

**MANAGING DISCIPLINARY APPLICATION
IN THE HOTEL INDUSTRY**

by

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DECLARATION

I, Eric Collier, hereby declare that the content of this study represents my own unaided work, and that the dissertation has not previously been submitted for academic examination towards any qualification. Furthermore, it represents my own opinions and not necessarily those of the Cape Technikon.

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The debt I owe to a few special people who have assisted with this work is massive. I would like to make special mention of my father and mother, Eric and Elspeth Collier. They taught me self-discipline, tolerance and patience, and, as Shaka Zulu put it, "I am of their seed" and I am proud to be their son. When I qualified from the Technikon Witwatersrand, they gave me a little card with the following phrase inscribed on it:

"You don't change people's behaviour by changing their minds,
You change their minds by changing their behaviour."

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ABSTRACT

The problem of managing discipline in the hotel industry ranges from senior managers failing to manage discipline correctly, to junior/middle managers having insufficient practical experience and confidence to discipline effectively and justify the decisions they have made. Senior managers therefore lack confidence in junior/middle management's ability to manage discipline.

The objective of this study is to provide senior management with simple, workable solutions to manage discipline correctly. This will enable senior management to delegate the management of discipline to junior/middle management correctly; to improve the confidence of junior/middle management in the management of practical discipline; to improve the confidence level of senior management in the ability of junior/middle management to manage discipline; and to improve the ability of junior/middle management to correctly and confidently justify disciplinary decisions they have made.

The study recommends that: senior management should take the lead and initiative to allocate time with junior/middle management to plan how to manage discipline effectively; the success of senior management's performance should be measured by how well junior/middle management achieve the performance competence to formally and practically manage discipline; senior management should provide structured feedback, coaching and counselling to junior/middle management on their performance; and senior management should coach junior/middle management on how to justify disciplinary decisions.

The cost of this change, namely, coaching and influencing people, is not monetary, but one of commitment. It is the choice senior management should make. The choice is to want control or to coach, namely, to use power to change or influence change, to compel or develop people to take responsibility and ownership for what they were employed to do.

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CHAPTER 1

INTRODUCTION TO RESEARCH PROBLEM

1.1 Introduction

Tourism in South Africa has at last been accorded the importance that it deserves. The Government appointed a Minister of Tourism in the person of Mr Valli Moosa and more recently Mr Marthinus van Schalkwyk, who has also added to his portfolio the responsibility of Environmental Affairs, which is closely linked to tourism in its wider sense.

This is significant as it underpins the importance that our present government places on tourism and environmental affairs as an industry that will create employment and bring economic growth to the South African economy. Job creation is one of the key thrusts in the government's drive to make South Africa a better place for all by stimulating growth which will create the opportunity to create work and employment. Past governments had no Minister of Tourism, or there was one appointed to manage tourism but only as an afterthought, or an "add-on" to a Minister's portfolio.

Hardly a week goes by without a politician, civil servant, business luminary or an economist stating that tourism has the potential to deliver economic growth and create employment in South Africa (Saunders, 2001:5). Therefore, as the economy grows, the visitors to South Africa, be they on holiday or on business, require the hospitality industry, and more specifically the hotel industry, to provide facilities such as accommodation, food and beverages, and other entertainment for these visitors. The management of the staff that provide these facilities require competent managers to manage and guide these employees consistently and fairly.

Tourism is the catalyst for encouraging visitors from outside South Africa's borders to come and spend their time and money in South Africa. This spending will have the multiplier effect of economic growth and job creation in South Africa. A study sponsored by American Express shows that travel and tourism should generate direct and indirect employment for more than 200 million people worldwide. This is one in every nine workers worldwide, and by 2005 the industry projects to support nearly 350 million jobs (Gatty, 1993:1). The Chairman of the World Travel and Tourism Council states that travel and tourism is a major economic force in the world: "The figures present a compelling case for Governments to make Travel and Tourism a strategic priority" (Gatty, 1993:1).

The quality of the experience that the visitor has will have a positive effect on the tourist numbers visiting South Africa. As hospitality specialists, hoteliers must repeatedly find ways to remind visitors about their pleasant experiences. This in turn will lead to higher spending, thus helping other industries in South Africa to grow. This link with other industries in South Africa will provide the balance in the economy that South Africa needs. Every visitor takes away with him/her an impression of South Africa and of the people he/she meets. Visitors will spread the word in their own countries about these impressions they have experienced of South Africa.

The importance of the experience that visitors should take away with them has been stressed in a national programme called "SA Host". The Tourism, Hospitality Education & Training Authority (THETA) has, with National Government and the private sector, sponsored the programme. The objective of the programme is targeted at all South Africans, not only in the Tourism Industry, in training staff in the importance of being a "host" to all visitors to South Africa so that they will leave the country with a positive experience.

The contribution of tourism to the gross domestic product (GDP) of the Bahamas is 70% and 30% for Mauritius. South Africa would not wish to emulate

these figures, as it would place too heavy a reliance on tourism and make for an unbalanced economic mix of South Africa (Saunders, 2001:5). The World Travel and Tourism Council estimated in 1998 that tourism contributed 4,5% to the South African economy and 590,000 jobs were directly due to tourism (Saunders, 2001:6).

The potential future of the contribution of tourism to the gross domestic product (GDP) of South Africa is not likely to attain or exceed 11% or directly employ more than one million people by the year 2010 (Saunders, 2001:4). One possible reason for this is that South Africa does not have a large tourist market in close proximity to it, like Spain, or a large domestic population that can afford to travel, like the United Kingdom. To compound these difficulties, South Africa is a "long haul" travel destination from this tourist market (Saunders, 2001:4).

A third possible reason that could affect this is that of the Aids pandemic affecting the economically active part of the population. The potential death rate from Aids and related complications will reduce the number of economically active people for employment. As the industry is labour intensive, this reduction in the number of people for employment will negatively affect the industry. In a report prepared by the South African Business Coalition on HIV/Aids, it was estimated that, if unchecked, HIV/Aids could have a 16% negative impact on GDP by 2006, would damage large business and could lead to the closure of many small business (Folscher & Leffler, 2003:44). The United States-based Population Reference Bureau estimates South Africa's population will drop from 44 million this year (2003) to 35,1 million in 2025, and to 32,5 million in 2050, owing to the ravages of HIV/Aids (Anon, 2003).

Spain has a large tourist market comprising countries like the UK, Germany, France and the Benelux countries. This market is two hours away from Spain by air. The United Kingdom has a very large domestic population of citizens who travel within their boundaries and spend their money, because they can afford to travel. In contrast, South Africa has a very small domestic population who

can afford to travel internally and South Africa's main foreign and economically strong tourist market is 12 to 14 hours flying time from South Africa.

The hotel industry is part of the tourism and service industry, and it is difficult to suggest to what extent the hotel industry makes up the tourism industry. The hotel industry is multifaceted, in that it offers accommodation services, food and beverage services, leisure and health services and entertainment services. The hotel industry also has an effect on the gambling industry, game parks and reserves. As a result of this involvement the consequence will be that the hotel industry is heavily dependent on the human resource factor. It is generally more labour intensive than other service sectors and therefore interpersonal skills of managers will need to be more relied upon. All production processes that are characterised by labour intensity will need to be managed properly. These processes, when better managed, will result in greater efficiency and effectiveness and this will add to the income and economic prosperity that is so important for South Africa.

1.2 The role of proper management of discipline in the study

A link has been proposed that for tourism to grow and replace gold exports as the biggest contributor to the South African economy, human resources in the hotel industry will require effective management. One of the management tools to effectively manage the human resource is the management of discipline.

"Management can be seen as one of the most important of all activities in a business. It is the basic function of businesses and service institutions to create circumstances in which individuals can work together towards the achievement of set objectives" (Kroon, 1990:3). These objectives need to be set and plans put in place to achieve these objectives. Organisations comprise people and resources. The people in these organisations need to be led and driven towards the achievement of these objectives. Management's performance towards the

achievement of these objectives needs to be tracked to ensure success. It is the role of management to keep the momentum of the business moving forward to achieve success. Should the performance of employees fall below the standard required, then corrective action should be taken. Should discipline be required to maintain positive performance and behaviour, then management must manage this discipline. "Management is therefore that process of planning, organising, leading and controlling of human and other resources for the attainment of the objectives of the organisation" (Cronje, Du Toit, Mol & Van Reenen, 1997:3).

To enable management to attain the objectives of the organisation, management at all levels are allocated human and other resources to manage in the areas for which they have been delegated responsibility and authority. Other resources can include finance in the form of a budget, or the equipment necessary to assist management in meeting the needs of guests. One of the Key Performance Areas (KPA's) of a manager is to manage the personnel under his/her control effectively and efficiently. The manager's performance, as a consequence, will be measured against how effectively and efficiently these human resources and other resources have been utilised (Griffin, 1997:4; Drucker, 1989:140). Should the manager not manage and utilise the human and other resources effectively and efficiently, the logical consequence should be discipline, possibly in the form of training, coaching, counselling and the strengthening of relationships (Drucker, 1989:12-13).

Each manager will have a number of KPA's that will be used to measure that manager's performance over a given time period. This will include the effective implementation and management of discipline. Drucker (1989:12-14) tells us that for an organisation to achieve its objectives or KPA's, it is good management practice that each manager will need to agree to the objectives or KPA's with his/her superior within his/her area of control. Should each manager achieve his/her objectives or KPA's then the domino effect will result in that the objectives of the organisation should also be achieved.

Senior management is responsible for the overall performance of a whole company. This would include two to seven junior and middle managers under their control. Therefore, senior management's performance will, *inter alia*, be measured against how well they manage the junior and middle managers under their control. The junior and middle management's performance will in turn be measured against how well they manage the people under their control. The responsibility and authority of maintaining and measuring performance cascades down the line of command from senior management, and the consequences, positive or negative, of this management, will return upwards through the chain of command in the form of well disciplined and productive employees (Kroon, 1990:7).

Senior management should encourage and motivate subordinates to perform well by setting specific, measurable, attainable and challenging KPAs through coaching and good leadership. This will go a long way to advancing good performance. The maintenance and advancement of good performance will alleviate the necessity to implement corrective action in the form of discipline.

Discipline is one of the management activities and is therefore one part of managing the human resource in the management process (Kroon, 1990:7). For the effective and efficient management of people, junior and middle managers should maintain day-to-day discipline and adjust the behaviour and performance of their subordinates through training, developing, counselling and advising individuals within their area of control. In doing this, the performance of the organisation will benefit the individual, and more specifically the guest, who is of paramount importance to the hospitality industry. The more effectively the junior and middle manager perform this task, the more it will reflect positively on the senior manager's ability to manage his/her subordinate managers.

Junior and middle managers in the hotel industry need to learn early in their careers that the management of people is one KPA against which their

performance will be measured. How they manage the standard of performance of their subordinates (discipline is one management tool) is a part of how their performance as managers will be measured. However, should their performance of managing their subordinates not be carried out effectively, this lack of performance will have a negative effect on the working relationships, team-work, morale, motivation and communication of the people in the department.

1.3 Rationale for the study

The hotel industry is labour intensive and hotel guests like to and want to be served and looked after when staying in a hotel. This labour intensiveness requires management to manage employees consistently and fairly to encourage staff to provide the level of service that the guests expect.

Employees at work have "good" and "bad" days or, put another way, productive and less productive days, and on those "bad" days management must be there to motivate, encourage and train staff to perform to the standards that will make guests happy and create a business culture of the same guests returning time and time again. This requires management to use their leadership qualities and their leading skills to motivate, encourage, and if necessary impel staff to perform to the standards that are accepted and agreed to.

Management should put in place controls to ensure that the standards of performance are achieved and if not implemented, the appropriate discipline must be applied. Discipline, in the form of corrective measures, should encourage and motivate the employees to perform to the expected standards of performance or behaviour.

The rationale for this thesis is to propose:

- what the possible problems are in the industry relating to the management of discipline;
- what possible reasons are there for discipline not being correctly managed by management; and
- to suggest to industry solutions and recommendations for improvement in the area of the management of discipline.

The management of discipline is an area of management that requires constant attention, owing to the changing nature of human resources. Should the hotel industry want to be a successful player and contributor to the national economy, management should learn to practise the skills of managing discipline at junior management level. To achieve this, management needs to have the motivational maturity and courage to admit that this is an area of vulnerability and weakness and ask for or accept developmental training and coaching (Gluckman, 1998:39).

1.4 Main problem to be researched

The main problem is that senior management does not manage discipline correctly. Senior management conducts the discipline that junior/middle managers should be conducting. The possible explanation for this is that senior management do not, for a number of reasons, allow junior/middle management to implement disciplinary practices in the workplace. Although disciplinary procedures are negotiated procedures, the procedures do not specify the level of management that should conduct the discipline but rather that it be fair. Senior management are afraid to delegate the responsibility and authority to junior/middle management to discipline the staff under junior/middle management's control, and senior management consequently takes on the responsibility of managing the discipline of the staff that junior/middle management should be managing. By senior management implementing

discipline, and not allowing junior/middle management to assume responsibility for enforcing discipline, junior/middle managers do not learn or gain the necessary experience in maintaining discipline; consequently, when they reach senior management level, they may not know how to manage discipline because they may not have been involved in disciplinary issues when they were at junior/middle management level.

1.4.1 Sub-problems to be researched

The following sub-problems have been identified:

Sub-problem 1. Junior/middle management levels in the hotel industry have a lack of practical knowledge and understanding of the practical application of disciplinary procedures and practices.

Sub-problem 2. Junior/middle management levels have a lack of confidence of practical working knowledge of formal disciplinary hearings/inquiries in the workplace of the hotel industry.

Sub-problem 3. The senior management level has a lack of confidence in the ability of junior/middle management to manage formal practical discipline in the workplace in the hotel industry.

Sub-problem 4. Junior/middle management levels cannot successfully justify the correctness of their disciplinary decisions if challenged.

1.5 Objectives of the research

The main objective of this research is to provide the senior management level with simple, workable solutions to manage discipline correctly. This will enable senior management to delegate the management of discipline to junior/middle

management, so that the discipline of staff is dealt with at the level where the infraction occurred and is not passed up to senior management to manage.

Sub-objective 1. To focus on solutions to enhance the practical working knowledge and understanding of the disciplinary process.

Sub-objective 2. To focus on solutions to improve the confidence of junior/middle management in the practical working knowledge of managing formal disciplinary hearings/inquiries in the workplace in the hotel industry.

Sub-objective 3. To focus on solutions to build the confidence of the senior management level in the ability of junior/middle managers to manage practical formal discipline in the workplace in the hotel industry.

Sub-objective 4. To focus on providing appropriate training and experience for the junior/middle management levels to correctly and confidently justify disciplinary decisions when challenged.

1.6 Hypotheses

Senior management in the hotel industry, more often than not, deal with the formal discipline in the correction of an employee's behaviour and/or performance. This situation possibly happens because the discipline that is required is being wrongfully passed up to the senior management level to deal with, for the following reasons:

- There is a lack of knowledge and understanding by the junior/middle management level of the practical application of disciplinary procedures and practices resulting in junior/middle management not being given the opportunity to manage discipline.

- The junior/middle management levels lack the confidence to manage formal disciplinary hearings/inquiries because of their lack of knowledge and understanding of the formal disciplinary process.
- There is a lack of confidence on the part of the senior management level in the ability of the junior/middle management level to manage formal disciplinary hearings/inquiries because insufficient coaching and consultation take place between senior management and junior/middle management.
- The junior and middle management levels cannot successfully justify the correctness of their disciplinary decisions if challenged because the trade union is possibly aware of their lack of practical knowledge and experience in managing discipline.

1.7 Limitations of the study

The area of study is confined to the Cape Metropole, as the researcher believes that the solutions in this area could probably, to a greater extent, be applicable to the hotel industry in the rest of the country. This statement is substantiated by statistics that show that the average length of stay in South Africa of a foreign tourist is 16,3 days. Nine (57%) of these days are spent in the Cape Metropole (South Africa. Department of Environmental Affairs and Tourism, 2001). This percentage is an indicator of the importance of tourism to the Cape Metropole. The experience gained by tourists from the length of stay in the Cape Metropole, is a further indicator that solutions in the Cape Metropole could probably, to a greater extent, apply to the rest of South Africa.

A constraint imposed on the research is that even though there was a very good response from hoteliers in completing the questionnaire (201 returned of the 325 distributed – 61,8%), there were a few hoteliers who showed no interest in being involved or who refused to participate. This negative attitude is, however, not indicative of the industry in the Cape Metropole.

The researcher has limited the survey component of the research to a cut-off date at the end of October 2002.

A final and minor constraint in this work is the sharing of information and documentation. The industry in general is very reluctant to provide copies of disciplinary procedures. The researcher has been provided with various reasons for this such as, "my manager says that I cannot give you a copy", to comments like "our policies are confidential and therefore are not open to the public". One hotelier made a comment that the policies of the business were a trade secret and therefore he could not give the researcher a copy. However, there were hoteliers who contributed and assisted by providing the researcher with copies of their disciplinary policies and procedures without hesitation. The only request from those who provided copies of their disciplinary procedures was that their company names remain anonymous and be removed from the documents. These copies are shown in Appendix E.

A further concern that could have been evident is the privacy and confidentiality of the responses to the questions. Owing to the fact that the respondents were given the questionnaire to complete on their own and in their own time, the researcher had no way of knowing whether the respondents had received assistance in completing the questionnaire or not.

1.8 Demarcation of the research

This research is applicable to the hotel industry. It concerns a study done in the hotel industry based on an assumption that the handling of discipline has been incorrectly managed in the last decade (since 1992). The study includes 3- to 5-star hotel establishments in the Cape Metropolitan areas of Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg.

1.9 Research methodology

This aim of this study is particularly an exploratory descriptive exercise. In the analysis, frequency tables and descriptive statistics were run on the data.

The research in this study is based on an empirical study that included 23 hotels across a range of 3- to 5-star hotels. In each of these hotels there are between six and twelve senior, middle and junior managers. This resulted in 201 managers that received a questionnaire (Appendix D).

In an interview with the Regional Director of the Federated Hospitality Association of South Africa (FEDHASA) (Van Rensburg, 2003), it was established that there are approximately 81 hotels in the Cape Metropolitan areas of Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and Tygerberg. Forty-eight (which is 59% of the 81 hotels) of these are in the 3- to 5-star range. Twenty-three of the 48 hotels (48%) participated in the research. This figure is more than an acceptable reflection of the universum.

The researcher met with five Hotel General Managers and Human Resource Managers in the area and discussed the hypotheses and the objectives of the research with them and asked for comment and feedback. The consequence of this enthusiastic, encouraging and constructive feedback resulted in the construction of a questionnaire. The research data was collected with the use of an anonymous questionnaire.

The researcher was of the opinion from the outset that should a "better than average" response be expected, he would need to take a direct and personal approach in the distribution and collection of completed questionnaires.

The researcher made telephonic appointments to see the General Manager of each hotel, requesting a 15-minute appointment to discuss participation in the completion of the questionnaire. At this appointment with the General Manager,

the researcher explained the objective of the research, and “sold” to the General Manager why the hotel’s management should participate. The researcher thereafter obtained agreement as to the date that the researcher would return to collect the completed questionnaires. Appointments were made with 31 hotels and the researcher was able to convince 23 hotels to participate.

Attached to each questionnaire was a personally signed original letter from the researcher to each of the respondents stating the objective of the questionnaire and how his/her participation would assist greatly in the future. The letter also assured the respondents that the researcher had the full support of their General Manager, thus giving the questionnaire legitimacy and increasing the probability of all managers in the hotel completing the questionnaire.

The empirical study in the form of a questionnaire was used to gather information. The researcher had other resources in the form of textbooks and scholarly and trade journals, as well as keeping abreast of daily business activities through the business sections of daily newspapers. The researcher had weekly informal contact with senior and junior management in industry, and in so doing maintained contact with the day-to-day operations of the various businesses.

1.10 Significance and contribution of the research

Management, at all levels, need to be confident and competent in managing the employees who provide service and expertise to the tourist and guest. This is especially important at junior and middle management, as they have the most direct effect on the employee who provides this service and expertise to the tourist and guest. A positive effect of a strong, confident and competent manager will greatly improve the relationship between the manager and the employee he/she manages. The beneficiaries of this improvement will be the guests who will return more often, boosting profitability and improving the return

on the investment for the investor. As a result of the businesses improving, the communities that rely on these businesses will greatly benefit. The multiplier effect will thus take effect.

The significance of this research is to point out to the hotel industry the negative effects of senior management's not managing discipline but rather conducting the discipline themselves. Senior management need to focus on their KPAs. The conducting of discipline should not be one of their KPAs, but rather the management of the junior/middle management performance in managing and conducting discipline. The research will further show that with a lack of practical knowledge and understanding among junior/middle management of the practical application of formal discipline in the workplace, the task of handling discipline will be dealt with incorrectly. The importance of the research will focus on the solution to enhance the practical knowledge and understanding of the application of formal discipline in the workplace by junior/middle management.

The research will contribute to provide a suggested framework on how the junior and middle managers can practise what they have learned in training sessions on conducting discipline. Junior and middle managers will grow in their ability to manage their subordinates by conducting and managing discipline correctly. The growth in expertise and experience of these junior/middle managers will become more evident as they become more competent and confident in conducting and managing discipline. This will result in them being better managers when they are promoted to senior management in the future.

The research will show that should junior/middle management have the theoretical knowledge and understanding of the application and management of formal discipline, but have not been given the opportunity to build the confidence required to conduct a formal disciplinary inquiry/hearing, they will lack experience, and thus not develop and become competent managers in the future. The research will focus on the solution to give the junior/middle manager the confidence to conduct a formal disciplinary hearing/inquiry.

Should the practical knowledge and competence of junior and middle managers be improved by putting into practice what they have learned, and giving them the opportunity to practise the skills, their confidence should substantially increase. Junior/middle management's relationships with their subordinates and superiors will, in the long term, improve, resulting in a reduction of conflict. Discipline, and the sanctions of discipline, will then be more readily accepted as fair by all parties. This will also go a long way to improving the competence and confidence of junior and middle managers to conduct discipline in their area of responsibility. Junior and middle management will be spending time managing the day-to-day issues of their areas of responsibility and contributing to the financial and operational success of the hotel. This will impact on improving their relationships with the staff that report to them.

The research will also show that if there is a lack of confidence on the part of senior management in the ability of junior/middle management to manage formal discipline, junior/middle management will lack the confidence and experience needed to manage formal discipline now and in the future. The research will focus on a solution to build the confidence of senior management in the ability of junior/middle management in conducting a formal disciplinary inquiry/hearing.

The research will further show that should junior/middle management not be sufficiently trained and experienced to explain disciplinary decisions that have been made, the disciplinary process could be seen as procedurally unfair, further exacerbating the problem of confidence in junior/middle management's ability to manage discipline. The research will focus here on providing the appropriate training and experience to junior/middle management to successfully and confidently explain disciplinary decisions when challenged. The trade unions will in future be less likely to refer disciplinary cases to the Commission for Conciliation, Mediation and Arbitration (CCMA), because

management at all levels will be better equipped to manage conflict and disciplinary matters.

The contribution of the research will be to suggest a solution to how senior management will coach and mentor subordinates to develop the management skills of junior/middle management. This will re-focus senior management towards one of their KPAs, which is to manage and develop their subordinates' performance and not do part of the subordinates' job for them. Should senior management succeed in coaching and mentoring junior/middle management, then junior and middle management will, in the future, be better equipped and experienced to mentor and coach subordinates of their own so that those subordinates will benefit from their hands-on experience.

1.11 Definitions of terms

CCMA	The Commission for Conciliation, Mediation and Arbitration.
Effective	In business, it implies that the applicable functions or tasks have to be performed in order to achieve the set of objectives, i.e., doing things right.
Efficient	In business, it is performing functions or tasks with the minimum input of human and other resources, i.e., doing the right things.
Formal Discipline	Is the shaping of a subordinate's behaviour (following a formal procedure) to motivate him/her to act in a way in order to ensure the achievement of the set goal (Kroon, 1990:11).
Behaviour	Observance of, or performance to the establishment's accepted standards.
Performance	Execution of, or carrying out of specified standards taught.
Senior Management	Is anyone who holds a leadership position and is in control of a number of subordinates and who takes the lead in the performance of a specific function in the organisation.

Middle Management	The level of management in the hotel's hierarchy that is responsible for a function or department within the hotel.
Junior Management	The level of management in the hotel's hierarchy that is responsible for a section within a function or department within the hotel.

1.12 Conclusion

This chapter has set out to show that tourism is important to the development of South Africa in that it can provide additional employment and create a more economically stable environment in South Africa.

Tourism has a multiplier effect in that it affects other industries because of the tourists attracted to South Africa to spend their foreign money in all these businesses. These businesses in turn will spend a portion of this money to expand their businesses, resulting in higher employment rates. This cycle is important to South Africa's continued growth.

To maintain this growth in tourist spending, management should manage employees in a way that encourages them to provide the level of service to encourage the tourist to return for a second or third visit.

The tourism industry, and more specifically the hotel industry, is a crucial industry to the economic success of the Western Cape and the rest of South Africa. There are constant reminders in the mass media that our gold reserves are becoming increasingly expensive to mine and that South Africa needs to replace gold with another form of "gold" in the form of tourism. South Africa should therefore be ideally positioned to exploit other income generators, and possibly even to exploit its tourism potential.

There is a really telling example in the Western Cape of business showing its confidence in tourism by the building of an international convention centre and

connecting it with a canal to the hotels in the Waterfront. The canal also links the convention centre to a very modern shopping and entertainment complex, which is the number one tourist attraction in South Africa, visited by foreign tourists.

It is essential therefore that management at all levels, especially at junior/middle management level, learn to manage subordinates in order to meet the objectives of their area of responsibility. Management need to learn these skills at junior management level, and this is the opportunity for senior management to train, coach and develop their subordinates.

Discipline is required from employees to perform to the standards that will encourage the tourist to return for a second and third time. Senior management must manage this process and junior/middle management should implement the necessary policies and procedures, and manage discipline to ensure that the performance levels of employees are maintained and even improved. For junior and middle management to grow and develop in this environment, it is essential that their management abilities, like the management of discipline, be developed to benefit the hotel industry and tourism as a whole.

This chapter outlines the problems that possibly exist in the management of discipline. It suggests objectives to be achieved to resolve these problems. It also delineates the limiting factors that could affect the research, and finally indicates important and significant opportunities envisioned by the research. Then the research will discuss leadership, leading and delegation, as well as the relationships between these and how they affect the management of discipline, approaches to discipline, and employee relations. The chapter will also examine the role of discipline in the management process, give a brief history of managing discipline from a South African perspective, and further discuss managing discipline, as well as the myths of discipline, and what constitutes the fair and consistent application of discipline. In conclusion, the chapter will discuss various approaches to managing discipline.

CHAPTER 2

LITERATURE REVIEW

Section A: The Managerial Aspects of Discipline

2.1 Introduction

The first chapter alludes to the fact that managers at all levels are responsible for the effective and efficient management of their assigned areas of responsibility and the people that work in these areas. This is achieved by using the resources allocated to them, and the management skills of decision making, coordination, delegation, communication, motivation and discipline, in order to achieve the organisation's objectives (Drucker, 1983:7; Kroon, 1990:7; Kavanaugh & Ninemeier, 1991:3; Robbins & Coulter, 2002:5).

This chapter will concentrate on the managerial functions in the workplace. This will be followed by the important elements of discipline as part of the manager's function.

To have a good understanding of discipline, a thorough investigation into the field of discipline is necessary. However, an understanding of discipline will be more worthwhile if the role of discipline is pointed out. Therefore this chapter will highlight the role of management and leadership in an organisation. Section A will focus on management, leadership, discipline, managing people and the role delegation plays, and the effect on management's span of control. Discussion will show the balance of support and direction required by a subordinate in the delegation process and the consequences of delegation on junior management. Section B will cover a thorough discussion of discipline and its role in management.

2.2 Management, leadership and discipline

A key aspect of management is to take responsibility for the subordinates that report to them. This includes taking responsibility for subordinates' performance, by maintaining discipline by way of counselling, guiding, coaching and training them to perform to standard and behave in accordance with work and society norms and values. Management should provide leadership and lead subordinates to perform to these standards and behave accordingly.

Management and leadership are not the same. Management essentially encompasses the activities of planning, organising, activating and controlling. One can be relatively effective in doing this, which is following rules, procedures, policies, and maintaining systems, without being a leader. But the manager, who also displays leadership, goes beyond this in inspiring employees. Managers who combine management and leadership are doubly valuable to the organisation (Minervini, Meyer & Rourke, 2003:24).

Leadership, however, is a specific set of qualities or dimensions that can be identified, learned and applied (see Appendix B). Leading is the ability a manager has to influence people to take effective action. Leading has to do with directing people, motivating people, communicating, coaching, reprimanding and praising, and disciplining people to perform effectively. Leadership has to do with how the manager goes about directing people, how people are motivated, how people are communicated with and how they are reprimanded and praised.

Leadership is that indefinable quality that only some people have. Leadership is a way of behaving, a way of affecting the behaviour of others. Leadership is the interpersonal influence that gets an individual or group to do what needs to be done (Minervini, Meyer & Rourke, 2003:24).

“I believe great leaders are born and good leaders are made” (Cain, 1997:xiv). To make managers lead and display leadership qualities, managers must first practise the management activities of planning, organising, leading and control. Leadership is dynamic and continuous, and as such must adapt to the situation (Cain, 1997:xv).

Obolensky (2001:76) suggests that leadership, coaching and mentoring have become hot subjects and that one cannot teach leadership, one can only develop it; it is a process, but a necessary one, linked with coaching and mentoring, and within this process, leadership attributes will develop.

Hofmeyr (1998:16-20) quotes an international survey on the attitudes and perceptions of South African managers. The response to the survey was that only 39% of managers stated their objectives clearly, 22% of managers made decisions promptly, 22% of managers communicated down the line and 27% of managers provided effective leadership. These statistics show that South African managers do not lead well and few state their objectives clearly, fewer provide leadership and ever fewer communicate their objectives down the line and make decisions effectively. These statistics indicate that should management not set clear objectives and communicate them to subordinate managers, how is it possible for junior managers to effectively manage their subordinates' performance through effective leadership?

A global survey conducted by Accenture (Davidson, 2002:12), identified 15 dimensions or characteristics of leadership (see Appendix B). These dimensions or characteristics were arrived at from interviews with academics and chief executive officers of companies. The same survey was conducted in South Africa to establish whether the dimensions or characteristics of management were the same or similar. The results of the survey in South Africa showed that the same characteristics were evident, but more emphasis was placed on managing performance and creating a shared vision and leadership.

South African managers have identified in the above study that managing performance of subordinates is important in South Africa. Managers must provide leadership by sharing the objectives of the business, and involve subordinates in all decisions to achieve these objectives. The leadership provided will motivate and encourage subordinates to perform to the standards of these objectives. Subordinates who are involved in the making of decisions about the objectives can more easily be measured against the performance standards that accompany the objectives. In providing this level of leadership, less correction of performance and discipline may be required in the form of training, coaching, and guidance because subordinates will, in time, impose self-discipline and correct their own performance by ultimately working out what to do by themselves (Grote, 2001; 55).

To encapsulate the discussion thus far on the writer's understanding and concept of management, leadership and discipline, the following comment can be made. Management encompasses the activities of planning, organising, activating and controlling of the business through procedures, policies, work methods and systems, amongst other things, to achieve organisational goals (Kroon, 1990:7). Management is the process of using what one has (resources) to do what you want to do (organisational objectives) (Kavanaugh & Ninemeier, 1991:3). A manager is someone who works with and through people by coordinating their work activities in order to accomplish organisational goals (Robbins & Coulter, 2002:5).

