restrictions

An employer is able to dismiss an employee if they can demonstrate that they would be breaking the law by continuing to employ them. For example, if an employee works as a driver and loses his driving licence, it would be fair for the employer to dismiss him. In these circumstances, an employer should first consult with the employee to explore whether the employee's duties can be adjusted to allow him/her to continue working. If, however, this is not possible, the employer may dismiss the employee with immediate effect (Adams & Beehr 2003:95).

2.5.6 Some other substantial reason (SOSR)

This covers a multitude of things, but mainly applies to situations where an employer has to dismiss an employee in order to protect business (Grodan, 2009:157). Common examples of SOSR's are as follows:

- If, as part of a business re-organisation or restructure, an employee refuses to agree to a variation in his or her contract of employment, his employer may be able to justify dismissal;
- If an employee refuses to sign a restrictive covenant (a non-competition or confidentiality agreement) dismissal may be justified on an SOSR basis;
- The SOSR defence can be used to justify the dismissal of temporary workers;
- Where there has been a breakdown in the working relationship or the relationship of trust between the employer and the employee, the employee's dismissal may be justified on an SOSR basis;
- When a third party, for example, a major client or customer, insists that an employee be dismissed, the dismissal may be justifiable on an SOSR basis, although the SOSR defence will not be available if the reason given by the client or customer is unfair in itself.

2.5.7 Business transfers

If an employee is dismissed as a result of a business transfer or takeover, this can be considered automatically unfair. Employees may be protected by Transfer of Undertakings (TUPE). An employer would have to prove that the dismissal was due to technical, organisational or economic reasons (Adams & Beehr 2003:98).

2.5.8 Constructive dismissal

An employee is entitled to consider himself as constructively dismissed if the employer committed a fundamental breach of the employment contract. Usually, in these circumstances, an employee will resign from his employment as a result of the fundamental breach, and then institute an unfair dismissal claim against the employer (Wright 2012:75).

2.5.9 To suspend or not to suspend

The question is when and under what circumstances should an employee who is under investigation or facing a disciplinary hearing be suspended from duty. The answers to these questions are important, because suspension must be fair, and the employee is entitled to challenge a suspension that he or she feels is unfair. Generally, suspension would be justified under the following circumstances:

- if the accused is likely to interfere with witnesses;
- if the accused is likely to tamper with evidence;
- if the accused is likely to retaliate in some way against the complainant, perhaps with violence. This applies particularly if an employee has laid a complaint against a higher-level employee.
- if the offence is serious; for example, not suspending in a case of sexual harassment would be foolish.
- if the employer suspects that the alleged offence may be repeated if the accused is allowed access to the premises (Wright, 2012:77).

In all cases, the suspension may only be without loss of benefits to the employee, and it must be fair under the circumstances. However, the employer has to consider whether the employee is likely to use the opportunity to abscond. In a case of theft or fraud, this may be an important question, and the employer may have to consider charging the accused criminally to prevent him or her from absconding. It is unnecessary to suspend an employee for cases like unauthorised absenteeism, for example, or for some other minor infringement of departmental rules.

Suspension without pay may only be imposed as a disciplinary sanction, and then usually as an alternative to dismissal, but only with the written consent or agreement of the employee. In all cases, the notice of suspension must be in writing, and the reason for the suspension must be stated. It must be stated that the suspension is without loss of benefits, and the duration of the suspension should be stated if possible (Wright, 2012:80).

Unfair suspensions fall within the definition of “Unfair labour practice” under Section 186 (2) (b) of the Labour Relations Act. Employers are advised to exercise caution in deciding whether or not to suspend an employee from duty. If the suspension is for an unreasonably long period, or if it is blatantly grossly unfair, or if there are no real prospects of the matter ever reaching the disciplinary hearing stage, the employee can refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA), and seek re-instatement.

2.5.10 Suspending an employee

Andre van Niekerk, Judge of the Labour Court, delivered a judgment affecting the suspension of public sector employees. The judgment is equally relevant for private sector employees. In *Mogothle v the Premier of the North West Province and the MEC for Agriculture, Conservation and Environment (delivered on 6 January 2009)*, the Deputy Director General (DDG) of the Department of Agriculture, Conservation and Development of the North West Province apparently approved a state grant to an entity in which he and his family had an interest.

The DDG claimed that he had nothing to do with the decision to allocate the grant, but, being concerned about the implications of a conflict of interests, he made a full disclosure to the MEC. The MEC acknowledged the disclosure, and approved the grant. Subsequent debate in the North West Provincial Legislature resulted in the DDG being placed on “extended leave,” pending various investigations.

In suspending the DDG, the MEC expressly disavowed a reliance on the provisions of the Senior Management Service (SMS) Handbook. The suspension was framed as a "request" that the DDG take leave in order to allow the investigation to unfold without the risk of it being jeopardised by the DDG's presence at work. The DDG was not given the opportunity to make representations on why he should not be suspended.

In seeking to have his suspension lifted, the DDG faced several obstacles:

- His employment, as with all senior government employees, was governed by the SMS Handbook, which was silent on whether he was allowed to make representations prior to being suspended.
- A Constitutional Court case (*Chirwa v Transnet Limited and Others* (CCT 78/06) [2007] ZACC 23) held that a public sector employee does not, in the context of challenging a dismissal, have the right to approach the High Court (or the Labour Court directly) for what is essentially an employment matter. Such an employee should refer his or her dispute to the CCMA or relevant bargaining council for adjudication.

The DDG chose the Labour Court, and relied on the so-called audit principle; a contractual right to be heard before a decision adverse to your rights or interests is taken. The judge had to decide whether the DDG should call upon the Labour Relations Act (LRA) rights rather than his contractual rights. Should the DDG's case be decided in the Labour Court, or should the DDG rather have challenged his suspension as an unfair labour practice before the relevant bargaining council?

The DDG expressly declined to rely on the LRA. Rather, he relied on a contractual right: effectively that the MEC and the Premier had breached their contractual obligation to deal fairly with him. The judge decided that as Chirwa did not remove contractual rights, then an employee can enforce, either in the Labour Court or the High Court. This meant that he was able to consider the DDG's claim in the Labour Court. The conclusion of the matter was that, without having been afforded a hearing, the DDG's suspension was procedurally unfair.

The Chirwa judgment appears to require labour-related matters, which are principally about fairness, to be determined in terms of the LRA mechanisms. The *Mogothle v the Premier of the North West Province and the MEC for Agriculture, Conservation and Environment*, judgment might have the opposite effect, and unravel the distinction between litigation in the High Court and in terms of the LRA.

2.5.11 Suspension could be dangerous for employers

Employees are suspended from duty for different reasons, which may include a temporary lay-off due to operational circumstances. That is, during retrenchment consultations, either party may suggest temporary lay-offs, as an alternative to retrenchment. This might be implemented where the employees agree to the lay-offs, and there is some hope of more work and revenue being acquired in the future. In such circumstances, the employees would not be paid, but would remain employed by the employer. Employers must be careful not to hire new employees in place of employees who have been laid off, as this would indicate that there was no good reason for the layoffs, and the employer could well be forced to pay the employee for the lay-off period (Wright 2012:82).

Where a large number of workers are laid off, or where the lay-off period is long this payment could come to an extremely high amount. The employer's intention behind a suspension may be to make the employee's working circumstances so uncomfortable that he/she resigns. This motive is both illegal and dangerous. Employees sometimes resign upon being suspended and charge the employer at the CCMA for constructive dismissal. Should the employee claim at arbitration that the suspension was a sham on the employer's part the employer must be given the opportunity to show that there was good reason to suspend the employee and that there was some basis for the suspicion of misconduct. The employer may need to investigate serious allegations made against the employee. Where the employee is in a position of official or unofficial power, the suspension may be necessary in order to ensure that her or his presence at the workplace will not interfere with the investigation.

This is a legitimate reason for suspension, but the employee must be on full pay during the suspension period. The employer must be sure that the suspension does not have the effect of breaching a contractual right of the employee; otherwise a civil suit could result. The employer may have a need to avert the danger of the employee repeating the alleged offence. For example, if the employee is suspected of assaulting a colleague, a suspension may be merited to avert the possibility of a repeat assault. Again, the employee must be on full pay during the suspension period and the danger in question must be real. The suspension of the employee may be as a form of punishment of the employee by the employer (Wright 2012:75).

However, such suspensions are often illegitimate, because:

- cutting an employee's pay may breach the provisions of the Basic Conditions of Employment Act (BCEA), and
- the employer may have no fair reason for punishing the employee and withholding his or her pay. Such suspensions are too often implemented while the employer is angry.

The dangers for the employer are that the employee could challenge the fairness of the suspension itself, or could take the eviction as a dismissal and take the employer to the CCMA or the Bargaining Council. Suspension without pay may, in certain circumstances, be legitimate for example, where the employee already has a final warning for the same type of offence, but the employer does not necessarily wish to dismiss the employee. The employer may then give the employee a choice of dismissal or an agreed suspension without pay.

In the case of *Mabitsela v SAPS (2004, 8 BALR 969)* the employee, a policeman, was suspended without pay pending a charge of murder. The police regulations do allow for such suspensions to be without pay. However, Mabitsela claimed at the bargaining council that his suspension was unfair, because he had been on unpaid suspension for five months. The arbitrator found that the suspension itself was fair, but that it had been unfair to implement the suspension without pay.

This case shows that, even where regulations allow employers to suspend employees without pay, this may still be found to be unfair under the circumstances. If a suspected murderer can win such a case, it would be even easier for employees who have committed lesser offences to win theirs. The issue of when suspensions are fair and appropriate is not clear cut, and employers are warned not to implement suspensions until they have obtained advice from a reputable labour law expert (Wright 2012:85).

2.6 GRIEVANCE

2.6.1 Discipline and grievance procedure

Organisations should set standards of performance and conduct reinforced by organisational rules. Standards not being met, or grievances are raised by employees may be dealt with informally, but if a formal approach is needed, there are procedures to help employers to be fair and consistent. Disciplinary procedures may be used for problems with employees' conduct or performance, although some organisations have a separate procedure for dealing with performance problems. Grievance procedures are used for considering problems or concerns that employees wish to raise with their employers.

2.6.2 Grievance procedure: General principles

The following are general principles on grievance procedure (Farnham, 200:415 & 416):

- Any employee who has a grievance is entitled to make use of the grievance procedure.
- A grievance is any feeling of dissatisfaction, injustice or unfair treatment an employee may experience in relation to his employment with the organisation, and which has not been resolved informally.
- The purpose of the grievance procedure is to enable an employee to have his or her grievance resolved fairly, quickly, and as close to the point of origin as possible.
- Employees must be able to lodge grievances without fear of victimisation. The organisation must assure employees that they will not be prejudiced in any way as a result of using the procedure.
- Any employee lodging a grievance in terms of this procedure is entitled to representation by an employee representative (who is a work colleague), provided that such person agrees to represent the employee.
- Normal earnings will be paid to the employee and the employer representative for time spent in resolving a grievance according to the provisions of this procedure.

- Each step in the procedure shall be subject to stipulated time limits. It is, however, accepted that these time limits may be varied by mutual agreement or in relation to the availability of a person involved in the process.
- This procedure may not be invoked as a result of any disciplinary action taken in accordance with the organisation's disciplinary procedures or codes

2.6.2.1 Grievance procedure: Stage 1: Verbal grievance

- An employee with a grievance should first report the grievance to his or manager verbally.
- In the event of the grievance not being resolved to the satisfaction of the employee within three working days by the manager, the employee may refer the grievance to the employer.
- Should an employee not be satisfied with the outcome of Stage 1, he/she may then proceed to Stage 2 of the grievance procedure.

2.6.2.2 Stage 2: Written grievance

- The employee must invoke Stage 2 within three days after the outcome of Stage 1 is known.
- A grievance form must be completed and signed by the employee and the employee representative (if involved), and handed to the employer.
- The employer shall establish a process for hearing the grievance within a period of three working days of having received the grievance form. The process of reviewing the grievance should involve holding a grievance meeting to seek to resolve the problem. This meeting should involve both the respondent (employee against whom the complaint was lodged) and the aggrieved party (the employee who lodged the grievance), as well as their employee representatives (if any) and the employer.
- The employer is required to provide a written response to the grievance on Form 2# within 3 working days of the grievance having been heard. This is generally the final level of the procedure.

2.6.2.3 Stage 3: Formal grievance meeting procedure

Should the employee still feel aggrieved, he or she may utilise whatever means are available to him or her in law for the protection of his or her rights.

- a) When a grievance is lodged, an investigation shall be carried out by management into the facts of the case in preparation for the meeting.
- b) The parties shall agree the time, date, and venue for the meeting. Every endeavour shall be made to ensure that this time period meets the relevant time periods, but reasonable extensions must be fairly considered, if necessary.
- c) The employee shall inform the chairman, should there be a need to involve other witnesses and or persons in the meeting. The chairman shall use his or her discretion in this regard.
- d) The chairman of the meeting shall take responsibility for the fair conduct of the meeting. In this respect, he or she shall ensure that:
 - All relevant information is made available to the parties prior to or at the meeting for consideration;
 - All the relevant witnesses that the parties may wish to call shall be notified in advance to be available at the time of the meeting;
 - The employee or the employee representative and the organisation will be given an opportunity to present their cases fully and to ask questions of each other's witnesses;
 - Brief notes or agreements made during the meeting should be kept. These notes need be agreed between the parties. Verbatim minutes will not be taken.
- e) The chairman shall submit his written solution (on Form 2) to the appropriate person in terms of the requirements of the relevant stages of the procedure (Farnham, 2000:416).

2.6.3 Discipline at work

The employment relationship is a reciprocal one. Employers and employees have various rights and obligations towards each other. The employer is entitled to satisfactory conduct and work performance from an employee. According to Van Jaarsveld *et al*, common law recognises an employer's right to obedience as well as its derivative, the employer's right to exercise discipline

(van Jaarsveld, Fourie & Olivier 2012:14). The employer therefore has a right to maintain discipline in the workplace (Schedule 8 Code of Good Practice: Dismissal, LRA). The employee on the other hand has, *inter alia*, the right to fair labour practices (S 23 (1) Constitution of the Republic of South Africa Act 108 Of 1996), and job- and subsistence security (van Jaarsveld, Fourie & Olivier 2012:4-5), which include a safe working environment and protection from arbitrary conduct by his or her employer and fellow employees. The employer is obliged to provide and apply fair labour practices and to create a working environment where employees feel safe and secure. This obligation involves the employer's responsibility to maintain discipline in the workplace. When employers fulfil their function of maintaining discipline in the workplace, their actions must be in conformity with the Constitution, the LRA, BCEA, applicable common law principles, natural justice, and any relevant contract agreement concluded between an employer and a trade union on behalf of its members.

The need for rules and disciplinary procedures are as follows:

- Rules are necessary, because they set standards. A good disciplinary procedure helps employees keep to the rules, and helps employers deal fairly with those who do not.
- Rules will normally cover issues such as absence, timekeeping, and holiday arrangements, health and safety, use of the organisation's equipment and facilities, misconduct, sub-standard performance, and discrimination, bullying, and harassment.
- Rules and procedures should be clear, and should preferably be put in writing. They should be known and understood by all employees.
- All employees should have ready access to a copy of the rules and disciplinary procedures.
- Management should aim to secure the involvement of employees and any recognised trade union or other employee representatives when rules and disciplinary procedures are introduced or revised.
- Rules should be reviewed from time to time and revised if necessary.
- Management should ensure that those responsible for operating disciplinary rules understand them and receive appropriate training.

Clear rules benefit both employees and employers. Rules set standards of conduct and performance at work, and make clear to employees what is expected of them.

2.7 WHAT SHOULD RULES COVER?

While the following is not an exhaustive list, as different organisations will have different requirements, examples of the types of issues that rules might cover are discussed below.

- **Timekeeping** - Clock-in time; and tardiness.
- **Absence** - Authorising absence; approval of holidays; notification of absence; and self-certification and doctors' certificates.
- **Health and safety** - Personal appearance – any special requirements regarding, for example, protective clothing, hygiene or the wearing of jewellery. Employers should be aware that any such requirement must be solely on the basis of health or safety, and should not discriminate between genders or on the basis of age, race, disability, sexual orientation, or religion or belief; Smoking; special hazards/machinery/chemicals; and alcohol, drug, or other substance abuse.
- **Use of the organisation's facilities** - Private telephone calls; computers, email, and the Internet; company premises outside of working hours; and equipment.
- **Discrimination, bullying, and harassment** - Equal opportunities policy; and policy on harassment relating to race, sex, disability, and sexual orientation.
- **Religion or belief** - Bullying and harassment policy; non-discriminatory clothing or uniform policies; and any standards of written or spoken language needed for the safe and effective performance of the job.
- **Gross misconduct** - This includes the types of conduct that might be considered gross misconduct (this is misconduct that is so serious that it may justify dismissal without notice).

