

Poor conduct can mean poor management



Consistent poor conduct in a workplace reflects a management that is either unskilled or is unwilling to manage employee conduct properly. As a result, we may well find that employees:

- Spend hours chatting on the phone
- Fail to work according to quality standards and to required deadlines
- Refuse to carry out instructions
- Abuse sick leave
- Misuse the internet and the employer's e-mail system
- Steal from the employer
- Waste production materials
- Arrive for work late, take long lunch hours and go home early

It is so that laziness or lack of caring can be due to the employee's own character. However, where this is so, it is up to the manager to implement corrective measures that must either change the employee's behaviour or, where this has been properly tried and failed, result in possible dismissal. That is, every manager and supervisor must know how to:

- Quickly recognise rebellious or demotivated employees and quickly make them aware that their behaviour will not be tolerated while guiding them along the correct path.
- Institute swift, timely, firm and appropriate disciplinary action that is not only effective but is also seen as fair by the CCMA or bargaining council and
- Motivate employees to want to work and behave well.

Many managers are unable to deal with errant employees effectively and just as many are unable to discipline employees within the bounds of the law. This results in employees getting away with serious misconduct which is badly damaging to the employer. For example, in the case of *Faltyn vs Buffalo Flats Community Development Trust* (2005, 2 BALR 183) Faltyn was dismissed for

losing cash belonging to the employer. The employee alleged that the cash had been stolen from him. He had collected the cash the previous day and, instead of handing it in as he was supposed to have done, he had kept the cash with him and had been mugged the following morning on the way to work while he still had the cash in his possession.

The CCMA arbitrator accepted that:

The employee could have handed in the money on the day it had been collected

The employee deserved to be dismissed.

Despite this the arbitrator ordered the employer to pay the employee financial compensation. This was because the same manager who had decided to charge the employee also presided over the disciplinary hearing. The fact that the manager had made the decision to charge Faltyn meant that the manager would have had knowledge of the incident prior to the hearing. For the same manager to then preside over the hearing rendered him a potentially biased chairperson because his prior knowledge of the incident could have influenced his judgement.

This is one of thousands of cases where such a technical error on the part of a manager has cost the employer money and has benefited an employee who was clearly guilty and deserving of dismissal. Often, this kind of error is the fault of the manager because the manager should have known better. However, more often than not it is the fault of the manager's employer for having failed to train the manager in the requirements of labour law. Such crucial management training is frequently withheld because it is costly and because the employer doesn't want to take the managers out of the workplace in order to train them.

The innovative video series WALKING THE LABOUR LAW TIGHTROPE solves both these problems. ***Its 48 chapters, averaging 10 minutes in length each, can easily be watched at junctures when the manager has time.*** This greatly informative yet very engaging and practical video series provides crucial and user-friendly learning through the use of a stimulating, animated case study that runs throughout the 48-chapter series. Each chapter contains clear and important advice needed by workplace management on the basics of labour law over a very wide range of topics.

A further advantage is that the manager can, for a full year, easily go back to any of the 48 videos for purposes of refresher training or in order to access information on how to deal with a current workplace issue. This solves the problem of managers forgetting what they have learned.

This video series helps management to walk the shaky labour law tightrope and to run the workplace productively without falling into the labour law abyss.

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