Leadership, however, goes further by inspiring, motivating and spurring the people in the organisation to perform to aspire to achieve organisational goals and to perform to benefit themselves and the organisation. In the words of both Drucker and Bennis, management is doing things right; leadership is doing the right things (Covey, 1993:101). Covey (1993: 101-102) goes on to explain the two by using an analogy. Management is efficiently climbing a ladder to success. Leadership is determined if the ladder is leaning against the correct wall. Robbins and Coulter (2002:458) add to this by saying that leadership is a process of influencing a person or group of people towards the achievement of goals.

Within the management of the organisation and the leadership of the people that are employed by the organisation, there is a need at times for discipline. Management sets goals in conjunction with employees and management uses leadership qualities to inspire and cajole employees to achieve these goals. In most cases this will be achieved. However, in our imperfect world and even with good leadership, there can be personal problems best dealt with by the exercising of a tougher line. Discipline, or the tougher line, must be carried out firmly, with sensitivity and with proper regard for the person's feelings. The discipline must be justified and after an objective inquiry, corrective action or discipline should be taken. The disciplinary decision must be fair, consistent and appropriate. Discipline is the action taken by management to enforce the organisation's expectations, standards and rules (Robbins & Coulter, 2002:593).

One can see that management and leadership must be combined to exercise discipline where it is required in an organisation. The management of discipline is the following of procedures, policies and systems, while one of the many aspects of leadership is the "how", or the way in which discipline is handled.

2.3 Managing people and delegation

The management process is shown in a model format (Figure 2.1 p31). Managers are required to plan the activities and actions of the organisation, organise the employees into effective groups or teams to produce good results, activate, energise, motivate, communicate and delegate the tasks required to be completed by the teams and finally control the process by ensuring that deadlines and the standards are met and that the organisation is effective and efficient and produces the results required.

Delegation (defined further on page 35) is a management activity that management should use to their advantage, to enable them to give their attention to important issues that will bring about a more effective organisation. One part of

managing people requires delegation, which is giving to an employee part of the manager's job to complete so that the manager can get on with the important parts of his job (KPAs) that produce the required results. Horatio Nelson did not have to fear being double guessed or countermanded by politicians in Westminster. He had a simple command. He delegated that any captain who laid his ship alongside that of the enemy could do no wrong. In other words, get on with it, attack. Don't ask or wait for advice (Owen, 2002:64).

Nowadays communication and the access to information is at our finger tips and because there is so much we require, committees, research groups, and commissions of inquiry are asked to put forward recommendations for management to decide (Owen, 2002:64). If management delegates, practises the skills and knowledge, decides what is good for the organisation and builds trust, management will accomplish more. The definitions that will follow will support this.

Drucker (1983: 38-39) comments that much has been said about delegation in management and how every manager wants to delegate well. He further notes that delegation is a method of pushing work onto subordinates to complete. "The only way the manager can get to the important things is by pushing on others anything that can be done by them." He says this notion of passing work on to subordinates to complete is what delegation is in its simplest form, and what it could be understood to mean. However, the act of delegation is more than "passing work on to subordinates to complete".

Management needs to acknowledge that they are unable to do everything and that there are people in their departments, faculties, and companies who have the skills and abilities to do certain tasks better than management. It requires the manager to identify these experts and delegate the tasks to them to complete. Managers should then manage the people and not do the work; in other words, manage the people by delegating tasks, using a simple, uncomplicated process that all understand and use.

2.3.1 Steps to effective and efficient delegation

Effective and efficient delegation requires the manager to understand the person to whom he/she is to delegate. The manager should also understand how best to delegate the task so that the subordinate receiving the task will want to complete the task because he/she has been asked. Pride in being asked and the recognition for completing the task should motivate most subordinates.

The video, *The Unorganised Manager* (1983), proposes that managers practise five steps to delegate effectively. Blanchard and Johnson, authors of the *One Minute Manager* (1984:101), support these steps:

- a. The manager must know clearly what he/she wants to achieve by delegating.
- b. The manager must be aware of the competence level of the subordinate to whom the task is delegated.
- c. The manager must establish an effective level of control to manage the performance of the subordinate who is to complete the task.
- d. The manager must obtain commitment from the subordinate that the task will be completed by the due date and time and that only completed work will be accepted.
- e. The manager must reward outstanding performance.

2.3.2 Link with management, leadership and delegation

Within these steps, leadership attributes should be demonstrated and management skills should be displayed. The management skills of planning, organising, activating and controlling should be displayed in delegation. That is to say who does what, and by when. Leadership attributes should be demonstrated by communicating in such a way that the subordinate wants to achieve (out of pride of being asked) to the standard in an exceptional way and to be rewarded for outstanding performance.

2.3.3 Negative aspects that affect delegation

There is an area where delegation will be affected negatively and that is in the manager's span of management control. The span of the manager's control can be attributed to the number of subordinates that a manager can effectively manage and control. The number of subordinates that can be effectively managed and controlled by a manager will depend on the competence level of the subordinate. Should the competence level of the subordinate be low, then smaller and simpler tasks could be delegated, resulting in the manager being able to manage and control fewer subordinates. The converse may apply in that the higher the competence of the subordinate, the more complex the task that could be delegated, resulting in a wider span of management control.

2.3.4 Delegation is an effective measurement of the manager's effectiveness

Leadership comprises those qualities or attributes that a manager has learned in respect of how to inspire subordinates to perform to the standards that have been agreed. One quality of leadership is how to delegate effectively. Junior and middle managers should be delegated the responsibility (the commitment and obligation to perform within the power boundaries) and authority (the right to command or direct) to perform the work delegated to them. The manner in which the junior/middle manager manages his/her subordinates is one key performance area (KPA) in measuring his/her success as a manager. The more authority and responsibility that is delegated to the junior/middle manager, the more the senior manager will be able to measure the junior/middle manager's ability to manage people effectively.

2.4 Span of effective management control

The span of effective management control over a group of subordinates is the number of subordinates who can be effectively managed or controlled by one supervisor. This is limited and influenced by a number of factors (Allen, 1956:74-77; Coventry, 1975:50; Kroon, 1990:244; Griffin, 1997:149; Armstrong, 2001:26):

- The competence of the subordinate.
- The commitment of the subordinate.
- The physical dispersal of subordinates.
- The interaction between supervisor and subordinate.
- The degree of standardised procedures in place.
- The similarity of tasks to be completed by the subordinates.
- The frequency/infrequency of new problems.
- The preference of the supervisor and the subordinates.

The more subordinates the manager is responsible for, the wider the span of management for that manager. The manager's effective management, that is, doing the right things and doing things right, will depend on the aspects above. An increase or decrease in these will affect the senior manager's effectiveness in the management of the subordinates.

Should the ability of the subordinates be better than standard, this will allow the supervisor to manage more subordinates effectively and the supervisor will be able to delegate more tasks to these subordinates.

The span of control in the hotel industry at senior management level is narrow. An example of a typical organogram of a hotel in the Cape Metropole area (Appendix A) clearly shows the narrow span of control that senior managers have. As can be seen from the example, the further down that one goes in the management levels, the wider the span of control, because these managers have more people to manage.

The larger the number of subordinates becomes, the less management are able to effectively manage the people that report to them, owing to the increased numbers of subordinates (Coventry, 1975:50; Kroon, 1990: 244-245; Armstrong, 2001:26). To be effective, managers need to delegate to their subordinates the power to make decisions within the boundaries that are agreed upon between the manager and the subordinate. Accompanying the power of decision-making that the manager delegates, is the authority (the right to command or direct) and the responsibility (the commitment and obligation to perform within the power boundaries) to manage on behalf of the manager. Therefore the senior manager will need this knowledge to effectively delegate the authority and responsibility to junior/middle management to successfully complete the task that was delegated.

2.5 Support and direction for subordinates

Hersey and Blanchard's situational leadership model (Figure 2.1) suggests that the level of management development of the subordinate (that is the level of commitment and competence) depends on the level of support and the level of direction the subordinate requires when a task is delegated to him/her. The combination of these dimensions will indicate to the senior manager how much of the task can be delegated to the subordinate to accomplish and to achieve the objective.

The levels of support and direction will change depending on the level of commitment and competence (developmental level) of the junior and middle managers. The model provides a simple framework and management tool for senior management to use to improve the behaviour and performance of subordinates through training, counselling, guidance, and discipline, if necessary. The model illustrates that the level of competence and commitment (developmental level) of the junior or middle manager will determine whether the senior manager directs, coaches, supports or delegates the task.

Fig. 2.1 Four leadership styles

The Four Leadership Styles

Supportive Behaviour (relationships)	High	High Supportive Low Direction Supporting - S3	High Supportive High Direction S2 - Coaching
	Low	Delegating - S4 Low Supportive Low Direction	S1 - Directing Low Supportive High Direction
		Low	High
		Directive Behaviour (task)	

High	Moderate	Low	
High Competence	High Competence	Variable Competence	Low Competence
High Commitment	Variable Commitment	Low Commitment	High Commitment
D4	D3	D2	D1
Developed			Developing

Source: Hersey and Blanchard, 1988:182

The model has two sections and the two sections are linked. The top section depicts a relationship between the level of support a subordinate requires and the level of direction the subordinate requires. This will depend on what level of development, as depicted in the bottom section, the subordinate has achieved. If at the right-hand end of this section, it will indicate a low level of development, and as the subordinate's development improves so he/she will move to the left-hand side of this section. The model portrays pictorially that as the subordinate's competence and development level improves, the way the subordinate is managed changes from one of directing to coaching, to supporting and finally to delegating.

The model displays that the development level of an employee whose competence level is low and whose commitment level is high (D1) requires directing (S1) and is consequently told what, how and when to do things. Control and decision-making at this time remain in the hands of the senior manager. The junior manager is provided with specific instructions to carry out and his/her performance is closely managed. At this level the junior manager could be referred to as an enthusiastic learner or beginner (Hersey & Blanchard, 1988:182).

The junior manager who has some or variable competence and low commitment (D2) requires coaching (S2), high direction and high support from the senior manager. Most of the control and decision-making is still with the senior manager. The junior manager has decisions explained and is provided with the opportunity for comment and asking for clarification. This junior manager could be referred to as a disillusioned learner (Hersey & Blanchard, 1988:182).

The junior manager with a high level of competence and a variable level of commitment (D3) requires support (S3), high support and low direction from the superior. The senior manager shares ideas with the junior manager and facilitates in the decision-making. The junior manager could be referred to as a reluctant contributor (Hersey & Blanchard, 1988:182).

The junior manager who has a high level of competence and a high level of commitment (D4) requires being delegated the outcome or objective required and needs neither direction nor support to achieve the objective (S4). The senior manager delegates authority and responsibility for decisions and implementation of those decisions to the junior manager (Hersey & Blanchard, 1988:182). This junior manager is a competent performer. However, for a senior manager to manage a competent junior manager, the senior manager needs to establish a few performance criteria with the subordinate manager to manage the junior manager so as to enable the senior manager to manage the subordinate's performance.

Firstly, the senior manager should establish for him/herself the development level

of the junior manager and then set the objectives and standards to be achieved with the junior manager. Secondly, the senior manager should secure understanding of what is to be achieved and the junior manager's acceptance of the authority and responsibility that comes with the delegation. Thirdly, the senior manager should put controls in place to track the performance of the work delegated. Fourthly, the senior manager must inform the junior manager that only completed work will be accepted and finally, outstanding performance must be rewarded. It must not be forgotten that the senior manager is always accountable for the successful (or unsuccessful) accomplishment of the work delegated (Ivancevich & Matteson, 1996:427).

Blank and Wetzel, in "A test of the situational leadership theory"¹ (as cited in Ivancevich & Matteson, 1996:429), say that there are some unanswered questions about situational leadership working in practice. These researchers make the statement that revolves around the notion that a leader can change or adapt his/her methods to fit the subordinate or group. This begs the question of whether people in leadership positions are this adaptable, and suggests that research is needed to validate this adaptability (Ivancevich & Matteson, 1996:429).

"Different leadership methods are suitable for different situations" (Lesela, 2002:4). Lesela (2002:4) further states that leadership in most instances is very situational and depends on what environment one finds oneself in, as well as one's ability to handle specific situations. This statement supports Hersey and Blanchard's model in that the level of support required by the subordinate and the direction given by the supervisor will depend on whether a subordinate is directed in what to do, coached in what to do, supported in what is being done or delegated to complete a task. Caution must be exercised, as no one method is superior to another. At times, combinations of these styles are situationally more correct. Directing, coaching, supporting and delegating must be performance- and behaviour- related and the action must be immediate. Lesela's comments concur with those of Hersey and Blanchard, who advocate that the situation must be considered with

¹ Blank, W. & Wetzel, J.R. 1990. A test of the situational leadership theory. *Personnel Psychology*, 43(3):579.

the competence and commitment level of the subordinate.

The four leadership styles, illustrated in the model by Hersey and Blanchard, show that managers need to recognise that subordinates perform differently and are inspired to perform better in different ways depending on their level of development in the position they hold. The model illustrates that as subordinates develop, the way in which they are managed must change from a directing mode, to a coaching mode, to a supportive mode and finally to delegating the responsibility and authority to carry out the task without supervision. Should the subordinate's performance begin to slip, the superior needs to revert to a supportive or even a coaching mode of management style until the performance level improves to the point where delegation is in order. That is to say, the superior should manage the situation for productive results.

2.6 Delegation and its consequences

Delegation of tasks by management to a subordinate requires that senior management will need to do a few crucial things. Firstly, the senior manager needs to be aware of the competence level and commitment level of the junior/middle manager to whom he/she is delegating. Secondly, managers must be prepared to "let go" and be prepared to transfer authority and responsibility to the junior/middle manager to complete the task. Thirdly, senior management must be prepared to allow for mistakes to be made by junior/middle management when work is first delegated (Kroon, 1990:287).

It is widely accepted that, in essence, management is about getting work done through others. One cannot hope to achieve this all on one's own. Indeed, one should not even try because one will be "doing" as opposed to "managing". The role of the manager is to manage the operation in such a way that the company's objectives are achieved. To achieve these objectives, managers at times need to delegate. Successful delegation is one key to successful management (Flanagan & Finger, 1998:174-175).

Covey (1993:90) comments that one needs to consider two things in relation to delegation: firstly, the consequences of delegation, and secondly, the mistakes that are made by subordinates. Covey suggests that one is free to choose one's actions (delegating is one of these actions), but one is not free to choose the consequences of the actions if one delegated the action. The same can be said for mistakes. This is because someone else is carrying out the action. These consequences and mistakes can be greatly reduced by training, counselling, guiding, and when appropriate, discipline. When management delegates, they decide the standard required. The subordinate accepts the standard and carries out the action. Superiors may have little control over the consequences of mistakes made by subordinates; however, superiors are accountable for these consequences, and should attempt to minimise them by training, coaching, guiding, and, if appropriate, discipline.

The mistakes made by subordinates, and their consequences, are part of the risk that management takes when delegating. Should management delegate well, the risks will be greatly reduced. Setting achievable but challenging standards can reduce mistakes. Management should manage subordinates through coaching and guiding to achieving these standards. This "hands off, eyes on" approach will subsequently develop the subordinates' competence by making them more competent and confident.

A summary of the literature thus far indicates that:

- Delegation is a leadership attribute when completed successfully in the correct situation (Lesela, 2002:4).
- Delegation of tasks will depend on the competence and commitment level of the subordinate (Hersey & Blanchard, 1988:182).
- Successful delegation is one key to successful management of people (Flanagan & Finger, 1998:174-175).

- Delegation requires that senior managers be prepared to take risks in allowing subordinates to make decisions within the boundaries without referring back (Covey, 1993:90).
- Management is getting work done by and through others. To accomplish this, management must delegate and a process must be followed (Ivancevich & Matteson, 1996:427).
- Delegation requires that senior management must be prepared to allow mistakes to be made when junior management are first delegating (Kroon, 1990:287).
- Management can decide to whom to delegate, but must accept the decisions and actions made by subordinates (Covey, 1993:90).

2.7 Management, leadership and development

The management of a work environment requires a manager to effectively and efficiently manage the resources that are available and in doing so, achieve the goals and objectives of the company. Included in the management of an organisation or company is the leadership displayed by the manager. The leadership displayed by the manager is an important aspect in the overall management of the company. Within the leadership that takes place, is the development of subordinates to achieve their immediate work goals and at the same time their short- and long-term development. The management of an organisation would require leadership abilities to develop subordinates to their full potential.

Management is about developing subordinates. This is not a new aspect of management but rather it is a key performance area (KPA) within each manager's job. Developing subordinates needs to be an objective that is measurable in each senior manager's job. Those managers that are not suited to the team concept of looking to develop, advise, train and counsel subordinates, must be transferred or be replaced (Robbins & Coulter, 2002:416).

It is important for management to have effective teams, and consequently effective companies, that are characterised by and with appropriate and effective leadership. Effective leaders can motivate a team to follow them through the most difficult situations by increasingly acting in the role of coach or mentor. These effective leaders, coaches and mentors help guide and support the team but do not control it (Robbins & Coulter, 2002:416).

The one common role that leaders assume in leading teams is the development of these teams. This comprises development by offering support, clarifying expectations, coaching, facilitating advancement, training and reviewing individual performance. Robbins and Coulter (2002:474) tell us that team leaders or managers are therefore coaches, and assume the responsibility of developing subordinates.

2.8 The role of mentoring and coaching

In Section 2.2.1, it was established that a manager's task is, amongst other things, to develop, train and coach his/her team members. That includes supporting them and showing them how to do their jobs better until they are able to do the job extremely well (Pollock, 2002:29-31). Pollock continues to suggest that managers should help subordinates improve their job knowledge, attitude and skills continually.

Leadership, coaching and mentoring are seen as critical subjects in the light of development, because of their significance of growing employees in order to add value to the success of organisations. One cannot teach leadership, one can only develop it; it is a process, but a necessary one. Obolensky (2001:76) says that leadership, linked with coaching and mentoring, will develop the necessary leadership attributes.

2.9 Why mentoring and coaching?

Mentoring and coaching are important to develop and nurture the culture of a business because they encourage senior managers to help and advise junior/middle management to be better performers. Champion athletes use a coach, professional musicians get a coach, famous Hollywood performers get a coach and the best performers in every profession have a coach. Therefore, more business managers need the benefit of a coach/mentor. McLagan (2002: 28) says that organisations that can manage business knowledge and development well, can respond faster. Management that manage the business knowledge through mentoring and coaching, will have managers who can respond faster to business needs. This will result in the business prospering more rapidly. Business will have less waste of people failing in the same way over and over because mentoring and coaching will greatly eliminate these errors. Thus, the concept of mentoring and coaching is a highly discussed topic in academia and business nowadays (Martin, Reed, Collins & Dial, 2002:115).

Mentoring and coaching is, however, not a process whereby solutions are provided for management problems. It is a process to assist the manager to find his/her own solutions (Willem, 2002:35). Mentoring and coaching provide the stimulus for the manager to identify and eliminate blindspots in his/her makeup. A mentor and coach is that senior manager that volunteers to help, advise and direct the junior/middle managers to identify solutions to problems that exist. It is not telling them what to do but suggesting solutions on what to do, to stimulate discussion. Managers (leaders) need to focus on training, guiding, consulting and coaching subordinates to allow them to grow and develop (Obolensky, 2001:76). A survey of Fortune 500's executive indicated that 96% of executives saw mentoring as an important influence in their professional development (Hagevik, 1998:59). This statistic alone should encourage managers to embrace and appreciate their own mentor/coach; their responsibility is to do the same to their subordinates.

Managers need to play an ever increasing role of leading employees (that is,

junior/middle managers, supervisors and staff) to manage and look after their delegated areas. The emphasis is to lead their staff. Leading their staff requires that the leader will have to take a “hands off but an eyes on “ approach to what their staff are doing.

2.10 Understanding mentoring and coaching

The importance of understanding mentoring and coaching is that it will benefit the subordinate, the company, and the manager and consequently benefit the guest in the hotel industry. Subordinates benefit because someone cares enough to support them, advise them and help interpret information for them (Hagevik, 1998: 59).

As has been discussed in Section 2.9, there is a close relationship between coaching and mentoring and an analysis of these terms provides the following statements that differentiate between the two:

- **A coach** provides instruction, guidance, advice and encouragement to help to direct employees to **improve their job performance** (Robbins & Coulter, 2002:588).
- **A mentor** provides encouragement by teaching, guiding, developing and **supports a subordinate in an organisation** (Robbins & Coulter, 2002: 598).

An analysis of these two definitions indicates that coaching and mentoring are similar management skills. The difference is that mentoring is usually done by an older, more experienced person who **supports and sponsors** a younger, less experienced person who is at a lower management level.

The mentor/coach that cares sufficiently can use a variety of forms while supporting and encouraging a subordinate, for instance “sitting by Nellie” where the subordinate does as the superior does; through guiding, coaching and learning, a relationship is built on trust as a foundation from which the subordinate

works (Hagevik, 1998:59). Even the Labour Relations Act of 1995 suggests to managers to evaluate, instruct, train, guide and counsel subordinates (South Africa, 1995, Schedule 8.8.2). This again supports the process of coaching. The process of coaching will therefore require coaches.

Coaches are those people who **align beliefs with action**, communicate honestly, focus on the future and relate to others in an open manner (Bianco-Mathis, Nabors & Roman, 2002:1). Coaches help in teaching and training managers to build an individual path to achieve personal and organisational objectives (Goldsmith, Lyons & Fries, 2000: 1).

Other characteristics regarding coaching are:

- **Supporting people** to achieve higher levels of performance, and at the same time bring out the best in themselves and those around them (Hargrove, 1995:15).
- **Delivering results** because of the supportive relationship between coach and coachee (Whitmore, 1996:7).
- **A system of feedback** that includes techniques such as motivation, effective questioning and a conscious matching of management styles to each coachee's readiness to undertake a particular task (Landsberg, 1997: xiii).
- **Developing competencies and business effectiveness.** Coaching has the capacity to help a manager or team develop competencies and business effectiveness (Lyons, 2002). These managers, by developing the ability/capacity of people in the team, are seen as the leader by the team.
- **Communicating powerfully.** Leaders that coach, communicate powerfully, and help others to create the desired outcomes (Bianco-Mathis, Nabors & Roman, 2002:4).
- **Holding relationships.** Leaders that coach hold relationships based on honesty, acceptance and accountability (Bianco-Mathis, Nabors & Roman, 2002:4).
- **Exercising choices.** Being a coach means giving employees the power

and opportunity to exercise choices that will make their lives meaningful and contribute to organisational success (Bianco-Mathis Nabors & Roman., 2002:5).

Managers, whether senior, middle or junior, need to have a role model to look up to and to emulate. Managers need to have this “someone” that they strive to emulate, or with whom they can discuss issues in a confidential, safe environment in which they will not be ridiculed or put down. This role could be filled by a mentor.

Mentoring describes a wide range of relationships including coaching, teaching, networking, advising and evaluating. Other characteristics regarding mentoring are that it:

- **Implies involvement.** Mentoring implies and involves a more senior or experienced person taking a substantial interest in a junior, less experienced person’s future.
- **Implies being a guide, a sage.** The mentor is a guide, a sage, with important advice and experience that he/she voluntarily bestows upon a protégé (Martin, Reed, Collins & Dial, 2002:119).
- **Implies a genuine fondness and respect.** The personal aspect of mentoring is important, as the classic notion of mentorship implies a genuine fondness and respect between the mentor and the protégé. When mutual attention, respect and interest exist, then a voluntary mentoring relationship can develop (Martin et al., 2002:119).
- **Enhances development.** The mentor relationship can significantly enhance development in the mid-career stage of the most experienced individual (Kroon, 1990:608).
- **Accelerates learning, development and career progression.** Young professionals, as managers, are encouraged to actively seek out people they admire to “be their mentor” as a way to accelerate their learning, development and career progression (Hagevik, 1998:59).
- **Facilitates personal and career development.** A mentor is an experienced manager who provides guidance, advice and good counsel to

a young manager or professional to facilitate the young manager's personal and career development.

Mentors usually have no line authority over the young manager (Amos & Pearse, 2002:20). A true mentor should, ideally, have no formal authority over a young manager because then it would be possible for the mentor to give the young manager instructions which would take away the true role of a mentor.

2.11 To mentor or to coach

To achieve a stimulating environment of continual development, there is room for both coaching and mentoring. Clutterbuck (2001: 264) suggests that coaching and mentoring tend to be used synonymously, but the terms have distinct roles. Coaching is concerned primarily with the performance and development of definable skills. Mentoring, on the other hand, is usually long-term and is more concerned with helping managers.

The question is, does one coach or mentor? The discussion above indicates that mentoring is a more long-term relationship of guidance and providing advice, and coaching is to teach, guide, show and develop an individual to perform his or her job better and more effectively.

Clutterbuck (2001:266) suggests that there are common competencies to being a coach and a mentor.

- Self awareness – aware of one's own capabilities.
- Behaviour awareness – an understanding of how and why others behave the way that they do.
- Business savvy – good business sense and a business reputation.
- Sense of proportion – ability to see the big picture.
- Communication skills including listening.
- Conceptual skills – analyse, interpret and solve problems.

- Commitment to self learning – be a role model of self-development.
- Commitment to develop others – a general interest in the development of others.
- Relationship management – build and maintain a focus of relationship building.
- Goal clarity – ability to help people focus on practical plans and outcomes.

2.12 Relationship between coaching/mentoring and managing discipline

Management should use mentoring and coaching in order to allow junior/middle management to grow in confidence to manage discipline on their level properly. Managers that share their expertise and coach, use their power to influence subordinates to perform better. In managing discipline, senior managers must influence junior managers to make decisions to effectively discipline their own staff. At this point these senior managers will experience that true power/influence comes from sharing their knowledge with junior managers rather than keeping it to themselves (Willem, 2003:50).

Junior/middle managers (and most people) require a coach for one important reason and that is that 30% of all those who are being managed admit that they feel totally alone (Willem, 2003:50). The relationship that exists, the feeling of caring or interaction, is why subordinates want to be coached. Subordinates cannot develop in isolation. It is the interaction that stimulates development. A good reason for being coached is to have regular interaction and discussion. Feedback on performance is part of coaching. Feedback gives direction and focus to improve in a caring, protective environment which eradicates the trial and error method of learning. Blanchard and Johnson (1984:39) refer to it as: "helping people reach their potential, catch them doing something right".

2.13 Process to follow and skills to practise

The fundamentals of any mentoring /coaching process is the relationship between the mentor/coach and the protégé. Various attempts have been made to describe how this relationship should develop (Amos & Pearse, 2002:20).

Kram (1985:608) suggests that this relationship progresses through several phases.

- Initiation phase – in this phase the relationship is at the feeling out stage, randomly looking for compatibility and is established voluntarily and only to some degree imposed.
- Cultivation phase – the relationship develops and grows over time and reaches a maximum over a long period of time. Stoner (2003:1) supports this by saying managers need to purposefully stay connected to employees and build effective coaching relationships that address employees' needs, as well as those of the organisation.
- Separation phase – the protégés envisage becoming mentors/coaches themselves and move to phase one with their young protégés. Gering (2002:40) also adds that in the installing of a mentoring and coaching process, managers find that taking a protégé is a chance to both learn and put back some of what they have picked up during their careers.
- Redefinition – after time the relationship is either terminated or takes on the form of a peer relationship which more often than not lasts a lifetime.

Managers, just like coaches, are expected to provide instruction, guidance, advice and encouragement to help employees improve their job performance (Robbins & Coulter, 2002:588). In order to do this, Stoner (2003:1) suggests a five-part strategy to provide a context and a game plan for managers to make coaching easier:

- Forge a partnership with an employee and get him or her to want to work with you because the manager should be in agreement with individual goals

and aspirations. This will increase motivation and build trust.

- Inspire commitment by connecting the employee to the organisational goals.
- Grow skills and new competencies in the employee in order that he/she will know how to accomplish what is required to succeed.
- Promote persistence and tenacity by building the stamina and discipline in the employee to make sure that learning lasts on the job.
- Shape the environment in a manner that builds support to reward learning and removes barriers.

In order to become a good coach, Robbins and Coulter (2002: 588) suggest three skills that managers must continually practise :

- Continuously investigate ways to improve an employee's performance and capabilities.
- Continuously strive to create a supportive climate to develop the subordinate.
- Continuously influence employees to change their behaviour to fit business circumstances.

2.14 How to find a coach

The manager initiates the relationship by improving the employee's performance, supporting and developing the junior/middle manager to perform to individual and business goals (Robbins & Coulter, 2002:588). Therefore, the coach is the person that will develop the relationship and trust. The coach should be of high integrity, not only from a trust and confidentiality perspective, but also from a reliability point of view. The coach needs to be true to his/her word. The relationship that is established should not be a dependent one but rather an inter-dependable one. Over time one needs to feel that the relationship is becoming more personal and empowering.

The coach therefore, that an employee should look for, needs to be a person one

trusts implicitly. The coach will need to be a person of high integrity and a person who will be honest, direct, encouraging and not patronising. The coach will need to be committed to a long-term relationship that will extend to a life-long relationship. Ideally the relationship should develop into a mentor/mentee one.

SECTION B. The Role of Discipline in the Management Process

2.15 A brief historical overview

Any attempt to give a short history of industrial relations in South Africa is fraught with difficulty. This is because the narrator of the history has a particular bias, according to which he/she was taught or how he/she experienced this history. The background and upbringing of the narrator of the history will be influenced by how he/she learned and experienced this history. In taking these differences into account, truth and correctness are a reflection of that history (Finnemore & Van der Merwe, 1992).

The first democratic elections in South Africa took place in 1994 and heralded the end of a dualistic society, based on the colour of a person's skin. One set of laws, rules, procedures and practices existed for all South Africans; however, these were interpreted and applied differently between the two groups (white and black) who were citizens of the same country. Now South Africa has one set of laws, procedures and practices, interpreted and applied equitably for all South Africans.

The work environment was managed and dominated by one group (the white group) over other groups. Systems were put into place to secure and protect this dominance. As early as 1924, the Industrial Conciliation Act of 1924 was promulgated to protect this dominance. This Act excluded black men from the definition of "employee", which in effect prevented them from being part of the industrial relations system.

In the 1930s and 1940s unionists of all races were very active. As black unionists

were excluded from the system because of the Industrial Conciliation Act, they, over time, became politicised. In 1948 the National Party came to power. To further protect the white dominant group, more legislation was introduced to further exclude black employees and strengthen the two systems. One set of legislation existed for the white group, and one for the other colour groups in South Africa. Throughout the 1970s moves were made in business to establish and promote employee communication in the workplace but still maintain the dualistic society at work, which matched that at home. The promotion of employee/employer communication came about because of pressure in the workplace. In the late 1970s, white opinion in South Africa began to withdraw its support for discrimination on the basis of skin colour in the field of labour (Piron, 1984:1).

In 1977 the National Party Government appointed the Wiehahn Commission under Dr Nic Wiehahn to investigate ways to adapt the existing industrial relations system to meet the changing circumstances (Bendix, 1996:94 -97). The National Government at the time accepted most of the recommendations of the Wiehahn Commission, which resulted in the Industrial Relations Amendment Act of 1979 with further amendments in 1980, 1981 and 1982 (Bendix, 1996:94-97). These changes resulted in one system for all race groups in South Africa.

The implementation of the Industrial Relations Amendment Acts of 1980, 1981, and 1982 had led the way to a rapid growth in union membership, also in the hotel industry. Unions in the hotel industry such as FAWU (Food and Allied Workers' Union), SACCAWU (South African Commercial and Catering Allied Workers' Union), CCAWUSA (Commercial Catering and Allied Workers' Union), FBWU (Food and Beverage Workers' Union), HOTELICA (Hotel, Liquor, Catering and Allied Workers' Union) NLCTEU (Natal Liquor and Catering Trades Employees' Union) as well as a few smaller unions were active.