2.8 REASONS FOR HAVING A DISCIPLINARY PROCEDURE

A disciplinary procedure is the means by which rules are observed and standards are maintained. It provides a method of dealing with any shortcomings in conduct or performance, and can help an employee to become effective again. The procedure should be fair, effective, and consistently applied. Every employer may set the rules and standards in the workplace according to the needs and size of the business. Regulating discipline in respect of misconduct entails setting standards, the implementation of disciplinary measures and appropriate disciplinary penalties. Disciplinary fairness requires disciplinary rules to be certain and consistent (Bendix 2010:2).

Government Code of Good Practice impresses upon employers the need to adopt disciplinary rules that establish the standards of conduct required from its employees, and make known the consequences of a contravention. Certainty and consistency may be achieved by communicating the rules and standards to employees, and by making them available to employees in the form of a disciplinary code.

The disciplinary process that the employer chooses to adopt in its disciplinary code is binding on its employees. Generally employers are not allowed to employ disciplinary procedures other than those provided for in its disciplinary code. When the courts judge the fairness of the decision of an employer to re-charge an employee for the same alleged misconduct, the disciplinary code of that employer is one of the determining factors (Bendix 2010:2).

2.8.1 What disciplinary procedures contain

When drawing up and applying procedures, employers should always bear in mind the requirements of natural justice. For example, employees should be informed of the allegations against them, together with the supporting evidence, prior to the meeting. Employees should be given the opportunity to challenge the allegations before decisions are reached, and should be provided with a right to appeal (Bendix 2010:5).

Good disciplinary procedures should be put in writing; state to whom they apply (if there are different rules for different groups); be non-discriminatory; provide for matters to be dealt with speedily; allow for information to be kept confidential; inform employees what disciplinary action might be taken; state what levels of management have the authority to take the various forms of disciplinary action; require employees to be informed of the complaints against them and the supporting evidence, before any meeting; give employees an opportunity to have their say before management reaches a decision; provide employees with the right to be accompanied by a representative; provide that no employee is dismissed for a first breach of discipline, except in cases of gross misconduct; require management to fully investigate the matter before any disciplinary action is taken; and ensure that employees are given an explanation for any sanction and allow employees to appeal against a decision (Bendix 2010:6).

2.8.2 The procedures should also:

- apply to all employees, irrespective of their length of service, status or number of hours worked;
- ensure that any investigatory period of suspension is with pay, and specify how pay is to be calculated during such period. (If, exceptionally, suspension is to be without pay, this must be provided for in the contract of employment);
- ensure that any suspension is brief, and is not used as a sanction against the employee prior to a disciplinary meeting and decision;
- ensure that the employee will be heard in good faith, and that there is no pre-judgement of the issue; and
- ensure that, where the facts are in dispute, no disciplinary penalty is imposed until the case has been carefully investigated, and there is a reasonably held belief that the employee committed the act in question (Bendix 2010:8).

2.9 THE LABOUR RELATIONS ACT

The LRA provides a framework for the regulation of discipline in the workplace and the resolution of employment disputes. One of the primary objectives of the LRA 186 (2) b is to give effect to and

regulate the right to fair labour practices as conferred by the Constitution. The LRA partially achieves this object by the incorporation of the Code of Good Practice: Dismissal therein. This Code provides guidelines that assist employers with the execution of fair discipline. The LRA also recognised international labour law obligations and compels any person applying the Act to comply with international labour standards. It is noteworthy that the Code of Good Conduct Practice is on par with the ILO's convention on the termination of employment.

Section 185 (a) of the LRA tersely provides that:

“Every employee has the right not to be unfair dismissed and subjected to unfair labour practice.”

This right forms the foundation for the ensuing sections in the LRA. Employers, accordingly, have to exercise their right to discipline in a manner that is fair. The right to discipline (or, conversely, the right not to be unfairly disciplined) has two components: procedural fairness and substantive fairness. The LRA recognises the employer's right to discipline its employees, provided that the reason and procedure concerning the discipline are fair. It should be noted that the LRA contains no formal prescribed procedure that an employer should follow when disciplining an employee. Only guidelines in respect of fair procedure are set out in the LRA.

When an employer fails to conduct fair disciplinary action, the affected employee may institute a claim for unfair treatment on the grounds as contained in the dispute resolution procedures contained in the LRA, which may have considerable financial consequences for the employer, in that the remedies for unfair conduct by the employer entail, *inter alia*, re-instatement, together with retrospective back-pay or compensation. Employers are often dissatisfied with disciplinary decisions by presiding chairpersons on the basis that the sanction imposed by the latter is too lenient or otherwise not acceptable. In these circumstances, the LRA entitles employer to apply to the Labour Court for the review of internal disciplinary decisions.

2.10 SERVICE DELIVERY

Municipalities around the country are in crisis. National government has declared that 136 out of 284 municipalities are unable to fulfil their basic functions. A major problem facing many municipalities is the small revenue base in the poorer areas. This is largely a structural problem that cannot be blamed on councillors and municipal officials. However, all efforts to overcome this stumbling block are being undermined by three key factors that are wholly avoidable: corruption, financial mismanagement, and the appointment of senior officials solely on the basis of political connectivity and/or employment equity considerations. Municipal managers tend to be under qualified and overpaid, and consequently do not perform.

The information for this research was sourced from government reports, answers to parliamentary questions, discussions with government officials, and numerous secondary sources. This list is not intended as a definitive catalogue of failed municipalities, and we acknowledge that the approach is not scientific. Nevertheless, we hope that the document will feed into the public debate on the lack of service delivery, and contribute to greater public awareness of the underlying factors that prevent municipalities from delivering services.

2.10.1 Corruption

Local government has become virtually synonymous with illegal tendering practices, unauthorised loans to councillors and, in some cases, outright looting. An obvious consequence of corruption is that it leaves less money for service delivery. However it has a deeper and more significant effect. Municipalities that command large budgets but do not follow rigorous financial management practices are easy pickings for those with a corrupt bent. The result is that South Africa's municipalities have become a haven for those who have no qualms about plundering state resources.

2.10.2 Financial mismanagement

The inability of many municipalities to comply with financial regulations set by the Auditor-General is a disturbing indicator of the lack of capacity in many municipalities. In the Auditor-

General's report on the Submission of Financial Statements by Municipalities for the financial year ended 30 June 2005, it was revealed that 132 out of 284 municipalities submitted their financial statements late or did not submit financial statements at all. Another indicator of financial mismanagement is the failure to collect enough revenue to pay for service delivery. A 2003 survey found that at least 226 out of 284 municipalities had difficulty collecting enough revenue to finance the provision of services (Business Day March 30 2005). The failure to collect debt led the Auditor-General to conclude in his 2003/04 report on Local Government financing that: "Overall an alarming trend was discovered, namely the debt management and the basis of income generation might not provide sufficient funds for delivering the services expected of municipalities. This means that sustainability of service provision by local government has to be called into question."

In the Auditor-General's report for the year ended 30 June 2003, it was found that municipal debt totals R32 billion. The current figure is probably closer to R40 billion (Report. SAPA September 14 2005). The Auditor-General revealed that the total debt in the 23 largest municipalities rose to R19.2 billion from the beginning of the year until the end of March. Describing the debt as a phenomenal amount of money, the Auditor-General cited the lack of skilled personnel as one of the key factors behind the failure to collect debt. The inability of municipalities to collect sufficient revenue is a key reason for the high number of qualified reports issued by the Auditor-General. In the 1999/2000 municipal financial year, for example, the Auditor-General qualified 78 per cent of the 485 audit reports issued, most of them due to the non-recoverability of consumer debt.

2.10.3 Overpaid, under-qualified, and underperforming managers

It is generally accepted that municipalities should spend no more than 30% of their budget on salaries, and the other 70% should go to infrastructure and service delivery (<http://www.sabc.com/specialassignment/20050315script.html>). However, the amount paid in salaries to councillors and municipal officials outstrips spending on services by nearly R10 billion 10% of the total municipal budget (Mail and Guardian, October 10 2005). Some municipal managers have been known to earn in the region of R1.2 million, although the national average is closer to R650 000 before performance bonuses. The issue with salaries and bonuses is not just the amount of money, but the fact that municipal managers are often rewarded despite their failure to

run a municipality properly. Underperformance by municipal officials is largely due to the depletion of the skills base of municipalities. The clause in the Municipal Structures Act that requires a municipal manager to have the *relevant qualifications and expertise to perform the duties associated with the post* is seemingly ignored in many cases.

The Auditor General found recently that only 8% of government workers qualified as “highly skilled,” while 90% were considered to be either low-skilled or semi-skilled (Business Day). In a recent report on skills in municipalities, the Department of Provincial and Local Government (DPLG) noted that as many as 36 percent of managers have only a matric with a diploma or less, and one municipal manager did not even have a matric qualification. Thirty-seven percent of municipal managers have less than five years’ experience in local government, while 74% have 11 or fewer years’ experience in local government. The skills shortage is, according to the Department of Provincial and Local Government, largely a result of “transformation” and “employment equity considerations.”

2.10.4 Infrastructure and service delivery backlogs

The failure to deliver services has led to protests, often violent, in over 50 towns and cities since the middle of last year. The extent of public anger is not surprising given the state of service delivery in municipalities around the country. Some 203 out of 284 municipalities are unable to provide sanitation to 40% of their residents. This means that in 71% of municipal areas, most people do not have flush toilets (Financial Mail, 3 June 2005). In total, 27.4 million people (or 57% of the population) have access to a flush toilet. This means that 887 329 people still use the bucket system, and 5 million people, or 10.5% of the population have no access to sanitation at all.

Only 3.2 million households have access to prepaid electricity and 300 000 households have access to metered electricity. Thirty-seven municipalities cannot provide any free basic electricity whatsoever. In the majority of cases, municipalities cite “lack of indigent data” for failing to provide free basic electricity. This state of affairs is wholly unacceptable, given that municipalities were supposed to implement free basic electricity in July 2001. A total of 9 million people (or 37.7% of the population) have access to piped water in their dwelling. Thirty-six percent of the

population has no access to water, either in their dwelling or in their yard, while 3.7 million people, or 8% of the population have no access to water at all. The next section offers some insights as to why the situation has reached such crisis proportions.

2.10.5 Departmental Annual Performance Plan

Government sets its performance standards in the Annual Performance Plans (APP). The APP contains precise information on:

- what standards are to be achieved,
- when they should be achieved and
- to what extent they should be achieved.

This scenario sets a three dimensional level of quality checks in achievements of set standards for service delivery. For any service delivery to be up-to-standards would imply that all three dimensions of the standards should be fulfilled as intended. However, this is not always the case. Let us take the Department of Sport, Arts and Culture (DSAC) for an example. A comparative status of the department's performance in line with its approved APP over the past three years is given in order to justify what is said above.

2.10.5.1 Departmental Annual Achievements for 2011/2012

An analysis of the departmental performance was done and the outcome was expressed in qualitative terms. Table 2.1 below shows diagrammatically the performance of the department at a glance:

Table 2-1: Performance of the Department

Total PI to be achieved in Q1	Number of PI achieved	Number of PI not achieved	Percentage achieved
279	119	160	57

2.10.5.2 Departmental Annual Achievements for 2012/2013

Again consider an analysis of the departmental performance expressed in quantitative terms. Table 2.2 below shows diagrammatically the performance of the department at a glance.

Table 2-2: Performance of the Department

Total PI to be achieved in Q1	Number of PI achieved	Number of PI not achieved	Percentage achieved
171	102	69	60

2.10.5.3 Departmental performance 2013/14

For the financial year 2013/2014, the following picture analysis of the departmental performance was as shown on Table 2.3, below. Table 2.3 below shows diagrammatically the performance of the department at a glance.

Table 2-3: Performance of the Department

Total PI to be achieved in Q1	Number of PI achieved	Number of PI not achieved	Percentage achieved
114	62	52	54

A comparative analysis of the departments' performance for three years in a row is presented in Table 2.4.

Table 2-4: Comparison of non-financial performance over three years

Programme	2011/2012 in %	2012/2013 in %	2013/2014 in %
Management and Administration	53	65	74
Cultural Affairs	37	70	72
Libraries and Archives Services	75	48	43
Sport and Recreation	50	58	4.3
Department in total	57	60	54

2.11 CONCLUSION

This chapter was a detailed review of the available literature on the concept of suspension, grievance procedures and service delivery. A broad overview of the theoretical foundations of the above concepts was provided. The chapter that follows is concerned with the research methodology of the present study. It will contain a detailed review of the whole process followed by the researcher in conducting this research study. It also contains all the research measurements that were employed in this research study and the method of analysis which was followed, including the process of ensuring the validity and reliability of the research study.

Chapter 3: RESEARCH DESIGN AND METHODS

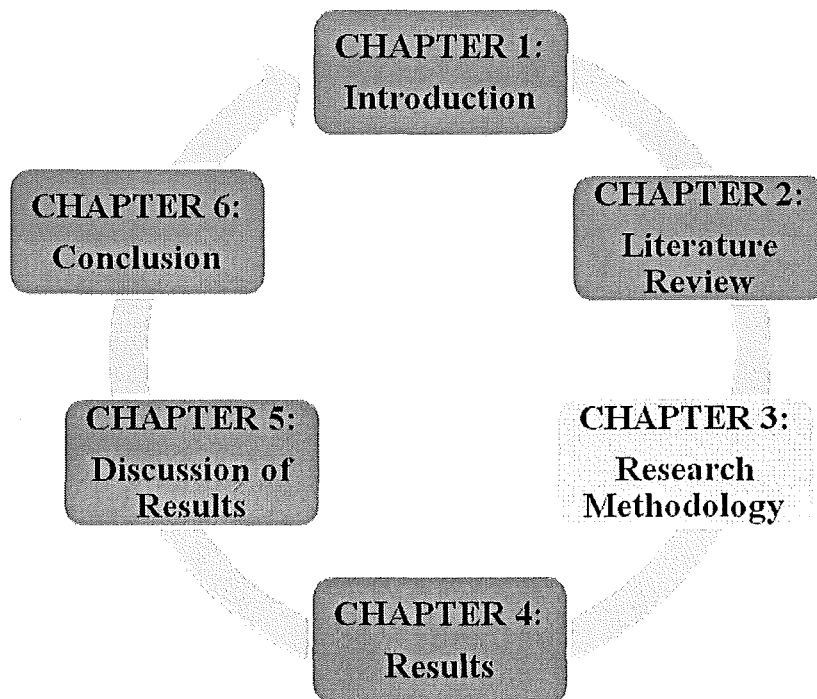


Figure 3-1: Chapter 3 in Context

NWU
LIBRARY

3.1 INTRODUCTION

The purpose of Chapter 3 is to outline the methodology that was applied to obtain data in order to attain the aims of the study. In this chapter, an outline of what transpired during the implementation of the methodology is given. Also, a report on the precise procedures undertaken in carrying out the study as well as the shortcomings experienced during the study is presented. This chapter therefore presents the reality regarding methodological aspects and procedures that prevailed during the course of the study. The main questions, viz. how, where, when and why certain procedures were followed and decisions were made, are all answered directly or indirectly in this chapter. In this way, explanations are given for the actions (e.g., information gathering, classification, analysis, interpretation and application of data to answer the questions of the study) taken in carrying out the study.

Furthermore, the chapter covers the following aspects that were presented: research design (which includes instrument, population and sample,) validity and reliability, focus group interviews, pre-testing of the interview schedule, the modus operandi of interviews or administration procedures of the instrument; and the methodology for interpretation of data.

3.2 RESEARCH OBJECTIVES

The main aim of this study was to determine management's perceptions regarding suspensions and grievance procedures in North West Provincial Government.

In addition to the general objective, the following sub-objectives were formulated to address the sub-research questions:

- To determine whether or not service delivery by North West Provincial Government Departments is in line with the set targets.
- To determine the implications of suspension of employees for service delivery by Provincial Government Departments in the North West Province.
- To determine how accurately the employer is applying labour relations practices in suspending and disciplining employees in the North West Provincial Government Departments.
- To determine whether or not the rights of suspended employees are being observed by the employer both during the suspension processes and in the disciplinary hearing sessions.

