

Labour Law Training Puts Management On Track



The existing and pending new legislation necessitate that management obtain labour law expertise. In the case of *NUFAWSA obo Matiti vs Svecraft cc* (2007, 3 BALR 220) the employee, a shop steward was dismissed for dishonest use of sick leave. The arbitrator found that the shop steward's dishonesty merited dismissal. However, despite this finding, the arbitrator found the dismissal to be unfair because the chairperson of the disciplinary hearing had been involved in the pre-hearing investigation. Had the chairperson been properly trained in labour law and disciplinary procedure this serious error is most unlikely to have occurred.

While this shows that labour law training for managers is an operational necessity employers find it difficult to decide what training to invest in and where to get the training. The answer to this problem lies in the principle that the training should be provided by someone who is both a labour law expert and a training expert. This will ensure both that the content of training is right and that the necessary learning is fully passed on to those that need it. In this way the employer gets maximum value for money.

For example, if an employer is about to invest in labour law/industrial relations training for management it shouldn't automatically assign its HR Officer to do the training even if this will be the 'cheapest' option, unless the HR Officer is in fact the best expert in labour law and in training that the employer can find. While HR/IR Officers are often well versed in labour law they do not always have the technical training expertise to put this across to line management in such a way that it sticks.

It should be kept in mind that, firstly, should the in-house HR/IR practitioner conduct the training badly he/she will get the blame for it. Secondly, where an expert external trainer is used then the internal HR/IR practitioner will still get the credit for high quality training provided that he/she ensures that the initial training is properly followed up. Train the trainer courses are also available.

Another problem lies with the fact that senior and line managers at whom the training is targeted often have the attitude of, "let HR handle daily disciplinary problems, I'll just mess it up". It is therefore important that the training is offered in such a way that the line managers see it as a tool towards success, and that it is presented in a fresh and stimulating way geared towards facilitating the manager's effectiveness and status. Employees who observe that their bosses know what they are doing when it comes to discipline and performance correction respect their bosses and seldom step out of line. Management is under "too much pressure to waste time on training". The typical South African line manager and supervisor is much more a doer than a manager. But to say that a manager has no time to undergo training means that the manager is not delegating tasks sufficiently. Too many managers get caught in the vicious circle of being too busy "doing" and therefore having no time to manage and to develop management skills; and this itself is a problem which may have to be addressed via management training.

When line managers do attend IR or labour law training they sometimes forget what they learned after a week. The training programme therefore needs to be designed professionally in order to ensure long term retention and effective carry over on to the job.

Some line managers believe that unless their employees receive the same training as they do the exercise will be a waste of time. These managers are perfectly correct because, where employees are not trained on the LRA (for example) or get their input from union meetings they will look at labour relations from a very different perspective to that of the manager.

Insufficient funds are budgeted for such training. It is a never ending source of wonderment to us that employers are not prepared to spend a few hundred rand on training a manager but do not mind taking the risk of having to spend tens of thousands of rand on going to the CCMA. We have represented countless employers taken to the CCMA and bargaining councils because a manager mishandled a shop floor grievance or disciplinary matter and the employee was unfairly dismissed.

In some cases, because the line manager mishandled the matter, the line manager gets fired for incurring unnecessary legal costs! The company then faces another unfair dismissal case! Employers often lose potentially good managers this way at great cost, whereas proper training could have avoided the whole mess.

It is crucially important to get the training right first time. A badly trained manager is worse than one who has no training at all. Therefore, the cost of not using the right trainer far outweighs the need to save pennies by taking second best.

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