The rapid growth of these and other unions was as a result of legal changes that made it possible for black employees to formally participate in the official labour relations system. The term "employee" was redefined to include all persons

working for an employer. Formal freedom of association was granted to black employees who were excluded from the Act because they were not included in the term "employee" in the old dispensation. This new freedom led to a rapid growth in union membership, with a reciprocal recognition by employers. This opened the way for the establishment of collective relationships in the workplace. Hoteliers in the 1980s spent many hours with union officials and their union members negotiating and re-negotiating agreements on ways to regulate the working relationships between the parties in the workplace. These agreements were called recognition agreements. Black trade unions chose this recognition route (decentralised bargaining system) as an alternative to the industrial council system (centralised bargaining system), which was seen as a white-run system and against the interests of black workers (Piron, 1984:3-4).

2.16 Political and workplace change

By the early 1980s, the political dispensation and the industrial relations situation in South Africa were at odds. Bigger strides in communication were being made in the workplace than in the political arena. Employees had more communication and involvement at work than in the political arena (IPM, 1991:128-132). Most organisations in the formal sector had recognition agreements in the workplace that gave employees a say in the activities at the workplace. The government of the time, as a consequence of these pressures, began to effect political changes and to align these changes with the industrial relationships in the workplace.

The history of labour relations in South Africa has been closely linked to the wider political aspirations of the disenfranchised in South Africa. It was characterised by a long political struggle and continuous repression of black employees by the then government. Employers had to manage and conduct their businesses within this legislation, also adding to the history of labour relations in South Africa.

The apartheid system was in place for over 35 years. The consequence of this is that at least two generations of managers and employees know of only one

system, a system that was oppressive and dictatorial. The then disenfranchised population of South Africa regarded the system as unfair and unjust as they had not been involved in the implementation of this system. The leaders of the disenfranchised population developed a campaign of “stay-away” action and boycotts in the hope that these actions would sufficiently disrupt the business world. The envisaged objective of the campaign was the hope that the employers would bring pressure on the politicians to effect the political change in the system to reduce conflict in the workplace. Statistics show that South Africa’s history in the 1980s was fraught with stay-away action, strikes and boycotts, building from 207 strikes in 1980 to a peak of 1148 strikes in 1987.

Table 2.1 Number of strikes in the 1980s

Year of occurrence	Number of strikes
1980	207
1981	342
1982	394
1983	336
1984	449
1985	389
1986	793
1987	1148
1988	1025
1989	855
1990	948

Source: Bendix, 1996:540

A change in the country’s premiership from PW Botha to FW de Klerk, and the subsequent attitude of the ruling party (National Party) in 1988, brought about the beginning of the dismantling of many legislative restrictions of apartheid. Much discriminatory legislation, which included the Group Areas Act, the Mixed

Marriages Act, the Land Act and the Population Registration Act, was repealed. Early in 1990 the African National Congress (ANC) was un-banned, paving the way for political dialogue for the first time in 35 years. The un-banning of the ANC made it possible for the two political parties (the ruling and the un-banned) to sit and formally communicate and work towards resolving the conflict that existed in South Africa.

In 1992, the South African white population group endorsed the end of minority rule in a referendum on a new constitution. A transitional government was put in place and soon after full democratic elections took place in 1994. The interim government agreed not to scrap the Labour Relations Act of 1956 totally, but to use it as a basis of negotiation and consultation for a new Act that met the needs of employees, employers and state. Three years of negotiations and consultation between employers, employees, and the state and other interested parties, with the National Economic Development and Labour Council (NEDLAC), resulted in the new Labour Relations Act of 1995 (Act 66) being promulgated in December 1995.

The turbulence and inequity that emerge from the history of South Africa's labour relations history has, in part, to do with the difficulty of discipline being effectively managed in the hotel industry. Employees believed that because the laws were oppressive and therefore unfair, they needed to oppose any action that perpetuated this system. This past behaviour of opposition to an oppressive system resulted in employees mistrusting action taken by employers to improve performance or productivity (IPM, 1993:136). Any corrective action that was perceived to be unfair was confronted with aggression (some called it belligerence). The relationship between employer and employee was therefore one of mistrust (IPM, 1993:136).

Prior to 1995, employees were acquainted with the old labour relations system which employees learned to know as an oppressive system. The new labour relations system was put into place and time was required to train and educate

employees that the new system was one that was fair. The system now had included in it all the universally accepted rights afforded to employees as a fundamental part of the new system. The learning of the new system and “unlearning” of the old system will take time.

By the 1980s, most hoteliers had agreed to recognition agreements. These agreements came about through the process of negotiation through which these agreements would be used to manage the work relationships that would develop later. The process towards agreement had to take into account a number of opposing aspects such as union and company strategies and tactics, and union and company opposing policies (Piron, 1984:33). These agreements formalised the process of how the work relationship would be managed. These agreements became binding contracts in law (Piron, 1984:52). Many of the clauses contained in those recognition agreements were to form the basis for the Labour Relations Act of 1995, because through practice those clauses were seen to be fair and acceptable to employees and employers and were then included.

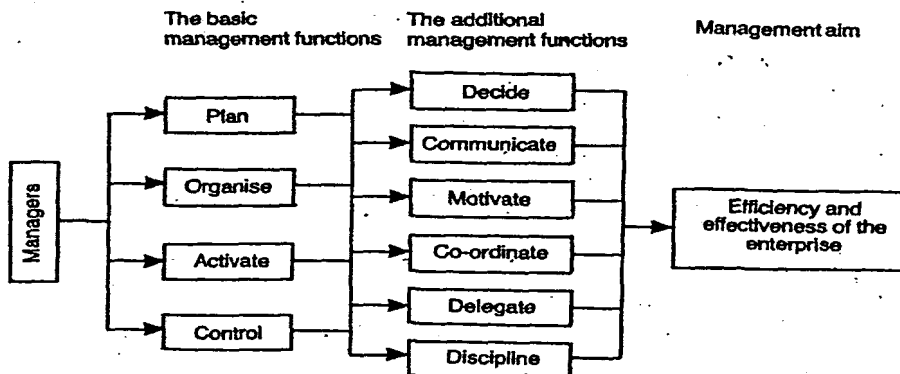
Time is needed to build trust between employees and employers. As has been pointed out above, employees viewed the old labour relations system as being oppressive and did not trust the system because of its unfairness. Management has a duty to develop and inculcate positive relationships in the workplace between employee and employer. Building trust is one aspect of instilling trust between employee and employer. The New Labour Relations Act of 1995 was put in place to assist in building trust by using the procedures in this act. Legislation like the Basic Conditions of Employment Act of 1997, the Employment Equity Act of 1998 and the Skills Development Act of 1998 will all help to move the relationship between employees and employers towards a position of trust. The legislation is in place to facilitate continued change. This is the beginning. The hearts and minds of the people, both employers and employees, need to accept and make the new Labour Relations Act part of their work practice. This Act will not remove conflict from the workplace but it will go a long way to reducing conflict

in an orderly, constructive way. It needs to become part of the work culture and company culture. This will take time.

2.17 Managing discipline

Management is the managing of one's own performance and of one's subordinates to achieve the objectives of the organisation (Kroon, 1990:7). The management process is shown below (Figure 2.2) to identify the main functions and sub-functions of management towards achieving organisational objectives.

Fig. 2.2 The meaning and role of discipline in the management process



Source: Adapted from Haimann *et al.* (1978:1) and Kroon (1990:7)

Figure 2.2 shows that discipline (a subordinate function of control) is a management function. Discipline is the shaping of a subordinate's behaviour to motivate and encourage him/her to act in a particular way in order to ensure the achievement of set goals (Kroon, 1990:11). It was mentioned in Section 2.3 that managers are required to plan the activities and actions of the organisation, and to organise the employees into effective groups or teams to produce good results. Managers should activate, energise, motivate, communicate and delegate the tasks required to be completed to these teams and finally control the process by rewarding good performance and results and/or disciplining teams or individuals

who do not produce good results, and whose performance is not satisfactory. Training, correction and coaching to improve performance should be provided. The manner in which this discipline will be managed will be further discussed later.

The Pocket Oxford Dictionary (1978:238) refers to discipline as: “...control exercised over a member of an organisation”.

Chambers 21st Century Dictionary (1999:380) refers to discipline as “...strict training, intended to produce ordered and controlled behaviour in oneself or others”.

Discipline is essential to all organised group actions. The members should control their individual urges and coordinate them for the common good of the group. Employees in the workplace should conform to the code of conduct or behaviour that is established by the leader of the organisation to achieve predetermined objectives (Beach, 1985:71).

Supervisors and managers can also change employee behaviour with the use of discipline. In a positive sense, discipline involves activities that correct, strengthen and improve employee performance (Kavanaugh & Ninemeier, 1991:157).

Every environment needs to have a set of rules and/or procedures that must be applied if the environment wants to succeed. Therefore the role of discipline in the management process needs to be one that aims to correct unacceptable behaviour through training, consultation, providing direction and working to bring the individual to the acceptable behaviour standards of the community he/she interacts with.

The management process gives the employers the right to recruit, engage, assign, promote, demote, transfer and discipline employees, and only as a last resort, if everything else fails, dismiss an employee. This right is tempered by the employees' right to fairness and consistency. This is very important in the management of discipline and will be discussed later.

2.18 Myths about discipline in the workplace

Many junior/middle managers are more apprehensive of disciplining subordinates than about any other aspect of their jobs (Kavanaugh & Ninemeier, 1991:157). The possibility exists that junior and middle managers are apprehensive about disciplining their subordinates because they do not understand how to implement the discipline in practice. They apparently lack the understanding, and therefore the confidence, to implement discipline in practice.

Kavanaugh and Ninemeier (1991:157) state that there are four myths to discipline that can lead to ineffective discipline and counterproductive discipline. Firstly, there is the myth that discipline is a form of punishment. Training and practical exposure to the implementation of discipline in the workplace will show that discipline is in fact the positive correction of performance or behaviour. When a junior manager is given exposure to and training on how to implement discipline, he/she discovers that it is not a form of punishment but a form of positive correction.

Secondly, there is the myth that being the boss means that subordinates have to do what the boss says they must do. The manager, being in a position of power, must not use discipline or force to change an employee's performance or behaviour to perform in the way that the manager commands. Control by power is a negative use of power and is not discipline.

Thirdly, there is the myth that if a manager is "nice" to his/her subordinates, the manager will not need to discipline. The manager is under the misapprehension that by not having discipline, subordinates will produce better results, ensuring a better work relationship with the superior. Being "nice" to people may be misconstrued as weakness and mismanagement, which may lead to a drop of standards of performance and behaviour. A balance between firm but fair discipline should be found.

Fourthly, there is a myth that every disciplinary situation must be managed in exactly the same way. Managers, through training and practical exposure to the management of discipline, learn that each disciplinary situation is different because the circumstances are different, and each therefore needs to be managed differently, for it to be seen as fair and consistent. The way in which discipline is managed from a procedural point of view must be the same, to be seen as fair.

Beach (1985:371) states that discipline is essential to maintain order and direction in a company. Flippo (1980:368) contends that a broad interpretation of discipline would be the conditioning of future behaviour by applying either rewards or penalties. The Industrial Court of South Africa has developed guidelines for the fair dismissal of employees. In the process it also developed the concept of corrective or progressive discipline (Christianson, Garbers, Mischke & Strydom, 1998:62), thus relegating the four myths of discipline to the figments of inexperienced managers' minds and imaginations.

The maintenance of discipline in the workplace is therefore an activity of management and the prerogative of an employer. The activity of discipline is exercised by and delegated to management on behalf of the employer. This right to discipline employees is limited by certain obligations that must be complied with by management. These obligations include the fairness, specifically procedural and substantive fairness, and consistency of application of discipline (South Africa, 1995:274-281; Robbins & Coulter, 2002:593).

Fairness, and specifically procedural and substantive fairness, as well as consistency in the application of discipline, will be discussed next.

2.19 Fair and consistent application of discipline

One key (and one would venture to suggest, universally accepted) aspect to the management of discipline in the workplace in South Africa is "...that employers

and employees should treat one another with mutual respect” (South Africa, 1995, Schedule 8.1.3). Should the management of discipline “... not be effected for a fair reason and in accordance with a fair procedure” (South Africa, 1995, Schedule 8.2.1), the outcome of discipline will be unfair. “An employer’s rules must create certainty and consistency in the application of discipline. This requires that the standards are clear and made available to employees in a manner that is easy to understand” (South Africa, 1995, Schedule 8.3.2).

One can infer from the above that the Labour Relations Act, No 66 of 1995 places importance on procedural correctness. Employees need to be fully aware of the procedure for discipline to be perceived as fair. The same can be said for substantive fairness. Was it the employee’s belief and understanding that the discipline and accompanying sanction was for a fair reason and followed a fair procedure?

Coupled with substantive and procedural fairness is the legal axiom of “justice delayed is justice denied”. Should disciplinary action not be taken timeously, then, owing to the delay, the discipline and the sanction that would accompany the discipline will be seen as unfair. On the other hand, “...the employee should be entitled to a reasonable time to prepare the response...” (South Africa, 1995, Schedule 8.4.1). Given reasonable time to prepare also applies to the employer. It could be read to include that should the employer take more time than is reasonable to prepare, it could be considered as unfair as too much time was taken.

Discipline is the shaping of a subordinate’s behaviour to motivate the subordinate to act in a particular way or within specific standards in order for the achievement of set goals (Du Toit & Marx, 1980:254; Kroon, 1990:11; Robbins & Coulter, 2002:593). One could conclude from this that discipline should always be fair and consistent to be motivational. The disciplinary process needs to be fair and consistent. Employees should know what is expected of them and what will happen should they not comply with what was expected of them. To establish

fairness and consistency, the employee should receive training in the execution of the disciplinary process should the employee require discipline. The fairness and consistency of the process will only receive credibility if the employee is aware of the process and the possible consequences. A discussion of fairness and consistency will follow under Sections 2.11.1, 2.11.2 and 2.11.3.

The effectiveness of discipline in terms of fairness and consistency, Bendix (1996:363) points out, requires discipline to be

- comprehensive (broad and including all possibilities);
- accessible (open and accessible to all as well as being transparent);
- clearly expressed and arranged (communicated in an understandable manner to achieve maximum understanding and acceptance); and
- to conform to the principles of natural justice (acceptable to society as being fair and consistent).

Management, in particular, needs to be trained to apply discipline in a professional way that will be seen by subordinates as comprehensive, effective, clearly expressed and arranged, and conforming to principles of natural justice.

In South Africa specifically, unions and union representatives are the watchdogs of fairness and place a great deal of importance on both procedural and substantive fairness as well as what the Constitution and the Labour Relations Act (South Africa, 1995) calls social justice. The reason for this could be a legacy of the apartheid system.

The workplace relationship of the past was (and still is, to a certain extent) an adversarial one as union representatives made use of opportunities to put pressure on management to disrupt work in the hope that the employer would bring pressure on the government to make political changes. One area where pressure was applied, was, that should any discipline be applied, the disciplinary process was regarded as unfair and unacceptable because the employees were not part of the decision-making process to establish the procedures or the corrective measures. Thus senior management managed the discipline because of

the potential of conflict. The consequence was that junior management was not given the opportunity to manage discipline. Employees developed the perception that junior managers were not able to manage their staff effectively, because senior management managed discipline for the junior managers. The employees were now not sure who their superior was, adding to the unfairness and conflict.

Bendix suggests that senior management monitor the subsequent performance of employees. It is the junior/middle manager's duty to apply and discipline the employees in such a way to motivate the employee to comply with and maintain the standards of performance or behaviour. Discipline is, as a natural consequence, the correction of unacceptable performance and/or behaviour and the duty of the senior manager is to monitor the subsequent performance and behaviour of the subordinate by providing all necessary assistance (Bendix, 1996:363).

Bendix further suggests that senior management provide all necessary assistance to junior/middle managers to manage the performance of their staff. For this to happen, junior/middle managers should be trained, coached, and advised on how to improve their performance in managing their employees. Thus discipline should encompass and take into consideration a person's feelings and emotions, and as such should be implemented with fairness and consistency.

2.19.1 The fairness of the application of discipline

The fairness of the application of discipline would need to comply with a few subjective criteria, *inter alia*, that the discipline would need to be seen by the subordinate as being fair. This in itself is subjective and is open to interpretation, but fairness needs to comply with universally accepted practices and the parties would need to be seen to be acting fairly (Bendix, 1996:374). Schedule 8 of the Labour Relations Act, No 66 of 1995 provides a guideline for general fairness in a disciplinary procedure, namely:

- That an employee has the right to a fair hearing.
- That prior notice is given of the hearing.
- That a hearing is held as soon as practicably possible.
- That the employee may state his/her case.
- That witnesses may be called.
- That the employee has the right to give /provide mitigating circumstances.
- That the employee has the right to representation at the hearing.

These points encapsulate the principles of natural justice in that natural justice is the set of principles and procedures that governs the adjudication of disputes between persons or organisations. Chief among these are that the adjudication should be unbiased and given in good faith, and that each party should have equal access to the tribunal and should be aware of arguments and documents adduced by the other (*WordReference.com*).

From a legal perspective, natural justice has been described as “fair play in action – the principles and procedures which in any particular situation or set of circumstances are right and just and fair” (Concordia University. Office of the General Counsel, 1993).

The rules of natural justice have been traditionally divided into two parts:

1. The duty to give persons affected by the decision a reasonable opportunity for presenting their case.
2. The duty to reach a decision untainted by bias (Concordia University. Office of the General Counsel, 1993).

Within each of these are specific duties that are included in natural justice and concur with Schedule 8 of the Labour Relations Act, No 66 of 1995:

- That both parties be given the opportunity to state their case.

- That both parties be given reasonable prior notice of the hearing.
- That both parties be given reasonable time to prepare.
- That both parties be given time to present and cross-examine evidence and witnesses.
- That the accused party is entitled to representation.
- That the accused party may present mitigating circumstances and that personal circumstances and work record may be taken into account.

Thus, discipline should be applied in a fair way in so far as natural justice is adhered to. But, fairness has three important components that are equally important to apply in the disciplinary process: procedural fairness, substantive fairness and consistency of application.

2.19.2 Procedural fairness in the disciplinary process

Procedural fairness relates directly to the procedure that was followed. For the procedure to be seen as fair, the procedure would need to have been negotiated and agreed to by the employer and employee prior to discipline being followed. This process also requires the procedures to follow standards that are acceptable to society. These standards are suggested in Schedule 8 of the Labour Relations Act, No 66 of 1995. In an organisation that has a recognition agreement in place, the procedure that is followed will be regarded as fair because it was agreed to in the recognition agreement and arrived at through the collective bargaining process. Should no recognition agreement be in place in the workplace, then the procedures in Schedule 8 of the Labour Relations Act No 66 of 1995 must be complied with as a minimum.

2.19.3 Substantive fairness in the disciplinary process

Substantive fairness relates particularly to the reason for or the cause of the problem. It is accepted that, if the reason for discipline is to be substantively fair, there must be a fair and valid reason for the discipline (Bendix & Jacobs,

1991:592). Substantive fairness would entail that the employee should be aware of a rule and that that rule should be reasonable, and that there is sufficient proof of an infringement and that the sanction should match the infringement.

Bendix (1996:374) states that the Industrial Court of South Africa applies the test of the “reasonable man”, that is, a person who exercises the degree of care, knowledge and judgement that society ordinarily requires of its members. Therefore, for a sanction to be regarded as substantively fair, it would need to pass the test of the “reasonable man”. The “reasonable man” might ask if there was a fair degree of care taken in the deliberations. Is the knowledge and judgement applied, generally accepted by the society or community in which the sanction is applied? It is seldom that the offending party will feel that the sanction is substantively unfair in these circumstances.

Elias (in Fenley, 1998:350) states, from a British context, “the law requires that employers should not remorsefully pursue their own interests”. They must also take into account the interests of the employee whose dismissal is under consideration. This is another test of the reasonable man principle.

2.19.4 Consistency of application of discipline

There is a third component to discipline being seen as fair, and that is consistency. Consistency relates to how the process and procedures have been applied in the past and the interpretation as to whether the discipline was applied in the same way as in the past. Were the standards of the application of discipline consistently applied?

Consistency is that action, procedure, practice or decision consistent with what has been agreed to, or consistent with regulations, rules, laws and past acceptable practices. According to *The Pocket Oxford English Dictionary* (1978:171) consistency is “... compatible with, not contradictory, constant with the same principles”. According to *Chambers 21st Century Dictionary* (1999:292)

consistency is "...being in agreement with, in keeping with, reliable, steady, adhering to the same set of principles, not contradictory".

Travino (1992:649) states that when the sanction of punishment in discipline is considered deserved, and the manager fails to punish, it is viewed by observers as unjust and therefore unfair, as the manager is not being consistent. Punishment is defined as the manager's application of a negative consequence or the withdrawal of a positive consequence from someone under his/her supervision (Travino 1992:649).

Consistency, therefore, implies that the rules, practices, policies and procedures need to be applied in a similar way and not be contradictory, and that the outcome of the discipline be applied in the same or similar way.

2.19.5 Interdependence of procedural and substantive fairness

The interdependence of procedural and substantive fairness is also shown to be paramount. Cole and Latham (1997:700) note that the non-acceptance and negative reactions to discipline are highly correlated with the perceptions of unfairness and are seen as punishment. On the other hand, employees who felt they had been disciplined fairly had a positive reaction to discipline. Thus, greater emphasis on fair treatment of employees by the managers who discipline them may reduce the negative reaction to such discipline. Thus, should the process be accepted as fair, the sanction is more likely to be accepted as fair.

There is an added point. Cole and Latham (1997:699) state that employees who have been disciplined (for poor performance or misconduct) develop perceptions of what disciplinary sanction will be applied as well as about the fairness of the sanction. These perceptions may, in turn, affect employees' responses to future disciplinary action. Should employees perceive that the reason for the discipline was fair and the procedure was fair, employees will accept the discipline more readily. Procedural fairness requires that a fair procedure be followed. The

procedure will be regarded as fair if both parties agree to its fairness. These two are the cornerstone to any discipline being accepted as fair.

Grote (1995) shows there is a move away from the disciplinary sanction being prescribed by management to one where the offender and his/her representative are consulted regarding what sanction would be most appropriate. The offender, with his/her representative, should take responsibility for his/her behaviour or performance, that is, to obtain commitment from the employee of the sanction to be agreed to. Management still maintains the right to discipline and to set the sanction. Should the parties at the consultation agree to the sanction, there will be no question of the sanction being seen as unfair and inconsistent. This consultation and agreement process will result in the sanction being perceived as being corrective and not a punishment.

2.20 The cost of an unfair dismissal

Management is aware that the costs of an unfair dismissal to a company do not only manifest themselves in rand and cent terms. The cost to a company can therefore be in hard cash terms as well as in hidden costs. Hidden costs are those costs that are difficult to quantify in financial terms, as they will depend on who is making the calculations. These costs can be in terms of management time and the unproductive nature of attending a hearing at the CCMA as against the completing of the productive activities the manager is employed to perform. This may involve all the other company individuals who may be required to give evidence. Management will also have the cost of possible reinstatement or re-employment of the unfairly dismissed employee with the associated costs, and thereafter provide training to re-motivate the employee to be a productive employee. The management mistake of an unfair dismissal because of not following the correct procedure or not having substantive grounds to dismiss can be costly, both in monetary terms as well as in productive time lost.

Other costs of an unfair dismissal are:

- The bad publicity and damage to the image of the company in the eyes of the public.
- The negative emotions of other employees during and after the unfair dismissal.
- The time that will be required to rebuild eroded relationships resulting from the unfair dismissal.
- The aftercare that will be required because of the unfair dismissal, in terms of retraining, coaching and repairing attitude changes.

These costs are very difficult to put into monetary terms.

The monetary costs of unfair dismissal are indicated in the Labour Relations Act, (66 of 1995) under the following headings:

Section 162. (Costs); Section 193 (Remedies for unfair dismissal); and Section 194 (Limits to compensation).

To paraphrase the pertinent part of Sections 162 and 193, the Court may make an order for the payment of costs, according to the requirements of the law and fairness. It may also order the employer to reinstate or re-employ the employee. This may constitute reinstatement from any date not earlier than the date of dismissal, or re-employment of the employee, either in the work originally held by the employee or other reasonable suitable work on any terms and from any date not earlier than the date of dismissal. The Court could order the employer to pay compensation to the employee.

Section 194 (Labour Relations Act, No 66 of 1995) indicates the limits to compensation in the following way.

- Unfair dismissal for procedural reasons (employer not following a fair procedure). Compensation equal to the remuneration that the employee would have received between the date of dismissal and the last date of the arbitration.

- Unfair dismissal for substantive reasons (the employer did not prove that the reason for dismissal was a fair reason relating to the employee conduct, capacity or based on operational requirements). Compensation not less than for procedural reasons but not more than 12 months' remuneration.
- Unfair dismissal that is automatically unfair (a description of automatically unfair dismissal is given in Section 187 of the Act). Compensation not to be more than 24 months' remuneration from the date of dismissal.

The costs and remedies in the Labour Relations Act (No 66 of 1995) are prescriptive in nature and decisions made by the Court are binding on the parties. The higher paid the employee, the larger the cost could be for the employer if the discipline is not managed correctly. It is therefore extremely important for management to ensure that the disciplinary process is managed correctly. The costs involved may be so severe that the reputation and/or financial situation of the organisation could be gravely affected.

2.21 Approaches to managing discipline

How managers approach discipline, ensuring that the application is procedurally, substantively and consistently fair, will have an effect on how the discipline is received. The approach management should be primarily aiming at is the correction of poor performance or unacceptable behaviour, and that discipline be managed with care, sensitivity and dignity. The opposite approach to this paradigm is that lack of caring, insensitivity and indignity, have no place in the management of discipline. Fenley (1998:350) states that the management of workplace discipline remains a key problem in employee relations. In practice, however, most organisations in South Africa have accepted the importance of formalised disciplinary procedures and have them as part of organisational policy. There are many small employers in South Africa who do not have a formalised procedure for dealing with discipline and will therefore follow Schedule 8. Schedule 8 is accepted (and legislated) as the minimum accepted standard that must be applied (the Code of Good Practice, as its name suggests).

Du Toit and Marx (1980:233 - 268), Kroon (1990:11), Miller, Porter and Drummond (1992:256-261) and Fenley (1998:349-363) identify two main opposing approaches to disciplinary action. One is the negative approach, and the other is the positive approach to managing discipline.

2.21.1 The negative approach to managing discipline

The negative approach to managing discipline is one that most people have experienced while growing up. These included comments from parents like: "If you don't stop crying I'll give you something to cry about", or "Just wait till your father comes home", or as Bill Cosby, the American comedian commented in one of his performances, "If you don't behave yourself, I'll knock you into the middle of next week."

The negative approach to managing discipline is characterised by rigid and high levels of control with autocratic managers who believe that employees are "theory X" people (as described by McGregor).² These employees are assumed to be lazy and need to be told what, how and when to do things (Kroon, 1990:354). Should the employee not do as he/she is told or break a rule, the employee is punished.

This punishment and management-by-fear-approach may deter people from breaking rules and may ensure they do as they are told in future; however this approach does not correct poor behaviour or poor performance because the employee is not told or shown what good performance, behaviour or conduct is. Managers who discipline by threat, fear and punishment tend to be rigid rule-followers themselves and if rules or procedures are not followed, the employee is punished or negatively disciplined. There is, however, one positive aspect that this form of discipline will produce and that is that the discipline will be consistent, only because the manager follows the rule as stipulated.

² McGregor, D. 1960. *The human side of enterprise*. New York: McGraw-Hill. In this seminal work he posits that the traditional managerial view regarding people in a work organisation is that the average worker has an inherent dislike of work, avoids responsibility, lacks ambition and wants to be directed.

Miller, Porter and Drummond (1992:256) refer to negative discipline being punitive in nature. Punitive is defined as the intention to inflict punishment. The punitive approach to discipline will be discussed in 2.21.3 in this section.

The negative disciplinary approach is progressive in that the severity of punishment increases progressively at each stage. The negative approach is emphasised by forcing compliance on the one hand by the employer, and how to avoid punishment on the other hand by the employee. The suggested stages are as follows:

- Stage one: an oral warning, stating the violation and that it must not happen again.
- Stage two: a written warning stating the violation has been repeated and that further repetition will be punished.
- Stage three: a second written warning stating the violation has been repeated again and the punishment for non-compliance is suspension without pay, or other similar punishment, and that a further repetition could lead to termination.
- Stage four: a final letter terminating the employment owing to continued repetition of a violation.

This example demonstrates that negative discipline results in the employee's never being informed of what good behaviour, performance or conduct entails. Good performance, behaviour and conduct are arrived at through trial and error or avoidance of punishment, or by good fortune.

2.21.2 The positive approach to managing discipline

The positive approach to discipline is to help an employee to correct poor performance, behaviour and/or conduct in an atmosphere of learning, guidance, and coaching in order to build self-confidence, self-discipline and competence in the workplace. The positive approach to discipline places the emphasis on

continuous education and corrective training (Miller, Porter & Drummond, 1992:258).

The positive approach to discipline views employees as “theory Y” people (as described by McGregor) who are by and large good employees who are willing to work, who want to learn and welcome responsibility, and who are capable of self-direction, self discipline and are self-motivated (Kroon, 1990:354).

The positive approach to discipline is an extension of the coaching process of observation, education and training and enlists the employee’s efforts in solving problems (Fenley, 1998:350, supported by Grote, 1995: 135):

This positive approach to discipline is supported in the Labour Relations Act (Act No 66 of 1995:1995) by Schedule 8, Section 8(1) “ ... an employer should give an employee whatever evaluation, instruction, training, guidance or counselling the employee requires to render satisfactory service”. An example of the positive approach to discipline could come in four stages:

- Stage one: an oral reminder that the violation was not acceptable, recommending a course of action required to correct the situation, and substantiating these.
- Stage two: a written reminder of the violation’s being repeated and that the behaviour or performance does not meet acceptable standards. A coaching meeting will take place to gain agreement of the action required by the employee to meet the standard.
- Stage three: a written letter of the violation’s being repeated and the supervisor asking the subordinate what he/she would like to do to correct the situation. Owing to the severity, the subordinate needs to commit himself/herself to the correct behaviour or performance. The supervisor would at this stage make it clear that further training and time would be given to meet the standard.
- Stage four: should the standard still not be met, the employee should terminate the employment because the agreement to meet the standard was broken.

The benefits of the positive approach to discipline are that honest mistakes, infringements of rules, and procedures not followed, are educated, trained and coached out of the employees' work habits. The positive approach makes employees feel that they have let the team down rather than their feeling that they have been punished (Blanchard & Johnson, 1984: 39). Positive discipline induces employees to want to perform or behave better and suggests that the quality of one's thinking will determine the quality of one's future performance and behaviour. The more management regards discipline as the positive improvement to performance or behaviour, the more the likelihood of this positive way of thinking becoming a good habit with employees. Covey (1993:46) says that habits are those things and actions that one does automatically and that one has learned and been taught. One needs to make it a habit to deal with discipline, using the positive approach, so that the management approach to discipline becomes positive, automatically.

A distinction should be made between another two opposing approaches to managing discipline, the punitive approach and the corrective approach (Fenley, 1998:351-352).

2.21.3 The punitive approach to managing discipline

The punitive approach is to act in order to deter employees from committing offences for fear of punishment that will ensue (Fenley, 1998:351). Punitive implies the inflicting of punishment or intent to inflict punishment (*Pocket Oxford Dictionary*, 1978:722). "A supervisor did not determine the cause of the problem but rather extracted obedience to the rule" (Fenley, 1998:352 quoting Gouldner, 1954:220). Punitive discipline produces undesirable side effects, in that employees resent employers by taking necessary care not to get caught (Huberman, 1964:62-68; Fenley, 1998:352). The punitive approach has similar, if not the same explanations as the negative approach to discipline.