3.3 RESEARCH PARADIGM/ PHILOSOPHY

A paradigm is an interpretative framework, guided by a set of beliefs and feelings about the world and how it should be understood and studied (Guba, 1990). In simple words this may be referred to as world views on concepts related to the present study. The research paradigm is an important consideration when undertaking a research study, as the underlying assumptions a researcher holds on reality, and how the researcher views the world, have a substantial impact on how the researcher understands and approaches the topic under investigation. This is further supported by Denzin and Lincoln (2001), who listed three categories of those beliefs:

settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.

The holistic nature of qualitative research provides a platform for a rich, detailed, and contextualised explanation of data as opposed to being concerned with the mapping of patterns, trends, or correlations of data (Terre Blanche, Durrheim and Painter, 2006:3). The emphasis is on understanding the complexity of behaviour, and focusing on meanings and interpretations, through direct interaction with participants in their natural environment (Maree, 2007:4).

The general theme of qualitative research implies that rich, detailed information could be gathered from an identified group of individuals, allowing the researcher to gain further insight into the observed facts and data, and then develop new theoretical perspectives. In the present study, the researcher's objective was to explore and understand what perceptions management has of suspensions and grievance procedures applied to NWPG employees, and the impact thereof on service delivery. Therefore an in-depth, flexible approach was required to allow the researcher to gather detailed information about the participants in their environment. As such, this study was classified as a qualitative study, as it encompassed observations and interpretations. This study therefore looked for primary data from people who were directly involved with the subject matter in focus, in this case employees who had been suspended from managerial positions.

3.4.2 Description of the general characteristics of the research design

Empirical research: The study is classified as an empirical study, as the researcher collected and analysed primary data. In this study, the researcher gathered new data from the participants.

Basic research: Basic research aims to expand existing knowledge (Saunders, Lewis & Thornhill, 2009). This study cannot be seen as applied research, as it neither aimed to resolve 'real-life' problems, nor does it make suggestions for managerial decision-making. The study only determined management perceptions of suspensions and grievance procedure on NWPG employees and the impact thereof on service delivery.

Exploratory research: According to Babbie (2007:87-89), exploratory survey research is the best way to gain understanding of a specific phenomenon as it “helps to uncover evidence for associations amongst concepts which can eventually lead to theory development.”

Cross-sectional research: A cross-sectional survey collects data at one point in time only. This time dimension was appropriate for this study, as multiple data collection was not necessary, as the aim was not to study longitudinal changes (Creswell; cited in Nagel; 2012). This design was ideally suited to the descriptive and predictive functions associated with the correlation research. It was used to assess the interrelationship between the variables in the study (Shaunessey & Zechmeister; cited in Smith, 2012).

Primary data: As described by Saunders, Lewis and Thornhill (2009), the present study made use of primary data, as the researcher utilised a questionnaire to capture specific information that was used to address the research objectives of the study.

Qualitative data: This refers to non-numerical data that have not been quantified, while quantitative data refers to numerical data and data that have been quantified (Saunders et al., 2007: 608). In the present study, qualitative data were applied, since the method of data collection took place through semi-structured, in-depth interviews.

3.5 SAMPLING

Sampling refers to a practical way of collecting data. In the present study, a purposive sampling technique was employed. Purposive sampling is a non-random selection of participants on purpose. The criteria according to which the sample was selected were linked to the research questions. The researcher used purposive sampling with a purpose in mind, namely to interview senior managers who had been put on suspension by the leadership of the department. The researcher usually will have one or more specific predefined groups he or she is seeking, and, in this case, it was suspended employees (Chrisler & McCreary, 2010:181).

3.5.1 Target population

The target population comprised senior managers in government who had been suspended. For practical reasons, the sample population had to be narrowed. Given that this study aimed to determine management perceptions of suspensions and grievance procedures in the NWPG and the impact thereof on service delivery, it was deemed appropriate to use government employees currently serving as senior managers.

3.5.2 Unit of analysis

The units of analysis of a study refer to the entities about which the researcher wishes to draw conclusions (Terre Blance & Durrheim quoted by Kotze, 2009:22). In some cases, the unit of analysis can refer to individuals, whilst, in others, it could refer to groupings of individuals or entities (Kotze, 2009:23). The unit of analysis in the present study was senior level managers in various directorates in various government departments. The intention was to collect data from senior managers who had decision-making authority and the ability to formulate and direct strategy within their respective domains. This was achieved by identifying specific individuals who held such positions within their respective directorates.

3.5.3 Sampling size

Qualitative samples are generally small in size, due to the nature and complexities of qualitative studies, the latter requiring in-depth research in order to gather rich, detailed information from participants. Typical of the nature of qualitative research, a small sample size was used to enable the researcher to gather rich, detailed information, and to allow for flexibility during the process. A small sample allows the researcher to spend more time with each participant and, in so doing, facilitates more in-depth questioning, discussion, and reflection. The sample of the present study was drawn from the population of the employees who were suspended in the departments. Of the over 30 employees who had been suspended, only 6 six (N=6) participated in the study. This included the senior manager responsible for labour relations matters, who had been dismissed by one of government departments.

3.5.4 Sampling technique

Purposive sampling is a non-random, purposive selection of participants. The criteria according to which the sample was drawn were linked to the research questions. The researcher used purposive sampling with a purpose in mind, namely to interview the senior managers who were put on suspension by the leadership of the department. The researcher therefore focussed on the specific, predefined group of suspended employees. Purposive sampling was very useful in this situation, because the researcher needed to reach a targeted sample quickly, and sampling for proportionality was not the primary concern. With a purposive sample, a researcher gets the opinions of her target population (Chrisler & McCreary, 2010:181). The demographic breakdown of the participants is provided in Table 3.1.

Table 3-1: Demographic of sample (n=6)

Characteristic	Category	Frequency
Gender	Male	3
	Female	3
Race	African	6
	White	0
	Coloured	0
Highest Qualification	PhD	1
	Master's	3
	MBA	1
	Diploma	1
Total		6

3.6 PARTICIPANTS PROFILES

All participants had been in the employ of their organisations for at least five years prior to participating in this study. During their time at their respective organisations, these participants had moved between various leadership positions, which exposed them to different aspects of business. When compiling the participants' profiles three observations stood out. First, I realised that my involvement in the work environment with all but one participant enabled me to feel comfortable about approaching them. Second, I was very aware that people have different perspectives and, whereas some participants might be spontaneous in sharing their perspectives, there were others who might be more reserved. Third, I had to assume that their levels of expressing themselves verbally could vary. Throughout the participants' involvement in the study, I took special precautionary measures to protect their identity since I had assured them of confidentiality. Through my interaction with them, I gained valuable insight into how they perceived leadership, and the various challenges surrounding government as a whole. At this point, I should share some of my impression about the participants.

Table 3-2: Participant Profiles

Participant	Background
P1	Participant 1 was a black, female executive. She matriculated with exemption. She has junior degree in communication (and majored in communications and psychology) from the North West University. She had also completed an honours degree. She had furthermore obtained a post graduate diploma in government communications and marketing, in 2004. At the same time of the study, she was studying towards an MBA with REGENESS. She has worked at SABC joining government in 2001, starting as an Assistant Director at the National Department of Environmental Affairs and Tourism. In 2003, she joined Government Communication and Information System (GCIS) as Deputy Director. In 2005, she joined DSAC as Head of Communications, which position she held at the time

	of this study. She had been in government for 13 years.
P2	Participant 2 was a black, male executive, 62 years of age. He had a Master's degree in creative arts from the University of Wollongong in Australia, and had spent most of his career in the arts as an actor and singer in films and plays and in management. Before he joined government, he lived in Grahamstown managing an art institution called DECAWA, an institution that he had established in Tanzania, in 1985, as the member of Arts and Culture in the African National Congress (ANC) at that time. He was responsible for arts and culture in East Africa: Tanzania, Uganda, and Kenya until he went to Australia in 1988. He was a soldier in ANC camps who was also responsible for arts and culture. When he returned to South Africa in 1995, he worked for an organisation that recruited him when he still in Australia, the South African Worker Cultural Unit (SOWCU) which was a cultural wing of the Congress of South African Trade Unions (COSATU), until he moved from Eastern Cape in 2002. He had served in the local government since 2002, at that time, in the department of social services, arts, culture, and sport.
P3	Participant 3 was a black, female director. She had a degree in library and information studies as well as a post-graduate degree in archives and records. She had progressed through the ranks of government, starting as a librarian. In 1996, she moved to the position of Assistant Director in the Free State, and later moved to the North-West province in 2003 to take the position of Deputy Director. In 2008, she was appointed Director. At the time of the study, she served in the government for 20 years.
P4	Participant 4 was a black, male director.

	He held a PhD degree in education. He had completed honours and a master's degree in science education and a post graduate diploma in tertiary education. He also held a Bachelor of Science degree in technology, and had completed a senior certificate in engineering He had lectured at the North West University's Potchefstroom campus for seven years, from June 1999 to October 2006. He had started as a junior lecturer, and then moved to a lecturer position, and later became a senior lecturer. He joined the North West Provincial Government Administration in November 2006 as a senior manager responsible for research and population development. In August 2009 he moved to the post of a Chief of Staff in the office of the MEC for the Department of Sport, Arts and Culture. From December 2009 to the time of the study, he had been serving in the position of a senior manager (Director) for Strategic Management in the same department. From January 2010 to April 2010, he was acting Chief Director for Arts and Culture in the Department of Sport, Arts and Culture in the North West Province. At the time of the study, he had served in government for eight years.
P5	Participant 5 was a black male. He was fortunate to have been accommodated according to the 70 – 80 ratio for the benefit of previously disadvantaged people. He did not complete his diploma in human rights, his diploma in human resources, or his diploma in theology, but he had extensive knowledge because he had joined the department in 1980. He was dismissed in 2000. He managed to pass all the tests for the rank of lieutenant. Other courses, such as negotiations were referred to WITS University. He was in the process of completing the Junior Commissioners Course in handling cases, and if he were to complete it, he would become a commissioner in labour issues. Within the department, he was the Secretary of the Parole Board. He was Controlling Accounting Officer of Prisons

	Administration on Prisoners Affairs and Commanding Officer at Zeerust Prison as head of, among others, the legal and, HR functions. At the time of his dismissal, he was head of Rooigrond Maximum Prison and had clinical psychologists, social workers and educational specialists reporting to him.
P6	Participant 6 was a black, female Head of Department (HoD). She had a Master's degree, and had worked in the office of premier as Chief Director, and, at the time of the study, was working for the Department of Sport, Arts and Culture as HoD. She had been in government for 13 years.

3.7 DATA COLLECTION

Leedy and Ormrod (2001) state that, in qualitative studies, the interview format is either open-ended or semi-structured. In the present study, semi-structured, qualitative interviews, based on the designed interview schedule, were conducted in an open-ended format - asking the same set of questions in the same sequence and wording of each interviewee. The interview involved a one-on-one verbal interaction between the researcher and a respondent. The interviews addressed key issues in relation to achieving the objectives of the study. In-depth interviews were used to explore, in detail, the general themes in which the researcher was interested. The predetermined questions were very broadly structured.

In this study, the intention was to use a combination of the two types of interviews, having a basic list of broad questions that would allow participants to respond to leading questions that arose from issues that were raised. According to Saunders et al. (2007:313), both forms of interviews are appropriate for exploratory studies. The aim of the study was to gather information concerning management perceptions on the impact that suspensions and grievance procedure have on service delivery in the NWP. For this reason, the interview deemed an appropriate method of gathering such data.

3.8 PRIMARY DATA COLLECTION PROCEDURE

Permission was requested from the Head of Department (HOD) of the Department of Sport, Arts and Culture. The researcher wrote an individual letter of request, in addition to the formal letter from the University, which was taken to the HOD to sign for approval for the organisation to be part of the study. The researcher held one-on-one interviews with employees who had been suspended, in their offices and one at home. The researcher also requested the respondents' time and patience to be interviewed. All interviews were conducted by the researcher herself using the interview questions as a guide. Each interview lasted for one hour and 30 minutes. Once all interviews were completed, the researcher began the process of analysing the data and ensuring that all data collected were saved and stored.

3.9 DATA ANALYSIS

Interviews were held separately with each suspended employee. The data were captured and presented in table format, according to interviewees. The interview data were recorded on a phone was therefore analysed and interpreted for each individual interview. Discussion of data was done by way of quoting verbatim the information given by the subject, as presented in Chapter 4. Furthermore, data were organised according to the questions according to the question sequence in the interview schedule. For every question the views of the suspended employees suspended were presented interview by interview for the purpose of analysis and interpretation of data.

3.10 DATA VERIFICATION

To verify accuracy and completeness of the data the transcripts and notes were handed back to the participants to confirm the accuracy of the information and to correct any errors. This was done once the interviews had been completed.

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

When evaluating qualitative work the norms of qualitative research were redefined in order to suit the realities of qualitative research. Lincoln and Guba (in Golafshani, 2003) use the terms *credibility* and *trustworthiness* in qualitative research, which are consistent with the notions of reliability and validity respectively in qualitative research. In the present study, the participants' information was kept confidential and their anonymity was maintained.

3.11.1 Credibility and trustworthiness

Researchers, regardless of whether their studies are quantitative or qualitative, have to ensure and demonstrate that their studies are trustworthy. Since the purpose of the present qualitative study was to explore and describe phenomena of interest from the perspective of participants, they were the only ones who could judge the credibility and trustworthiness of the results. Credibility was ensured by asking the participants to review the transcripts and results of the study.

3.11.2 Transferability

Transferability refers to the degree to which the results of the research can be applied to other comparable research contexts. With qualitative research, this does not necessarily mean that the results of one research study have to be applicable to another setting. Qualitative findings are more dependable when generalised to theories as opposed to the overall population of the study (Babbie & Mouton, 2007:278).

3.12 RESEARCH ETHICS

Research ethics provide the moral framework within which the researcher operates when conducting research. Research ethics encompass data collection and analysis, the interpretation of findings, and the subsequent reporting and dissemination of the research findings (Cresswell, 2009). Ethical considerations that were relevant to the present study discussed in more detail below.

3.12.1 Risk of Harm

One of the first and most important considerations for research with human participants is that the research should not cause harm to those participants. This means that no unreasonable risks may be taken with the emotional, physical and psychological health of the subjects (Ruane, 2005). While the present study appears to have met this consideration, it was also important to note that not all harmful consequences can be predicted or known in advance. Harm to participants can be either physical or psychological. In the present study, participants' privacy and confidentiality were protected.

To ensure that research participants were not harmed in any way, the researcher saw fit to provide her contact details in case the respondents in the study felt the need to communicate with the researcher with questions regarding the study on perceived risks they may anticipate. This gave the researcher the opportunity to obtain feedback from the participants on their experiences, or on any negative effects, so that development areas which needed to be addressed in the research approach could be identified and resolved.

3.12.2 Informed Consent

Participants in any study have the right to make an informed choice on whether they wish to be part of the study or not. They have to be fully informed on what the study entails and any risks involved (Ruane, 2005). Participants in the present research were fully informed of the risks, procedures, and objectives of the study, and gave consent to take part in the research.

The researcher sent a letter of request to the university to seek approval from the relevant department to conduct the research, which was granted. A humble request was made to and granted by the department. The subjects in the research study received all information that may affect their decision to participate. Ethical standards required the researcher to avoid putting the participants at any form of risk.

The following aspects of informed consent were considered:

3.12.3 Voluntary participation

Participants were free to decide whether or not to take part in the study: that is, there would be no negative consequences if the individual did not take part in the study. The organisational setting of the study was classified as institutional, and had the potential to infringe upon the concept of voluntarism, since the authority relationships (for example, an individual's manager) in the setting may conflict with true voluntarism (Welman, Kruger & Mitchelle, 2001).

A letter of approval was obtained from the institution, and the researcher made every effort to ensure that individuals understood that participation in the study was voluntary. The researcher sought consent from the participants to ensure that their rights (privacy, dignity, respect, etc) were protected.

3.12.4 Informed consent form

Participants in the research were fully informed of the risks, procedures and objectives of the research, and consented to take part in the research. Ethical standards also require that the researcher did not put the research participants at risk (Leedy & Ormrod 2010).

3.12.5 Dissemination of individual results

Individual results from the research will not be available to the respondents. However, all respondents will have access to the final research report should they wish to read it. The research study will also be available in the university's library; however, the participants will remain anonymous.