2.21.4 The corrective approach to managing discipline

The corrective disciplinary approach is well known and generally accepted by employees (Anderman, 1970:352; Fenley, 1998:350). In South Africa, the Labour Relations Act No 66 of 1995 and Schedule 8, which is part of this Act, has set out what is generally accepted as the corrective approach. The corrective approach in the Act is progressive in nature. That is to say that the sanction or penalty of discipline begins with a verbal warning and progresses to a first written warning, to a second written warning, to a final written warning and possibly dismissal. This corrective progressive process of discipline will depend on the seriousness and severity of the misconduct or poor performance. It is common in companies to have negotiated a code of conduct with employees of the sanctions that will have come about through practice and precedent. This code of conduct will specify the problem with the corresponding sanction or penalty that is proposed for the misconduct. This code is made public to all in the company.

The term “warning” from verbal warning through to final written warning, is an unfortunate one, as it implies punishment. However, in practice, the word “warning”, whether in verbal or written form, indicates to the employee what corrective action should be taken. Depending on the offence, a letter could confirm that a particular training course should be attended to help the employee learn a new, acceptable conduct. An example of this could be that of an employee who has offended another employee with a racist comment. The sanction of penalty may not propose dismissal, but rather that the individual attend a training programme on diversity to sensitise the employee to racism.

There are criticisms of the corrective approach’s being slow and time consuming (Redeker, 1983:33; Fenley, 1998:352). Emphasis is on the procedural rather than the substantive aspects of discipline and the corrective approach has been labelled as “managerialist” in nature because it tries to separate discipline from the issue of management control (Mellish & Collis-Squires, 1976:167; Fenley,

1998:354). “Managerialist” implies being “fond of being in control of things” (*Pocket Oxford Dictionary*, 1978:529). Managerialist is “... belonging or relating to a manager or management” (*Chambers 21st Century Dictionary*, 1999:833). Many line managers feel that the corrective approach interferes too much with their right to manage operational effectiveness (Fenley, 1998:353).

2.21.5 The revisionist approach to managing discipline

The revisionist approach to discipline originated in the USA. The objective of this approach was the promotion of adequate self-respect as described in Redeker (1983) and Huberman (1964),³ each of whom refers to it as progressive discipline (Osigweh & Hutchinson, 2001:27). It is progressive (as in making forward progress or thinking) in that at the induction stage, a new employee signs a statement of acceptance and of commitment to the company rules of conduct. Should there be lapses in behaviour or conduct, these lapses are promptly dealt with by the subordinate’s manager and the subordinate is encouraged to adjust to what was agreed to at the subordinate’s induction. Persistent bad performance, behaviour or conduct, or a single serious offence, may lead to termination. The revisionist approach to discipline emphasises that the manager applies no disciplinary sanction as the subordinate takes responsibility for the correction thereof in agreement with the manager. The proponents of the revisionist approach argue that it is future oriented, in that it is based on the assumption that the best predictor of a person’s future behaviour is past behaviour.

The literature (Huberman, 1964:62-68; Miller, Porter & Drummond, 1992:256; Fenley, 1998:351) indicates that the basis of the negative approach to managing discipline is punitive in nature, based on control and punishment to ensure control. The overall approach to discipline with corrective features constitutes a positive approach to managing discipline and assumes that employees are willing to follow well-established standards of performance and view discipline as fostering self-

³ Redeker and Huberman, in their studies, refer to this form of discipline as progressive, in that it is proactive in informing the employee at induction of the rules and consequences of their infringement.

discipline. The purpose of discipline is thus the correction of performance, rather than punishment.

2.22 Discipline and employee relations

Previously, the positive and negative approaches to managing discipline were discussed to emphasise that how management approaches discipline is a factor that will have an effect on the outcome of the discipline. The fairness of how discipline is managed is also a factor in discipline being successfully managed. Fairness and the correct approach to discipline will affect the relationships that will be developed and exist between management and subordinates.

Fenley (1998:350), supported by Dobson (1982:5-10), points out that it is very difficult to arrive at consensus as to what constitutes good employee relations. The disciplinary process, however, is likely to make a positive contribution to good employee relations when:

- it assists the operational effectiveness of the enterprise;
- there is a feeling of perceived fairness on the part of the workers;
- disagreements can be structured and resolved rather than leading to industrial action or other forms of action; and
- it provides a framework for identifying and dealing with problem areas.

These comments are supportive of Chapter 1(1) of the Labour Relations Act, No. 66 of 1995.

The Labour Relations Act is the result of collective decision-making via discussion and debate and as such is accepted as fair. It promotes employee/employer relations through effective discipline by providing procedures to resolve conflict in the workplace (South Africa, 1995: i). This process of collective decision-making came about in the three years following the national vote for a new political dispensation in South Africa in 1992. A conference was called to meet in

Johannesburg in 1993 to discuss a new labour relations framework to replace the Labour Relations Act of 1956. The objective was that this new framework would become the new Labour Relations Act. The conference comprised primarily four groupings: those representing employees, those representing employers, and those representing the Government. The fourth grouping was made up of religious, social, political and academic individuals who believed they could significantly contribute to the process. Over a period of about two years, through a process of negotiation, compromise and consensus seeking, the new Labour Relations Act, No 66 of 1995 (LRA of 1995) was promulgated and published in December 1995. South Africa is in a very fortunate position in this regard, since this Act was designed by the primary role players in labour relations, by employees and employees of the state, as well as by role players in society.

The Labour Relations Act of 1995 has assisted in establishing and developing employee/employer relationships by putting in writing that the purpose of the Act is to advance economic development, social justice, labour peace and to democratise the workplace. Fenley (1998:350), supported by Elias (1981:211), writing in the British context states: "The law requires that employers should not remorsefully pursue their own interests. They must also take into account the interests of the employees whose conduct or performance is under disciplinary consideration."

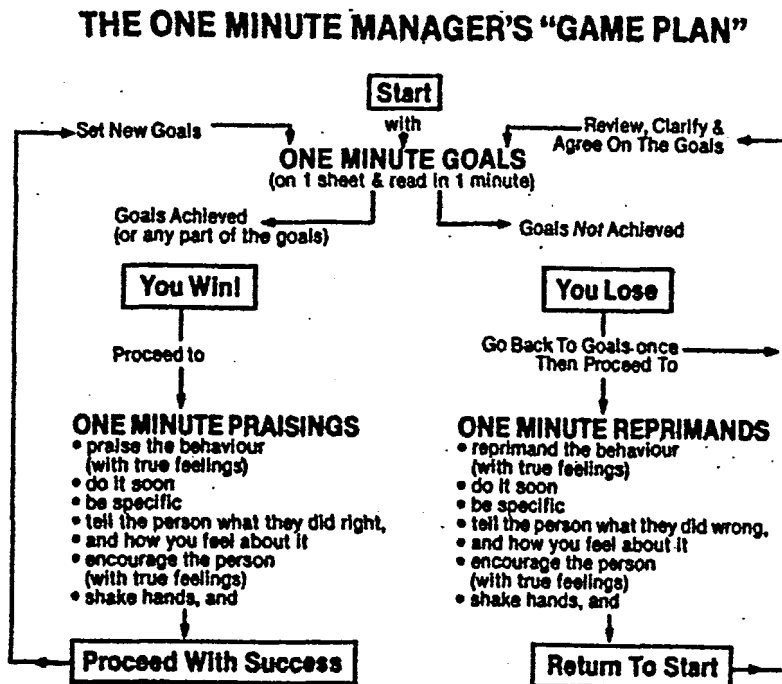
The Labour Relations Act of 1995 is the link that management can employ in respect of fairness in relation to managing discipline and the work relationships that need to be established to make such discipline effective. Management and employees have accepted that all individuals are different owing to diverse desires, wants, expectations, and objectives in life; cultural and religious factors; as well as a myriad of other differences. It therefore follows that because of these differences, individuals expect to be managed according to these vagaries. Some conditions might motivate one employee but not another. One employee might be angered by a comment while another might not. Developing relationships is important if a manager wishes to manage subordinates successfully. In South

Africa this is very important, since a plethora of nations, cultures and religions all constitute the local workplace.

Blanchard, Zigarmi and Zigarmi (1985:61) discuss the concept of “different strokes for different folks, depending on the task and situation”. The concept revolves around managing people differently, depending on the situation. Employees are human beings and are all various in make up, and therefore need to be managed (and disciplined) differently. How employees are managed is put forward and suggested by the model called the “One Minute Manager’s Game Plan”.

The “One Minute Manager’s Game Plan” (Blanchard & Johnson, 1984:101) is an example of managing or disciplining people differently. It is of great assistance to help a manager to get better results/performance from employees in a way they will “enjoy”. This “game plan” is, in effect, one form of discipline in the way that an individual and his/her behaviour or performance is managed. Training employees to understand this model will help with their effective management. When employees understand the way (the approach) that corrective measures will be taken to correct performance, the approach will be seen as fair, building trust and developing work relationships.

Fig. 2.3 The one minute manager's game plan



Source: Blanchard & Johnson 1984:101

The "game plan" (Figure 2.3) illustrates the process of providing the employee with either a public praising to reinforce positive behaviour or providing a private reprimand to change negative behaviour and to reinforce the positive behaviour to be learned through training, coaching, guidance and positive discipline.

The game plan begins by setting an objective that is to be achieved. The objective must meet five criteria. The objective must be specific, stating exactly what must be achieved. The objective must be measurable in one or more of four measurements, i.e., quality, quantity, time and cost. The objective must be attainable but challenging, relevant to the work at hand, and the performance of the objective must be able to be followed by a prioritised plan of action. This objective should be discussed and delegated to a subordinate to complete. Should the objective be achieved successfully, the manager will reinforce the behaviour with a reward of a public praising of this behaviour or performance. The superior

will share with the subordinate how he feels about the performance. The superior will be very specific and confirm what the subordinate did correctly, encourage the continuation of this performance, and set further objectives to be undertaken.

Should the objective not be achieved, the opposite is true. The supervisor should reprimand the subordinate for the poor performance in private by telling the subordinate what he/she did wrong and how the supervisor feels about this performance. The subordinate should be encouraged to correct the performance by re-setting the objective to help him/her succeed.

The "One Minute Manager's Game Plan" is an attempt to influence behaviour or conduct through the use of rewards that are consequences of the behaviour or conduct. This is the positive reinforcement of a stimulus which, when added to the situation, strengthens the probability of a positive behavioural response. Negative reinforcement refers to an increase in the frequency of a response following the removal of the negative reinforcement immediately after the response (Ivancevich & Matteson, 1996:207). This negative approach to managing discipline and to effect change does not develop relationships and will in all likelihood not be seen as fair.

Using reward (positive) rather than punishment (negative) in controlling subordinates' behaviour or performance is the lesson to be learned (Hill, 1992:110). According to Hill, managers soon became aware of some negative consequences in the punitive approach. Managers noticed that punished subordinates often felt humiliated or alienated, and some even quit their jobs. Most managers came to see that one cannot "shame employees" in the hope of achieving positive performance, one has to work on the positive side of reinforcement to improve behaviour (Hill, 1992:110).

Managers gradually realised that money, as a reward, was not the main incentive to subordinates (Hill, 1992:109). Managers have resources, such as administrative support and opportunities; as well as participation in training programmes, to offer

to encourage continued positive performance or behaviour. Managers began to fully grasp the power of appreciation and recognition as motivators (Hill, 1992:109). Subordinates like to be noticed; even if it is just by writing a letter or making a 'phone call, it is the subtleties, the little extras that are of value to encourage performance (Hill, 1992:109).

2.23 Conclusion

In Section A, the link between management, leadership and discipline and its effect on discipline in the workplace were highlighted. Delegation and how it affects the people in the organisation were discussed, as well as management's taking responsibility for the delegation decisions that they make and how this pertains to the management of people's motivation. Leadership styles, in respect of the level of support and the level of direction to be given in the delegation process, are dependent on the competence of the subordinate.

In Section B, a historical overview of management and discipline in the workplace was examined as well as the approaches to discipline, managing discipline and where it fits into the management of the organisation. The myths of discipline, as well as the fairness and the consistency of disciplinary application, were pointed out together with the consequences of the costs of ineffective management of discipline.

The models and approaches of discipline that have been shown indicate that discipline has progressed from being punitive (managing by fear, impelling employees to comply with rules, regulations and standards of performance that management has laid down for employees) to a more progressive approach.

The progressive approach (Grote, 1995), the revisionary approach (Fenley, 1998), and the Labour Relations Act of 1995, (South Africa, 1995), all suggest that discipline must be one of correcting performance and behaviour. They suggest

that the positive reinforcement of behaviour will produce good results. "Employees who feel good about themselves produce good results" (Blanchard & Johnson, 1984:19). They suggest that training, evaluation, instruction, guidance and counselling are preferable, and when appropriate, discipline.

Training, evaluation, instruction, guidance and counselling should be used to develop new and more positive work habits in employees. The corrective approach needs to inculcate positive habits, and habits are instinctive behaviours. Therefore, if good and instinctive behaviour is developed, in an ideal situation, discipline to correct behaviour will not be required.

CHAPTER 3

A SURVEY OF THE MANAGEMENT OF DISCIPLINE BY MANAGEMENT

3.1 Introduction

The aim of this research is to gather quantitative and qualitative data to determine the knowledge levels, skill levels and attitudes of management in the hotel industry towards the management of discipline in the industry. A questionnaire was developed and tested informally in a pilot study and the necessary changes were made before final administration. The gathering of the data was achieved with the use of this questionnaire (Appendix D).

In Chapter 1, the main problem that was to be researched was that senior management are not managing discipline correctly. Senior management are conducting the discipline of employees, which is a task that should be delegated to junior/middle management to perform, thus freeing senior management to manage the performance/conduct of junior/middle management.

In Chapter 2, the role of management and leadership was discussed, how these two are affected by delegation, and where and how discipline plays a part. To ascertain this and other information, a research questionnaire was constructed. The purpose of the questionnaire was to measure the respondents' knowledge of discipline. The construction and administration of the questionnaire will be detailed and discussed later in this chapter.

The survey was conducted with management, at all levels, in hotels with a 3- to 5-star grading in the Cape Town Metropolitan Council area. Each hotel's information relating to the above was sourced from a database held by the Cape Town Hotel School at the Granger Bay Campus of the Cape Technikon. This database is a list

of hotels in the 3- to 5- star- grading range in the Cape Metropole, which provide experiential training opportunities to the students of the Cape Town Hotel School. All (31) of the 3- to 5- star- graded hotels in the data base were approached to become involved in the survey, 22 of these hotels (71%) agreed to participate.

3.2 Pilot study

As alluded to in the introduction to this chapter, a small group of five hoteliers were randomly selected to participate in an informal discussion about the proposed questionnaire, and they were asked to test the questionnaire's functionality. To meet the selection criteria for this informal discussion, these hoteliers needed to be in senior management positions in 3- to 5- star registered, full service hotels in the Cape Metropole and be willing to participate in the research.

The reasons for including only senior managers at this point in the survey are:

- To see that the question's structure was checked
- To see that the questions were not ambiguous
- To see that the questions were understandable
- To see that there was no repetition
- To see that the questions were relevant

The demographics of the five respondents had the following characteristics:

Table 3.1 Demographics of pilot group

Items	Person 1	Person 2	Person 3	Person 4	Person 5
Gender	Female	Male	Female	Male	Male
Age	43	38	32	51	49
Job Title	GM	GM	Deputy GM	GM	GM
No. of Stars	5	5	3	3	4
Years experience	18	14	9	28	22
Academic Qualification	Diploma: Hospitality Management (Wits Technikon)	Diploma: Hospitality Management (Cape Technikon)	Diploma: Human Resources Management (Cape Technikon)	BA (Hons): Hospitality Management (Bournemouth University)	Diploma: Hotel Management (Wits Technikon)

As can be seen, the diversity of this group was wide and covered both genders, an age range of 19 years with 9 to 28 years hotel experience (91 years experience between them) in 3- to 5- star graded hotels. Their academic qualifications range from diploma to honours degree at both South African and foreign educational establishments.

This group of people met with the researcher and the questionnaire was discussed and tested by the group and improved upon. Each individual in the group completed an original questionnaire and made comments to improve the grammar and spelling and remove as much ambiguity as possible from the questions asked so that the questions would be better understood. Thereafter the questionnaire was reproduced and made ready for distribution.

3.3 Target population

The target population was the three levels of management, in registered hotels in the 3- to 5- star graded categories in the Cape Metropolitan Council area. The three levels are senior management, middle management and junior management. Although junior and middle management are grouped together in Chapter 1 and 2, they are treated as separate groups in the survey in order to obtain a more valid result. Senior management are usually responsible for the operation of the hotel as a whole and will look at the big picture rather than the detail. Middle management will usually be responsible for the operation of a department within a hotel and will report to senior management. Junior management will usually be responsible for a section within a department and will usually report to a manager at the middle management level.

An example of a typical formal organisation structure (Appendix A) of a hotel that provides a full service to its guests shows that the human resources are organised into specialist areas. These are the accommodation section, the food and beverage section, and finance, accounts and administration section. This structure also shows that there are usually three levels of management hierarchy in a typical hotel, namely, senior management, middle management and junior management.

The reason for the identification of this population is that the hotels cover the spectrum of privately owned and corporately owned hotels. The hotels have a formal organisational reporting structure in place, as well as a formal disciplinary procedure. The number of rooms in each hotel ranges from 25 to 580. Again, the diversity of hotels covers both privately owned and corporately owned hotels; these hotels have formal structures with procedures and policies relating to discipline in place, and encompass small boutique hotels to large hotels.

3.4 Structure of the questionnaire

The structure of the questionnaire was established after the researcher had met and had discussions with five senior managers in hotels in the Cape Metropole. The researcher discussed the hypotheses and the objectives of the research with them and asked for direction and feedback. The outcome of the feedback was exceptionally enthusiastic, encouraging and constructive. The net result of this discussion with the group resulted in the format of the questionnaire (Appendix D).

The research data was collected by means of an anonymous questionnaire and consists of two sections.

Section A contains questions pertaining to the demographic information of the respondents, such as: gender, age, academic qualifications, race group, level of management and the time period the individual has held his/her present position in the hotel.

Section B contains questions pertaining to the management of discipline such as: training and development of subordinates, industrial relations knowledge, formal communication and leadership.

The questionnaire comprises predominantly close-ended questions. The questions in Section A were all close-ended questions requiring specific demographic information. Section B contained questions designed to obtain information relating to the management of discipline such as:

- the respondents' level of apprehension regarding the appeal process of discipline;
- the level of responsibility and authority held by the respondents in respect of disciplining employees for poor performance;
- whether the respondents had their own copy of the company disciplinary procedure; and
- what level of communication existed in the department they manage.

A few questions required the respondent to provide an opinion. One question consisted of six sub-questions. This question was presented using a five-point scale.

3.5 Source of information for the questionnaire

The Labour Relations Act No. 66 of 1995 has a section titled “Schedule 8 – Code of Good Practice: Dismissal”. Schedule 8 contains the minimum procedural and substantive requirements for the management of discipline in the workplace. The questions in Section B have used Schedule 8 as the reference point as this is the minimum standard laid down in law in South Africa pertaining to the management of discipline.

3.6 Data collection method and recruitment

The researcher was of the opinion from the outset that should a “better than average” response be expected, he would need to take a direct and personal approach to the distribution and collection of the completed questionnaires. The researcher required that telephonic appointments be made to see the hotel manager of each hotel, requesting a 15-minute meeting to discuss the hotel’s participation in the completion of a questionnaire by all levels of management. This questionnaire would take no more than 30 minutes to complete. At this 15-minute meeting with each hotel manager, the objective of the research was explained and “sold” to the hotel manager as to why his/her hotel should participate in the research. Once agreement was received to participate, the agreed number of blank questionnaires was given to the hotel manager to distribute to his/her management team from junior management level to senior management level.

Appointments were made with 31 hotels and of the 31 hotels, 23 were persuaded to participate in the completion of the questionnaire. Only one hotel did not meet its agreed report-back date for collection of the completed questionnaire, and its

results were excluded. The total number of questionnaires that were distributed was 325, to 22 hotels. A total of 201 questionnaires were completed and returned. Therefore, 70,9% of the hotels that were approached participated in the survey and 61,8 % of the questionnaires that were distributed were returned, completed.

Attached to each questionnaire was a personally signed, original letter (Appendix C), stating the objective of the survey and how the hotel's participation would assist greatly in the future with the management of discipline in the industry. In an effort to reduce the apprehension of completing the questionnaire and to increase the confidence of all management to complete the questionnaire, the letter indicated that their hotel manager supported their participation. A personal commitment and guarantee were also given to the respondents by the researcher that their anonymity in completing the questionnaire would be strictly protected.

The questionnaire will be reported on in the order that the questions appear on the questionnaire, and where possible, a suitable graphic display or table will be given.

3.7 Section A

In this section, there are seven questions. Each question will be reported on and a table will accompany the report.

3.7.1 Proportional employment by gender

Rationale for this information

Table 3.2 shows the gender spread of the respondents. It forms an important part of the research in that there is a perception that men, in general, dominate management positions in the hotel industry.

Discussion of the results

Table 3.3 shows that in the last five years, the Cape Technikon Hotel School in Cape Town has shown an increase in the number of women registered for their final third-year examination at the school. With this it can be predicted that there is a possibility that more women will be taking up junior management positions in the hotel industry in the near future. This, in the near future, could possibly change the perception to the reality that the hotel industry is not a male-dominated profession. The Cape Town Hotel School has not conscientiously targeted female over male students; it has been a natural occurrence.

3.7.2 Distribution of respondents by age

Rationale for this information

Respondents were asked to indicate into which age group they fell. This question was asked because there is a perception that management (junior, middle and senior) are young and therefore inexperienced in dealing with work relationships, conflict and discipline in particular.

Table 3.4 Age group of respondents

	N	%
29 years and younger	79	39
30 – 34 years old	62	31
35 – 39 years old	27	14
40 – 44 years old	18	9
45 – 49 years old	8	4
50 years and older	7	3
Total	201	100,0

Discussion of the results

Table 3.4 shows that 70% (39% and 31%) of management are younger than 34 years old. The remaining 30% of management are 35 years and older. The smaller percentage of management (30%) are the ones that will be required to provide the coaching necessary to develop the competence and experience of the middle and junior management in managing discipline in the future.

3.7.3 Academic qualifications of respondents

Rationale for this information

This question was asked to obtain an academic profile of management in the hotel industry in the Cape Metropole. It was asked so that academic ability could be established to eliminate the possibility that management are not educationally competent to acquire these skills.

Table 3.5 Highest qualification

	N	%
Matriculation (grade 12)	54	27
Hotel School Diploma	75	37
Other Technikon Diploma	30	15
University Degree	20	10
Other	22	11
Total	201	100

Discussion of the results

Table 3.5 shows that 27% of management have only a matriculation certificate, but what is more significant is that 62% (37% plus 15% plus 10%) of management have a diploma or a degree, which is a minimum of three years' study in a tertiary environment after leaving school.

What is really pleasing to see is that 62% of management are academically well qualified with the potential to be able to be trained to deal with discipline in their departments. This educational level opens possibilities for junior/middle management with potential to grow and climb the corporate ladder in the industry.

3.7.4 Proportional employment by race group

Rationale for the information

This question was asked to establish to what extent management positions – senior, middle and junior management, are held by various race groups. At the original appointments with the 22 hotel managers (senior management), all 22 were white. This statistic indicates that there could be a bias in the way in which industrial relations history is remembered and taught to junior/middle management, and that a strong possibility also exists that a white race group perspective will be perpetuated.

Table 3.6 Proportional employment by race group

	N	%
No response	1	1
Asian	9	5
Black	6	3
Coloured	46	23
White	139	68
Total	201	100

Discussion of the results

These results do not match the demographics of the Cape Town Metropolitan Council area. The results also indicate that the training and development of previously disadvantaged people need to be given greater priority if the industry is

to have future success in the management of people and particularly the management of discipline. As already stated, all senior management surveyed were white.

3.7.5 Levels of management of respondents

Rationale for this information

This question was asked to establish which level of management each manager fell into. This information was needed so that data at senior management level could be analysed, the data of junior/middle management could be analysed and the two compared.

Table 3.7 Levels of management of respondents

	N	%
Senior Management	40	20
Middle Management	50	25
Junior Management	111	55
Total	201	100

Discussion of the results

The respondents provided their job titles in the questionnaire and this helped decide into which category (junior/middle and senior management) the job title fell. What determines junior, middle and senior management has been discussed in Section 3.3

Table 3.7 provides a profile of management at the different management levels in the hotels that were surveyed. A combined statistic of 80% (55% plus 25%) of management falls into the junior/middle management level.

3.7.6 Time in present position

Rationale for this information

This question was asked to establish how long the respondents had held the position that they were currently holding. The brevity of the time in their present positions could possibly indicate that the junior/middle management do not have long tenure in their positions, thus possibly affecting their experience and confidence in managing discipline in particular. The responses were categorised into four groups.

Table 3.8 Time in present position

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response			1	1	1	1
0 – 12 months	10	25	91	57	101	50
1 – 2 years	8	20	28	17	36	18
2 years and more	22	55	41	25	63	31
Total	40	100	161	100	201	100

Discussion of the results

The results in Table 3.8 show that 57% of junior/middle management have been in their present management position for less than one year and 25% for more than two years. In comparison, 25% of senior management have been in their present position for less than a year and 55% of senior management have been in their present position for more than two years. A similar statistic of 17% of junior/middle management and 20% of senior management have had their present positions for more than one year and less than two years.

3.8 Section B

This section comprises 19 questions, 16 of which are close-ended questions and the remaining three open-ended questions. All the questions pertain to the handling of discipline in the workplace. Question 8 used a 5-point scale. This question is divided into six sub-questions. A scale was used to determine the level of apprehension that the respondent had to the issue that was questioned. In tables 3.9, 3.10, 3.11, 3.12, 3.13 and 3.14 the scale was reduced to a 3-point scale that is, whether there was a low (point 1 only), medium (point 2 and 3) or high (point 4 and 5) level of apprehension on the part of the respondent to the issue being questioned.

3.8.1 Statistical Methods used

To test the significance of the assumptions and perceptions in the rest of the chapter, the Chi-square (χ^2) test of independence or no association is used.

In a test of independence there are two factors of interest each one with two or more levels. In general the null hypothesis is formulated as:

H_0 : The two factors are independent

H_a : The two factors are dependent.

For the purpose of the analysis this will be the hypothesis for all the tests conducted and it will therefore not be repeated each time.

The equation to test for independence is given by:

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

where:

χ^2 = Chi-square test statistic

f_0 = observed frequencies (the actual situation as obtained from the survey)

f_e = expected frequencies (the number of frequencies expected when the null-hypothesis is true, in other words under independence.)

The expected frequencies are calculated as follows:

1. Determine in which row is the cell for which the expected frequency is calculated
2. Determine in which column is the cell for which the expected frequency is calculated.
3. Take the total of the row in (1) above and multiply with the total of the column in (2) above.
4. Divide by the grand total to arrive at the expected frequency for the specific cell.

The decision rule is to reject the null-hypothesis if the test statistic above (χ^2) exceeds the critical value. The critical value indicated by $\chi^2_{\alpha;df}$, is obtained from the Chi-square table, where α is the significance level and df the degrees of freedom. The degrees of freedom are equal to the product of (c-1) and (r-1) where c is the number of columns in the table and r the number of rows (excluding the total row and the total column). As a rule significant levels of 1%, 2,5%, 5%, 7,5% and 10% are used of which 5% is the most commonly used one. The decision rule by using the test statistic and critical value is then defined as:

Accept H_0 if $\chi^2 \leq \chi^2_{\alpha;df}$

Reject H_0 if $\chi^2 > \chi^2_{\alpha;df}$

Another method to use, instead of the critical value, is the p-value. The p-value is actually a calculated significance value. The smaller the value of p, the closer to zero, the higher the probability that the null-hypothesis will be rejected. Therefore if for example p is equal to 0,0000 then there is significant statistical evidence that

the categories of interest are dependent on each other. All statistical programs these days use the p-value as a decision making instrument and we are therefore using the same principle.

A word of caution: As can be seen from the above the critical value is dependent on the degrees of freedom and alpha. For this reason the critical value is very sensitive to the number of degrees of freedom and therefore to get accurate results from a 2 x k table (also known as a contingency table) all expected frequencies must be large. Unfortunately there are different definitions of large in the literature. One rule is as follows: All expected frequencies must be equal to or more than 0,5 and not more than 20% of the expected frequencies must be smaller than 5. Without becoming too technical, the second rule above will be used for all analysis.

Unfortunately the above rule is violated in many of the tables to be analysed. It was therefore necessary to collapse (combine) two or more low frequency categories to obtain the desired result. Where meaningful collapsing is not possible, the category is ignored. This will however be pointed out.

An analysis of the delegation of higher levels of authority (3.8.2) will be conducted in detail and for the rest of the analysis the appropriate values will be added as a footnote to the tables and explained if necessary.

3.8.2 Management of discipline

This question is divided into six sub-questions and only junior/middle management were asked to answer them. The sub-questions will be discussed individually.

The question: How apprehensive will you be about the outcome of a disciplinary inquiry being overturned by your superior at an appeal hearing?

Rationale for the question

This question was asked to determine the level of apprehension the junior/middle management would feel if their superior overturned a disciplinary decision they had made. It is important because it affects the confidence that the junior/middle manager would possibly display in making management decisions. The result could throw light on why senior management manage discipline.

Table 3.9 Levels of management apprehension to disciplinary decisions being overturned

	Middle/Junior	
	N	%
No response	11	7
Low apprehension	68	42
Medium apprehension	19	12
High apprehension	63	39
Total	161	100

Discussion of the results

The results indicate that 39% of the respondents felt a high degree of apprehension in respect of a disciplinary decision they had made being overturned at a subsequent appeal and another 12% felt that there was a 50/50 or even chance of their decision being overturned. This comprises 51% (39% plus 12%) of junior/middle management. 42% of junior/middle management felt a low level of apprehension and therefore felt fairly confident that the decision they had made was the correct one and would probably not be overturned at an appeal inquiry. 7% of junior/middle management did not respond to the question.

The next question was asked to establish how junior/middle management felt about their confidence in managing their areas of responsibility after a disciplinary decision that they had made had been overturned.

The question: Should the decision you made be overturned, do you feel it will negatively affect your ability to manage discipline in the immediate future?

Rationale for the question

Flowing from the previous question, how junior/middle management would feel about their confidence in managing their areas of responsibility and what their staff would feel about the junior/middle manager's ability to manage discipline was important to determine. Again this relates to the confidence and the competence of the manager in managing discipline and this section is once again paramount.

Table 3.10 Effects on management's ability to manage discipline

	Middle/Junior	
	N	%
No response	12	8
Low effect	55	34
Medium effect	39	24
High effect	55	34
Total	161	100

Discussion of the results

The results obtained were that 34% of junior/middle management felt that, as a result of their decision being overturned, it would have a highly negative effect on their ability to manage discipline in the near future. A further 24% felt that there was a 50/50 or even chance that there would be a negative effect on their ability to manage discipline in the near future should a disciplinary decision they made be overturned. This equates to 58% (34% plus 24%) of junior/middle management. A further 34% felt that it would have a low effect on their ability to manage discipline in the future. 8% did not respond to the question.

The next question was asked to establish the confidence of the respondents in the handling of conflict or disciplinary situations under their control.

The question: Should there be a serious incident of poor performance or misconduct reported to you involving one of your staff, to what extent would you rather have senior management deal with the situation?

Rationale for the question

This question was asked to establish if the junior/middle management would rather have senior management deal with poor performance or misconduct in their department or section. This, linked with the previous questions, further emphasises that junior/middle management want senior management to deal with discipline if the choice were given. Again, as with the previous questions, it attempts to establish junior/middle management's confidence and competence in managing discipline.

Table 3.11 Extent to which senior management should deal with disciplinary situations

	Middle/Junior	
	N	%
No response	14	9
Low extent	66	41
Medium extent	32	20
High extent	49	30
Total	161	100

Discussion of the results

The results indicated that 30% of middle/junior management felt that they would prefer senior management to deal with the discipline of poor performance or conduct of one of their subordinates. Another 20 % indicated, to some extent, that

they would prefer senior management to deal with the discipline. This is a total of 50% (30% plus 20%) of respondents who indicated they would prefer senior management to deal with the situation. The remaining 41% felt, to a lesser extent, that they would rather deal with the discipline themselves. 9% did not respond.