3.12.6 Right to Respect Confidentiality and Privacy

Upholding an individual's rights to confidentiality and privacy is a central tenet of every research study. To ensure that the right to confidentiality and privacy was respected, it was important that the researcher gave all the research participants information about the study and how data would be

used. All information or data that the researcher collects must remain confidential. Confidentiality means that the identity of the participants remains a secret (Weathington, Cunningham & Pittenger, 2010).

Confidentiality also refers to the researcher's ability to control when and under what circumstances any other party has access to the information gathered during the course of a study. The information collected during the present study was used only for the purposes stated by the researcher. Furthermore, no personal information about the individual participants was made available or discussed without their consent (Babbie & Mouton, 2008).

3.12.7 Anonymity

Participants remained anonymous throughout the study. Names and identifiable demographic information on participants were not disclosed (Sales & Folkman, 2000). Furthermore, the raw data provided did not contain any names, to ensure that participants' anonymity was maintained. This meant that the researcher ensured that the anonymity of the research participants was maintained at all costs during and after the research.

In this regard, the Ethical Code of the Department of Industrial Psychology at the North-West University in Mafikeng campus notes the following ethical issues that I applied to my research:

- The study was subject to approval by the university;
- Permission to gather data was obtained from the department;
- Participants were not put at risk, and were guaranteed anonymity;
- Voluntary participation was respected;
- Participants were informed of:
 - the purpose of the study;
 - the procedure to be followed; and
 - their right to privacy, including their right to withdraw at any time during the study.

- The process remained honest and transparent;
- The data collected remained the property of the university and the researcher.

The results of the study were made available to the participants and their department; and Data will be kept for a minimum of five years. Every effort was made to ensure the accuracy of the information. Interpretation of data was discussed with the researcher's study supervisor and promoters. In addition, I adhered to the Department of Industrial Psychology's code of ethics, guidelines, and processes.

3.13 CONCLUSION

This chapter focused on the methods and processes that were undertaken in order to carry out the research. Semi-structured, in-depth interviews were conducted with employees who were on suspension. The data were recorded using a cellular phone instrument, and transcribed in Microsoft Word.

The following chapter, Chapter 4, reports on and discusses the results and findings of the data analysis.

Chapter 4: RESULTS

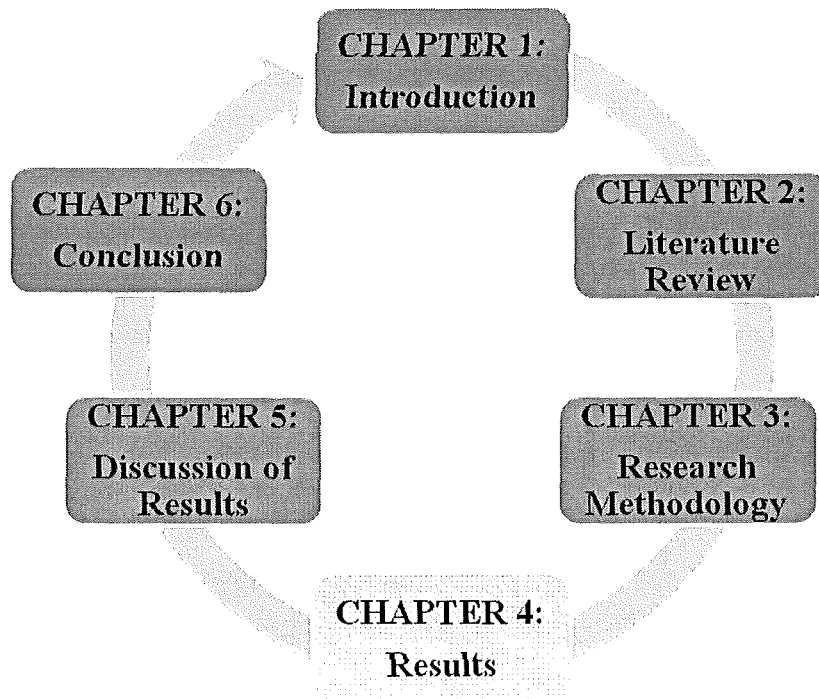


Figure 4-1: Chapter 4 in Context

4.1 INTRODUCTION

In Chapter 3, the methodology that was applied to obtain and utilise information or data from both primary and secondary sources towards attainment of the objective (see Section 1.4) of the study was outlined.

In this chapter, the focus is on the presentation of data collected through the interviews which were conducted with government officials who had been suspended. The results of the interviews are interpreted and discussed, with the necessary weighting to meeting the objectives of the study. It provides a synthesis of the responses obtained from the interviewees. In this regard, the qualitative data pertaining to how people responded to the questions are presented.

Parts of the answers or solutions to the research questions had to come from the empirical aspect of the study to create a balance and a broad basis from which suggestions would be made and a remedy would be consolidated for the problem(s) under investigation in this study.

To conduct the interviews, a schedule (see Appendix A) was constructed and used in all the interviews. The proceedings of the interviews are presented below. Note should be taken that the responses are grouped and presented in an integrated manner (as in the case of questionnaires), especially in cases where the responses were the same or similar. Only in cases where there was a significance differing of opinions that offered crucial insights into the problem under study were the responses treated individually or separated. Of course, treating such a large number of responses from the interviewees individually would have (unnecessarily) thickened the volume of this document. The interviewees were with senior managers.

4.2 IDENTIFYING STATEMENTS RELATING TO THE TOPIC

The most important part of the data analysis process involved identifying the general themes in the participants' descriptions of their experiences. The data were therefore analysed through a thematic data analysis. Significant important quotes, statements, or sentences that related to the topic and research questions were identified from the transcripts and coded (Leedy & Ormrod, 2010). During this process, the relevant information was separated from irrelevant information. This type of analysis was appropriate, as it identified general themes that were common to most of the participants.

4.3 FINDINGS IN RELATION TO THE RESEARCH QUESTIONS

The data are presented in relation to the research questions. The different data themes that were identified correspond to different parts of the research problem (Leedy & Ormrod, 2010). The research questions are discussed by presenting the data in a table indicating which participants agreed with each specific statement. Quotations from participants are presented in italics, and significant phrases are underlined. Finally, the data are analysed and discussed in relation to the literature reviewed. This section aims to provide a better understanding of the data and findings.

4.3.1 Standard of service delivery in NWPGD

This question is related to standards of service delivery in North West Provincial Government standard of service delivery.

4.3.1.1 Service delivery standard in NWPGD

This category includes perceptions relating to the service delivery standard of the provincial government.

Table 4-1: Responses relating to service delivery standards in NWPGD

Service delivery up to standard	Participants
<i>Not at all</i>	<i>P2, P3, P4, P6</i>
<i>To a certain extent</i>	<i>P3, P5</i>
<i>Yes, some of the standards that are set are met more or less 100%</i>	<i>P4</i>

In Table 4.1, it is clear that most of the participants expressed their perception that standards of service delivery in NWPGD are not up to standard, and only few indicated that the services rendered by NWPGD are up to standard or up to standard to a certain extent. A number of the quotes taken from the responses of various participants in support of their perception are presented below.

..... far as I am concerned it is not. There is a lot that could have been done had it not been for the suspension that we talk about here, and also had it not been the fact that some of the people that are leading us have no idea of what exactly we are suppose to do... (P2)

.....to a certain extent it up to standard. Challenges are there of course, which are delaying achieving of objectives on set times. They are not able to reach a good standard with new areas which requires libraries..... (P3)

...number of the standards set for service delivery by the NWPGD are not met at all... (P4)

.....not up to the expected standards.....

(P5)

The findings in relation to this research question are similar to the findings contained in the literature. The main concern is that service delivery in NWPG is not up to standard. However, the existing literature does not mention the influence low standard.

4.3.1.2 Services being rendered by the department are up to standard

This category discussed services rendered by the department.

Table 4-2: Responses relating to services rendered by the department

Services rendered by the department	Participants
<i>They are not. There is no impact study done to determine standards; no monitoring of such services.</i>	<i>P1</i>
<i>It is not always the case [quality checks].</i>	<i>P4</i>
<i>They are not. The quality of support needed is not provided.</i>	<i>P5</i>
<i>They are not. Employees believe in mediocre services.</i>	<i>P6</i>

As shown on Table 4.2, above, participants painted a picture that services being rendered by the departments are not up to standard, because of a number of reasons, including lack of monitoring of programmes. Some of the quotes by the participants include:

.....We are not, because the standard of services... if ever we would be up to standard you would leave a legacy, but in most instances service, when rendered, there is no monitoring of such services. We do not even research the impact they have made, don't even pre-research as to whatever we will be

bringing to those people will be of good essence or what they want. We do not even have risks management... (P1)

...Government sets its performance standards in the Annual Performance Plans/documents (APP). The APP contains precise information on i) what standards are to be achieved, ii) when they should be achieved, and iii) to what extent they should be achieved. This scenario sets three dimensional levels of quality checks in achievements of set standards for service delivery. For any service delivery to be up to standards would imply that all three dimensions of the standards should be fulfilled. However, this is not always the case... (P4)

.....they are not; we are dealing with dangerous inmates inside and our primary invoice is that we must keep them secure and, on the other hand, you need to comply with Chapter 2 of the Constitution of South Africa, the ones for basic rights... (P5)

.....they are not. Employees of the department believe in mediocre services and always find a way to protect themselves through politicians or unions.... (P6)

4.3.1.3 Implications of suspending employees on service delivery by NWPG

This question relates to the implications of suspensions of employees on service delivery.

Table 4-3: Implications of suspending employees on service delivery by NWPG

Implications of suspending employees on service delivery	Participants
<i>It affects self-esteem of victims [community].</i>	<i>P1, P4, P6</i>
<i>Waste of budget allocations.</i>	<i>P4, P5, P6</i>
<i>Service delivery was hampered; the organisation cannot function optimally; goals can therefore not be achieved.</i>	<i>P4, P6</i>
<i>Millions of Rands have been wasted on hearing cases instead of spending it</i>	<i>P4, P5</i>

<i>on service delivery.</i>	
<i>Enthusiasms is totally gone.</i>	<i>P2</i>
<i>Lack of continuity; service delivery gets affected as many changes happen.</i>	<i>P3</i>
<i>It has a damning effect on the overall performance of the organisation.</i>	<i>P4</i>
<i>Key deliverables are not achieved, and performance indicators are then incorrectly executed.</i>	<i>P6</i>

They[suspensions] have a negative impact. It is not only negatively affecting employees but the department as well. It impacts a lot on the job itself, with regard to service delivery....impacts a lot, and goes to the work community, the normal ordinary community, and households even to larger communities... (P1)

.....and enthusiasm is totally gone, because, in some occasions, it is not about what you have done, but somebody just wanted to put you on the side so that they can manipulate the system... You refuse, because processes are not followed, so it is devastating within government... (P2)

.....obviously the lack of continuity you're breaking something that was on course and somebody else comes in and is usually a change in strategy and the way things have been done, so, definitely, the service delivery gets to be affected by suspension...As contemplated in this way, any individual employee that would fail in doing his or her part at any given point in time or period in time would have an adverse effect on the overall performance of the organisation. We heard cries of the sagging levels of service delivery from colleagues, some who became overloaded with work, and also from the communities/beneficiaries of the services rendered by our department.....implications are that budget allocations that are meant to delivery services to our people becomes wasted on these cases as department appoints lawyers and advocates, judges, and the likes to preside on these empty cases, Millions of Rands have been wasted in our department to pursue cases that were so empty, to a point where the department voluntarily withdraw all the charges and recalled everyone back to work after two years of wasting tax payers' money... (P4)

....it's a fruitless expenditure. More especially in terms of the suspension policy. One need not to be out more than 60 days, but people will be on suspension with full pay over a year and that in itself has negative impact... (P5)

Services get delayed more, funds destined for communities are returned unspent to public coffers, key deliverables are not achieved, and performance indicators are then incorrectly executed... (P6)

4.3.1.4 Effects of suspension on the directorates

This question deals with the consequences of suspension on the directorates.

Table 4-4: Implications of suspending employees on service delivery by NWPG

Effects of suspension on the directorate	Participants
<i>Negatively</i>	<i>P1, P2, P3, P4, P5, P6</i>
<i>Poor performance</i>	<i>P3, P4, P5, P6</i>
<i>No work</i>	<i>P1</i>
<i>Low morale</i>	<i>P1</i>
<i>Under spending</i>	<i>P3</i>
<i>Quality leadership suffered</i>	<i>P4</i>

Most of the participants were in agreement that the suspension affected them negatively. In addition their suspension also led to poor performance in their directorate. Some of the quotes of the participants includes:

My suspension was very painful to me. It came out of nowhere. I remember my staff and myself crying. There was nothing that they were doing. From the moment I was suspended my directorate shut down, they didn't do anything. There was low morale absolutely nothing to be done...

(P1)

Obviously and quite negatively, these are people that I have been working with for seven and eight years at that time. There were those that were quite aware of what was happening that I was caught up in the politics of the province

(P2)

It did affect my directorate. At the time that I was suspended we had challenges of ...poor performances and under spending of conditional grants. Then I got to be suspended, but there was no progress that was registered... I have found that the programme has regressed worse because the under spending increased rather than having improved...It was approved that we had commitments; we had plans that were approved by Treasury but after that year and the years that followed, things have gone wrong drastically... that led to Treasury taking a decision to cut the funding, so there was no improvement...

(P3)

...my suspension affected my directorate a great deal. The unit I head is a strategic management unit for the entire department. For the duration that I was on suspension, there were three leaders appointed one after the other...This turned out to be chaotic. Standards dropped to a point where the strategic documents of the department did not meet or conform to the set standards. For example, in the 2013/14 financial year, the department ended up with four different versions of the Annual Performance Plan. Every Directorate or Chief directorate was implementing any of the versions they found appealing to them. It created serious problems when it came to reporting for the first quarter. I came back and was faced with this mess which took us a hell of time to rectify. It shows that the directorate suffered quality leadership, direction, stability, credibility...

(P4)

...been on suspension because of poor performance. It cannot be because poor performance goes hand in hand with remedial action...

(P5)

My suspension affected the entire department, because it was the first time the department received a qualified audit from the AG. Funds are not spent, and morale of staff is currently at an all time low. Many issues were incorrectly implemented and corrective measures will now have to be taken. This may result in many more people to be called to account for their omissions or inefficiencies...

(P6)

4.3.1.5 This answer related to obstacles to performance

This questions related to whether the participants viewed themselves as an obstacle to performance.

Table 4-5: Responses relating to performance as an obstacle

Factors for performance as an obstacle	Participants
<i>Not an obstacle</i>	<i>P1, P4</i>

The respondents did not view themselves as an obstacle to performance. Some of the direct quotes included:

I was never an obstacle, and I will never be an obstacle, because I delegate... (P1)

I was no obstacle in the performance of neither the directorate nor the department. The example I have given in my previous statement shows it all. This level of poor performance is something that never happened in my duration of active service in government... (P4)

With regard to being an obstacle to performance, we do have incompatibility grounds and it means that, even if you are working well your relationship with your fellow people is not good, so your being within the system is not advisable; they will have to take you out, but due to delivery, they have the right to dismiss you on incompatibility grounds... (P5)

4.3.1.6 Overall performance of the department before employee suspension

This question relates to overall performance of the department before and after employees was suspended.