The next question was asked to establish how management would respond to an experienced manager sitting in on a disciplinary inquiry that they were holding, in order to receive feedback and coaching afterwards.

The question: To what extent would you like an experienced senior manager to sit in on the disciplinary inquiry (and not comment) that you were holding, to give you feedback and coaching afterwards?

Rationale for the question

The researcher wished to establish whether junior/middle management want to be given the opportunity to manage discipline if feedback and coaching were given. The research attempted to ascertain the willingness of junior/middle management to want to develop and grow to become better managers.

Table 3.12 Experienced managers at disciplinary inquiry

	Middle/Junior	
	N	%
No response	12	7
Low	55	34
Medium	29	18
High	65	41
Total	161	100

Discussion of the results

The results indicate that 41% of junior/middle management suggested that their confidence would be higher if an experienced manager sat in on the disciplinary inquiry, and that they would want this to happen. A further 18% answered in the medium category, indicating that they would not be uncomfortable about having an experienced manager sitting in to give feedback and coaching. Therefore, 59% (41% plus 18%) of junior/middle management would feel comfortable if an experienced manager sat in on a disciplinary inquiry to give feedback and coaching afterwards. 34% of junior/middle management felt that this would not be necessary, but that they would not object, as they felt they had the confidence in their ability to manage discipline and conflict on their own. It is possible that the same 50% from the previous question are possibly the same 59% in this question that are showing their lack of confidence.

The next question was asked to establish if coaching should be the standard method of practice in developing management to manage discipline.

The question: Do you feel that “coaching” should be standard practice to develop you in managing discipline at work?

Rationale for the question

The researcher wanted to establish that junior/middle management aspire to grow and develop. Coaching as a method of developing junior/middle management was proposed as a suggested medium.

Table 3.13 Coaching to be standard practice

	Middle/Junior	
	N	%
No response	11	7
Low	27	17
Medium	41	25
High	82	51
Total	161	100

Discussion of the results

The results are that 51% of junior/middle management felt that they would like coaching to be the medium used to develop their abilities; a further 25% of junior/middle management replied that they would be happy to receive coaching as a medium of improving their abilities. A significant number, 76% (51% plus 25%), of junior/middle management felt they would like to be coached. Only 17% responded that they did not want coaching as a medium of development. 7% did not respond to the question.

The next question was asked to determine to what degree senior management had delegated the responsibility and authority to discipline the staff that junior/middle management are responsible for.

The question: To what extent are you delegated the authority to discipline the staff that you are responsible for?

Rationale for the question

The research wanted to establish if junior/middle management had, in their opinion, been delegated the authority to discipline staff, as this will indicate why senior management manage discipline. Should junior/middle management believe they are not delegated this authority, then it would possibly indicate why senior management is managing discipline

Table 3.14 Authority delegated to discipline staff

	Middle/Junior	
	N	%
No response	12	7
Low	5	3
Medium	22	14
High	122	76
Total	161	100

Discussion of the results

The research in fact indicates that junior/middle management, as a whole, felt the responsibility and authority had been delegated to them to discipline their staff – 76% in fact. Add to this a further 14% from the medium category and the result is that a staggering 90% of junior/middle management felt that they had been delegated the responsibility and authority to discipline their staff. The remaining 10% either did not respond or felt they were not delegated the necessary responsibility and authority. With this result senior management should use and harness this enthusiasm of junior/middle management in wanting to manage discipline. Junior/middle management have indicated clearly that they want to manage discipline with senior management's input and assistance and junior/middle management want to be coached.

3.8.3 Delegation of higher levels of authority

The question: Are you delegated the authority to employ and dismiss your own staff?

Rationale for the question

The rationale for the question was to determine if management were delegated the

authority to employ and dismiss the staff in their areas of responsibility. The employment and particularly the dismissal of staff have always been generally accepted as being a senior management responsibility. The responsibility to employ and dismiss should therefore be the prerogative and responsibility of senior management because senior management has the authority to take decisions that could have serious consequences for the business.

The null-hypothesis to be tested here is that there exist independence between the delegation of authority to dismiss staff and the different levels of management. Remember, the null-hypothesis always indicates independence.

In the question there are two categories namely delegation of authority with three levels and management with two levels. It is therefore a 3 x 2 contingency table.

Table 3.15 Authority to employ and dismiss staff

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response	1	2	8	5	9	4
Yes	30	75	68	42	98	49
No	9	23	85	53	94	47
Total	40	100	161	100	201	100

Discussion of the results

By using the formula of Section 3.8 we obtain a test statistics of 13,77 ($\chi^2 = 13,77$) with a p-value of 0,001. The null-hypothesis of independence is rejected in favour of the alternative hypothesis of dependence.

There is therefore statistical evidence that the degree of delegation of authority to dismiss staff differs for the different levels of management. To highlight this further compare the percentages of 75% for senior management and 42% for

middle/junior management who believe that they do have the responsibility to dismiss staff.

The strange result is that 42% of junior/middle management believe that they have been delegated this responsibility and authority and 53% do not. This is possibly a miscommunication between senior management and junior/middle management in that senior management had not possibly spelt out clearly enough to junior/middle management what their responsibilities are regarding the employment and dismissal of staff. The question that was asked in the research could not have been misinterpreted or misunderstood as it is direct and specific and in comprehensible language.

Perhaps junior/middle management in the hotel industry are different from what is accepted as the norm and they do believe they have been delegated this responsibility and authority. This raises the possibility for further investigation in later research.

3.8.4 Training in managing discipline

The question: Have you attended and participated in a formal training course at work on how to manage the discipline of poor performance or misconduct of a staff member?

Rationale for the question

The rationale for this question was to establish if formal training had in fact been given to management, especially at junior/middle management level. Should the training have been given, then management should have been given the opportunity to practise and master this new skill to the benefit of the individual and the company.

Table 3.16 Training attended on managing discipline at work

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	1	1	1	1
Yes	32	80	118	73	150	74
No ¹	8	20	42	26	50	25
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 0,761

P value: 0.3829

Discussion of the results

The null-hypothesis of independence (no difference) is accepted at all levels of significance, as p is large. Both senior and middle/junior management have attended and participated in formal training courses in the same proportion.

A clear response was given to this question in that 74% of management had attended formal training at work on how to manage discipline and the remaining 25% had not attended any formal training at work. The ratios at senior management level and junior/middle management level were similar and followed the same pattern as the totals.

3.8.5 Time of the training

The question: When did this training take place?

Rationale for the question

The rationale for the question was to establish how long ago the training had taken place. One could safely say that the longer the time between the training taking

place and the opportunity of the manager to practise and master the new skill, the less effective the training will have been.

Table 3.17 When formal training took place

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
Within last 6 months			55	34	55	27
Within the last year	14	35	79	49	93	46
More than 18 months ago	26	65	27	17	53	27
Total	40	100	161	100	201	100

χ^2 : 43,30

P value: 0.0000

Discussion of the results

The test statistic is equal to 43,30. We reject the null-hypothesis at a significance level of 0,005 ($p < 0,005$) and therefore conclude that there is a significant difference in the time of training between senior and middle/junior management.

Of the total number of respondents attending formal training within the last year only 9,5% were from senior management, the rest 90,5% from middle/junior management.

3.8.6 Disciplinary policy and procedure

The question: Does your hotel have a formal disciplinary policy and procedure that you should follow when disciplining a staff member?

Rationale for the question

The rationale for the question is to establish firstly that a formal disciplinary policy and procedure is in place in the hotel. Secondly, this will establish that management is serious about, and supports the use of a formal disciplinary policy and procedure that has been negotiated.

Table 3.18 Formal disciplinary policy and procedure in place

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	1	1	1	1
Yes	40	100	155	96	195	97
No ¹	0	0	5	3	5	2
Total	40	100	161	100	201	100

Discussion of the results

For table 3.18 it is not necessary to conduct any tests. 50% of the expected frequencies are lower than five (see Section 3.8). If "No response" and "No" are collapsed, the small frequencies for the new table can still be misleading and for this reason these categories were ignored. The result is that we are left with a table with one row and two columns. If the percentages 100% and 97% are compared we can say that there is no difference between the two levels of management in this respect.

The question was asked to establish how formal discipline was managed. It indicates that management regard having formal policy and procedures with the seriousness it deserves in meeting the requirements of fairness, openness and consistency. 97% of management said that their hotel had a formal disciplinary procedure. This possibly indicates that negotiations had taken place at some time to establish this policy and procedure. A few hotels that participated in this study

provided copies of their policies and procedures or allowed them to be viewed at the hotel.

3.8.7 Personal possession of disciplinary policy and procedure

The question: Do you have your own personal copy of this policy and procedure?

Rationale for the question

The question was asked to clearly establish whether each manager had his/her own copy of the disciplinary policy and procedure. The researcher wanted to be sure that each manager, having his/her own copy, would be able to refer to it as a reference while managing discipline.

Table 3.19 Possession of personal copy of policy and procedure

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	1	1	1	1
Yes	32	80	118	73	150	74
No ¹	8	20	42	26	50	25
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 0,761

P value: 0.3829

Discussion of the results

After combining the cells with the smallest frequencies the table is reduced to a 2 x 2 contingency table giving a test statistic of 0,761 and $p= 0.3829$. The null hypothesis of independence is therefore accepted at all significance levels. This is strong evidence that there is no difference between the proportion of senior managers and the proportion of middle/junior managers that do have personal

copies of the policy and procedure. Both groups do have the same access to these documents.

The question was asked to establish whether individual managers had their own copy of this policy. The results show that 74% had their own copy, and would be in a position to refer to the document prior to the taking of disciplinary action against staff members. A surprisingly high figure of 25% did not have their own copy. The results for junior/middle management and senior management follow the same pattern as that of the total. All employees have the right to a copy of the policy and procedure. Should this not be the case, management are failing in their duty to train, educate and counsel their staff in this important task. A copy should be provided at induction where an understanding of the procedure needs to be established.

3.8.8 Observation of a disciplinary inquiry

The question: How often in the last 12 months have you been an observer at a disciplinary inquiry?

Rationale for the question

This question was asked to establish how often management keep up to date with disciplinary practice in the hotel by observing their colleagues in action and learning and developing from the experience.

Table 3.20 Observer at a disciplinary inquiry

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
Never	23	58	81	50	104	52
Once ¹	2	5	23	14	25	13
Twice ¹	8	20	21	13	29	14
Three or more times	7	17	36	23	43	21
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 3,97

P value: 0.2648

Discussion of the results

There is not sufficient statistical evidence to reject the null hypothesis of independence. No distinction is therefore made between senior managers and middle/junior managers when it comes to participation in disciplinary enquiries.

3.8.9 Chairing of a disciplinary inquiry

The question: How often in the last 12 months have you chaired a disciplinary inquiry where a senior manager has sat in as an observer?

Rationale for the question

This question was asked to establish how often management sat in on a disciplinary inquiry as an observer to provide feedback in the form of coaching and development of their subordinates and to measure their performance in managing discipline.

Table 3.21 Chairing of a disciplinary inquiry with an observer present

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
Never	29	73	126	78	155	77
Once ¹	1	2	16	10	17	8
Twice ¹	3	7	7	4	10	5
Three and more times	7	18	12	8	19	10
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 3,997

P value: 0.1355

Discussion of the results

After the usual collapsing due to the fact that the rule of Section 3.8.1 is violated we end up with a 3 x 2 contingency table. The Chi-square test statistic is equal to 3,997. Based on an alpha of 5% the null hypothesis is accepted ($p > 0,05$), meaning that there is no difference between the proportions of senior and middle/junior management chairing a disciplinary enquiry.

3.8.10 Union activity in the hotel

The question: Are the majority of employees in your hotel, members of an active trade union?

Rationale for the question

This question was asked to establish the extent of formal trade union membership in the hotels surveyed. Although these statistics should have no effect on how discipline is managed, the reality is, however, that when there is a strong union presence in a work environment, the management of discipline tends to be a lot

more formal in nature than when there is little union activity.

Table 3.22 Union activity awareness in hotels

	N	%
No response	8	4
Yes	65	32
No	128	64
Total	201	100

Discussion of the results

The management replied that 64% of employees were not members of a union and 32% were members of a union in the hotels surveyed.

3.8.11 Department meetings

The question: How often do you have a formal departmental meeting with your staff?

Rationale for this question

This question was asked to establish how often management communicate in a formal way with their subordinates about the day-to-day activities of the department or section within a department.

Table 3.23 Frequency of formal departmental meetings

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	20	12	20	10
Once every week ¹	17	43	53	33	70	35
Once every two weeks	4	10	29	18	33	16
Once every three weeks	16	40	58	36	74	37
Once a month ¹	3	7	1	1	4	2
Total	40	100	161	100	201	100

¹ Collapse
 χ^2 : 3,059
P value: 0.3826

Discussion of the results

In analysing the above table 30% of the frequencies were less than five and this cannot be (see Section 3.8). For this reason rows were collapsed.

The null hypothesis is accepted due to the large value of p. Senior and middle/junior management have the same perception about management's communication about day-to-day activities.

Management responded that 35% held weekly meetings with their subordinates, 16% met once every two weeks, and 37% met once every three weeks and a low 2,% met once a month. 10,% of respondents did not respond.

3.8.12 Performance appraisal meetings

The question: How often do you have a formal “one-on-one” meeting with each individual you manage to discuss his/her performance/conduct at work?

Rationale for this question

This question was asked to establish how often management had a one-to-one discussion with each subordinate they were responsible for to discuss his/her performance and to provide feedback on this performance with the subordinate.

Table 3.24 Frequency of formal “one to one” meetings

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	16	10	16	8
Never ¹	4	10	18	11	22	11
12 times a year ²	7	17	38	24	45	22
6 times a year ²	0	0	12	7	12	6
4 times a year	6	15	13	8	19	10
2 times a year	23	58	64	40	87	43
Total	40	100	161	100	201	100

^{1&2} Collapse

χ^2 : 8,129

P value: 0.0434

Discussion of the results

In this analysis we combine four categories into two so that one ends up with a 3 x 2 contingency table.

The null hypothesis is rejected at $\alpha=0,05$ ($p < 0,05$). There is a significant difference between senior and middle/junior management regarding performance appraisal meetings. Although there is a difference between the proportions of senior and middle/junior managers in respect of this topic it is noticed that the bulk of these groups do have appraisal meetings at least two times a year.

A combined figure of 19% (8% plus 11%) of management, either did not meet with their subordinates or did not respond to the question. These subordinates will receive no feedback about their performance or have any formal communication in their department with their superior about their performance or conduct. This is very disappointing, as the subordinates will not know how well they are doing (or perhaps how badly). A figure of 43% was arrived at for meeting at least twice a year (58% by senior management and 40% by junior/middle management). The balance of staff met more than twice a year. A surprising 22% of management met formally every month to discuss the performance and conduct of subordinates. This is very encouraging because these employees will have discussed how well they were doing and probably have been given feedback on how to improve those areas that need attention.

3.8.13 Performance documentation

The question: Do you have any written documentation of what each of your staff members is responsible to perform?

Rationale for this question

This question was asked to establish whether or not management were aware of what each member of staff was responsible to carry out. The premise was that should management know what tasks each of their subordinates was responsible for carrying out, management would be in a better position to manage the performance of their subordinates.

Table 3.25 Written documentation of each staff member's responsibilities

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	4	2	4	2
Yes	34	85	127	79	161	80
No ¹	6	15	30	19	36	18
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 0,752

P value: 0.3857

Discussion of the results

This question must be seen as an extension of the previous question about performance appraisal meetings. As indicated by the appropriate statistics the null hypothesis is accepted at all levels of significance. The proportion of senior managers having performance documentation regarding their subordinates is the same as for middle/junior management.

The results show that 80% had written documentation about the responsibilities of each staff member who report to them. This indicated that management is aware of what their subordinates' jobs entail and this will assist management to better manage their work performance. It also indicated that job descriptions are possibly in place.

3.8.14 Discussion of performance documentation

The question: Is this documentation discussed and agreed to with each staff member?

Rationale for this question

This question was asked to establish whether documentation that was available on each staff member was in fact agreed to and placed on record. The fact that this documentation was agreed to makes the measurement of their performance more formal and valid.

Table 3.26 Agreement reached on documentation

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	12	7	12	6
Yes, each member of staff	25	63	113	70	138	69
Yes, some members of staff	14	35	20	13	34	17
No, not at all ¹	1	2	16	10	17	8
Total	40	100	161	100	201	100

¹ Collapse
 χ^2 : 14,85
P value: 0,006

Discussion of the results

It does not help that managers do have documentation on the duties of their subordinates and this is not discussed with them. The Chi-square value is equal to 14,85 compared with the p-value of 0,006. The null-hypothesis is therefore rejected and we come to the conclusion that there is a significant difference between senior and middle/junior management in respect of the discussion of performance documentation with subordinates.

The statistics show that 69% of respondents reported that the documentation they had about each staff member had been agreed to and therefore the

documentation existed to measure the performance of each staff member. 17% responded that there was agreement on some of the staff's task lists. The remaining 14% (6% plus 8%) either did not respond or did not have documentation on the staff's task list.

3.8.15 Measuring staff performance

The question: Is this documentation used to measure the staff members work performance?

Rationale for this question

This question was asked to establish what management did with the fact that they had written documentation of the task lists of each staff member and that the opportunity to discuss the performance with staff members was not wasted.

Table 3.27 Measurement of the staff members' work performance

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	13	8	13	7
Yes, each member of staff	27	68	104	65	131	65
Yes, some members of staff	9	22	23	14	32	16
No, not at all ¹	4	10	21	13	25	12
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 3,494

P value: 0,1743

Discussion of the results

The null hypothesis of independence is accepted at a significance level of 0,10 (p

> 0,10). The two levels of management agree strongly on the use of documentation to measure performance. Although 65% of all managers use the documentation for measuring performance it must be noted that 12% indicated that these documentation is not used at all.

Management confirmed (65%) that they used this documentation to measure the performance of their staff and another 16% of management sometimes used this documentation to measure the performance of their staff.

3.8.16 Awareness of performance

The question: Are all your staff fully aware of the standards of performance/conduct they must achieve?

Rationale for this question

This question was asked to establish whether or not staff were aware of the required performance standards that they will need to work to and will be measured against.

Table 3.28 Standards of performance/conduct of staff

	Senior		Middle/Junior		Total	
	N	%	N	%	N	%
No response ¹	0	0	2	1	2	1
Yes, each member of staff	29	73	139	87	168	84
Yes, some members of staff ¹	11	27	18	11	29	14
No, not at all ¹	0	0	2	1	2	1
Total	40	100	161	100	201	100

¹ Collapse

χ^2 : 4,469

P value: 0,0,0345

Discussion of the results

The majority of managers report that they feel that their subordinates are aware of the standard of performance. Using a 5% significance level it can also be concluded that the different levels of managers do have a different perception about this topic ($p < 0,05$),

A substantial number of management (84%) confirmed that staff were fully aware of the standards of performance and another 14% confirmed that some of their staff members were fully aware of the performance standards.

3.8.17 Meaning of fairness

This question consisted of 19 individual sub-questions and this large sample of questions was asked to establish the respondents' knowledge of what procedural fairness and substantive fairness are. This question (and the 18 that will follow) was asked to establish each manager's knowledge of what fairness is and the knowledge that will be required to be shown to manage a disciplinary inquiry fairly. Each of the following questions will be discussed individually. The "person" in the text below is the person who is the "accused" in the disciplinary inquiry.

The question: Must the notification of the hearing be in writing to the person?

Rationale for this question

This question was asked to establish whether or not the managers knew that a notification that is issued to a person to attend a disciplinary must be in writing.

Table 3.29 Notification in writing

YES		NO		NO REPLY	
N	%	N	%	N	%
197/201	98	4/201	2	0	0

Discussion of the results

The managers at all levels, 98%, understand that written notification of a formal disciplinary inquiry must be given to the person so that there can be no question at a future time that the person was not formally notified. It will also provide the necessary proof that the person had sufficient time to prepare for the inquiry. Only 2% of managers replied that no written notification was necessary.

The question: Does the person have to acknowledge receipt of the notification?

Rationale for this question

The rationale was to establish whether the manager knew if the notification required acknowledgement or not.

Table 3.30 Acknowledgement of the written notification

YES		NO		NO REPLY	
N	%	N	%	N	%
121/201	60	75/201	37	5/201	2

Discussion of the results

The results show that 60% of managers believe that it is fair that the written notification needs to be acknowledged as having being received. The remaining 37% of managers believe that the notification need not be acknowledged as having being received. The acknowledgement can, however, be done in writing by signing that the notification has been received or having a witness acknowledge that the notification has been given to the person.

The question: Should the person be given time to prepare for the inquiry?

Rationale for this question

The question was asked to establish whether the manager was aware that the person should be given reasonable time to prepare for the inquiry.

Discussion of the results

Table 3.31 Time to prepare for the inquiry

YES		NO		NO REPLY	
N	%	N	%	N	%
194/201	96	1/201	1	6/201	3

Discussion of the results

The results show that an overwhelming 96% of managers believe that it is fair that the person should be given ample time to prepare for the inquiry. The remaining 3% either did not respond or replied that the person should not be given ample time to prepare for the inquiry. Ensuring that the person has ample time to prepare for the inquiry will ensure that both parties will have gathered the relevant information and have time to prepare for what and how to say things. The managers at all levels believe that ensuring the person has time to prepare is fair.

The question: Must the inquiry be held in the person's work time?

Rationale for this question

This question was asked to establish if the manager was aware that formal disciplinary inquiries may only be held in the employee's work time. To hold a disciplinary inquiry out of the employee's work time will require that the person be paid overtime and overtime is voluntary.

Table 3.32 Enquiries held in work time

YES		NO		NO REPLY	
N	%	N	%	N	%
128/201	64	58/201	29	15/201	7

Discussion of the results

The results show that 64% of managers believe that an inquiry needs to be held in the person's work time. The remaining 29% believe that an inquiry should not be held in the person's work time and 7% did not respond to the question. Inquiries need to be held in the person's work time because if the inquiry is held outside the person's work time the employer will be required to pay the person at the overtime rate of pay. It is not fair to hold an inquiry out of the person's normal working time and not pay them at the overtime rate.

The question: Is the person entitled to be represented by a union representative?

Rationale for this question

The question was asked to establish if the manager was aware that the person is entitled to have a representative accompany him/her to the inquiry.

Table 3.33 Representation by union representatives

YES		NO		NO REPLY	
N	%	N	%	N	%
189/201	94	9/201	5	3/201	1

Discussion of the results

The managers at all levels, 94%, overwhelmingly believed that a person is entitled

to be represented by a union representative at a disciplinary inquiry with only 5% believing that the person is not entitled to union representation; 1% did not respond to the question. Managers at all levels believe that a representative is important, as the representative will act as a witness and as an assistant to the person in putting forward his/her case. Having a representative present at an inquiry is the person's constitutional right.

The question: May the person state his/her case at the hearing?

Rationale for this question

This question was asked to establish if the manager was aware that the person is entitled to state his/her case.

Table 3.34 Stating of the case

YES		NO		NO REPLY	
N	%	N	%	N	%
199/201	99	0/201	0	2/201	1

Discussion of the results

There is no doubt that all the managers believe that the person needs to be given the opportunity to state his/her case and put forward his/her version of what occurred that resulted in the inquiry being necessary. It is one's fundamental right, something we learn from childhood, that one must be given a chance to tell one's side of the story.

The question: May the person ask the chairperson questions about the evidence?

Rationale for this question

The rationale was to establish if the managers knew that the person may ask questions of the chairperson to be sure that the person had full understanding of the evidence that was being presented.

Table 3.35 Question the evidence

YES		NO		NO REPLY	
N	%	N	%	N	%
180/201	90	17/201	8	4/201	2

Discussion of the results

The results show that 90% of managers believe that the person may ask questions of the chairperson. The person must use this opportunity to obtain clarity on a point of discussion and to possibly help the person understand what is being discussed. This understanding is important as it indicates the process being regarded as fair by the person. The results show that 8% believe that the person may not ask questions of the chairman and 2% did not reply. This 10% (8% plus 2%) of managers will require training because this percentage is high.

The question: May the person cross-question witnesses and statements?

Rationale for this question

The question was asked to establish if the manager was aware that the person has the right to cross-examine witnesses and statements presented.

Table 3.36 Cross-examining of witnesses and statements

YES		NO		NO REPLY	
N	%	N	%	N	%
183/201	91	16/201	8	2/201	1

Discussion of the results

The results show that 91% of managers believe that the person may cross-question the witnesses and statements put forward by the employer. This is indicative of the fairness of the process in that the person should be comfortable that the information put forward is true and correct. Should the witnesses and statements be found, after questioning, to be incorrect, this could have a profound outcome on the inquiry. The remaining 8% of managers believe that the person may not cross-question witnesses and statements. This statistic is a concern and training or counselling will need to take place to avoid a future problem.

The question: May the person bring witnesses to support his/her case?

Rationale for this question

This question was asked to establish if the manager knew that the person has the right to present his/her own witnesses to support his/her case.

Table 3.37 Presenting of witnesses at an inquiry

YES		NO		NO REPLY	
N	%	N	%	N	%
194/201	96	5/201	3	2/201	1,0

Discussion of the results

The results show that an overwhelming 96% of managers believe that the person may present witnesses at the inquiry to add weight to the person's side of the case. The opportunity to present witnesses indicates that the inquiry is seen as fair. If this is permitted, and the case goes against the person, there is a greater likelihood that the process will be viewed as fair. The remaining 3% believe that no witnesses may be presented, and 1% did not respond.

The question: May the person present a mitigating argument in his/her favour?

Rationale for this question

The question was asked to establish if the manager was aware that the person has the right to present a mitigating argument in his/her favour in the case. The person could have a valid suggestion to make that could be a very reasonable solution to the resolving or correction of behaviour or conduct.

Table 3.38 Forward mitigating argument

YES		NO		NO REPLY	
N	%	N	%	N	%
187/201	93	7/201	3	7	4

Discussion of the results

The results show that 93% of managers believe that the person may present a mitigating argument at a disciplinary inquiry. The presentation of a mitigating argument is an opportunity for the person to present a possible solution or sanction at the inquiry. This argument is what is presented as a suggested remedy or solution to the chairperson of the inquiry. The remaining 3% felt that no mitigating argument may be presented, and 4% did not respond.

The question: May the person ask for a postponement to gather further information?

Rationale for this question

This question was asked to establish if the manager was aware that the person may request a postponement for a reasonable time to gather further information that may assist the case.

Table 3.39 Requests for postponement

YES		NO		NO REPLY	
N	%	N	%	N	%
179/201	89	13/201	7	9/201	4

Discussion of the results

The research shows that 89% of managers believe that should the person ask for a postponement of the inquiry to gather further information, this request should be given. The time span of the postponement would be agreed to between the person and the chairperson. Permitting the postponement is evidence of the fairness of the disciplinary inquiry process. Should the person see the postponement as reasonable it would also go a long way to adding to the fairness of the process. The remaining 7% who replied no and 4%, who did not respond, in the opinion of the researcher, would require attention as this has the potential for future conflict.

The question: May the chairperson be the same person that brings the complaint?

Rationale for this question

This question was asked to establish that the manager knew that the chairperson

may not be the same individual who made or brought the complaint.

Table 3.40 Chairperson of the complainant

YES		NO		NO REPLY	
N	%	N	%	N	%
12/201	6	186/201	93	3/201	1

Discussion of the results

The research shows that 93% of managers believe that the chairperson may not be the person that brings the complaint to the disciplinary inquiry. These managers recognise that the “judge and jury” may not be the same person. These managers also recognise that, to be fair and to be seen to be fair, the chairperson and the complainant cannot be the same person because it will be impossible to be fair. There is a small concern however, and that is that 6% of managers believe that “playing both roles” is fair and 1% did not respond. These 6% of managers will need urgent training so that they understand why this is unfair.

The question: May the employee’s representative ask the chairperson questions?

Rationale for this question

The question was asked to establish whether it is fair to permit the employee’s representative to ask questions of the chairperson.

Table 3.41 Representative questioning the chairperson

YES		NO		NO REPLY	
N	%	N	%	N	%
140/201	70	47/201	23	14/201	7,0

Discussion of the results

The results show that 70% of managers believe that the person's representative may ask questions of the chairperson at the disciplinary inquiry. These managers believe that the representative has a role to play in advising and assisting the person during the inquiry. For the representative to fulfil this function, he/she needs to be given the opportunity to question the chairperson to obtain clarity on a point of discussion to effectively assist and advise the person. The remaining 23% of managers who replied no and the 7% who did not respond to the question, require urgent training to help them understand why, to ensure fairness, an employee's representative may ask questions of the chairperson at a disciplinary inquiry.

The question: May the chairperson specify by when and to whom the appeal must be made?

Rationale for this question

The question was asked to establish that it is generally accepted that the chairperson will specify who will hear the appeal inquiry.

Table 3.42 Appeal inquiry details

YES		NO		NO REPLY	
N	%	N	%	N	%
168/201	84	27/201	13	6/201	3

Discussion of the results

The results show that 84% of managers believe that the chairperson should specify, at the end of the inquiry, by when and with whom the appeal should be lodged. The remaining 13% felt that this is not the chairperson's function and 3% did not respond to the question. When the person is offered the opportunity to

appeal against the decision made by the chairperson, the chairperson is probably the best person to decide who should hear the appeal. It is unlikely that the person would be in a position to decide whom they should appeal to. However there is a possibility that should the person not feel comfortable with the nominee to hear the appeal, they would be entitled to request from the chairperson for someone else to be nominated. It would be very unwise on the part of the chairperson not to consider the person's request, as there could be a claim that the decision was unfair.

The question: May the decision at the appeal inquiry be harsher than the one at the first inquiry?

Rationale for this question

The question was asked to establish if the manager knew if the decision at the appeal inquiry may be harsher than the decision taken at the original inquiry.

Table 3.43 Decision at the appeal inquiry

YES		NO		NO REPLY	
N	%	N	%	N	%
86/201	43	103/201	51	12/201	6

Discussion of the results

The results show that 43% of managers felt that the decision at the appeal may be harsher than at the original decision and 51% of managers felt that the decision may not be harsher than the original inquiry decision. The response to this question is disappointing as 43% of managers felt that the decision could be harsher. This response has highlighted that managers require exposure to the appeal inquiry situation and this can be acquired by observing the appeal process or receiving feedback from senior management. It is only in very extreme cases

that the decision made at the original inquiry is changed at the appeal inquiry to be harsher than the original decision. It is, however, not uncommon for the decision at an appeal inquiry to be changed to a more lenient decision or left the same as the original decision.

The question: Are decisions made at previous disciplinary inquiries relevant to decisions made in the future?

Rationale for this question

This question was asked to establish if the manager was aware that the decisions made at previous disciplinary inquiries had an influence on the decision made in this and future inquiries.

Table 3.44 Relevance of previous disciplinary decisions

YES		NO		NO REPLY	
N	%	N	%	N	%
130/201	65	58/201	29	13/201	6

Discussion of the results

The results show that 65% of managers feel that decisions made in previous disciplinary inquiries are relevant in future disciplinary decisions while 29% feel they have no relevance in future decisions, with 6% choosing not to respond. Previous decisions do have relevance on future decisions because these decisions are used as a guide as to how people were managed previously. These decisions are used as a benchmark on how people will be managed in the future. These decisions indicate the consistency of decision-making in that people need to be managed differently, but paradoxically the same. The decisions need to be the same but the way people are managed needs to be different. People are not the same and therefore the way they are managed would be different.

The question: Does the person's previous work performance/conduct have any relevance to the present inquiry?

Rationale for this question

This question was asked to establish if the manager was aware that the previous work performance and conduct of the person has relevance and influence on the present inquiry.