Table 4-6: Responses relating to the overall performance of the department before employees were suspended

The overall performance of the department before employees suspension	Participants
<i>Performance not good during suspensions</i>	<i>P3, P4, P6</i>
<i>Improvements in performance after suspension were called off</i>	<i>P1, P3, P5</i>
<i>Better performance prior to suspensions</i>	<i>P1, P2</i>

Most of the participants indicated that performance was not good during suspension and that improvements in performance after suspension were dismissed. Some of the direct quotes included:

The overall performance of the department if coming to allocating percentages, I would say 60% for performance. Just after the suspensions, the performance of department went to 30%, because people didn't want to work. We are back at work, talking about my directorate; these people have been demoralised; the energy wouldn't just abruptly pick up, but the graph is consistently going up, and there is mentoring and motivation... (P1)

The department generally, as a whole, could have been doing much better if there were no changes of leadership, head of departments and all this suspensions... (P2)

In that year that I was suspended, the performance was not good but, as I indicated in my earlier response, there were supporting documents on how we were not able to achieve our objective, and there were motivations that were made. The performance of the department is supposed to improve but, you know, when you come back, I came back in May, some of the things were already in place, like the APP and everything. So it's a bit hectic, because some of the systems were not really up and running the way I would have done it if I would have been given the opportunity to correct whatever

was there. There are still barriers which are affecting the progress in terms of implementing the programmes; for instance, you find that there are new things in place that you do not necessarily fit in the issues of delegations of the financial delegations, which I feel like they did not necessarily improve the situation in the department. I can indicate that I believe there is improvement, but unfortunately I am not the only person who can make it possible there is a lot of role players like the Human Resource Unit, Supply Chain, who are responsible for procurements and tenders. So the role players are still working on a system on how do all of us play a role and improve... (P3)

.....the performance of the department sagged drastically during the time that we were put at home. It needs to be stated that the department has generally been not performing optimally over the years, but just as it was picking up, then we were suspended (refer to the statistics provided in response to Question 1, above, in this regard). This situation led to worse performing levels of the department ever recorded so far... (P4)

I have experienced people those who were suspended and, on their bouncing back, they are coming up with oomph to can prove that they are indeed an asset within the system. They even go extra mile in proving that, yes, there was a gap, and without them you cannot survive. They have proven their point, and automatically the quality will improve, and also that motivates those who were demoralised as an individual. We do have people who follow leaders like a role model...was inspiration to them on their return to work, and see that there is a positive...despite being subjected to unfair suspension...their spirit was going down because of that arbitrary action from the management; when they see you coming back and delivering, it also motivates them it become a team working approach everybody fighting working hands on in the delivery of services. I believe the people being returned back to the posts does have a great influence to the others, and even some if they know that they have been suspected of certain things, they have that belief that justice should be done to them; they continue working, rendering what is expect of them. The quality improves... (P5)

I was suspended in Q2 of the last financial year, and the departmental spending was at 49% where the expected expenditure was 50%. The department was 1% behind and the current position (a year later – Q3 of the next financial year) is that the department has spent 42% of its budget and it's

supposed to be at 75%. Performance targets have not been reached and catch up plans will have to be developed to spend the remaining 58% in two months!... (P6)

4.3.1.7 Employers' adherence to labour relations practices in suspending and disciplining employees in the NWPGD

This question relates to the accurate application of labour practices in suspending and disciplining employees in the NWPGD by employees.

Table 4-7: Employers' adherence to labour relations practices in suspending and disciplining employees in the NWPGD

Employers' adherence to labour relations practices in suspending and disciplining employees in the NWPGD	Participants
<i>Cases are withdrawn</i>	<i>P1, P3, P4</i>
<i>Not accurate</i>	<i>P1, P6</i>
<i>Influenced</i>	<i>P1, P5</i>
<i>Not following labour relations rules</i>	<i>P2, P3</i>

Most of the participants indicated that their case was withdrawn. Some of the comments included:

It absolutely not accurate, I am a victim I know. I know that my suspension was a witch hunt that failed, and unfortunately this kind of a witch hunt is happening still now beyond my return; withdrawal of the so called charges but I have learnt that silent diplomacy is a winner, and that is what I am doing. My charges have been unconditionally withdrawn; there is no compensation; no nothing, but just withdrawn. There just things that were thrown at our throats, and we just had to swallow, and when we refused, we were wrong... (P1)

This department is quite rotten. In 2008 the then Premier commissioned a task team led by one of the top managers to lead labour relations issues, particularly looking into the dysfunction of labour relations. I demanded a report for my suspension, what was found is that the department is not doing well at all in terms of labour relations issues that could have been resolved and were not resolved. We have a lot of people that have been writing grievances and lodging grievances but they were never attended to. Some of my staff has been writing for the ten years...and I told my supervisor to get the thing started but it has been impossible. It is very easy for people to accuse you of something, but the proving it is something else. Department is not doing its work in terms of disciplinary hearings... (P2)

I don't know if it is North West or particularly our department. I do not think that the processes are correct. If it was like that, they would, at the end of two years, find that there is no reason for my suspension, and the case has to be withdrawn. As you can see, they are basically losing the cases because someone who was even fired is then brought back. In terms of the time that they take to investigate the allegations, it is more than what is stipulated in the law. Again, they were not in a position to produce evidence. If you charge people, you must have proof... (P3)

Speaking from my experience regarding my suspension, the employer is selective in the application of the labour relations regulations or practices. The employer chooses what is beneficial to it and ignores that which would be of benefit to the employees. There is no due diligence in the approach that the employer takes on labour relations practices. For example, rules and regulations for labour relations in the SMS Handbook stipulates that unless an employee who is suspended is a legal practitioner, the employer should not use legal practitioners for the disciplinary procedures. Rather, a more senior employee to the one suspended should be appointed to chair the disciplinary procedure and recommend actions to be taken. The employer disregards this provision, and appoints magistrates or advocates chairing internal disciplinary proceedings. As if this is not wrong enough, the employer spends large amounts of money in payment of claims for the legal chairs and initiators – sometimes in millions of Rands. This kind of behaviour by the employer does violate the rights of employees, the rights of beneficiaries of services to be rendered by government, and tax payers' rights. As such, it is highly unacceptable. (P4)

The employer has no respect for the labour relations procedure with regard to dates. What I mean is that I was served a letter of precautionary suspension, and had to explain why I should not be suspended. I was given less than two days to respond, and within two days of responding, I was issued a suspension letter. On the same day I was issued a letter of suspension, before I could pack my bags and leave, a letter with charges against me by the employer was served on me. This all happened on a Thursday afternoon – 16 November 2011. In the letter with charges, I was ordered to appear before a disciplinary committee on the Monday, being 21 November 2011 – to be chaired by a magistrate and a lawyer as an initiator for the department. The employer also stated in the same letter that I am allowed to appoint a legal practitioner to represent me at the hearings. Though this is but one example, you can just see for yourself as a labour relations student what gross disregard of labour relations regulations or practices the employer displays. This further signals the ill intentions of the employer right from the start of the case; the employer places the employees on the back foot, – disadvantaging employees in order to mess up their livelihoods...

(P4)

Some are influenced; there is a present case where the person reported for duty few days ago. She was on suspension, and then I assisted. Looking at the grounds for suspension it was not fair more especially that HOD of that particular department gave us a version that what she was told was not what is contained on our submission. People with evil intentions will feed the one in authority with wrong information, and the one in authority, instead of rectifying the facts because before you go on suspension or you are suspended, you must be given the opportunity to indicate why you are not supposed to be suspended and after submitting reasons or grounds, and after, then they will analyse what you have submitted, alternately they will say whether you are on suspension or not. The one in authority will decide. What they are doing is they are overriding on where you submitting grounds where you are not suppose to be suspended. Because of hate influence by another person giving them false reports. Now the solution is supposes to be that the principle for legality be the judging scale, that you be given the opportunity to submit and alternately making informed decisions so decisions are being taken haphazardly...

(P5)

Very inaccurately interpreted and implemented; procedurally and substantively unfair... (P6)

4.3.1.8 Fairness in carrying out investigations and disciplinary hearings by DC

This research question relates to fairness in carrying out investigations and disciplinary hearings by DC

Table 4-8: Responses relating to fairness in carrying out investigations and disciplinary hearings by DC

Fairness in carrying out investigations and disciplinary hearings by DC	Participants
<i>They were not fair. They had pre-conditioned beliefs against employees.</i>	<i>P1, P2, P4, P5</i>
<i>They have pre-conceived decisions and a mandate to fire employees.</i>	<i>P1, P2, P4, P5</i>
<i>No hearing after being suspended for a long time.</i>	<i>P3, P6</i>
<i>It was a brutal process, a witch hunt, the cruellest thing that ever happened to me.</i>	<i>P4, P1</i>
<i>At least the chairperson that was handling my case was fair.</i>	<i>P2</i>
<i>I felt the process was not clear, and I had to take a lawyer to protect myself. Postponement of cases without a reason.</i>	<i>P3</i>
<i>I appeared at two hearing sessions that never sat.</i>	<i>P3</i>
<i>Unfairly dismissed.</i>	<i>P5</i>

The majority of the respondents felt that the investigations and disciplinary hearings were not fair and pre-conditioned. Some of the quotes included:

They were not fair at all. Like I said, it was a witch hunt. I remember, during one of the court hearings, this guy lied through his teeth and even laughed. In those hearings, people came with pre-

conditioned questions, beliefs, and other things. It was the cruellest thing that ever happened, but God is a winner; it was absolutely not fair, unprofessional, and illegal. After I received charges, I was content, I was sworn at and accused of forging signatures. I was ill-treated, demeaned and so much castigated... (P1)

The guy who was sent in my case had pre-conceived ideas. At some stage, the prosecutor, who is called the departmental representative, he was saying by that time that the then HOD has mandated him to demand that I get fired from the department. It is on record, that what actually he has said. The HOD had said he does not have trust in me. The chair was very fair... (P2)

The funny part of it is that I really didn't get to a point where I had a hearing, so is difficult for me to say that was fair. I never went to a disciplinary hearing; it failed from the onset because of the failure of the department to submit supporting documents, which were supposed to allow us to continue with the hearing. The other part which I was not happy about is that my charges were two faced. There were first charges which were dismissed for the reason which were known to the department; then, when I was called back in the following day, I was given the second set of charges, which indicated that I was supposed to get a lawyer, but I felt that the process was not clear, that is why I had to protect myself and get a lawyer. After getting a lawyer, we came for the hearing, and it did not sit because the chairperson was not there. It was postponed with the lawyers of the department present and my lawyer, where they agreed and set sort of a programme, things that needed to be provided by one another were discussed in the meeting and they were agreed upon as well as dates, but the lawyer of the department was not able to reply, hence the date the hearing was supposed to take place. I think it was after a month or so; they were supposed then to be a two day hearing. It could not continue because they were not able to provide my lawyer with the responses that were required...we were called again from nowhere to say that there is going to be a hearing. I came to the department. There was confusion. People started to say there can't be a hearing, and eventually that hearing was called off. We could not even sit for the hearing because, at that time, they had indicated that the MEC issued an instruction that hearings should be suspended indefinitely, but at the same time, the lawyers of the department called us without confirming with the department. I only came to two hearings that never sat. The cost for me was worse. My lawyer, if he comes, I must pay, but

fortunately with the second one they had to pay, because they were at fault...

(P3)

Never. They were 98% unfair. They had indicated through informal discussions, like during tea breaks, that the employer had given them the mandate to fire us. So they were embarked on strategies to fire us, but at the same time, they were declaring that we did not do anything wrong that warranted disciplinary actions. During the course of the hearing, one could notice from the rulings being made by the chair that there was a predetermined outcome, and any means to arrive there was most welcomed. Any possible means was explored – even to persuade our representatives to concede towards getting rid of us. It was brutal. God is the only one who turned the tables in our favour, because he is a just judge, and knowing that we never did anything that warranted the torture we were subjected to, He then rescued us from the den of lions like He did deliver Daniel in the Bible...

(P4)

...they were not. What happened there some commission of advocates investigated allegations that were levelled against me whilst I was the Head of Rooigrond Maximum Prison, still on suspension.

They investigated and after the findings found that I did nothing wrong. Then the department formulated another task team coining their terms of reference the other way around than those of the first, in order for me not to raise the objections this matter was dealt, but the specific intention was to dig and check allegations in a different manner, but having it in a same manner as like the previous one, but by virtue of authority of the management, the task team also indicated that I was not at fault.

Alternately, one person with a mandate from the Commissioner's Officer came up with a different report ...that led to me being charged for 42 counts; ...I went through the trial almost for nine months...and, subsequently, I was dismissed. I was dismissed on one count of which I was found guilty... horrible, because, when you apply Section 98 of Correctional Service Act No 111 of 1998, it gave me authority to grant inmates the compassionate leave. If one of the family passes away and his behaviour in general was good, there are forms that were supposed to be completed from the Office of Social Works, Psychologists, and Educationalist; they should be completed accordingly, and mine was approved with the motivations and the recommendations, but what they overlooked was the processes which were correctly followed, and with powers that were vested upon me, but they found me guilty, and I was dismissed. Sometimes you are being targeted because of questioning and attaining to the principle of fairness. The manner in which you approach and deal with certain cases

there is no fairness on executing and you must quantify to prove that now all along it seems like *I have been targeted*. The hearing was not fairly done. (P4)

4.3.1.9 Preparations to answer charges

This research question relates to sufficiency of information provision to suspended employees to the charges of misconduct or poor performance levelled against them.

Table 4-9: Responses relating to provision of information to answer charges

Provision of information to answer charges	Participants
<i>Not given enough information.</i>	<i>P1; P4</i>
<i>I was given information.</i>	<i>P2; P5</i>
<i>Nothing, hence hearing could not continue as department had absolutely nothing to support the allegations.</i>	<i>P3; P6</i>
<i>Not at all, insufficient documentation was provided.</i>	<i>P1</i>
<i>Given insufficient time to answer.</i>	<i>P1</i>

The responses varied between given sufficient information and not. Some of the quotes included:

Not at all. I was given my suspension letter on the 17th of November 2011, which was a Thursday. I remember vividly and I was informed that my case was on the following Monday. I only had one day to prepare myself. They didn't even care if I had representation because they had their lawyers. I didn't have money. I didn't do anything so I went to the union and thanks to them for their assistance. We were flushed, we had no power, and we were reduced to nothing. When I talk castigation, we were seriously castigated, seriously demeaned, seriously made to feel that we were nothing or nobodies. Sometimes, it was myself having to represent one of my colleagues, and all we could do with the guidance we got was from the Man upstairs..... (P1)

No, there was nothing; hence, the hearing could not continue. There was absolutely nothing to support the department's allegations. (P3)

However, having said that, my answer to your question is a "no," The information given was not sufficient. We asked for additional information, which some never came forth. We were compelled to use what was given us to prepare for the cases – under the pretext that they were not going to ask anything outside the streamlined documents given to us. (P4)

Yes, although presently, where I am, there is an intention of trying to discipline me, and reasons being that I didn't attend to other person that automatically implies poor performance. They don't consider the total work load and catering to more than 2000 people, and in a month we having 22 days to perform. Previous years, until last year November, I was even able to work on Saturdays and Sunday in order to cover people those who need our services. Immediately after raising this argument of not been remunerated correctly, they started to formulate agendas with starting to get rid of me; hence, the element of wanting to charge me for not attending to other people, failing to look at my obligation pertaining to time. The Basic Condition of Employment Act though indicates how many hours I am supposed to work, and I am working extra, more than that. In 99% of my cases the results are positive. I have just received one case, and what I did, I attended to the shop steward telephonically during the weekend on the approach on how to deal with the matter. The person has been found guilty, and three months suspension without pay. Now it is my duties to see how we are going to defend the poor person inspired the fact that it was not me who was not personally defending him. Now I am having the ground of the minutes and upon my arrival at home, I am going to deal with the matter and tomorrow it will be typed. That is how I operate. I don't have time for my family and myself and those I am serving are not able to see that they want results but do not look at the job content. Typical example: I was on vacation leave, but on the 06th January I had to report for duty to prepare for Labour Court, which was on the 07th January in Bloemfontein. Whether I am officially off duty, I will avail myself. They disregard those things and they don't consider them. Now the unfairness is very high, but that does not retard one's passion in executing his job, because I

am employed by them, but I am serving innocent people, so innocent souls are not supposed to suffer. (P5)

4.3.1.10 Involvement of representatives in development of rules and procedures

This research question relates to involvement of representatives (lawyers and unions) in the development of rules and procedures.

Table 4-10: Responses relating to involvement of representatives in the development of rules and procedures

Responses relating to involvement of representatives in the development of rules and procedures	Participants
No	P1; P4; P6
Yes	P3; P4; P5

The respondents experienced that representatives were either involved or not in the development of rules and procedures. Some of the quotes included:

My rights were never ever observed. We felt out cast; we were presented as pandemic, but like I am saying, who knows that God seriously wanted space with us, and I took it as that. I was even approached at some stage that I want to plead guilty and then I will receive a minor sentence, and I heard myself telling that lawyer of them that I will never do that. I told him that God knows and the truth shall prevail. He said to me that: “I know you did not do anything wrong and let me give you an example of someone driving on the road: you will give a way to somebody on the road and drive on the yellow line and whilst you are driving on the yellow line to let this person pass the police can come in and arrest you for driving on the yellow line even if you were doing a good thing of giving this person a courtesy”. I said, Oh is that how you read it? I am not the one the yellow line I think I am the one who has been shifted to drive on the correct path because I am never out of my path and out of my bounds. We were not even given documents to argue or proof or portfolio of evidence. (P1)

Before the case starts, there is pre-trial conference. That is where we looked into what is going to happen. I carried the case on my own. I had a guy from the union who sometimes would disappear and did not attend some of the cases. Sometimes I wish I could sue them. (P2).

Initially, the lawyer was not allowed, but being a lawyer and understanding the law, he submitted that there is no way they can deny me a representation because in as much as they were saying it's an internal disciplinary hearing, the department had lawyers. If it was an internal hearing, I would have expected that it would be something that was to be done by Labour Relations, not by the law firm which was representing the department. In the first meeting that we set with them, he was also able to indicate what we expect of the hearing, so between the lawyers there was an agreement on what was supposed to happen. We need to look at the intentions of government whether it is to discipline or find a fault. (P3)

No and yes. No, in the sense that, they were not allowed to participate in the key rules and procedures for the hearings as most were predetermined by the employer and disciplinary committee members. Yes, in the sense that, on the trivial in-hearing rules, like who should talk first, as well as deciding on dates for subsequent hearings sessions, my representatives would be allowed to participate for an agreement. (P4)

Let's look at the Resolution 1 of 2003, which is used within the public sector. It's a collective agreement whereby different stakeholders I am referring now to unions. Resolution been done or compiled by two parties, but its employer and unions, after the finalisation of collective agreement it will be signed. Now, pertaining the question, I will say yes, unions are in the development of process and procedure of misconducts or complaints procedure unions are involved. It also does not take away the right to submit proposals where we find that collective agreement or resolution that was raised it disadvantage in terms of constitutionality. You are able to submit and motivate and the resolution can be amended in order to be humanly. The dangerous aspects are only coming to the application. That is where the challenge is. Some of the clauses do have grey area so during the proceedings, when we raise points in lamina that you don't have jurisdiction, or your interpretation is not according to what you agreed upon it becomes a challenge whereby the employer will say we

cannot stop the proceedings whilst we refer the matter to the SGBC for them to come with a clear understanding of the clear interpretation of this resolution. The employer and the unions will see from their different sides or point, and it might become a problem and then now it will prolong the hearing. Suspension is horrible; I will strongly recommend that instead of suspending a person you rather transfer a person to another institution. You would have saved the tax payers money, and you would have saved the quality of service delivery, because those two are important. When you are transferred to another institution, you are having inherent fundamental rights. Your dignity counts, and we differ in going through the storm. Other people, when suspended, resort to taking liquor, and this affects families and the community at large. That's why we having a country that has many social challenges. Horizontal transfer could be recommended while you wait to answer.

(P5)

4.3.1.11 Responses relating to observation of the rights of suspended employees

This research question relates to the observation of the rights of suspended employees by the employer during the suspension process and hearing sessions.

Table 4-11: Responses relating to the observation of the rights of suspended employees

Observation of the rights of suspended employees by the employer during suspension process and hearing sessions	Participants
<i>No, rights of employees were never observed.</i>	<i>P1; P3; P4</i>

The participants were in agreements that the rights of employees were never observed. Some of the quotes included:

My rights were never observed because I was basically never asked to plead; if I was pleading guilty or innocent and I am told that is a procedure. Until today, I was never ask to plead. There is no record of that in my life; I never heard of it, and they never asked me, because I gave it to my Lord. Probably, *they had already cut my neck off.* because I heard that the so called boss said we will never come back.

(P1)

I was suspended as a sanction not precautionary so some of the questions do not apply to me...

(P2)

For sure, the right of the employees somehow get to be affected. I will give you an example; in this department, there is a policy on cellular phones. The policy on cellular phones does not say, "You are claiming for calls that you have made." It gives an allowance. Allowance for a director, before I left, was R800, and now it has increased to R900. So, when you claim you claim, that money only it sought of claim that amount. Whether it exceeds and if it is lower than R900, you have to claim the exact amount on the billing. When it is higher, you are limited to R900. When we were on suspension, we were told you can only claim for contract fee, so in that way, I felt like I don't think this is a fair deal, because it is a cellular phone allowance. It means now that my cellular phone allowance has been taken away from me.

(P4)

Not at all. The employer actually disregards the rules and regulations that are set to provide for the rights of the employees. Some had to go to court in order to get justice after the awful decisions by the employer against them during the hearing process. The worst of it all was the employer's refusal to honour the ruling of the court in cases where the employer made wrong and unlawful decisions.

(P5)

4.3.1.12 Processing of disciplinary matters without unreasonable delays

This research question relates to the duration of the disciplinary matter.

Table 4-12: Responses relating to the variable of carrying out disciplinary processes without delays

Responses relating to the processing of disciplinary matters without unreasonable delays	Participants
<i>Cases took long.</i>	<i>P1; P2; P4</i>

Participants were of the opinion that disciplinary cases took too long. Some of the quotes included:

..it took 18 months. Tell me if ever it was reasonable. It was a comedy of errors; procedure of errors. When we were to start waiting for documents, literally until 18:00, nobody arrived with them, but the next thing there was a signature on those things giving a name, and then when we asked that people should prove they didn't, and we were harassed that we had hidden those people. That time, even our union that we trusted and confided in became our enemy too...

(P1)

It was delayed. It took almost a year. There was delay on my part, because of the documents that they were refusing to give to me. They told me that those documents were confidential, and I said, no it's about my case, and I told them that I am not continuing 'till I get those documents...

(P2)

The delay was overwhelming, so, basically, there was no respect for time. The disciplinary matter was delayed more than it was necessary.

(P3)

There was no such a thing. The case, as it started so firm, as if it would be finalised at one sitting, ended up being dragged for 17 months without any finality, until the cases were summarily withdrawn by the employer.

(P4)

It took about nine months. They were bringing even bringing a lot of unnecessary witnesses. When they come for cross examination to confirm their version, they will go again and dig someone else.

They deafen to Resolution 1 of 2006. It deals with the department where I was before I was dismissed. That resolution is so great, it has timeframes, Clause 7.3.2 of Resolution 1 of 2006, it does have timeframes. It clear indicates that, immediately after the finality of investigation because investigation, must be conducted, and once on suspension, be transferred somewhere else in order not to hamper with the investigation proceedings, and after they have finalised it, you will be now served with the charge from the authority, and within ten days you must be charged with charge sheet, and from the date on which you were given the charge sheet, the case must go for a period of 60 days, and must be finalised. If there is complexity within the case, they must be table by virtue of ABCD. Now Resolution 1 of 2006 says if you were not charged within 60 days after finalisation of

the case, you must be cleared of any wrong, because the employer waived his right to charge you in terms of Resolution 1 of 2006. After four months, we don't talk over that prosecution is going to stop. (P4)

Now, with regard to Resolution 1 of 2003, which covers the majority of the workforce, almost 90% of the public service, it's horrible, because of the grey area. It only indicates that you must be served within seven days but it does not cover how long the case must be, that is why we are having one of the decided cases: PSA behalf of Bawa vs. Department of Social Services and Population Development. It deals with when you are supposed to finalise the disciplinary hearing. If there is cause of delay, grounds must be submitted. The employers do have onus lays upon him to advance tangible reasons why the case was not finalised within the estimated period. Now, here the judge ruled in favour of employee that the delay was gross. You need to deal with the case as quick as possible, within the reasonable of time, because the intention of disciplinary hearing is to correct, and it must be progressive. Now, if you take time, how are you going to correct the delaying things intentionally or having finalised the investigation. Today, you will remain for two years before charging a person. If the person starts to ask certain things you are saying that, don't forget, you hold the person at gun point. Resolution 1 of 2003 does not cover innocent people. Now, this decided case, it gives a relief, whereby now we refer to it. With disciplinary procedure, I feel like there must be correction. There is no fairness. The department will have its time to prepare its case, witness, and to use state resources in compiling charges the person who has been charged, you would be given access to the machinery resources, and when you are trying to get your witness, mind you, it must be a fair game. You must also be given opportunity to consult with you witness, and when you do so, it must be at your own time, not the employers time but they are using the time to prepare things against you. The balancing thereof is not fair. When you go there, the person is not there, been place somewhere; you will suffer in getting a person who will come to testify. The resolution is suicidal its used even now is the one in force. When people are been charged, they use it...

(P5)

Delayed for a year with no hearing. I am, thus, back on duty.

(P6)

4.3.1.13 Effects of suspension and disciplinary hearing on suspended officials

This research question relates to how suspension and disciplinary hearings affect employees' livelihood.

Table 4-13: Responses relating to the effects of suspension and disciplinary hearing on suspended officials

Effect of suspension and disciplinary hearings	Participants
<i>Affected health</i>	<i>P1; P2; P3; P4; P5; P6</i>
<i>Affected career</i>	<i>P1; P2; P3; P4; P5</i>
<i>Affected family</i>	<i>P1; P2; P3; P4; P5</i>
<i>Affected finance</i>	<i>P1; P2; P3; P4; P6</i>

Most of the participants indicated that the suspension affected their health, career, family and finance. Some of the quotes included:

That thing affected me. You see, now that you are interviewing me at home, it's now hurting. The minute we were called back, that is when it started to hit. *I got sick*. I wanted to cry; I could not cry. Career wise, *I lost two posts* that I should have been appointed in, because of the pending suspension during that period. Family wise, *yes, my mother, my aunts, my whole family were asking themselves that they have raised me a better person. How could I demean their surname to be a thief? And I was interrogated by my parents as to where did I hide the money?* People talked about me at Pick n Pays and malls; I was pointed a finger at. My photo was the only one published in the news paper. People loved it and the 60 Million headlines were put next to it. Financially, yes, *my cell phone claims were disapproved*. It affected my career path and financial status, as in promotions. I am still earning a salary of an entry level Director, as it is now after nine years. I am still at R771 Notch. I was not assessed; my performance agreement was not signed. Over and above this suspension, this department has put me through so much hell and pain. *It has affected my SARS issues in terms of travelling, and I have to be accountable for the money on me. My leave days - HR even today does*

not want to pay, they do not care. We were promised some counselling and other things that have not happened. My dignity and other colleagues' dignity have been compromised...

(P1)

My suspension was accompanied by three months without pay. I paid monies for my lawyer even though it was not a lot but the worst for me was three months without pay. I pay R14 000 a month for the bond of my house. I had to go to my investments and insurances. In terms of emotion, it affected my family quite a lot, and me. If I were younger I could have moved on with my life. Nobody wants to employ a 62 year old now. Health: It affected me. I have been in worse situations in my life; I lived in the bush, guns pointed at me. I was not affected as I was because what I did I knew there was a reason then here. You serve this government diligently and you might not be performing to your best of your ability, and then you get all this kind of treatment.

(P2)

Health: In terms of health, because you worry a lot you get to wonder if you are still OK healthy. For the first time in my life, I consulted a psychologist because I wanted to make sure that I am OK. I have never been to a service of psychology. Career: Definitely, you get to be left behind, and I realised, when I got here, that there was major change in the library services; that there was a guideline from Treasury, for instance, library material that have now been declared assets. We were far behind as a province; I had to catch up with colleagues from other provinces who have made good progress. I used the time effectively to finish the Post Diploma in Archives, but there are things which are work related that you get to be left behind. There are lots of development areas which you get to be left behind with. You come back, and you will still be using the old system and you realise that now things have changed like you find that there were B5 that were introduced. You have to catch up. I did not even bother putting my application somewhere else so that I could tell them I am on suspension. People were like: "Maybe you must apply for another job," then I asked them if I put an application, do I lie? I can't give a CV and say I am employed by the department, whereas, for 6 months or almost a year, I am on suspension. It becomes very difficult. I was able to apply when I got back to work. I do not think it will be possible to apply for a job while on suspension. (P3)

Family: You have kids and husband. With children, I felt very bad for them that they had to live with a mother who is home. They have friend they have to explain to them why the mother is home. It is

really not a good thing. I believe the people who were suffering most were my parents. My parents are not educated. They had to try and figure out that. "Is it possible that she could have done something like that?" Because of their level of education, you have to explain to them what suspension is. There is lot of fraud in government. I could see what goes in their mind is, they hope I did not do something wrong. I believe my parents suffered more than I did, and I felt very sorry for them. My level of understanding is better. My siblings, brothers, and sisters were OK even they level of understanding. The stigma gets to be there because now you have to explain to your neighbours why you are home every day. You have to explain to your helper in the house why you are home, because, all of a sudden, you no longer go to work. There is a change in your life style; you basically need to find a way of explaining to people, because other people want to know. Is not everybody who will say good things about you. It's always the question of *What have you done?* You go to family gatherings or meetings; they ask you "How is work?" You have to lie and tell them work is fine. (P3)

Financially: Lawyers don't come cheap, and they want their money upfront, so what I had to do is to balance between. Unfortunately, my children, one is at varsity, and it's a bit expensive, and the other one is going to International School of South Africa, so I had to find a way to balance. Paying for their fees and still finding money to pay my lawyer and make sure that I pay up front, so that at the time we are called for the hearing, then I am ready. You also sit with a fear that you think you will run out of money. You are driving a financed car which you are not driving, I am waiting to see how SARS outcome are on me. I am even scared to check. (P3)

I took the department on. My lawyer advised me to claim for unfair suspension, and that was awarded. I believe for so long as we still have bargaining council we must use such opportunities, but the problem is sometime we stay 'till late; it must be done within a certain period. I was able to put a bargain for three months' salary but is not enough, because portion of it goes to lawyers. (P3)

The suspension impacted very negatively on my life in a number of ways including but not limited to the following:

- a) During the 17 months period of suspension, I had been to the doctor four times in total. I am normally a person who doesn't fall sick so frequently. This stigma of suspension and all false

accusations levelled against one does have drastic effect on one's health. In all four instances the medical diagnoses were stress related. This kind of stress can kill one silently. The cost implications for undue treatment that the employer puts employees under and without compensation.

- b) All avenues of furthering my career were virtually blocked. Blocked in the sense that I had made moves to leave the department and get another job, and in all the attempts I was not appointed to those positions I had applied for – even though I was called for interviews – because my employer informed the prospective employers that there were charges preferred against me so they should not appoint me. This was actually devastating, especially the fact that these were promotional positions in the private sector.
- c) The suspension was very disturbing to the family and all who loved me dearly. Waking up daily and not going to work for 17 months, unlike it used to be prior to the suspension, was very unpleasant and unbearable. One should better not talk at length about this aspect of how suspension impacted on it.
- d) Financial implication was huge as well, though I was put at home with pay only the monthly salary. There were all other benefits such as cell-phone, travel etcetera which had ceased. Also, we had to employ the services of legal practitioners to defend your case; you spend a lot of money on travelling to attend hearings and to consult with your legal representatives, without being refunded for the expenses. You also lose out on other opportunities that need finances, as you put in all your money on fighting the never ending battle of false accusations forged on your person. (P4)

I will start with this good one of finance. When you are on suspension you will only get your salary and the medical scheme, but overtime is out, because we Africans, the unemployed rate is high within our country, and it's our obligation as a person, because we are all created in the image of God. If one of your uncles or brothers is not employed, you are duty bound to see to it that the basic needs are covered. Pertaining to health, looking into finance and health, and without finance you can't think proper you are instead of getting to bed and rest you can't. You are dead alive. (P5)

Family becomes dislocated. Some family don't have that warmth. Salary of the one on suspension will be abused. I am saying this from the practical point of view; I didn't go to that point. Now, if you abuse the little salary that you get, the family suffers and dislocate, and from that situation.

People try now to survive by other means that are not legal, because of the one who is responsible to cater is no longer having a head. Suspension is not good. (P5)

Pertaining to career, your suspension letter is placed on file. There is nowhere it says it will be removed after some time or you have been cleared. It remains in your file. Sometimes, there are certain posts which need an accountable person and you find that you having two candidates on equal footing whereby now we need to take one, and one must fall. After looking at their interview submissions and how they view and intend to come with new fresh ideas in the system they are on equal footing. We now need to dig now on their file or history, and you find another one with this dent. You find that one was suspended, and it tampers with element of trust. Was he technically not found guilty or what happened? You are a human being, and they have to allow you to think, and the other one, the file is clean. The one with a clean record and no suspension, no leave without pay, that is the particular person who will be given the post. When you apply for posts wanting to move away from the institution where you are, they will dig your history and it will give an image that you are running away from the people that know you that you are not honest. They won't take you. The reason will come where they ask themselves why you shifted from the department, even if you say you want to go to meet new challenges, it still leaves you with a mark that you are not innocent. On the career you are doomed... (P5)

4.4 CONCLUSION

In this chapter, the results of the interviews were presented verbatim, as collected from participants. To conclude the information presented in the preceding section, the results of the analysis of suspensions, grievance procedures, as well as the effects thereof on service delivery can be summarised as follows:

- Suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly.
- The analysis established that departments do not apply the disciplinary framework consistently, and do not treat the process with the appropriate level of seriousness.
- This equally applies to managers, human resource departments, and labour relations practitioners, who have to support employees in a guiding and advisory capacity.