Table 3.45 Relevance of individual's past performance/conduct

YES		NO		NO REPLY	
N	%	N	%	N	%
157/201	78	33/201	16	11/201	6

Discussion of the results

The results show that 78% of managers felt that the person's past performance/conduct was relevant and 16% felt it was not relevant, with 6% not responding to the question. Prior to the chairperson making a decision at an inquiry, he/she must consider the performance/conduct of the person before making this decision. The past performance/conduct of the person is vital. Should the past performance/conduct of the person be exemplary, then the chairperson's decision would most likely be different had the past performance/conduct been otherwise.

The question: Do the person's personal and family circumstances have any relevance to the disciplinary inquiry?

Rationale for this question

This question was asked to establish if the manager knew that the personal and family circumstances of the person are relevant in the disciplinary inquiry.

Table 3.46 Relevance of personal circumstances

YES		NO		NO REPLY	
N	%	N	%	N	%
119/201	59	74/201	37	8/201	4

Discussion of the results

The results show that 59% of managers felt that the person's personal and family circumstances have relevance at the inquiry; 37% felt they had no relevance, with 4% not responding to the question. One could suggest that the 37% of managers either do not know that a person's personal and family circumstances need to be considered before a disciplinary decision is made or their experience has told them otherwise. The consideration of personal and family circumstances indicates the fairness of the disciplinary process. The way people perform and behave at work will be affected by what happens at home and therefore these issues need to be taken into account when deciding on the appropriate action to take to correct the performance or conduct.

The question: Must the appeal inquiry request be made in writing?

Rationale for this question

This question was asked to establish if the manager knew that the request for an appeal inquiry needed to be made in writing.

Table 3.47 Appeal inquiry made in writing

YES		NO		NO REPLY	
N	%	N	%	N	%
191/201	95	5/201	2	5/201	3

Discussion of the results

The results show that 95% of managers felt that the appeal inquiry request must be in writing and 2% did not feel it was necessary, with 3% not responding to the question. The request for an appeal inquiry after the original inquiry should be in writing because the original inquiry was formalised and therefore this formality should be carried through to the appeal inquiry. The only time that an appeal inquiry request would not be expected to be in writing is if the person is an illiterate employee. In this case it would be an acceptable position to take to ask the person's representative to place it in writing on behalf of the person.

In summation of all the responses, there is an indication that there was a very clear understanding of the two fairness concepts, procedural fairness and substantive fairness, by management. Only one question, Question 15 (may the decision at the appeal be harsher than the decision at the original inquiry) indicated that there was a lack of understanding. Forty-two percent of respondents indicated "yes", it could be harsher and 51% indicated "no", it may not be harsher. In nearly all cases the decision at the appeal may not be harsher than the decision at the original inquiry.

3.8.18 Tape recording of an inquiry

The question: Under what specific circumstances may a hearing be tape-recorded?

Rationale for this question

This question was asked to establish the opinion of each manager of their understanding as to whether a disciplinary inquiry may be tape recorded or not. This question allowed the manager the latitude of giving an opinion on the answer they believed was correct. The answers from management are summarised as follows;

Table 3.48 Under what circumstances may an inquiry be tape-recorded

NO	%	Summary
8	4	There is nobody to take the minutes or make notes
6	3	Never
3	1	At all times
22	11	"I don't know" or did not reply
7	4	Only if the Chairperson wants to record
21	10	When the case is possibly one of dismissal for offences like theft, dishonesty or fraud, or if the union is involved
2	1	There is no legal restraint to recording an inquiry
127	63	To help with taking minutes and must be agreed to by both parties
5	3	When translation and interpreters are required
201	100	Totals

Discussion of the results

The managers (63%) replied that as long as both parties agreed to the proceedings being tape-recorded, then this was acceptable. The remaining managers (37%) had a variety of responses from "I don't know" to "when translation and interpreters are required". The correct answer to the question is the same as 63% of the managers correctly answered. Tape recording of disciplinary inquiries may be made as long as there is agreement between both parties. A third of respondents (37%) provided a variety of responses that can be seen in the table above. This is an area that will require training as a small point of disagreement

could very easily result in conflict being increased, and possibly to a claim that the procedure was unfair.

3.8.19 Poor work performance

The question: Before one may dismiss a staff member for poor work performance, what must one have done to the fullest extent?

Rationale for the question

The LRA no. 66 of 1995 specifies that prior to dismissal for unsatisfactory performance the employee must be given the appropriate evaluation, instruction, training, guidance or coaching and be given a reasonable time to show improvement (Schedule 8, 8.2 i: 279). This question allowed the respondents the latitude of giving an opinion, or to give what they believed was the correct answer. The answers given by the managers are summarised as follows:

Table 3.49 What must a manager have done and demonstrated prior to dismissal

No	%	Summary
154	76	The staff member must receive counselling, training, and the opportunity to improve. Performance must be appraised, giving feedback of performance. They must be made aware of the standards required through training and given time to learn and show competence.
28	14	Followed all the procedures
6	3	Give the staff member a letter of warning
4	2	If there is not possibility of rehabilitation – dismiss staff member
1	1	Demote to a simpler and easier job that the staff member can do.
8	4	No response
201	100	Total

Discussion of the results

An overwhelming 90% (14% plus 76%) indicated that the correct disciplinary procedure must be followed (14%) and that staff should receive counselling, training and be given the opportunity to improve prior to being dismissed (76%). The understanding of procedural fairness (the following of a previously agreed to fair procedure), and substantive fairness (that the corrective measures to be taken are seen to be consistent and fair), has been shown here by 90% of respondents.

3.9 Conclusion

The emphasis of this chapter has been on interpreting the data gathered to establish the perspectives of management in the Cape Metropole hotels in respect of discipline.

This chapter has discussed the data that was collected and presents the data in a manner that will assist the research to prove or disprove the hypotheses stated in Chapter 1. The data has, at the same time, been presented in a way to assist the researcher to find solutions to solve the problems that are set out. While presenting the data to prove or disprove the hypotheses and provide data to solve the stated problems, the data will also assist the researcher to achieve the objectives of this work.

The data that was collected is presented in two sections. Section A's data relates to demographic information of the respondents such as gender, age, tertiary qualifications, years of experience in management, race and at which level the respondents find themselves.

In Section B, the questions provided data that related to the level of training the respondents had received in managing disciplinary inquiries and importantly, how long ago this had occurred. Respondents were asked a set of questions to show

their level of knowledge of procedural and substantive fairness and their opinions on the interpretation of fairness.

CHAPTER 4

ANALYSIS, INTERPRETATION AND DISCUSSION OF RESULTS

4.1 Introduction

The information given in the previous chapter will be discussed, interpreted and analysed here in order to have a better understanding of the management of discipline in the hotel industry.

This chapter will discuss the level of practical knowledge and understanding that junior/middle management have in the practical application of discipline in the workplace. Linked with this will be a discussion on the level of confidence that junior/middle management have in the management of discipline in the workplace.

Further discussion of the level of confidence that senior management have in the ability of junior/middle management to manage the practical application of discipline in the workplace will also receive attention. Coupled with this, is that should junior/middle management make a disciplinary decision, they lack the confidence to justify the decision they have made. This is because they lack the confidence to manage practical discipline in the workplace.

Finally the chapter will discuss the implications and consequences of this study on the hotel industry.

4.2 Findings and discussion of results

The main problem of this study as stated in Chapter 1, is the difficulty that management have with managing discipline, that is, the inability of junior/middle management to manage discipline in the workplace and the lack of senior management's confidence in the ability of junior/middle management to manage discipline. This leaves senior management with the task of managing discipline. Senior management are not adequately delegating the responsibility and authority of managing discipline to junior/middle management. Senior management are implementing and managing the discipline of staff in the place of junior/middle management.

This main problem gives rise to four sub-problems. The data will be used to interpret and analyse, and provide discussion as to how the results affect these sub-problems.

The results need to be seen in the light that 80% of respondents are junior/middle management and only 20% are in senior management. Senior and junior/middle management completed the same questionnaire. The results have been separated reflecting the views of senior management and reflecting what the views are of junior/middle management where this is appropriate. These separate results will help to provide for a better analysis of the findings.

Another important fact to be taken into account is the assumption that one has to assume that medium level respondents could not quite make up their minds and to restrict the interpretation to only lower and higher level responses would put the interpretation at risk.

4.2.1 Lack of knowledge by junior/middle management

This study shows that junior/middle management have, in general, a lack of **practical** knowledge and understanding of the **practical** application of

disciplinary procedures. Specific information from the results can support this statement.

Firstly, the educational level of the management who completed the questionnaire is generally high. Table 3.5 shows that 73% (37% plus 15% plus 10% plus 11%) of management have a National Diploma in Hospitality Management or in a similar discipline. This is the equivalent of a minimum of a matriculation (Grade 12), plus three years of post-school education. Educationally, the managers should be able to master the management ability discussed in this work. Senior management should therefore give every opportunity to junior/middle management to manage discipline at work, because the probability exists that junior/middle management want to manage their own staff and senior management should give them this opportunity after providing them with the necessary practical experience.

Junior/middle management have shown in Table 3.11 that there is a lack of **practical** knowledge in managing discipline. This has lead to the preference that senior management manage discipline for them. In Table 3.11, 50% (20% plus 30%) showed that they would prefer senior management to manage the misconduct or poor performance of the staff members in their department on their behalf. This is due to the lack of practical knowledge that junior/middle management have in managing discipline. Senior management, as a result of this, take on this responsibility of managing the discipline of the staff on behalf of the junior/middle manager. The effect of this on the staff members could possibly create confusion and uncertainty. The staff would possibly be wondering why senior management are disciplining them when the staff know who their superior is and who gives daily operational instructions to them. Senior management are now managing them because senior management are implementing discipline. This confusion will add to the conflict because it is generally accepted that staff should only have one person giving them instructions.

In addition, Table 3.11 shows that 41% of junior/middle management would want to manage the discipline in their own departments. However, 50% (20% plus 30%) in the same table would rather senior management manage the discipline for them in their department. There is the distinct possibility that senior management will not differentiate between those junior/middle managers who would and those who would not want to manage discipline in the department. This could further reduce the opportunity for this 41% (Table 3.11) of junior/middle management to practise the management of discipline.

Table 3.13 indicates overwhelmingly that 76% (25% plus 51%) of junior/middle management would like senior management to coach and develop them to manage discipline. This result tells senior management that junior/middle management want to improve and grow and be coached in their management careers to gain further management experience in managing discipline and other vital management skills.

Table 3.14 shows that 90% (76% plus 14%) of junior/middle management believe they have been delegated the responsibility and authority to discipline staff. Senior management need thus to recognise and deal with the fact that junior/middle management believe they have been delegated the task to manage discipline and let them manage the discipline. Junior/middle management would like this recognition and they want to manage discipline. This means that senior management need to entrust some of the tasks of managing discipline to junior/middle management. Senior management could build on the level of delegation as junior/middle management show and demonstrate that they have the practical knowledge and ability to do so. But, what is alarming is that 50% (Table 3.11) of junior/middle management want senior management to manage discipline for them. This contradiction confirms that junior/middle management have been delegated the task but clearly do not have the practical knowledge, understanding and confidence to manage discipline resulting in senior management's managing the discipline.

There is sufficient evidence (Tables 3.29 – 3.47) that all management and especially junior/middle management have the theoretical knowledge and understanding to manage discipline. Table 3.16 shows that 73% of junior/middle management and 80% of senior management have attended formal training on how to manage discipline and that this had occurred in the last year (Table 3.17). When this is linked with Tables 3.29 to 3.47, where questions were asked to establish the theoretical knowledge and understanding of discipline, 89% to 98% responded correctly to the questions. This clearly shows that management have an excellent **theoretical** understanding of how to manage discipline.

In building more knowledge and understanding of the management of discipline, junior/middle management do not receive the opportunity to practise and gain experience in managing the disciplinary process. Table 3.21 shows that 78% of junior/middle management indicated that they have never chaired an inquiry while having a senior manager sit in on the inquiry to provide feedback on their performance. Little practice or feedback of performance is given to junior/middle management. Junior/middle management should be given the opportunity to practise and receive feedback to improve, and then be given recognition for a job well done. Interestingly, 73% (Table 3.21) of senior management are in the same position in that they have not received feedback from their superiors on their performance of managing discipline. It seems from these results that it is common practice in the hotel industry that once theoretical training has taken place, little or no further monitoring of the performance of management is done.

The consequence of this could be that the standards that were set in the training are not monitored and therefore there is a question whether the standards are being met and maintained. The consequence and implication of standards not being implemented and monitored is that little is known about whether the newly found skill is being practised. Should there be no feedback, the manager will not know how well he/she is performing. Managers need feedback as this can be motivational and the possible necessary ingredient to improve and grow in confidence.

There is further proof of lack of knowledge in one specific instance: 51% (Table 3.43) of management felt that the decision at an appeal inquiry might not be harsher than the decision at the original inquiry. The other 43% of management indicated that the appeal inquiry decision could be harsher. The remaining 8% did not respond. This is an area that will require correction, because the appeal inquiry is an important part of the process towards fairness. It is generally accepted that the appeal inquiry is to either confirm the original inquiry decision or mitigate this decision. Only under extreme circumstances could the appeal decision be harsher than the original inquiry decision after mitigating circumstances are considered. This would, however, be a very unusual situation.

A further factor that may influence knowledge and understanding is that management have not held their present positions for very long. Table 3.8 provided information about how long management had been in their present positions. Close to 60% (57%) of junior/middle management had been in their positions for less than a year and 17% for less than two years. Contrast this with 55% of senior management who had been in their positions for more than two years and 20% for more than a year. These results show that junior/middle management have not had the time or opportunity to show their skills in managing discipline.

These results give credence to the problem that junior/middle management lack the practical knowledge and understanding of managing discipline in the workplace.

4.2.2 Lack of confidence by junior/middle management

This study shows that junior/middle management have, in general, a lack of confidence in the practical working knowledge of formal disciplinary inquiries. Specific information from the study can support this statement.

In Section 4.4.1, the lack of **practical** knowledge and understanding of managing discipline by junior/middle management was discussed. In Section 4.2.2, the added dimension of the lack of **confidence** in the practical working knowledge of formal disciplinary inquiries of junior/middle management will be investigated.

Table 3.11 shows that 50% of junior/middle management would want senior management to manage discipline on their behalf. Although this function is delegated to them, they possibly do not have the confidence to manage the discipline themselves as they lack the practical knowledge. Senior management consequently take on the task of managing discipline. The reason is probably a fear of making mistakes. The consequence is that junior/middle management will not acquire the experience and confidence of managing discipline.

Furthermore, Table 3.8 indicates that 57% of junior/middle management have held their present positions for less than a year. Their confidence could possibly not be high enough to manage discipline, owing to the fact that they may not have enough knowledge of the procedures, thus affecting their confidence to manage discipline. Table 3.9 shows that 51% (39% plus 12%) of junior/middle management felt that a disciplinary decision they made could quite possibly be overturned. This lack of confidence could possibly have a negative effect on the junior/middle manager when a disciplinary decision needs to be made. The consequence of a junior/middle manager demonstrating a lack of confidence in making disciplinary decisions is that the junior/middle manager could make the incorrect decision or an inappropriate decision to avoid a challenge from the trade union.

Table 3.9 also shows that 42% of junior/middle management were less apprehensive and would like the opportunity to manage the discipline. The implication could be that senior management may not be able to differentiate between which junior/middle manager falls into which group (the 42% group or

the 58% group) resulting in all junior/middle management not being given the opportunity to manage discipline. Nearly 7% did not respond. Table 3.10 shows that 58% of junior/middle management responded that should a disciplinary decision of theirs be overturned, it would negatively affect their ability to manage in the near future.

The consequence of junior/middle management indicating that overturning their disciplinary decision will negatively affect their ability to manage in the near future is likely to affect their overall confidence of their management ability.

Table 3.4 has indicates that 70% of management are under the age of 34 and 39% under the age of 29. To demonstrate how the young age of managers could have an impact on their confidence of managing discipline, the following possibility exists. One could suggest that they left school at 18, possibly took a "gap year" to gain a few life skills, and then enrolled for the three-year national diploma. This would probably, at the end of the three years, make them 22. This now equates to a maximum of seven years experience for those 39% of junior/middle manager who are now under 29, and 11 years' experience for those junior/middle managers who are now under 34. Two of these years could possibly have been used to gain experience while being promoted to a junior/middle management position. Therefore, at best, junior management would have five years' experience for those now under the age of 29, and nine years' experience for those now under the age of 34.

To add to the above discussion and to perhaps further reduce the confidence of junior/middle management in managing discipline, close to 60% (57%) of junior/middle management have only been in their present position for less than one year (Table 3.8). It could be suggested that this is insufficient time to acquire the confidence to manage discipline effectively.

The research could realistically suggest that there could be a lack of confidence in managing discipline. To add to this level of lack of confidence, the 70% of

junior/middle management younger than 34 (Table 3.4) have only been in their present positions for less than one year, further providing possible proof that there is a lack of confidence in managing discipline at junior/middle management level. Combine this with the fact that there is a lack of practical knowledge and understanding of managing discipline (as shown in Section 2.1).

Some credit should be given to the attempts that have been made by senior management to improve the practical knowledge and understanding, and the confidence level of managing discipline of junior/middle management. Table 3.16 shows that 74% of all management have attended formal training on how to manage discipline and close to three-quarters (73%) have completed the training in the last 12 months, as shown in Table 3.17. In practice, senior management need to follow up this training by giving junior/middle management the opportunity to practise this new skill.

The nucleus of the problem is then that junior/middle management lack confidence in the practical working knowledge of formal disciplinary inquiries. Junior/middle management have attended courses to learn how to manage a formal disciplinary inquiry, but are not given sufficient opportunity to practise the new skill in a practical environment, ideally under the watchful eye of their superior. The lack of opportunity to practise adds to the problem of a lack of confidence to manage discipline.

4.2.3 Lack of confidence by senior management

This study can support that senior management lack confidence in the ability of junior/middle management to manage discipline.

Table 3.8 indicates that 57% of junior/middle management have been in their present positions for less than a year and coupled with this is that 39% of junior/middle management are under 29 years of age, with a maximum of seven years' experience, as shown in Table 3.4. In reality, they have had less

experience because in the seven years, they have only held their present positions for between one and two years. A lot of the time would have been spent finding their feet and building working relationships with their staff. These two factors would begin to suggest to senior management that junior/middle management have had little experience and therefore this is affecting the confidence of senior management in the ability of junior/middle management to manage formal and practical discipline. Coupled with this, junior/middle management, in Table 3.11, indicate that they would prefer senior management to deal with discipline that occurred in their departments. To further add to the lack of confidence that senior management has in the ability of junior/middle management, is that when junior/middle management have the opportunity to discipline a staff member, 51% of them feel their decision will be overturned at an appeal inquiry (Table 3.9). This possibly makes senior management question the confidence of junior/middle management in their ability to manage discipline.

The combination of 57% of junior/middle management being in their present positions for a maximum of a year (Table 3.8), 39% of junior/middle management being under 29 years of age (Table 3.4) and 59% of junior/middle management preferring senior management to deal with disciplinary issues on behalf of junior/middle management (table 3.11), all adds up to senior management's lack of confidence in the ability of junior/middle management to manage discipline.

Junior/middle management, in an attempt to improve confidence levels, indicated that their confidence would be improved if an experienced manager sat in on the disciplinary inquiry that a junior/middle manager was holding. The reason for this is to give feedback and coaching (as shown in Table 3.12). This statement confirms to senior management that junior/middle management are not confident in managing discipline and want to be given feedback and coaching to become better and more confident managers. All that is required from senior management is that they provide junior/middle management with

the opportunity to practise managing discipline. Junior/middle management need to put this newfound skill to good use by seeing senior management delegating to junior/middle management the task of disciplining staff under their supervision to improve as managers.

4.2.4 Justification of disciplinary decisions

This study shows that junior/middle management are possibly unable to justify the correctness of their disciplinary decisions should they be challenged by an employee representative due to their lack of confidence, or even more critically, the CCMA. It is not a surprise that junior/middle management are not able to successfully justify the correctness of any disciplinary decision they have made considering the discussion that has gone before in this chapter. The combination of these factors exacerbates the problem of managing discipline and it is no wonder that senior management manage discipline. Specific information will be provided to add substance to this statement.

The research has shown previously in Chapter 2 that to effectively manage one's subordinates one needs to manage their performance and conduct in the workplace. To do this, managers need to know what their subordinates' jobs comprise to successfully lead, coach, direct, motivate and discipline them to perform to the standards required. Table 3.24 shows that 78% (40% plus 8% plus 7% plus 24%) of junior/middle management responded that they met formally with subordinates to discuss the work performance and conduct at least twice a year. Table 3.25 indicates that 79% of junior/middle management had written documentation of what each staff member who reported to them was responsible for and Table 3.26 shows that 70% of junior/middle management had discussed and agreed to these responsibilities with individual staff members.

A pleasing fact in the results is that management (including senior management) meet on a one-to-one basis with subordinates, have written

documentation of the subordinate's job and that there is agreement on the content of that job. Seen together, this indicates that there are mechanisms in place to deal with and assist junior/middle management to gain the confidence to justify and support the disciplinary decisions that are made.

The results show that significant steps have been taken to manage performance and conduct in the department. However, what junior/middle management is showing is that they would prefer that senior management deal with the discipline in their department. This also indicates that senior management are seen to be managing the discipline on behalf of the junior/middle manager. Any attempt by junior/middle management to manage the discipline of their staff could possibly be shown up as a weakness, which the unions and employee representatives (shop stewards) could challenge with the employees who may have been disciplined for some reason.

The consequence of the above is when an employee representative, who is worth his/her salt and who is aware that the junior/middle management lack confidence in their ability to manage discipline, and that senior management have a lack of confidence in the ability of junior/middle management being able to manage discipline, may use this opportunity to his/her advantage. Should the junior/middle manager then hold a disciplinary inquiry and make a disciplinary decision, this decision could be challenged by the trade union, which can use the weakness of junior/middle management to secure a more lenient disciplinary decision. This will further affect the confidence and ability of junior/middle management in managing discipline. Furthermore, senior management will be taking on these challenges to reduce costs as has been discussed in Chapter 3.

Significant steps have been taken to assist junior/middle management to manage their staff more effectively, and this applies to the management of discipline. Indications are that systems are in place to assist junior/middle management. Junior/middle management need to develop their confidence

levels to justify disciplinary decisions they have made. It is accepted that if one's confidence is lacking, it has a negative effect on one's performance, in this case, justifying disciplinary decisions.

4.3 Implications and consequences of the study

The main problem of this study revolves around the level of practical knowledge that junior/middle management have in managing discipline. Coupled with this is the level of confidence junior/middle management have in managing discipline. Senior management lacks confidence in the ability of junior/middle management to manage discipline.

This filters through to senior management's managing the discipline that should be managed by junior/middle management. Staff members who report to junior/middle management may now well question who their superior is because senior management is managing the discipline. This further affects the level of confidence that the junior/middle manager has in his/her ability to manage practical formal discipline.

The implication and consequence of the study are that the cycle of the lack of confidence junior/middle management have in their own ability and the lack of confidence that senior management have in the ability of junior/middle management, needs to be broken.

The objective of this study is to provide senior management with workable solutions for discipline to be managed as close to where the infringement originally occurred, so that senior management is in a position to deal with the managing of their subordinates (the junior/middle manager) in order that the junior/middle can manage their subordinates (the front line employee).

The implication and consequence of not providing workable solutions could be that within a short period of time (five to eight years), the present junior/middle

managers will not be adequately confident and competent to manage discipline when they arrive at senior management level.

This will bring about the possibility that senior management will not spend their energies on strategic issues, as they will need to spend time dealing with inexperienced junior/middle management. Junior/middle managers will become more inadequate in standing up to the trade union representatives. This will further erode the confidence of junior/middle management to manage discipline.

The relationship between management and trade union is one of power and influence. The power and influence of one party over the other will have an effect on the management of the business environment. Therefore should junior/middle managers not have the confidence or ability to deal with trade union challenges on disciplinary decisions they have made, this will further weaken management's position to manage.

To be effective, management need to be in control of the day-to-day operation. To do this, junior/middle management need to have the confidence to manage the people under their control. It is in senior management's interest to develop junior/middle management's ability and confidence to manage their staff. This will enable them to give more/all of their time and energy to managing strategic issues of the hotel.

Another consequence of not providing a workable solution is that should the confidence and competence levels not be improved, the guests in the hotels will recognise and experience this lack of confidence and competence and could take their business elsewhere. The loss of their business to a region like the Western Cape could result in a downturn in revenue resulting in possible job losses and the associated problems of poverty, social decay and violence. This may sound rather dramatic but it is an indication of the seriousness that the consequences could have on tourism in the economy of this region that is so reliant on tourism. Should the correct action be taken, the exact opposite could

result: an increase in revenue, higher employment, less poverty, less social decay and general upliftment of society as a whole.

4.4 Conclusion

This chapter was devoted to establishing that senior management have difficulty in respect of the confidence and ability of junior/middle management to manage formal practical discipline in the workplace. The data shows that junior/middle management do have the theoretical knowledge of managing a formal disciplinary inquiry but lack the practical knowledge and experience of managing discipline.

In addition, junior/middle management lack the confidence to manage formal discipline, as they have not had the opportunity to gain practical knowledge and understanding to manage discipline. This is further substantiated by the fact that junior/middle management would rather have senior management manage discipline on their behalf.

These two points together impel senior management to manage discipline because senior management do not have confidence in the ability of junior/middle management to manage discipline.

The situation of junior/middle management having a lack of practical knowledge and understanding of discipline, as well as the lack of confidence to manage discipline, puts pressure on junior/middle management to make the correct disciplinary decisions. On those occasions, when junior/middle management do in fact make disciplinary decisions, union representatives or the employees themselves challenge their decisions. Their lack of knowledge, understanding and confidence in managing discipline would perhaps place added pressure on junior/middle managers that their disciplinary decisions may be suspect.

The implication and consequence of this study show that should this problem not be addressed, resolved and rectified, the present junior/middle managers will, in the future, arrive at senior management level unprepared. It could possibly be predicted that a breakdown in discipline in general in the industry could occur in future because junior/middle management did not learn and master the skill of managing discipline when they were junior/middle managers.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Getting to the end of any study, the significance should be evaluated. This chapter will focus specifically on the extent to which the hypotheses support the data and to what extent the objectives of the research have been achieved. The chapter will also indicate/motivate why this research is significant for the hotel industry. Finally it will propose recommendations to management for a suggested course of action that may be required to develop junior/middle management to manage discipline effectively in the future.

5.2 Importance of the study

The importance of this study is that there is a need in the hotel industry for management to be confident and competent in their ability to manage discipline and consequently manage people professionally. This is especially important at junior/middle management level because it is this group that will have the most influence on the performance and behaviour of the front-line employees who will be interacting directly with guests on a daily basis.

Junior/middle management need to be confident and competent in managing their employees to positively build work relationships that will benefit the guest. This benefit will result in guests returning more frequently, resulting in better profitability for the hotel and its owners.

The importance of the study is to highlight to senior management that managing the performance and behaviour of their junior/middle management who manage

their staff will have significantly longer term benefits than attempting to do their subordinates' job of managing discipline for them. This is particularly evident in the management of discipline in their particular department. In the light of managing discipline, the role of senior management should be to coach, train and counsel junior/middle management. Senior management need to focus on their key performance areas, one of which should be to develop junior/middle management in their ability to perform better.

The importance of this study is to provide recommendations to the hotel industry to improve the area of managing discipline at junior/middle management level.

5.3 Hypotheses in support of the study

In Chapter 1, the study proposed that senior management, more often than not, deal with the formal discipline of the behaviour and performance of employees. The study presupposes that this could in fact be true for the following reasons: junior/middle management lack the practical knowledge and understanding of managing formal practical discipline; junior/middle management lack the confidence to manage a formal practical disciplinary inquiry; senior management lack confidence in junior/middle management's ability to manage a formal practical disciplinary inquiry; junior/middle management, should they make a disciplinary decision, lack the confidence and ability to substantiate their decision should they be challenged by a union representative or the employees themselves.

The results show that because junior/middle management lack the practical knowledge to manage the discipline, they lack confidence in their ability to manage the discipline as well. This leads to the problem that senior management indicated that junior/middle management have this lack of confidence, resulting in senior management's having a lack of confidence in the junior/middle management's ability to manage discipline and managing the discipline themselves. This adds to the woes of junior/middle management in that the employees also realise that senior management is managing the discipline which should be controlled by

junior/middle management. Thus, should junior management make a disciplinary decision, an employee representative or the employee may challenge that decision because junior/middle management lack the practical knowledge, experience and understanding of discipline and they also lack the confidence to manage discipline.

5.4 Recommendations and solutions

5.4.1 General

It should be stated that any recommendation or suggestion should be uncomplicated to implement and be measurable to produce positive results. Added to the proviso of simplicity, is that there should be commitment from senior management to implement the recommendation. Senior management should experience the benefits of seeing the fruits of being responsible for the success and growth of a subordinate.

Managers need to continually be reminded that the organisation that they work for is only as good as the people who work for it, and this depends on how well they have been trained or coached. They also need to be reminded that the higher they move vertically in the organisation, the more their effectiveness is going to depend on how well they have trained or coached these people that support them.

As seen in Chapter 2, those managers who share their experience and coach, as well as use their power to influence and challenge subordinates to perform better, become those leaders and role models that junior/middle managers will want to emulate. One hears in general communication, comments like... "he is so much like his father". This demonstrates that one follows the example of those leaders or role models that have the most influence upon one.

5.4.2 Plan time with subordinates

The recommendation and solution here is that senior management should plan

time with those subordinates that report to them. These planned times should be devoted to coaching subordinates in the art of managing people with specific reference to managing discipline.

In Chapter 3, results have shown that management have attended formal training on how to manage a disciplinary inquiry. The time that has been set aside should be used to provide coaching to the junior/middle managers in the practical people management aspects of managing a disciplinary inquiry. However, the people management of fairness is equally important. It is this section that requires time and coaching for the effective management of discipline.

5.4.3 Develop subordinates

The second recommendation and solution is that the effectiveness of the performance of the senior manager in the development of the ability of the junior/middle management to manage a formal practical disciplinary inquiry, should be a key performance area that the senior manager's performance should be measured against. The success of the ability of junior/middle management to manage a formal disciplinary inquiry, could be measured against senior management's ability to coach their subordinates to manage discipline. The emphasis is placed on senior management to ensure that their subordinates succeed in managing discipline. Senior management will need to use their skills of persuasion, communication, delegation and motivation to encourage their subordinates to perform well in their jobs. Senior managers should take the responsibility, and be held accountable for the success of their subordinates' performance to manage their performance.

The time and commitment given by senior management to the development of the ability of junior/middle management to manage a formal practical disciplinary inquiry will build the confidence of the junior/middle manager to manage discipline. The more practice that junior/middle management receive in managing discipline, the more the confidence of the junior/middle manager will improve in managing this practical process.

5.4.4 Feedback to subordinates

The third recommendation and solution is that senior management be available on a planned and structured basis to provide feedback, coaching and counselling to the junior/middle managers on their performance of managing discipline in the workplace. In the time that it takes to coach and encourage a junior/middle manager in aspects of management, it will, in the long term, be more effective than the senior manager's managing the discipline for and on behalf of the junior/middle manager. The interaction that the senior manager has in the feedback, coaching and counselling sessions will greatly improve the confidence levels of the junior/middle manager.

5.4.5 Coaching and counselling for subordinates

The fourth recommendation and solution is that senior management should coach and counsel junior/middle management in the ability to justify a disciplinary decision that has to be made. This will prepare junior/middle management for the eventuality of being challenged, should this arise. This should be standard procedure and be the responsibility of the junior/middle manager to arrange with the senior manager. The senior manager, only at an appropriate time, should delegate full responsibility and authority to the junior/middle manager to complete this task only once the junior/middle manager has shown the level of competence to manage this task.