The data are interpreted and discussed in Chapter 5.

Chapter 5:DISCUSSION OF RESULTS

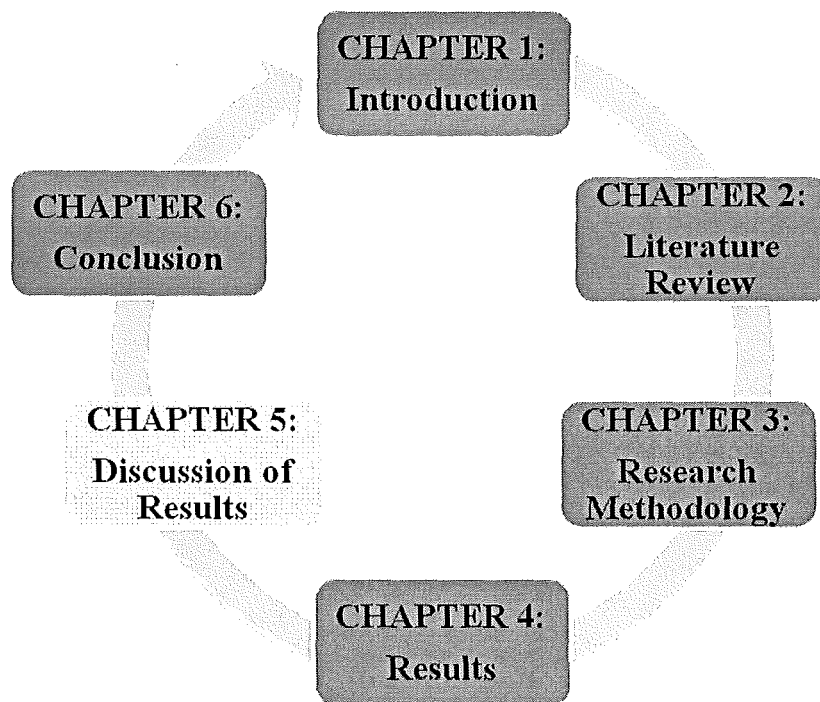


Figure 5-1: Chapter 5 in Context

5.1 INTRODUCTION

This chapter presents the discussion and interpretation of the results that were presented in Chapter 4. As stated in the purpose and statement of the study, this qualitative study aimed to investigate suspensions and the grievance procedure of provincial government officials and the impact thereof on service delivery in the North West Province. From the main research objective the following specific research objectives were formulated.

- To determine whether or not service delivery by North West Provincial Government Departments is in line with the set targets;
- To determine the implication of the suspension of employees on service delivery by Provincial Government Departments in the North West Province;

- To determine how accurate by the employer is applying labour relations practices in suspending and disciplining employees in the North West Provincial Government Departments; and
- To determine whether or not the rights of suspended employees are being observed by the employer, both during the suspension process and in the hearing sessions.

Next, the results of the research are discussed per research objective.

5.1.1 Research Objective 1: To determine whether or not service delivery by North West Provincial Government Departments is in line with the set targets.

The results of the interviews conducted with six senior officials who had been on suspension in the NWPG Departments revealed very clearly that service delivery by the NWPG departments is not achieving all the set targets. This is the position taken by the Public Service Commission in their management report on precautionary suspensions in the public service (2011:12). Also, the opinions generated from the interviews were in line with the fact that, in terms of suspended officials or suspensions in general, it does not do any justice to service delivery in the province. One of the respondents emphasised that there is a lot that could have been done, had it not been for the suspension that we have talked about here, and also, had it not been for the fact that some of the people that are leading us have no idea of what exactly they are supposed to do.

According to the respondents, to a certain extent, the service is up to standard, this is a picture painted in the annual report (2012/2013) although challenges are there, of course, which are delaying achieving of objectives on time. This also is evident from the budget expenditure of the provincial departments, because all departments, at the end of every financial year, report under-expenditure of budget allocated to them for service delivery. The fact that part of the budget is spent – (in simplistic value) denotes that some services were delivered, whilst the unspent budget signifies the opposite (Annual Report, 2012/2013).

5.1.2 Research Objective 2: To determine the implications of suspension of employees on service delivery by Provincial Government Departments in the North West Province.

During the interview sessions with officials that had been suspended a number of implications on service delivery were identified. It should be said from the outset that most not all, of these implications were negative. These effects of suspension listed below include those on the personal lives of the affected employees. Suspensions impact negatively on employees and the department, as well as on communities (Public Service Commission, 2011). It dampens the spirit and enthusiasm that one had, because, in some, it is not about what your-self have done.

The Report of the Public Service Commission on management of precautionary suspensions in the public service (2011:14) highlights issues that were found to be in agreement with findings from respondents as follow:

- a) There is a lack of continuity in that when someone else comes in there is usually a change in strategy and the way things have been done, so service delivery is affected by suspension. There is a break in service delivery against the achievement of the predetermined objectives of the company. Another implication is that budget allocations that are meant to deliver services to our people become wasted these cases as the department appoints lawyers and advocates, judges and the like to preside on these cases.
- b) *The question of implication of suspensions was now and how it affected the specific units which were being lead by the officials who were suspended.* The following were what the participants said: Suspensions affected directorates and staff members as their morale is low. It leads to poor performance and under-spending of budget, and so service delivery drops.
- c) Standards dropped to a point where the preparation of the strategic documents of the Department did not meet or conform to the set standards. For example, in the 2013/14 financial year, the Department ended up with 4 different versions of the Annual Performance Plan. Every Directorate or Chief Directorate was implementing whichever version they found appealing to them. It created serious problems when it came to reporting for the first quarter. Directorates suffer through lack of quality leadership; direction; stability; credibility etc.

To further probe the implications of suspensions on service delivery in the North West Province, follow-up questions were put to the participants as follows: How was the overall *performance of the Department before your suspension? Now that you are back how is the performance?*

- d) If allocating percentages I would say 60% for performance before suspension. Just after the suspensions the performance of the Department went down to 30% because people didn't want to work.
- e) The Department has generally not been performing optimally over the years but just as it was picking up then we were suspended (refer to the statistics provided in response to question 1 above in this regard), this situation led to the worst performing levels of the Department ever recorded so far.

Furthermore, the question of implications of suspension was tested in the dimension of livelihood. This question was asked to participants – *How did the suspension and disciplinary hearing affect your life? (Health, career, family and financial)?*

- f) The following were found:
 - It affected me, I got sick. I wanted to cry but I could not cry. Career wise, loss of opportunities for promotion and career growth. Family wise, mistrust and some family members and relatives have mixed feelings it takes its toll. The suspension impacted very negatively on one's life in a number of ways including but not limited to the following:
 - During the 17 months period of suspension, I had been to the doctor 4 times in total. I am a person who normally doesn't fall sick so frequently. This stigma of suspension and all false accusations levelled against one does have drastic effect on one's health. In all 4 instances I was at the medical doctors the diagnoses were stress based. This kind of stress can kill one silently. The cost implications for undue treatment that the employer puts employees under and without compensation
 - All avenues of furthering my career were virtually blocked. Blocked in the sense that one had made moves to leave the department and get another job and in all the attempts one was not appointed to those positions applied for – even though one was called for interviews – because the employer informed the prospective employers that there were charges preferred against one

so they should not appoint me. This was actually devastating, especially the fact that these were promotional positions in the private sector.

- The suspension was very disturbing to the family and all who loved me dearly. Waking up daily and not going to work for 17 months unlike it used to be prior to the suspension was very unpleasant and unbearable. One should better not talk at length about this aspect of how suspension impacted on it.
- The financial implication was huge as well, though I was put at home with pay but only the monthly salary. There were all other benefits such as cell-phone, travel etc which had ceased. Also, one had to employ the services of legal practitioners to defend one's case; you spend a lot of money on travelling to attend hearings and to consult with your legal representatives without being refunded for the expenses. You also lose out on other opportunities that need finances as you put in all your money on fighting the never ending battle of false accusations forged on your person. All of these cited by the respondents share aspects in common with contents of the Report of the Public service Commission on management of precautionary suspension in the Public service (2011).

5.1.3 Research Objective 3: To determine how accurate the employer is applying labour relations practices in suspending and disciplining employees in the North West Provincial Government Departments

This focus of this objective was a very interesting dimension in this study as this was the actual test of a labour relations practice. It was disturbing to hear what the participants said in this regard. It's absolutely not accurate. In 2008 the then Premier commissioned a task team lead by one of the top managers to lead Labour Relations issues particularly looking into the dysfunction of Labour Relations. What was found was that the department is not doing well at all in terms of Labour Relations issues that could have been resolved but were not. There are a lot of people that have been writing grievances and lodging grievances but they were never attended to. Some of my staff have been writing for the 10 years that I have been here for grievance and I told my supervisor to get the thing started with, but it has been impossible. The Department is not doing its work in terms of disciplinary hearings".

The employer is selective in the application of labour relations regulations and practices. The employer chooses what is beneficial to it and ignores that which would be of benefit to the employees. There is no due diligence in the approach that the employer takes on labour relations practices. For example, rules and regulations for labour relations in the SMS Handbook (2009) stipulates that unless an employee who is suspended is a legal practitioner, the employer should not use legal practitioners for the disciplinary procedures. Rather, a more senior employee to the one suspended should be appointed to chair the disciplinary procedure and recommend actions to be taken. The employer disregards this provision and appoints Magistrates/advocates to chair internal disciplinary proceedings. As if this is not bad enough, the employer spends large amounts of money in payment of claims for the legal chairs and initiators – sometimes millions of Rands as also expressed in the Report of the Public Service Commission on management of precautionary suspension in public service (2011). This kind of behaviour by the employer violates the rights of employees, the rights of beneficiaries of services to be rendered by government, and tax payers' rights. As such, a labour relation is falling badly.

Though this is but one example, you can see for yourself, as a labour relations student, the gross disregard of labour relations regulations/practices that the employer displays. The labour relations practices of the Department further signal the ill-intentions of the employer as, right from the start of the case, the employer places the employees on the back foot – disadvantaging employees in order to affect their livelihoods". The employer's application of labour relations practices is very inaccurately interpreted and implemented, and procedurally and substantively unfair.

The poor application of labour relation practices which is also outlined by the Report of the Public Service Commission on the management of precautionary suspension in public service (2011) was found to have been expressed by the respondents following further probe in the dimension of fairness by members of the disciplinary hearings when the following question was asked to the participants: *Were the people who carried out your investigation and disciplinary hearing fair?* Respondents' expressions were that:

- a) They were not fair at all. Never – they were 98% unfair. They had indicated through informal discussions like during tea breaks that the employer had given them the mandate to fire us. So they were embarked on strategies to fire us but at the same time they were declaring that we did not do anything wrong that warrants disciplinary actions.

- b) During the course of the hearing, one could notice from the rulings being made by the chair that there was a predetermined outcome and any means to arrive there was most welcomed. Any possible means was explored – even to persuade our representatives to concede towards getting rid of us. It was brutal. God is the only one who turned the tables in our favour because he is a just judge and knowing that we never did anything that warranted the torture we were subjected to, He then rescued us from the den of lion like He did deliver Daniel in the Bible (The Message, 2009). They investigated and after the finding found that I did nothing wrong then the Department formed another task team with different terms of reference aiming to fire me still.
- c) To check what treatment the employees who were on suspension got from the hands of the employer, this question was asked to the participants *“Were you given sufficient information about the alleged misconduct or poor performance to prepare to answer the case?”* The participants indicated *Not at all. We were flushed, we had no power, and we were reduced to nothing.* No there was nothing hence the hearing could not continue.

With regards the question *“Were your representatives (lawyer and union) allowed being involved in the development of rules and procedures?”*

- d) Initially the lawyer was not allowed but being a lawyer and understanding the law he submitted that there is no way they can deny me a representation because in much as they were saying it’s an internal disciplinary hearing, the Department had lawyers. Yes – in the sense that on the trivial in-hearing rules like who should talk first as well as deciding on dates for subsequent hearings sessions, my representatives would be allowed to participate for an agreement.

5.1.4 Research Objective 4: To determine whether or not the rights of employees suspended are being observed by the employer both during the suspension processes as well as in the hearing sessions.

This research objective was measured through question number 6.2 on the interview schedule. In terms of the responses obtained from participants, three of the four participants were unanimous that

their rights were not observed by the employer both during the suspension process as well as in the hearing sessions. This is a serious disregard and even a violation of labour relations provisions and practices as echoed by Farnham, (2000). There is a need to bring this matter to the employer and address it on a very serious note.

On the matter of whether or not participants' disciplinary matters were carried out without unreasonable delays? In these responses there is a clear indication of the challenges that government officials who were suspended and put through some hearing sessions went through. If these testimonies are anything to go by then there was grave unfairness in the handling of cases of the officials suspended. Participant 6 said: *Not at all*. All these are in violation of the rights of the employees as contained in Farnham (2000).

5.2 CONCLUSION

In this chapter, the results of the empirical investigation were discussed under research objective by research objective. In the next chapter, conclusions flowing from the findings shall be made together with recommendations of the study.

Chapter 6: CONCLUSION, LIMITATIONS AND RECOMMENDATIONS

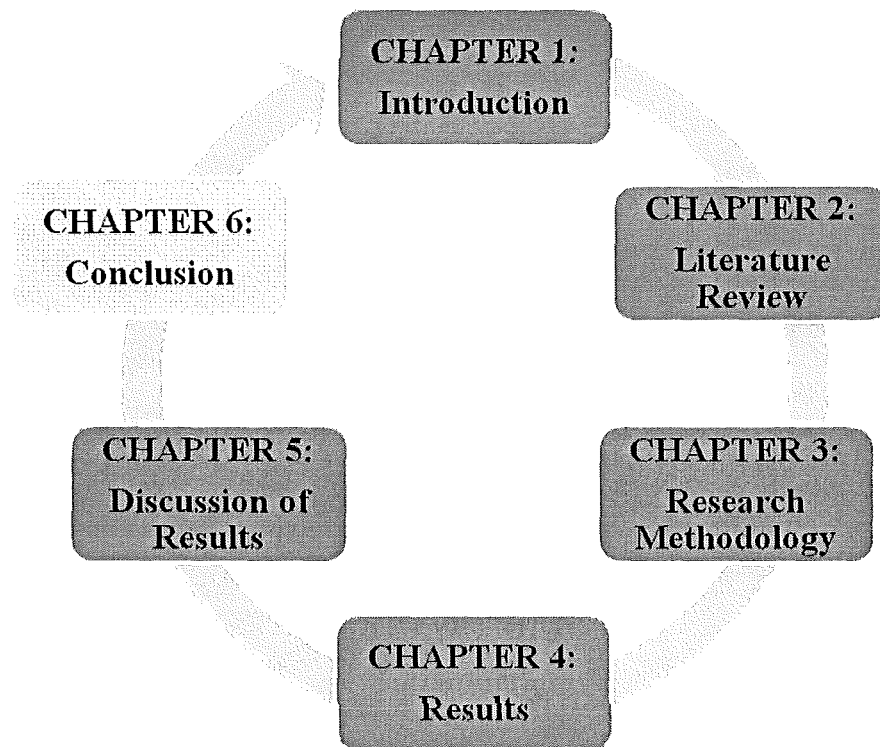


Figure 6-1: Chapter 6 in Context

6.1 INTRODUCTION

This final chapter presents a summary of the whole study. The discussion of the significance of the study, findings gathered from the literature as well as empirical results is offered. The limitations of the study are also discussed and recommendations are made for further study on the topic.

6.2 OVERVIEW OF THE STUDY

The following section will discuss the purpose of the study, the main research objectives in the study and finally it will give an overview of the contents of the study.

6.3 PURPOSE OF THE STUDY

The main purpose of the study was to investigate suspensions of and grievance procedure by provincial government officials and their impact on service delivery in the North West Province.

6.3.1 Research Objectives

The objectives of this study were:

- To determine whether or not service delivery by North West Provincial Government Departments is in line with the set targets;
- To determine the implications that suspensions of employees have on service delivery by Provincial Government Departments in the North West Province;
- To determine how accurate by the employer is applying labour relations practices in suspending and disciplining employees in the North West Provincial Government Departments;
- To determine whether or not the rights of employees who are suspended are being observed by the employer both during the suspension process as well as in the hearing disciplinary sessions.

6.4 CONTENT OF THE STUDY

Chapter 1: Introduction

This chapter served the purpose of introducing suspensions and grievance procedure of provincial government officials and their impact on service delivery in the North West Province.