5.5 Further research possibilities

A number of possible research topics have emerged that could be proposed:

- There is the question of the impact that coaching will have as a method of increasing the management skills of the previously disadvantaged individuals who are at supervisor level at present and who have the potential to be considered for management positions. These potential

managers have, in many cases, a number of years' experience in the industry and life experiences that require polishing. Coaching could be used as an effective development method to help these individuals and to improve the employment equity objectives within individual companies.

- The effect that coaching could have on the working relationships of junior, middle and senior management and between management and general staff. This will include the relationship that management will have with union representatives, especially at disciplinary inquiries. The improvement of communication via the use of coaching as a development tool should improve commitment and competence levels leading to better service for guests and tourists.
- With the complexities and diversity of the South African population, the method of coaching to develop junior management could be implemented differently should the race and/or gender of the junior manager be different. These differences should be researched to establish if these differences make any difference to the method of implementing coaching. Different managers are managed differently depending on circumstances and situations. Research needs to be completed into how coaching could be implemented and used to train managers in a country of diverse backgrounds, cultures, languages and races like South Africa.
- The profitability/productivity benefits of using coaching as a method to increase the confidence and competence levels of junior management in the hotel industry to the benefit of the guest and the individual hotel, could be researched.

5.6 Conclusion

Management is about perfecting processes and systems while encouraging people to perform at their optimum so that the business runs smoothly. In managing

discipline in the hotel industry, an effective method to overcome related problems is the use of coaching. Coaching is about identifying good practices and then applying these good practices in the work environment to produce the desired outcomes. The aim is **not** to create a dependent relationship of managing discipline, but rather an interdependent relationship.

5.6.1 Problem of the research

This study pointed out the problems the hotel industry has with managing discipline. The main problem is that senior management does not manage discipline correctly. Senior management conducts the discipline that junior/middle managers should be conducting. Senior management will not, for a number of reasons, allow junior/middle management to implement disciplinary practices in the workplace. Senior management is afraid to delegate the responsibility to junior/middle management to discipline the staff under junior/middle management's control. Consequently, senior management take on the responsibility of managing the discipline of the staff that junior/middle management should be managing. Senior management implementing discipline, and not allowing junior/middle management to assume the responsibility for enforcing discipline, means that junior/middle managers do not learn or gain the necessary experience in maintaining discipline; consequently, when they reach senior management level, they will not know how to manage discipline because they have not been involved in disciplinary issues at junior management level.

5.6.2 Objectives of the research

The main objective of this research is therefore to provide the senior management level with simple, workable solutions to manage discipline correctly. This will enable senior management to delegate the management of discipline to junior/middle management, so that the discipline of staff is dealt with at the level where the infraction occurred and not passed up to senior management to manage.

The following sub-objectives were set:

- to focus on solutions to enhance the practical working knowledge and understanding of junior/middle management of the disciplinary inquiry process;
- to focus on solutions to improve the confidence of the junior/middle management levels in respect of the practical working knowledge of the management of formal disciplinary inquiries in the workplace in the hotel industry;
- to focus on solutions to build the confidence of the senior management level in the ability of junior/middle management to manage practical formal discipline in the workplace in the hotel industry; and
- to focus on providing appropriate training and experience for the junior/middle management levels to correctly and confidently justify disciplinary decisions they have taken when challenged.

5.6.3 Results of the research

The results of the research show that:

- there is a lack of practical knowledge and understanding at junior/middle management levels of the practical application of discipline in the workplace as discussed in Chapter 4 (4.2.1);
- there is a lack of confidence in the practical working knowledge of formal disciplinary inquiries at junior/middle management level as discussed in Chapter 4 (4.2.2);
- senior management lack confidence in the ability of junior/middle

management to manage formal practical discipline in the workplace as discussed in Chapter 4 (4.2.3); and

- junior/middle management lack the ability to justify disciplinary decisions they have made, should they be challenged by union representatives of employees. This is due to the lack of practical knowledge and understanding of discipline by junior/middle management, their lack of confidence in managing discipline, and senior management having a lack of confidence in their management ability to manage discipline as discussed in Chapter 4 (4.2.4).

5.6.4 Recommendations of the research

- The recommendations show that senior management should take the lead and initiative and set aside and plan time, in consultation with their junior/middle management, to initiate a plan of action on how the objectives of this research will be implemented and achieved.
- Senior management's performance will be measured by how well junior/middle management achieve the performance levels of formal practical competence to manage discipline and in so doing, build their confidence in junior/middle management's ability to manage discipline. This measurement must be an identified key performance area (KPA) and be a priority for all senior management.
- Senior management must provide planned and structured feedback, coaching and counselling to the junior/middle managers on their performance of managing discipline. This process will emphasise to senior management that it is more effective to teach and coach junior/middle management to discipline than for senior management to do it themselves.
- Senior management should coach junior/middle management in the ability

to justify disciplinary decisions they have made. This will prepare the junior/middle manager for the possibility of disciplinary decisions being challenged and help in the overall decision-making process.

5.6.5 Summary

In this study, discipline in the hotel industry came under the spotlight. The researcher pointed out the problems that the hotel industry has with managing discipline. The problems vary from senior management's not managing discipline correctly to junior/middle management's not having the practical experience of managing discipline, which affects their confidence to manage discipline effectively. Both senior management and junior/middle management lose their confidence in their ability to manage discipline.

The objective of this study was to provide senior management with simple, workable solutions to manage discipline correctly. This will enable senior management to delegate the management of discipline to junior/middle management, thereby improving the confidence of junior/middle management in the management of practical discipline, and improving the confidence of senior management in the ability of junior/middle management to manage discipline. Junior/middle management, from added experience and coaching, will improve their ability to correctly and confidently justify disciplinary decisions they have made.

The results of the study have shown that there is a lack of practical knowledge and understanding of the management of discipline by junior/middle management, that junior/middle management lack the confidence to manage discipline, that senior management lack the confidence in the ability of junior/middle management to manage discipline and finally junior/middle management lack the ability to justify disciplinary decisions they have made.

The recommendations of this study can therefore be summarised as follows: Senior management should take the lead and initiative to set aside time with junior/middle management to plan action on how the objectives of this study are to be achieved. The success of senior management's performance should be measured by how well junior/middle management achieve the performance competence to formally and practically manage discipline. Senior management should provide structured feedback, coaching and counselling to junior/middle management on their performance of managing discipline. Senior management should coach junior/middle management on how to justify disciplinary decisions to prepare them for this eventuality.

Senior managers must embrace the opportunity to change to coaching and influencing. The cost of this change is in the minds of senior management and is not in monetary terms, but in commitment terms. It is the choice that the senior manager makes. Do senior managers want to control or coach, use their power to change or influence change, impel people to do or develop people to take responsibility and ownership for what they were employed to do?

Coaching is a management tool that can be used for all of their lives and should be employed to improve the performance of subordinates. The better the subordinate performs his/her job, the more time senior management will have to pay attention to strategic organisational issues.

Senior managers need to be continually reminded that the organisation they work for is only as good as the people who work for it, and this depends on how well they have been trained or coached. They also need to be reminded that the higher they move vertically in the organisation, the more their effectiveness is going to depend on how well they have trained or coached these people that support them.

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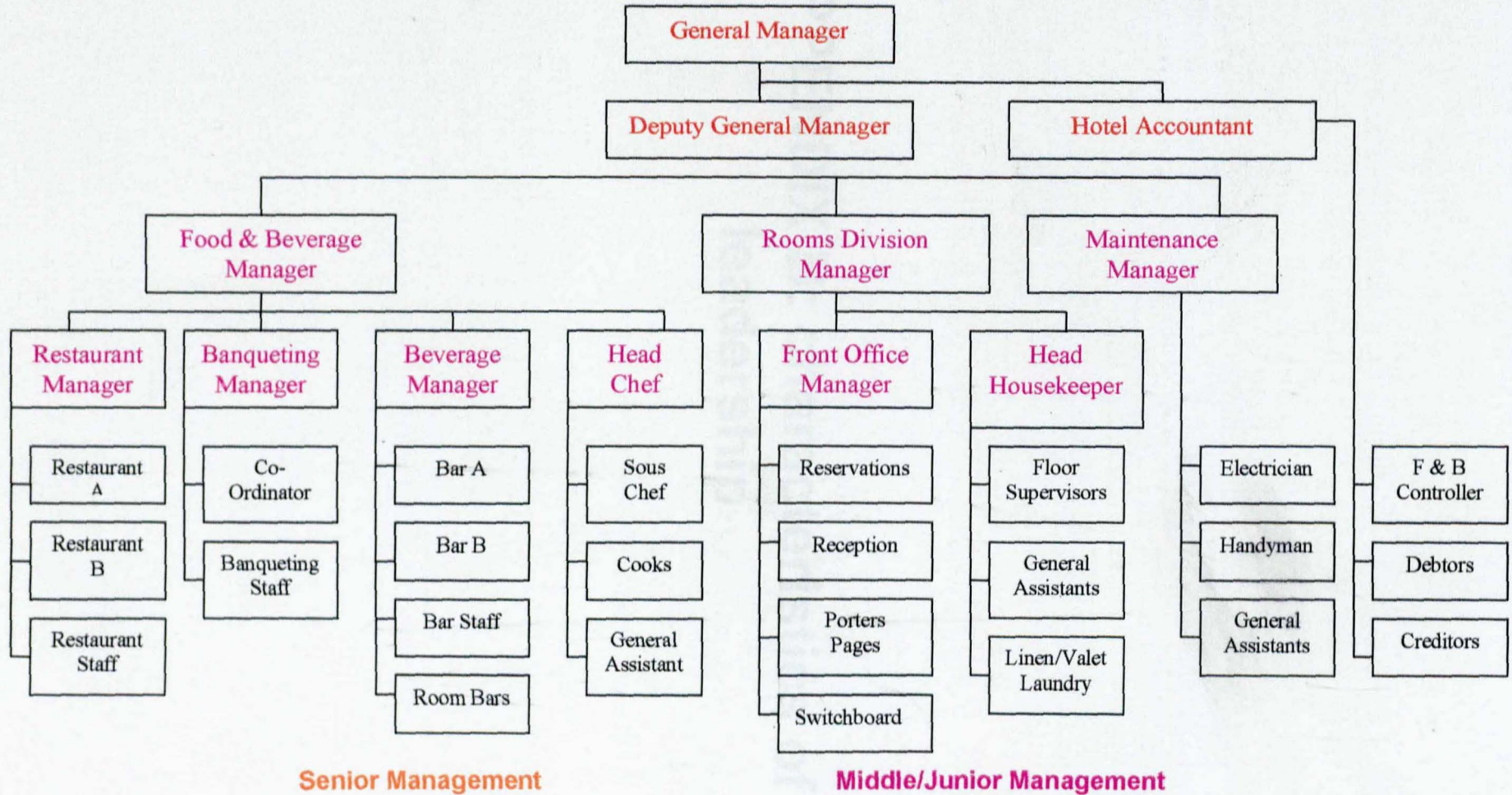
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APPENDIX A: hotel structure

Appendix A: Example of an organisational chart for a large hotel



APPENDIX B: characteristics of leadership

Appendix B: Critical Leadership Characteristics

These dimension or characteristics were derived from interviews with academic experts and CEO's.

1. Thinking globally
2. Anticipates opportunities
3. Creates a shared vision
4. Develops and empowers people
5. Appreciates cultural diversity
6. Builds teamwork and partnerships
7. Embraces change
8. Shows technological savvy
9. Encourages constructive challenge
10. Ensures customer satisfaction
11. Achieves a comprehensive advantage
12. Demonstrate personal mastery
13. Shares leadership
14. Lives the values
15. Managing performance

Source: Davidson, F. 2002. Wake up call. *People Dynamics*, 20(2): 12–15

APPENDIX C: introduction letter

**CAPE TECHNIKON
FACULTY OF MANAGEMENT
MANAGEMENT OF DISCIPLINE
ASSESSMENT SURVEY**

June 2002

Dear Respondent,

Questionnaire No

The Faculty of Management of the Cape Technikon, and more specifically the Hotel School is undertaking this research. We will be conducting this survey with all management, junior, middle and senior management, in hotels in the Cape Metropolitan Council area.

This survey will establish the knowledge, skills and attitudes of management in the work place. Your input will be vital to equip present and future management to more effectively manage discipline and improve work relationships.

The information that you give will be treated as confidential and only a summary will be available should you want a copy. Your General Manager has given support and encouragement for this project and we sincerely thank you for your support in completing this questionnaire.

Please circle or make a cross against the most appropriate answer(s) to each question or statement.

Our grateful thanks.

Eric Collier

APPENDIX D: questionnaire

SECTION A: DEMOGRAPHICS

1. Gender?

Male	1
Female	2

2. Which age group do you fall into?

29 years and younger	1
30 – 34 years	2
35 – 39 years	3
40 – 44 years	4
45 – 49 years	5
50 years and older	6

3. What is your highest academic qualification?

Matriculation	1
Hotel School Diploma	2
Technikon Diploma (please specify)	3
University Degree (please specify)	4
Other (please specify)	5

4. Which year did you qualify? (Please specify the year in the open space)

5. To which race group do you belong?

Asian	1
Black	2
Coloured	3
White	4

6. What is your job title?

General Manager	1
Financial Manager	2
Deputy General Manager	3
Food and Beverage Manager	4
Rooms Division Manager	5
Front Office Manager	6
Assistant Food and Beverage Manager	7
Assistant Rooms Division Manager	8
Assistant Front Office Manager	9
Personnel Manager/Officer	10
Training Manager/Officer	11
Banqueting Manager	12
Beverage Manager	13
Head Chef	14
Sous Chef	15
Head Housekeeper	16
Assistant Head Housekeeper	17
Restaurant Manager	18
Assistant Restaurant Manager	19
Assistant Banqueting Manager	20
Other (please specify)	

7. How long have you held your present position?

0 - 6 months	1
6 - 12 months	2
1 - 1½ years	3
1½ - 2 years	4
2 years and more	5

SECTION B: MANAGEMENT OF DISCIPLINE

8. The following six questions are about management in the workplace. **Circle/cross the one most appropriate answer to each question or statement.** If you are at senior management level please go to Question 10.

	Low		Medium		High
8.1 How apprehensive will you be about the outcome of a disciplinary inquiry being overturned by your superior at an appeal hearing?	1	2	3	4	5
8.2 Should the decision you made be overturned, do you feel it will negatively affect your ability to manage discipline in the immediate future?	1	2	3	4	5
8.3 Should there be a serious incident of poor performance or misconduct reported to you involving one of your staff, to what extent would you rather have senior management deal with the incident?	1	2	3	4	5
8.4 To what extent would you like an experienced senior manager to sit in on the disciplinary inquiry (and not comment) that you were holding, to give you feedback and coaching afterwards?	1	2	3	4	5
8.5 Do you feel that "coaching" should be standard practice to develop you in managing discipline at work?	1	2	3	4	5
8.6 To what extent are you delegated the responsibility and authority to discipline the staff for whom you are responsible?	1	2	3	4	5

9. If your answer to Question 8.6 is 1 or 2, please comment briefly.

.....

.....

.....

.....

10. Are you given the responsibility and authority to hire and fire your own staff in your department?

Yes	1
No	2

11. Have you attended and participated in a formal training course on how to manage the discipline of poor performance or misconduct of a staff member?

Yes	1
No	2

12. When did this take place?

within the last 6 months	1
within the last year	1
within the last year and a half	2

13. Does your hotel have a formal disciplinary policy procedure that you should follow when disciplining a staff member?

Yes	1
No	2

14. Do you have your own copy of this policy procedure?

Yes	1
No	2

15. How often in the last 12 months have you been an observer of a disciplinary inquiry?

never	1
once	
twice	
three times	
more than four times	2

16. How often in the last 12 months have you chaired a disciplinary inquiry where a senior manager has sat in as an observer?

never	1
once	
twice	
three times	
more than four times	2

17. Are the majority of employees in your hotel, members of an active trade union?

Yes	1
No	2

18. How often do you have formal departmental meetings with your staff?

once every week	1
once every two weeks	2
once every three weeks	3

19. How often do you have formal "one-on one" meetings with each individual you manage to discuss his/her performance/conduct at work?

12 times a year	1
6 times a year	2
4 times a year	3
2 times a year	4
Once a year	5
never	6

20. Do you have written documentation of what each of your staff members is responsible for?

Yes	1
No	2

21. Is this documentation discussed and agreed to by each staff member?

Yes, with each staff member	1
Yes, with some staff members	2
No, not at all	3

22. Is this documentation used to measure the staff members' work performance?

Yes, with each staff member	1
Yes, with some staff members	2
No, not at all	3

23. Are your staff fully aware of the standards of performance/conduct they must achieve?

Yes, all of them	1
Yes, some of them	2
No, none of them	3

24. Are you fully aware of your employee's rights before, during and after a disciplinary inquiry? Please answer yes or no to the following questions. The "person" referred to in the questions is the person being charged.

	YES	NO
a Must the notification of the hearing be in writing to the person?	1	2
b Does the person have to sign receipt of the notification?	1	2
c Should the person be given time to prepare for the hearing?	1	2
d Must the inquiry be held in the person's work time?	1	2
e Is the person entitled to be represented by a union representative? (shop steward)	1	2
f May the person state his/her case at the hearing?	1	2
g May the person ask the chairperson questions about the evidence submitted?	1	2
h May the person cross question witnesses and statements?	1	2
i May the person bring witnesses to support his/her case?	1	2
j May the person put forward mitigating arguments in his/her favour?	1	2
k May the person ask for a postponement to gather further information?	1	2
l May the chairman be the person that brought the complaint?	1	2
m May the representative ask questions of the chairperson?	1	2
n May the chairperson specify to whom and by when the appeal must be made?	1	2
o May the decision at the appeal be harsher than the one at the inquiry?	1	2
p Are decisions made at previous disciplinary inquiries relevant to decisions made at future inquiries?	1	2
q Does the person's previous work performance/conduct have any relevance to an inquiry?	1	2
r Does the person's personal and family circumstances have any relevance to an inquiry?	1	2
s Must the appeal be made in writing?	1	2

25. Under what specific circumstances may an inquiry be tape-recorded?

.....

.....

.....

.....

.....

26. Before one may dismiss a staff member for poor work performance, what must one prove one has done to its fullest extent for it to be seen as fair?

.....

.....

.....

.....

.....

We would once again like to thank you most sincerely for giving us your time to complete this questionnaire. We would like to re-confirm that this information will be treated as confidential and only a summary will be available to you should you want a copy.

The results that are gained from this information will assist in helping our industry deal with improving our management skills and will benefit our staff, our guests and ourselves.

Many thanks again.

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APPENDIX E: disciplinary procedures

Hotel A

Disciplinary Code and Procedure

GENERAL RULES

1. Taking disciplinary action is a management responsibility.
2. The aims are to correct rather than punish; discipline to be carried out fairly, consistently, progressively and promptly. This does not mean that the company will not dismiss in appropriate circumstances for first time misconduct.
3. The Discipline Code and Procedure is a fundamental part of the employment contract between the employee and the company.
4. Employees who have been formally disciplined short of dismissal (i.e. warned in writing) have the right to appeal against the action using the Appeal Procedure.
5. Where the possibility of dismissal exists, a disciplinary hearing will be held under normal circumstances to decide if a continued employment relationship is intolerable.
6. Warning for poor work performance is not part of the Disciplinary Procedure, except in instances of "wilful" poor performance. It will be handled by a Poor Performance Procedure.

DISCIPLINARY CODE

Staff may be disciplined and dismissed for breaking rules, amongst others:

- a) Negligence
- b) Refusal to obey reasonable and lawful instructions.
- c) Failure to observe conditions of employment.
- d) Disregarding company rules and/or procedures.
- e) Dishonesty or unauthorised possession of the company's property.
- f) Endangering safety.
- g) Assault.
- h) Repeated deliberate absence, or excessive poor timekeeping and failing to contact the company daily for both.
- i) Insubordination
- j) Possession and/or under influence of alcohol or drugs during working hours.

DISCIPLINARY PROCEDURES

1. Often, for minor misconduct an informal warning is most appropriate. Where ineffective, resort to formal action.
2. Formal disciplinary action for minor misconduct is usually a step by step process, starting with a verbal warning and working through the steps which increase in severity if there are repeated offences i.e. first written warning, final written warning.
3. For more serious cases of misconduct, or cases of repeated minor misconduct, the disciplinary action could in the first instance be a final written warning or even dismissal.

Summary Dismissal Without Notice Pay

Employees may be summarily dismissed without notice pay for gross misconduct of a serious nature where a disciplinary hearing recommends this form of discipline.

SUSPENSION

Under certain circumstances where there is a risk by the employee remaining at work before a discipline hearing, an employee may be suspended on full pay pending the hold of a disciplinary hearing. The period of suspension should be as short as possible and only when absolutely necessary.

DISCIPLINARY HEARING

1. Notification of a formal disciplinary hearing, the charges/complaints and the employee's rights should be given to the employee in writing prior to the hearing taking place. The employee must be given adequate time to prepare (usually at least 24 hrs.).
2. If the manager from the company is also a witness, then he cannot chair the hearing. Where possible, a neutral, non-involved senior person from the company should chair the hearing.
3. The employee and his/her representative (if requested) should normally be present at the hearing. However, it may be conducted after a postponement in their absence if they have no good reason for not attending.
4. The Chairperson must enquire whether the employee wishes an interpreter to be made available. If so, then one should be supplied by the company (can be an employee).
5. All documentation must be made available to all parties.
6. The Chairperson must ask the employee to plead guilty or not guilty to each charge, record each plea, make brief notes of the hearing, tell the employee they may make their own notes, ask the company to lead evidence to prove each charge on a balance of probabilities, offer the employee the chance to cross examine company witness, allow employees to bring their own witnesses, ask each side to summarise their case.
7. The Chairperson should adjourn to consider his verdict on the finding for each charge, tell the employee whether guilty or not of each charge, if not guilty return to work, if guilty ask the company which disciplinary action it believes appropriate and why, ask the employee the same and to plead in mitigation of sentence, ask the employees personal circumstances, consider consistency in similar past cases.
8. The Chairperson should adjourn again to consider appropriate sentence if employee is guilty. He should list the factors for and against dismissal and why lesser discipline action is inappropriate. He must consider whether continued employment is tolerable and tell the employee his sentence.
9. The employee and his/her representative should be notified in writing of the findings and the sentence of the disciplinary hearing as soon as possible after the enquiry has taken place and advised they may appeal or exercise rights under the Labour Relations Act.

DISCIPLINARY ACTION RECORD

DISCIPLINARY ACTION TAKEN : VERBAL WARNING:.....
WRITTEN WARNING:.....
FINAL WRITTEN WARNING:.....
DISMISSAL (WITH/WITHOUT N/PAY)...

NAME OF EMPLOYEE: DATE:.....

DEPARTMENT:.....CLOCK NO :.....

POSITION HELD:LENGTH OF SERVICE:.....

REASON FOR DISCIPLINE ACTION :.....

.....
.....
.....
.....

NOTE: BREAKING RULES, EVEN MINOR, MAY IN FUTURE LEAD TO YOUR DISMISSAL

.....
.....

WARNING EFFECTIVE UNTIL :.....

SIGNATURE

NAME IN BLOCK LETTERS

MANAGER:.....

.....

WITNESS:.....

.....

EMPLOYEE

.....

EMPLOYEE:.....

.....

REPRESENTATIVE

COPIES TO EMPLOYEE/ FILE

APPEALS PROCEDURE

GENERAL PRINCIPLES

1. The employee may be accompanied and represented by the fellow employee at any stage during the procedure.
2. An employee who has been subject to formal disciplinary action less than dismissal and who considers this action to be unfair, may appeal this disciplinary action by noting this on the prescribed form. (See attached). No appeal however may be lodged against informal warnings.
3. Suitable records will be kept of all statements and decisions and copies circulated among the parties concerned.

PROCEDURE

1. The employee must hand the completed Appeal form, together with any other additional statements, to the manager who took disciplinary action within the two working days of the disciplinary action having taken place.
2. Appeals may consist of two steps, depending on the reason for appeal.
 - (a) a management review of all facts and evidence, if not resolved, then
 - (b) a hearing chaired by a neutral person nominated by management .
3. Decisions regarding the appeal review or hearing will be made known in writing within 7 days concluding the review or hearing.
4. At this stage, the Appeal Procedure will cease and dispute procedures may be followed under a Collective Agreement or the Labour Relations Act .

JOB TITLE :

APPEAL FORM

(TO BE COMPLETED IN DUPLICATE BY THE EMPLOYEE)

NAME OF EMPLOYEE:

DEPARTMENT :..... DATE :.....

REASONS FOR APPEAL :

.....
.....
.....

ACTIONS SUGGESTED BY EMPLOYEE :

.....
.....
.....

SIGNED :..... DATE :.....

SUMMARY OF DISCUSSION

MANAGER

Hotel B

MANAGING MISCONDUCT OR UNACCEPTABLE BEHAVIOUR

Misconduct refers to breaches by an employee of the Company Rules & Regulations, Procedures, requirements of their contract of employment and / or any other behaviour which may be considered by the Company to be inappropriate or unacceptable.

Progressive Corrective Action for Misconduct includes a number of actions that may be taken depending upon the circumstances of the misconduct.

These are either:

Informal	<ul style="list-style-type: none">• A reprimand
Formal	<ul style="list-style-type: none">• A warning• A final written warning• Termination of the employee's contract of employment with notice• Termination of the employee's contract of employment without notice (summary termination)

INFORMAL CORRECTIVE ACTION

Informal corrective action (a reprimand may be appropriate) should be taken if the misconduct

- is minor
- is unlikely to reoccur
- in the opinion of the manager concerned, will be corrected immediately
- does not threaten the employee's job or job security;

FORMAL CORRECTIVE ACTION

Formal corrective action should be taken when the misconduct

- is serious
- is a repetition of a previous misconduct
- may threaten the employee's job or job security

CODE OF EMPLOYMENT PRACTICE

FOR WORK RELATED CONDUCT AND PERFORMANCE

We believe that productive workplaces are characterised by an environment in which guest, service, safety, efficiency and harmonious working relationships are of primary concern to all employees. In order to achieve this, it is necessary that all employees adhere to certain rules and regulations as well as laid down standards of work performance. It is also necessary to ensure that employees are treated with respect and fairness at all times.

The purpose of this Code is to give a broad outline of the rules, regulations and standards of work performance which apply to all employees. This Code will include standards of conduct and work related performance expected of employees in terms of their contracts of employment. It will also provide examples of behaviour or performance, which do not meet these required standards.

This Code does not attempt to describe each and every rule, regulation or work standard, which may apply, but rather to give an indication of the range and broad types of conduct and work performance standards required of employees.

Individual contracts of employment may provide clarity on specific conditions of employment, standards of conduct or performance that may be required. These may be further varied or expanded by established practices at each workplace. Should an employee have any doubts as to whether any conduct, behaviour or action is in breach of this Code or of the rules, regulations, requirements or work standards of any workplace, it shall be the employee's duty to approach a member of management for clarification.

Any of the rules, regulations, requirements and work standards contained in this Code may be altered or varied from time to time. New rules, regulations, requirements and work standards may also be added. It shall be the duty of all employees to be aware of the standards of conduct and work performance arising from their contracts of employment and to familiarise themselves with any changes or additions to this Code. Changes may be communicated to employees through revised versions of this Code as well as through letters, memorandums or verbal briefings.

EMPLOYEES' DUTIES, REQUIREMENTS & EXPECTATIONS

The following categories highlight the Company's requirements and expectations of employees in terms of their contracts of employment:

1. Employees are required to provide ongoing service to the Company.
2. Employees are required to be obedient to the Company's requirements and to show respect for all fellow employees, customers, suppliers and any other persons whom they may come into contact with during their employment.
3. Employees are required to be honest and to act with integrity.
4. Employees are required to be diligent and competent.
5. Employees are required to demonstrate acceptable conduct and behaviour.
6. Employees are required to act in good faith.

Should any employee fail to adhere to any duty, requirement, expectation or standard falling within these categories, corrective action may be taken by the Company. This may include actions as detailed in the Company's procedures regarding misconduct and / or unacceptable work performance.

TYPES OF OFFENCES

The Code distinguishes between **Category A offences** and **Category B offences**, meaning:

- **CATEGORY A OFFENCES** (Shaded) are serious enough to warrant the holding of a corrective enquiry the very first time an offence is committed, which may result in the dismissal of an offender.
- **Category A offences have been shaded in the Code.**
- **CATEGORY B OFFENCES** are not serious enough to warrant dismissal the very first time such an offence is committed, but may result in a reprimand, written or a final written warning being issued. Repetition of these offences, possibly even the second time it is committed may, however, lead to a (further) corrective enquiry that could result in the dismissal of the offender.

1. EMPLOYEES ARE REQUIRED TO PROVIDE SERVICES

Employees are required to make their services available to the Company as agreed to in their contract of employment. This includes any variation of the employees' contract that may result from changes to the Company's operational requirements or from the employees' promotion, change in duties or transfer.

Examples of behaviour which do not meet this requirement are:

- Latecoming
- Leaving work early
- Loitering or deliberate time wasting
- Sleeping whilst on duty
- Taking extended meal or tea breaks
- Unauthorised absenteeism
- Abuse of sick leave i.e. taking sick leave when not ill
- Failing to report absence from work or latecoming as soon as the employee is aware that it is likely to occur
- Failing to work overtime
- Abscondment or desertion
- Extended or excessive absenteeism due to illness or incapacity
- Failure or refusal to abide by work schedules
- Participation in an unprotected strike, go slow or other unprotected form of industrial action

(Category A offences have been shaded).

2. EMPLOYEES ARE REQUIRED TO BE OBEDIENT AND TO SHOW RESPECT

Employees are required to be obedient. This means that employees are required to carry out any reasonable instructions that may be given to them by those authorised to do so. Reasonable instructions are those that fall within the scope of the employee's job description or duties or are necessary to ensure safety, good order, efficiency and productivity in the Company or to meet operational requirements.

Employees are also required to behave respectfully towards the Company, its principals, shareholders, all fellow employees, customers, suppliers and any other persons and organisations whom they may come into contact with during their employment.

Examples of behaviour which do not meet this requirement are:

- Failure to provide a high level of service or courtesy to any guest
- Insolent or insubordinate behaviour towards a more senior employee
- Failure to abide by Company directives, Policies and Procedures
- Abusive or derogatory language, behaviour or action
- Insulting language, behaviour or action
- Racist or sexist language, behaviour or action
- Sexual harassment
- Any act which may promote racial tension or disharmony
- Failure to carry out a reasonable instruction within an acceptable period of time
- Refusal to carry out a reasonable instruction
- Bringing the good name of the Company into disrepute
- Making, publishing or giving to the press or any other person or organisation, a statement or any information concerning an employee, supervisor, the Company and / or its services, products, policies etc which is confidential, false, vicious or malicious
- Bringing the good name of a fellow employee, guest or supplier into disrepute
- Failing to leave the premises when requested
- Refusal to have personal belongings, suitcases or parcels checked by management and / or security guards on arrival or departure
- Failing to keep locker clean, tidy and locked
- Failure to report the contracting of any dangerous or infectious disease

(Category A offences have been shaded).

3. EMPLOYEES ARE REQUIRED TO BE HONEST AND TO ACT WITH INTEGRITY

Employees are required to maintain the trust inherent in the employment relationship by being honest and acting with integrity at all times. Trust is the most critical aspect of the employment relationship. As such, employees must be honest in their personal dealings as well as their dealings with the Company, fellow employees, guests, suppliers and other persons and organisations.