This chapter also provided the motivation for the research study by highlighting the research problem statement and research objectives. An indication of the importance and benefits of the research study was given, before the chapter concluded with a list of definitions and abbreviations frequently used in the study.

Chapter 2: Literature Review

The purpose of this chapter was to outline literature overview of all the concepts, and theoretical aspects of the individual concepts of the study. Under each concept, the different characteristics that made up the concepts in this study were discussed. This chapter ended with a summary of the contents of the chapter. The following concepts were discussed with regards to this study:

- Suspension
- Grievance procedure
- Service delivery

Chapter 3: Research Methodology

This chapter comprised a detailed discussion of the research design and methods which were selected as the framework through which the research questions of the study were answered. This chapter started with an overview of the research paradigm of the study, before a description of the strategy of inquiry and broad research design was given.

A discussion of the sampling strategies and techniques employed in the study was then given and the data collection methodology was presented. Reliability and validity of the research were considered and thereafter ethical considerations related to the study were contemplated.

Chapter 4: Data Analyses

The focus of this chapter was on the presentation of the data and identification of themes of the entire study pertaining to analysis presented.

Chapter 5: Discussion of Results

This chapter provided a review of the study, summarised and discussed the key empirical results obtained in Chapter 4.

Chapter 6: Conclusion, Limitations and Recommendations

The focus of this chapter was to draw final conclusions with regards to this study and make recommendations. This was done by discussing the significance and limitations of the study and making suggestions on future research areas.

6.5 CONCLUSIONS DRAWN FROM THE STUDY

The section that follows provides summaries which can be drawn from the study, with emphasis on conclusions drawn from literature review and conclusions drawn from the empirical results.

6.5.1 Conclusions from the literature

Even though the employer has the primary responsibility to discipline an employee, the employer may not deviate from disciplinary procedure and standards set by itself, without justification. The employer's powers must be curtailed to some extent in order to countervail the inequality inherent in the employment relationship. A wide approach in labour disputes should be adopted when deliberating the fairness of labour procedure. A disciplinary code, which is a guideline, should not be a stumbling block for fairness to prevail. Deciding against employer intervention, solely based on the absence of a provision in an employer's disciplinary code expressly providing for the right to intervene, is an unwarranted narrow approach that leads to absurd results.

The wider approach necessitates consideration of all the relevant facts and circumstances, not only the employer's disciplinary procedure, but including the effect of the employee's conduct on the trust relationship, public interest, the parity principle, reasonableness of the employer's decision to recharge the employee or reconsider the imposed sanction, prejudice to the parties, the time that has lapsed between the first and second disciplinary action and, essentially, the fairness to both the employee and employer.

It is evident that an employer may only reconsider a decision of a properly constituted disciplinary tribunal when it is fair to do so in exceptional circumstances. These circumstances will be extremely rare. Even where an employer reserved the right in its disciplinary procedure to intervene with the decision of a disciplinary chairperson, the intervention must nevertheless, be justified. A second bite at the cherry is, therefore, possible. Identifying exceptional circumstances is not an easy task, in view of

the test of fairness. Employer should therefore be conscientious in executing the important task to discipline.

6.5.2 Conclusions from the Results

From the analysis conducted in the study the following conclusions can be drawn:

- The service being delivered by the NWPG departments are not up to set standards. It has been proven that indeed service being delivered by the NWPG departments are not up to standard looking at the suspensions in the departments. Most of the work is left behind and this delays service delivery.
- The employer is not following the provision of fair labour relations practices in the suspension and handling of the disciplinary cases or hearings. This statement is supported by many of the participants that mentioned that government departments are losing most cases. There is no due diligence in the approach that the employer takes on labour relations practices.
- The rights of the employees suspended are not being observed by the employer both during the suspension processes and in the disciplinary hearing sessions. When interviewing the participants one could find out that most cases were mandated or has influence from top management.
- The suspensions have financial, health, and social implications and have huge implications on service delivery in the NWP. The negative implications are there and are true. Like one of the participants has mentioned, it does take a big knock financially and emotionally. This affected even people that are mostly closed to you.

6.6 LIMITATIONS

Firstly, some participants withdrew from the interview after consultation with their lawyers. Secondly, some participants who confirmed their willingness to be interviewed not making time to be interviewed even after many follow ups with their personal assistants. That resulted in late responses and they had to be dropped because of time. Thirdly, the scarcity of literature and empirical research on, specifically, suspension and grievance procedure limited the possible

explanations of the results. Lastly, the present study was limited to selected province in the country. A comprehensive research that will encompass all spheres of the public service (provincial, municipal and local governments) may bring about a more generaliseable outcome.

6.7 RECOMMENDATIONS

It is clear that there is a need for more literature in the South African context in relation to the concepts of the study for one to boldly make recommendations that are proven to make a significant difference. There is very limited literature with regards to suspension and grievance procedure. Data collected, analysed and interpreted for the purpose of this research study provided for the following recommendations:

6.7.1 Development of a customised manual

In essence, the provisions of the Disciplinary Code and Procedure are adequate. However, it has to be recognised that not all users of the Disciplinary Code and Procedure possess the necessary knowledge and skills to interpret and implement it in the proper manner. It is therefore proposed that departments develop a Departmental Manual to guide users through the steps involved in labour relations in general and the management of discipline in particular.

6.7.2 Review of departmental policies and practices

As in the case of the Disciplinary Code and Procedure, Departmental policies and procedures where they exist, were found to be adequate. However, it is of major concern that these policies and procedures have not been developed by many departments. Departmental policies and procedures on the disciplinary process should be developed and implemented as a matter of urgency. In addressing the issue of consistency departments may develop a matrix of cases of misconduct and the sanctions that should be imposed which can serve together with extenuating and aggravating circumstances as a basis for decisions by presiding officers.

6.7.3 Capacity building

A common theme in this research is the issue concerning departmental capacity. The capacity problems experienced are multifaceted and far-reaching. The various constituent variables are subsequently dealt with below:

6.7.3.1 Building line function capacity

Managers have complained that they are under undue strain as a result of a lack of numbers of employees and inadequate skills of employees. This leaves them with barely sufficient capacity to deal with what they see as their core line function activities. Discipline management is seen as a non-core line function. Apart from building the necessary capacity, there is a need for the re-orientation of line managers in order ensure that they appreciate the strategic impact that effective discipline management can make on their core business. A suggestion in this regard is that departments generally should refine this training content to focus on problems identified through their own monitoring and evaluation. This training should be repeated on a regular basis to ensure good practices and to off-set the effects of staff turnover in the knowledge and skills base of departments.

6.7.3.2 Building overall knowledge, understanding and skills for the management of discipline

Departmental role players are not adequately versed in the disciplinary procedure, and this produces spurs inefficiency and improper implementation. Consideration should be given to providing training in respect of the legal and procedural prescripts pertaining to discipline, together with an explanation of substantive issues and the legal dictums that underlie such procedures. The South African Management and Development Institute (SAMDI) should develop a module on discipline management to be included in the training to be offered to supervisors and members of the Senior Management Service.

6.7.4 Provision of strategic and expert support

The staff support components of departments, in particular Human Resource Management and Labour Relations must support the needs of their internal stakeholders. They need to reposition

themselves to become facilitators of human resource and labour relations practices rather than to serve solely as protectors of administrative and procedural practices. Both components have a key responsibility to ensure that human resource and labour relations practices are managed in an effective manner that would inhibit the possibility of unfairness and inequity, or litigation arising. Human resource and labour relations components should ensure that departmental policies provide the necessary guidelines and delegated power of authority, and that these policies are correctly applied.

6.7.5 Information management and departmental discipline oversight

Departments need to move beyond the view that internal monitoring and evaluation is solely for reporting purposes, and must begin to appreciate the strategic advantage of imbedded monitoring and evaluation practices. Departments often have a wealth of information at their disposal in the areas of human resources and labour relations which could guide important strategic management decisions. In the absence of awareness of the significance of the information, much of its value is lost. Likewise, the monitoring and evaluation approach to management of discipline information is rather seen as an irritant to them. As a result departmental oversight on discipline management is inadequate.

Such departmental oversight needs to be improved. Monthly discipline reports, including discipline case progress, should form part of the informal departmental reporting on discipline trends. Such monitoring responsibility should be specifically located within the organisation to ensure that the trends and their likely impact are fed into the decision-making processes of the organisation.

6.7.6 Employee orientation

In promoting labour peace, departmental human resource and labour relations components should ensure that employees are familiar with their rights and obligations and that managers and supervisors are familiar with and skilled in carrying out their responsibilities in respect of the management of discipline. This should be monitored on an ongoing basis.

6.7.7 Recommendations for future research

The study was limited to only North West Provincial Departments. Before going further the same study can be extended to the other provinces in South Africa. On the same note the study can be extended also to non-governmental departments such as parastatals and entities within the country and possible to private organisations as it will assist in terms of helping organisations to solve their problems.

6.8 CONCLUSION

The purpose of this study was to investigate suspensions and grievance procedure of provincial government officials and its impact on service delivery in the North West Province. This report clearly outlines cases of inadequate discipline management in the Public Service. The analysis has established that departments do not apply the disciplinary framework consistently, and do not treat discipline management with the appropriate level of seriousness. This equally applies to managers, and human resource and labour relations practitioners who have to support the former in a guiding and advisory capacity. It is trusted that through this report, the researcher has highlighted the need for departments to apply sanctions emanating from the disciplinary process consistently and equitably. If due attention to this process is not given, the Public Service may soon find itself in an increasing number of disputes with its employees which may not be defensible.

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APPENDIX A

INTERVIEW SCHEDULE: AN INQUIRY INTO MANAGEMENT PERCEPTIONS ON SUPERVISION AND GRIEVANCE PROCEDURES WITHIN NORTH-WEST PROVINCIAL GOVERNMENT

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Question 1

1.1 Is service delivery by NWPGD up to standard?

1.2 In your opinion, are the services being rendered by the departments up to standards? Why do you say so?

1.3 What are the implications of suspending employee have on service delivery by provincial government departments in North West Province?

Question 2

2.1 Did your suspension affect your directorate? If yes, how? If no, do you think you were an obstacle for performance?

Question 3

3.1 How was the overall performance of the department before your suspension? Now that you are back how is the performance?

3.2 How accurate is the employer applying labour relations practices in suspending and disciplining employees in the North West Provincial Government Departments?

Question 4

4.1 Were the people who carried out your investigation and disciplinary hearing fair?

Question 5

5.1 Were you given sufficient information about the alleged misconduct or poor performance to prepare to answer the case?

Question 6

6.1 Were your representatives (lawyer and union) allowed being involved in the development of rules and procedures?

6.2 Are the rights of the employees suspended being observed by the employer both during suspension process as well as in the hearing sessions?

Question 7

7.1 Was your disciplinary matter carried out without unreasonable delays?

Question 8

8.1 How did the suspension and disciplinary hearing affect your life? (Health, career, family, financial)?



dsac

Department:
Sport, Arts & Culture
North West Provincial Government

Gabomotho Building
Dr. James Moroka Drive
Private Bag X90
Mmabatho 2735
Republic of South Africa
<http://www.nwpg.gov.za/dsac/>

OFFICE OF THE HEAD OF DEPARTMENT

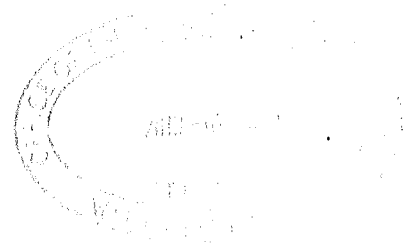
Enq: Dr. K Lesedi

Date: 09 October 2013

TO : MS K.C. MAKHUZENI
NORTH WEST UNIVERSITY – MAHIKENG CAMPUS
P.O. BOX 59
RATSHIDI
2739

: PROF. NICOLENE BARKHUIZEN - SUPERVISOR
NORTH WEST UNIVERSITY – MAHIKENG CAMPUS

FROM: MME F.H. MASHIMBYE
ACTING HEAD OF DEPARTMENT



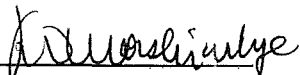
**SUBJECT: PERMISSION TO CONDUCT ACADEMIC RESEARCH WITHIN THE
DEPARTMENT OF SPORT, ARTS AND CULTURE**

1. The above subject matter has reference
2. I would like to inform you that an approval has been granted to your request to collect

research data in our department regarding your research topic: **Management perceptions on the impact of suspensions and grievance procedures on service delivery in the North West Provincial Government**

3. This approval is the Department's contribution to your pursuit of an academic qualification.
4. Due the nature of your topic we would like to hold you to your promise to treat the information that you shall gather with the strictest confidence it deserves.
5. You will have to work through Dr. Kenneth Lesedi – Director for Strategic Management who is in-charge of Research in the department for your data collection. Dr. Lesedi can be contacted at 018 388 2800.
6. We believe that the success of this intervention depends to a large extent on a dedicated co-operation amongst all the parties.
7. It is trusted that you would find this arrangement in order.

Yours



DATE: 09/10/13

MS. F. H. MASHIMBYE

ACTING HEAD: DEPARTMENT OF SPORT, ARTS & CULTURE

RESEARCH COVER LETTER

PO. Box 59

Ratshidi

2739

Department of Sport, Arts and Culture

Gabomotho Building

Dr. James Moroka Drive

Private Bag X 90

Mmabatho 2735

Subject: Permission to conduct academic research within the Department

My name is Ms Kelebogile Charlotte Makhuzeni, working in Office of the Premier as Assistant Director: Population Policy Analyst. I am also a registered Masters student with the North West University. I am required to conduct an academic research as part of a university requirement for my Masters programme.

I would very much appreciate it if the Department assist me in this regard by allowing me to conduct the research within the department.

Research topic: Management perceptions on the impact of suspensions and grievance procedures on service delivery in the North West Provincial Government

The Department assistance will be highly appreciated as it would enable me to continue pursue for academic excellence, and kindly note that information gathered would be treated with the strictest confidence it deserves.

Kind regards

Ms K.C. Makhuzeni

Sign:..... Date:..... Contact No: 082 94 65655

Supervisor Prof. Nicolene Barkhuizen



Academic Administration (Mafikeng Campus)

SOLEMN DECLARATION (for Masters and Doctoral Candidates)

1 Solemn declaration by student

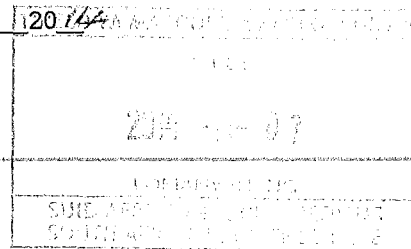
IKC. MALHUSENI declare herewith that the mini-dissertation/dissertation/thesis entitled, AN INQUIRY INTO MANAGEMENT PERCEPTIONS ON SUSPENSION AND GRIEVANCE PROCEDURES WITHIN NORTH WEST PROVINCIAL GOVERNMENT which I herewith submit to the North-West University as completion/partial completion of the requirements set for the MAKER degree, is my own work and has not already been submitted to any other university.

I understand and accept that the copies that are submitted for examination are the property of the University.

Signature of candidate [Signature] University-number 16871561

Signed at MAFIKENG this 06 day of NOVEMBER 2014

Declared before me on this 07 day of NOVEMBER
Commissioner of Oaths: [Signature]
7.8.1871000



2 Declaration by supervisor/promotor

The undersigned declares:

- 2.1 that the candidate attended an approved module of study for the relevant qualification and that the work for the course has been completed or that work approved by the Senate has been done
- 2.2 the candidate is hereby granted permission to submit his/her mini-dissertation/dissertation or thesis
- 2.3 that registration/change of the title has been approved;
- 2.4 that the appointment/change of examiners has been finalised and
- 2.5 that all the procedures have been followed according to the Manual for post graduate studies.

Signature of Supervisor: [Signature] Date: 6/11/2014

Signature of School Director: [Signature] Date: 6/11/2014

Signature of Dean: [Signature] Date: 6/11/14

House 1065

UNIT 5

Mmabatho

03/11/2014

CERTIFICATE OF LANGUAGE EDITING

The dissertation entitled

**AN INQUIRY INTO MANAGEMENT PERCEPTIONS ON SUSPENSIONS AND
GRIEVANCE PROCEDURES WITHIN NORTH WEST PROVINCIAL GOVERNMENT**

Submitted by

CHARLOTTE KELEBOGILE MAKHUZENI

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



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I, PROF EN BARKHUIZEN the Honours Leader/Masters Promoter/Doctoral Supervisor
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