Examples of behaviour which do not meet this requirement are:

- **Theft or attempted theft**

- Unauthorised possession or misappropriation of property belonging to the Company, other employees, guests, suppliers or other persons and organisations
- Removal of any item from the Company's premises without the written permission of a Department Head
- Use or abuse of Company stationary, supplies, linen or equipment
- Attempts to possess or obtain property belonging to the Company, other employees, guests, suppliers or other persons and organisations without authorisation
- Assisting others to steal or withholding knowledge of such acts or attempted acts from the Company
- Attempting to conceal evidence of thefts or attempted thefts
- Removing any property from any premises without the owner's authorisation
- Removing any property from the Company's premises without the General Manager's authorisation

- **Fraud or attempted fraud**

- Falsifying or altering records or documents
- Tampering with sick certificates
- False recording of time on clock cards
- False claims for overtime
- Claims for sick leave when not entitled
- Failing to submit to completed leave forms or to have leave recorded
- Submitting false driver's licenses or other false documents to the Company
- Concealing or withholding knowledge of fraudulent acts from the Company
- Telling lies or passing on untruthful or misleading information
- Making false or misleading statements in Job Application documentation or during interviews
- Accepting bribes, considerations and / or any inducements for any reason
- Failing to declare gifts or services provided by a supplier or other person who has a business relationship with the Company to the General Manager of the Company
- Attempting to bribe or offering an inducement to any other person
- Failing to report knowledge of any bribe or inducement or attempted bribe or inducement
- Using the Company's time, materials, transport, labour, equipment without authorisation or allowing for such unauthorised usage to occur

- Committing any dishonest or improper act away from the workplace
- Being charged with the commission of a dishonest or improper act in a criminal or civil court
- Committing or being found guilty of having committed any act which may affect the trust relationship between the Company and an employee
- Involving the Company in any legal action or in the recovery / assumption of personal debts
- Using unauthorised, pirated or illegal software on any computer belonging to the Company

(Category A offences have been shaded).

4. EMPLOYEES ARE REQUIRED TO BE DILIGENT AND COMPETENT

As a rule, employees are required to perform work in an efficient and professional manner. The Company believes that every employee must perform work in a competent manner and to the standards and rate of output reasonably required by the Company. In order to achieve this, employees are required to possess the requisite degree of skill, knowledge and energy as well as the appropriate attitude to be able to effectively meet work standards.

Examples of behaviour / performance which do not meet this requirement are:

- Poor work performance in terms of quantity, quality, time or wastage
- Careless or incomplete work
- Leaving Company keys unattended or failing to deposit keys with the respective supervisor at the end of shift
- Not demonstrating the required knowledge, skill or attitude to complete work according to required standards
- Failing to meet set deadlines or to complete work timeously
- Failing to improve work standards when required to do so
- Failing to follow laid down work procedures or instructions when required to do so
- Causing customers, fellow employees or other persons to complain regarding work, guest service or attitude
- Making repeated mistakes
- Failing to achieve required or expected outputs or results
- Failing to follow up or implement guidelines or work instructions given
- Failing to maintain a disciplined working environment
- Failing to maintain a neat and orderly working environment
- Letting fellow employees down as a result of poor quality or late delivery of work
- Failing to demonstrate the required vision, insight, business acumen or leadership / interpersonal skills

(Category A offences have been shaded).

5. EMPLOYEES ARE REQUIRED TO DEMONSTRATE ACCEPTABLE CONDUCT & BEHAVIOUR

Employees are required to demonstrate acceptable conduct and behaviour during their employment. Continued or serious misconduct makes the continuation of any employment relationship impossible. All employees are required to conduct themselves in accordance with acceptable social norms, morals and ethics, politeness and other standards of behaviour as may be required by the Company.

Misconduct may in certain cases such as severe breach of trust, gross dishonesty, willful damage to property, willful endangerment of safety, physical assault, gross insubordination, etc justify summary dismissal.

Examples of behaviour which do not meet these requirements are:

- **Assault, violence, etc**

- Assault or attempted assault
- Actual or attempted physical violence towards persons or destruction of or damage of property
- Victimisation, intimidation, threats or menacing behaviour or action
- Carrying, possessing or using firearms, munitions or any other potentially dangerous weapons or devices on company property without authorisation
- Spreading false or malicious rumours
- Inciting other persons to violence, disobedience or to breach rules, regulations, procedures or agreements

- **Alcohol, narcotics, etc**

- Possessing, trading, using or being under the apparent influence of any alcoholic or narcotic substance
- Being unfit to perform duties as a result of being under the apparent influence of alcohol or any narcotic substance
- Driving any company vehicle or operating any company machinery or equipment whilst under the apparent influence of alcohol or any narcotic substance

- Safety

- Failing to comply with safety rules, regulations or requirements
- Failure to wear protective clothing or equipment
- Failing to show due concern or caution for the safety of others
- Failing to exercise care for the property of the Company and others
- Willfully or negligently causing damage to the property of the company or others
- Driving any vehicle without authorisation
- Failing to report an accident or damage to property
- Driving a vehicle negligently or recklessly

- Hygiene, morals

- Committing unhygienic or immoral acts at the workplace
- Committing any act which may cause distaste, revulsion or abhorrence to guest, fellow employees or affect the employment relationship
- Improper or disgraceful conduct, on or off duty, which may cause harm to the Company's reputation or the reputation of its products or services
- Immoral, indecent or immature behaviour
- Soliciting persons for immoral purposes or the aiding / abetting or such
- Any form of discriminatory, offensive or anti-social behaviour
- Operating any money lending, laundering or pyramid-type scheme without permission
- Gambling, betting or running gambling or betting scheme on company premises or during working hours
- Contravening agreements with customers, suppliers, trade unions and other persons or organisations without prior authorisation

- Use and abuse of property

- Willful damage to property
- Negligent damage to property
- Use of guest property without authorisation
- Tampering with, altering, damaging or losing company property, computer hardware, software or information systems
- Usage of the Company's telephones without authorisation or good reason
- Internet usage without authorisation or good reason

- General

- Failing to comply with any laws, by-laws, statutes or regulations of the state, province, municipality, bargaining council or any other such body as may apply to the Company or the employee in the execution of duties
- Failing to wear name-badge or prescribed uniform whilst on duty
- Wearing uniform off duty outside of the Company
- Smoking in guest or public areas
- Interfering with, hindering or obstructing work schedules or their implementation
- Chewing gum on duty

- Walking around with hands in pockets, whistling, singing, shouting or generally causing a disturbance
- Soliciting, begging or requesting a tip or gratuity
- Unauthorised presence at guest functions or in guest areas, including rooms and public areas
- Socialising with a current guest of the company without authorisation

(Category A offences have been shaded).

6. EMPLOYEES ARE REQUIRED TO ACT IN GOOD FAITH

Employees are required to act faithfully and in the best interests of the Company at all times. This includes promoting the Company's business interests and ensuring that there is never a clash between the employee's interests and those of the business. Employees shall not divulge confidential information concerning the Company's business interests or trade secrets to any other person or organisation without prior authorisation. No information or business secret may be used to further the interests of any employee or any other person or organisation.

Examples of behaviour which do meet these requirements are:

- Utilising company information or resources to make an undisclosed or unauthorised commission or profit
- Divulging confidential information and trade secrets
- Conducting business for own or others account using the Company's time or resources
- Running down the reputation or good name of the Company within the organisation or externally
- Accepting loans, gifts, bribes or directly or indirectly accepting any benefits or inducements to give business to any supplier or other party
- Accepting loans, gifts or bribes or benefiting personally for any reason related to the Company's business
- Performing work for any person or organisation whilst in the employ of the Company without prior authorisation
- Accepting business for own or other's account that could have been obtained for the Company
- Copying software or any confidential or propriety information
- Possessing any confidential or proprietary information without prior written authorisation

(Category A offences have been shaded)

HANDLING ABSENTEEISM

1. BASIC CONDITIONS OF EMPLOYMENT - SICK LEAVE PROVISIONS

The conditions relating to sick leave are clearly regulated by the Basic Conditions of Employment Act.

The Act determines that:

1.1 An employer shall grant an employee (other than a casual employee), who is absent from work through incapacity-

- 30 working days' sick leave in the aggregate during any period of three years of employment with the same employer for an employee who works a five day week; and
- 36 working days' sick leave in the aggregate during any period of three years of employment with the same employer for an employee who works a six day week
- and shall pay such employee in respect of any period of absence not less than the wage he would have received had he worked during such period provided that:-
 - ◆ in the first 12 months of such employment an employee shall not be entitled to paid sick leave for more than one day in respect of each completed month of employment;
 - ◆ where such leave of 12 days or any part thereof is not taken in any one year, it shall be accumulative up to any period not exceeding 30 days in 36 months.

1.2 Should an employee be absent for a period of more than 2 consecutive days, an employer may, as a condition precedent to the payment by him of any amount claimed by an employee in respect of any absence from work, require such employee, to produce or to have posted by registered or certified post, a certificate signed by a medical practitioner confirming the nature and duration of the employee's incapacity, or in the event of the employee having been confined to hospital, to produce a medical certificate of such hospitalisation or to notify his employer within seven days of the time when he should have reported for duty."

- 1.3 If an employee has during any period of up to eight weeks received payment in terms of sick leave on two or more occasions without having produced such a certificate to his employer, his employer shall during the period of eight weeks immediately succeeding the last such occasion not be bound to pay the said amount to the employee in respect of any absence from work, unless he produces such a certificate.

2. DELIBERATE ABSENTEEISM

What happens if an employee is specifically refused to take off a day, but takes off anyway, against the instructions of his company?

Such action could be seen as gross insubordination and a conscious disregard of an instruction from management and may be regarded as a dismissable offence. Obviously a proper disciplinary enquiry should be held in order to establish the facts surrounding the case before deciding on the sanction.

3. DESERTION

Desertion would be when an employee leaves the workplace and there appears to be "no intention" of returning to work. Normally a "reasonable" time needs to elapse before desertion can be assumed. In general a period of six consecutive days is accepted as constituting a reasonable period to assume desertion.

It would be advisable to include the policy in your company rules, specifying the time after which desertion will be presumed to have occurred. It is also required that the company should be able to show that they have taken reasonable steps to inform the employee that his absenteeism will be seen as desertion should he not return after a reasonable date.

Technically the company would also have the right to deduct notice pay from his final payment should he have deserted (see typical notes attached).

4. "THE WALKING SICK"

What is the situation should an employee report sick but was seen walking about in town?

It is possible that an employee on sick leave may not be well enough to be at work but could still walk around away from home, i.e. to go to a doctor, clinic, etc. It would therefore be unwise to assume that he is malingering, however it would be accepted practice to investigate the matter and find out what he was up to.

Should you investigate the matter and it becomes clear that the employee was malingering, disciplinary action would be appropriate.

5. PATTERNS DURING ABSENTEEISM

Should you observe that an employee has a certain pattern in the way that he utilises sick leave, i.e. always off on Mondays or Fridays thus facilitating a long weekend, disciplinary action may well be taken even with a medical certificate having been submitted.

In such a case dismissal would probably not be appropriate on first offence, however should the pattern continue, eventual dismissal would be appropriate.

6. REFUSAL TO WORK OVERTIME

Once an employee has agreed to work overtime, i.e. put his name on a list to work overtime, and does not arrive for work it could still be seen as unauthorised absenteeism and should be handled accordingly. The fact that he was absent during an overtime period is not a valid excuse as he has agreed to work those hours.

It is worthwhile to note that under the 1995 LRA (Section 213) a collective refusal to work overtime (voluntary or compulsory) in the furtherance of a grievance or demand falls in the definition of a strike.

7. ATTENDANCE BONUS

Is the payment of an attendance bonus valuable to the company?

Should you pay an employee just for the mere fact that he came to work?

Do attendance bonuses really motivate employees to be absent less?

There are no clear answers to the above questions, however it would depend on the specific company to establish "what works for them".

Our view is that employees are paid a wage to come to work and to add value to the company. To pay them a further attendance bonus would in principal not be acceptable.

8. ABUSING MEDICAL CERTIFICATES

The abuse of Doctors' certificates is well known. When establishing whether a doctor's note is valid or not, the following should be considered:

- 8.1 The medical certificate must be based upon the medical practitioner's own observation and diagnosis. A medical certificate which is issued solely on the basis of what the patient informed the medical practitioner and which is not

verified by the personal observation of the medical practitioner, cannot be valid. It amounts to nothing more than a recordal of what the patient related to the medical practitioner and the employer would be entitled to refuse to accept it.

- 8.2 The employer is also entitled to an explanation of the "nature" of the incapacity to be stated on the certificate. This must indicate that the employee is unable to work.
- 8.3 It is insufficient for a medical certificate to merely describe the illness and its expected duration. It must go further and state, or at least imply, that the employee is unable to work as a result of illness.
- 8.4 The medical certificate must be truthful and accurate. Should doubt in this regard exist, employers should investigate the facts and if it is apparent that a medical practitioner is not truthful and accurate, a complaint should be laid with the Medical and Dental Council.

Medical certificates should contain the following information:

- Name, Address and telephone number of the medical practitioner and indication of his qualification (including speciality).
- Full name and details of patient.
- The dates from and to which the patient was treated for the illness, disease or injury complained of.
- A precise description of the illness, disease or injury and an indication that it was either diagnosed or verified by personal observation or by other means independent of the patient's own assertions.
- Certification that the patient is incapable of performing his duties for a specified period as a result of the illness, disease or injury in question and the reason for this incapacity, if not obvious.
- Date of examination.
- Date of certificate.

Should you need to make employee's aware of your requirements in regard to medical certificates, it is wise to consult with them prior to implementation, explaining the reasons behind the requirements. They should then have the requirements confirmed to them in writing.

**LETTER TO EMPLOYEE
DESERTION / LEAVE WITHOUT AUTHORISATION**

Dear

RE: ABSENCE FROM WORK

- According to our records, you were due at work on
- You have not reported for duty since
- Today is, you have therefore been absent without informing the company for a period of days.
- You are to respond urgently to the company by no later than the close of business on
- The company will hold an enquiry on at, regarding a charge of **desertion / extended absence without authorisation**.
- Please prepare yourself for this enquiry. You have the right to a representative and to respond to the charges during the enquiry.
- Please note that, should you not be present, the enquiry may be held in your absence.

Yours sincerely

.....

REPRIMAND

To: (Employee's Name)

This note serves to confirm our discussion on (Date) at(time)

During the course of our discussion I confirmed to you that I was concerned about your behaviour/conduct and in particular your

.....

.....

.....

Should you repeat this behaviour/conduct or act contrary to your workplace's Code of Conduct or Rules & Regulations, formal corrective action may be taken in accordance with the Company's Procedure for Misconduct. This action may include Warnings or the termination of your contract of employment.

Reprimand issued by

.....

.....

(Name) (Designation)

I acknowledge receipt of the **Reprimand** as detailed above

.....

.....

(Name) (Department)

Employee refuses to sign in acknowledgement of receipt (witness)

.....

.....

(Name) (Department)

NOTIFICATION TO ATTEND A CORRECTIVE CONDUCT REVIEW

Employee: Position:

Workplace: Date:

You are hereby required to attend a Corrective Conduct Review to be held on (date)
at (time), at the following venue

At this Corrective Conduct Review, allegations that you have breached your contract of employment shall be investigated by the Chairman (name).

The following aspects of your behaviour and / or conduct are alleged to be unacceptable:

.....
.....
.....

You are entitled, at the Corrective Conduct Review to:

- be represented by a shop steward or fellow employee from your workplace.
- state your case and put forward your views on what action should be taken

The Chairman shall have the discretion at the Corrective Conduct Review to terminate your contract of employment should he / she believe that this is the appropriate course of action

Should you require any additional information concerning the nature of these allegations, please contact the undersigned before the commencement of the Corrective Conduct Review.

This Notification letter has been issued by:

..... (Name / Sign) (Designation)

I, the undersigned, hereby acknowledge receipt of this Notification to Attend a Corrective Conduct Review. I further acknowledge that the contents of this Notification letter have been read and explained to me.

..... (Name / Sign) (Date)

LETTER TO UNION RE: CORRECTIVE ACTION WITH EMPLOYEE REPRESENTATIVE

TO: Trade Union

ATTENTION: Branch Secretary

DATE:

CORRECTIVE ACTION: SHOP STEWARD, MR/S(NAME)

Please note that we intend to proceed with a formal Corrective Conduct Review to investigate allegations of misconduct that have been made against your shop steward Mr/s

Enclosed please find a copy of the Notification letter given to Mr/s On(date). Should you wish to consult with us over this corrective action please contact Mr/s in writing or telephonically by no later than

Your co-operation and assistance is appreciated.

Yours faithfully

.....

NOTIFICATION TO ATTEND A CORRECTIVE CONDUCT REVIEW

Employee: Position:

Workplace: Date:

You are hereby required to attend a Corrective Conduct Review to be held on (date)
at (time), at the following venue

At this Corrective Conduct Review, allegations that you have breached your contract of
employment shall be investigated by the Chairman (name).

The following aspects of your behaviour and / or conduct are alleged to be unacceptable:

.....
.....
.....

You are entitled, at the Corrective Conduct Review to:

- be represented by a shop steward or fellow employee from your workplace.
- state your case and put forward your views on what action should be taken

The Chairman shall have the discretion at the Corrective Conduct Review to terminate your contract of employment should he / she believe that this is the appropriate course of action

Should you require any additional information concerning the nature of these allegations, please contact the undersigned before the commencement of the Corrective Conduct Review.

This Notification letter has been issued by:

..... (Name / Sign) (Designation)

I, the undersigned, hereby acknowledge receipt of this Notification to Attend a Corrective Conduct Review. I further acknowledge that the contents of this Notification letter have been read and explained to me.

..... (Name / Sign) (Date)

CORRECTIVE CONDUCT – OUTCOME

Employee: Workplace:

Description of Misconduct and / or Breach of Contract.....
.....
.....

The outcome of the CORRECTIVE CONDUCT REVIEW held on (date)
is that:

- your contract of employment has been terminated
- your contract of employment has been summarily terminated i.e without notice
- with your signed agreement, and as an alternative to the termination of your contract of employment, you have been suspended without pay for a period of
- with your signed agreement, and as an alternative to the termination of your contract of employment, you have been demoted to the position of
- with your signed agreement, and as an alternative to the termination of your contract of employment, your conditions of employment have been amended as follows:
.....
.....

Please note that should you not agree with the findings of this CORRECTIVE CONDUCT REVIEW, you may refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA) or a Bargaining Council that may have jurisdiction, within a period of 30 days.

EMPLOYEE'S COMMENTS:
.....
.....

REVIEWER: DATE:

I acknowledge that I have received this outcome of a CORRECTIVE CONDUCT REVIEW.

Employee: Date:

If employee refuses to sign,

I have witnessed that the above mentioned employee has been duly issued with the outcome of a CORRECTIVE CONDUCT REVIEW. The employee has refused to sign this outcome letter.

Witness: Date:

WARNING / FINAL WARNING

Employee: Workplace:.....

Description of Misconduct / Breach of your Employment Contract:

I refer to the Corrective Conduct Review held on at which you were found guilty of :

You are hereby WARNED that your behaviour / conduct is unacceptable and is a breach of your contract of employment.

Should your future behaviour or conduct continue to be unacceptable, your employment may be terminated, that is, you may be dismissed.

Should you commit a serious breach of your contract of employment your employment may be terminated, that is, you may be dismissed.

Please ensure that you adhere to our rules, regulations and requirements as well as any instructions that may be given to you by a Supervisor / Manager. Should you require any further information concerning acceptable behaviour or conduct, please contact your Supervisor / Manager. ***Please view this Warning in a very serious light.***

Further Comments / Corrective Action:

MANAGER: DATE:.....

I acknowledge that I have been warned about my conduct / behaviour.

EMPLOYEE: DATE:.....

If employee refuses to sign,

I have witnessed that the above-mentioned employee has been duly warned about his/her behaviour / conduct. The employee has refused to sign this letter.

WITNESS: DATE:.....

MANAGING PERFORMANCE

GENERAL GUIDELINES

The management of the standards of work performance of our employees is the most important aspect of our job as a manager. It sets the tone for the overall performance of our business. There are a number of reasons as to why employee work performance may deteriorate or not match our requirements or standards. These usually are:

- the employee does not have the necessary skills or knowledge. This is remedied through training or through on-job coaching.
- the employee's attitude towards his / her job is unacceptable and or their levels of motivation are lacking

Let us consider the practical steps required to deal with poor or unacceptable performance in an appropriate manner. In a similar manner to the process followed during formal Corrective Conduct procedures, the employee's immediate manager should:

1. Prepare for the Performance Review meeting
2. Conduct the Performance Review meeting
3. Inform the employee of the outcome of the Performance Review meeting

STEPS TO BE FOLLOWED

1. Preparation for the Performance Review meeting

- 1.1 Prior to any Performance Review meeting, the employee's immediate manager should investigate employee's work performance and prepare the background that will be put to the employee during the meeting.
- 1.2 The investigation should identify where employee's performance does not meet required performance standards.
- 1.3 The investigation should **quantify the difference** between expected and actual performance eg that the employee should be able to clean six rooms per day but is only at present cleaning four rooms.
- 1.4 The employee should then be **advised in writing** of the intention to hold a Performance Review meeting. The "***Notification of Intention to Hold a Performance Review***" pro-forma letter contained in your manual should be used for this purpose.

2. Conduct the Performance Review meeting

The manager conducting the Performance Review meeting, the Reviewer, may use the Performance Review form to guide him / her through the Performance Review meeting.

- 2.1 The Reviewer should open the Review meeting by detailing the allegations of poor or unacceptable work performance as contained in the Notification Letter.
- 2.2 The Reviewer should then confirm the employee's rights at the Performance Review
 - To be represented by a fellow employee / shop steward of the employee's choice
 - State his / her case in response

- 2.3 The immediate manager should confirm that the employee has received the Notification Letter, understands the allegations of poor performance and has had sufficient time to prepare a response.
- 2.4 The immediate manager should detail the performance standards required from the employee.
- 2.5 The immediate manager should explain why these performance standards are reasonable and necessary.
- 2.6 The immediate manager should detail how employee was made aware / could reasonably be expected to be aware of performance standards.
- 2.7 The immediate manager should detail how employee's performance differs from that required.
- 2.8 The immediate manager should detail what induction / instruction procedures have been followed.
- 2.9 The immediate manager should detail training / coaching provided / evaluations /counseling sessions held.
- 2.10 The immediate manager should detail:
- how assessments of employee's progress were made & how these were fed back to employee
 - any further reasonable action which could be taken to build competency
- 2.11 The Employee or employee representative should be requested to detail:
- any response to the facts & opinions put forward by the Reviewer
 - any further issues or action plans he/she believes are appropriate
- 2.12 Reviewer should consider the circumstances as well as the case put forward by the employee / representative and answer the following questions in making the decision as to whether the employee's performance is indeed poor or unacceptable.

- Did the employee's contract of employment require him / her to meet the required performance standards?
- Were these standards reasonable?
- Was it probable that the employee's performance did not meet these required standards?
- Was the employee made aware of the poor performance?
- Was the employee made aware of the required performance standards?
- Where appropriate was the employee given an opportunity to improve?
- Was the employee given assistance – coaching / training / systems change?
- Where regular assessments of performance made & fed back to employee?
- Have all reasonable opportunities been afforded to the employee?
- Has the employee failed despite this to meet the required standards?
- Do any alternative positions exist in which the employee could perform competently?
- Is a further action plan to assist the employee to meet the required standard appropriate?
- Is termination of employment appropriate in the circumstances?

3. Inform the employee of the outcome of the Performance Review meeting

The Reviewer should make his / her decision known to employee in writing – Use “Performance Review – Summary of Outcome” pro-forma in your manual.

If the employee is to be warned, then;

- an action plan to improve the employee's performance should be agreed upon
- a further Review Date should be set
- assistance should be offered

If the employee's conditions of employment are to be amended;

- the changes should be discussed and agreed in writing with the employee.

If the employee is to be dismissed;

- confirm that the employee's contract of employment will be terminated with effect from a certain date.
- **Advise employee of his/her right to refer the matter to CCMA or relevant Bargaining Council for conciliation / arbitration.**

NOTIFICATION TO ATTEND A PERFORMANCE REVIEW

Employee: Position:
Department: Date:

You are hereby required to attend a Performance Review, to be held on (date)
at (time), at the following venue

At this Performance Review, allegations that you have breached your contract of employment in
that your work performance is poor or unacceptable, shall be investigated by the Reviewer:
..... (name).

The following aspects of your work performance are alleged to be poor or unacceptable:

.....
.....
.....
.....

The Reviewer shall have the discretion at the Performance Review to terminate your contract of employment should he / she believe that this is the appropriate course of action. You are entitled, at the Performance Review to:

- be represented by a shop steward or fellow employee from your workplace.
- state your case and put forward your views on what action should be taken

Should you require any additional information concerning the nature of these allegations, please contact the undersigned before the commencement of the Performance Review.

This Notification letter has been issued by
.....
..... (Name / Sign) (Designation)

I, the undersigned, hereby acknowledge receipt of this Notification to Attend A Performance Review. I further acknowledge that the contents of this Notification letter have been read and explained to me.
.....
..... (Name / Sign) (Date)

Employee's Comments / Response:

.....
.....
.....
.....
.....
.....

OUTCOME A

It has been agreed that the following **Action Plan** will be implemented in order to bring your work performance up to the required performance standards:

.....
.....
.....
.....
.....

Your progress in implementing this action plan and in improving your work performance to meet the required standards will be reviewed on (date)

Should your work performance fail to meet our required work standards by this date then a further Performance Review shall be held. Please note that the Chairperson of the Performance Review has the discretion to terminate your contract of employment.

Should you require:

- any further clarification with regard to your poor or unacceptable work performance,
- any further clarification of your required work standards
- any additional assistance to meet your required work standards, please feel free to contact me.

.....
REVIEWER DATE

OUTCOME B

The outcome of this Performance Review is that your contract of employment be terminated with effect from

You shall / shall not be required to work out your notice period

.....
REVIEWER DATE

GRIEVANCE PROCEDURE

1. OBJECTIVE:

The primary objective of the Grievance Procedure is to allow an employee or employees to bring to management's attention any dissatisfaction so as to prevent conflict in the work situation, taking into account the interests of both management and employees.

2. GENERAL TERMS:

- 2.1 A grievance is any dissatisfaction or feeling of injustice on the part of an employee or a group of employees associated with their conditions of employment and/or work situation.
- 2.2 The aim of the Grievance Procedure is to provide employees with the opportunity to discuss and resolve any complaint or grievance and to provide a formal guide for the equitable settlement of complaints or grievances.
- 2.3 The Grievance Procedure shall not serve as an appeal mechanism against disciplinary action taken in terms of the Corrective Procedure.
- 2.4 The Grievance Procedure shall apply to all employees.
- 2.5 The following time limits apply to the various levels of this grievance procedure:
- Level 1: Five (5) working days
 - Level 2: Five (5) working days
 - Level 3: Ten (10) working days
- These limits mean that, when grievances are lodged, they must be addressed by the relevant supervisor or member of management within the number of days indicated at the respective levels.
- 2.6 When a grievance relates directly to the actions of an employee's immediate supervisor, it may be lodged directly at Level 2 of the Grievance Procedure.
- 2.7 Employees and their representatives should feel free to lodge grievances without fear of victimisation of any nature.

3. THE GRIEVANCE PROCEDURE:

3.1 LEVEL 1

3.1.1 The employee must raise the grievance verbally with his immediate supervisor. The employee may be assisted by any one (1) fellow employee from the same place of work in raising his grievance.

3.1.2 The supervisor must:

- (a) listen to the employee in private;
- (b) encourage the employee to express his grievance freely and openly;
- (c) obtain all relevant facts about the grievance;
- (d) endeavour to resolve the grievance as speedily as possible;
- (e) if he cannot resolve the matter, Level 2 becomes effective.
- (f) The supervisor must report the unresolved grievance to his manager, as the case may be.

3.2 LEVEL 2

3.2.1 The employee should discuss his grievance with the manager along with his chosen representative, who shall be a fellow employee at the operation where the employee lodging the grievance is employed.

3.2.2 If the manager's decision is unacceptable to the employee, he must inform the employee as to the next step in the procedure.

3.2.3 The manager must complete the Grievance Form, indicating whether the grievance has been resolved or not.

3.3 LEVEL 3

3.3.1 In the case of unresolved grievances, the Human Resources Manager will decide when and by whom the grievance will be heard without unnecessary delay. Normally this will be by the Assistant General Manager.

3.3.2 The employee and his representative shall discuss the grievance comprehensively with the appointed Manager.

3.3.3 The decision of the appointed Manager shall be final.

4. GROUP GRIEVANCES

Where the same grievance affects more than five (5) employees, they must appoint no more than two fellow employees from the same place of work who may then lodge the grievance on their behalf directly at level 2 of the grievance procedure.

GRIEVANCE FORM

EMPLOYEE'S NAME :

MANAGER'S NAME :

DATE ON WHICH GRIEVANCE IS REPORTED :

DESCRIPTION OF GRIEVANCE :

.....
.....
.....
.....
.....

SOLUTION REQUIRED :

.....
.....
.....
.....
.....

Employee's signature Date

Representative's signature Date

Supervisor's signature Date

OUTCOME OF STEP 2 : (LEVEL 2)

SOLVED

UNSOLVED

REASON :

.....
.....
.....
.....

MANAGER

EMPLOYEE

REPRESENTATIVE

DATE

FORWARD COMPLETED FORM TO PERSONNEL DEPARTMENT

OUTCOME OF STEP 3 (LEVEL 3):

SOLVED

UNSOLVED

REASON :

.....
.....
.....

APPOINTED MANAGER

EMPLOYEE

REPRESENTATIVE

DATE

INDUCTION

The most critical stage in an employment relationship is the first few days. These are when impressions are made. It is however usually the one stage that is, at best, poorly handled in most organisations.

Induction is the process of managing the employee's introduction to his / her job and working environment. This is when the employee is first exposed to their actual work environment and to the practical realities of the job.

Every company operates in a different way. There are few new employees who are able to arrive on day one and start working without:

- Explanation as to routine (lunch, tea etc)
- Instructions as to how machines are to be operated or systems to be followed
- Guidance on the company's way of doing things (Policies, procedures, protocol)
- How's and why's of the specific job
- Further details of work standards

Induction sets the tone for a company's expectations and allows for the relationship to be built on a solid foundation.

Induction allows an employee to understand more about how the **probationary period** will work and the outputs and standards expected for the successful completion of the probationary period.

In this phase, the employee will need to **learn new skills, gain greater knowledge and adapt** existing knowledge and skills to a new environment. As the employee needs to learn a lot in a relatively short period of time, the strategies followed by management are usually:

- Providing direction and essential knowledge by directing and instructing
- Refining and developing skills through training.

It is essential that this process is planned and structured. For this reason, use the Induction Planner to assist you in clarifying expectations and developing the necessary skills and knowledge in as short a period of time as possible.

Hotel C

EMPLOYEE DISCIPLINE

POLICY

It is the policy of the _____ that a formal and acceptable code of conduct be established with accompanying just, fair and compassionate corrective measures to ensure a general willingness and desire to abide thereby.

PURPOSE

The purpose of this policy is:

- to correct unacceptable behaviour and not with the emphasis on the punitive content of disciplinary action;
- aimed at promoting a voluntary attitude to obey and abide by the established codes of conduct with self discipline as the ultimate aim;
- to promote effective communication and mutual respect for the rights and prerogatives of employer and employee;
- to promote the corporate philosophy and policy of honesty and fairness.

APPLICATION

This policy will be executed through a formal disciplinary policy, code and procedure with minimum set standards which all employing companies, affiliated to the _____ will apply consistently.

SECTION 2

MINIMUM STANDARDS FOR DISCIPLINARY ACTION

1. CONDITIONS OF EMPLOYMENT

The policy, code and procedure shall apply to all employees and shall be considered a condition of employment.

2. FAIRNESS

2.1 Disciplinary action will be taken against any employee for misconduct. Such disciplinary action should be corrective, with the emphasis on performance/conduct improvement rather than on its punitive content (i.e. dismissal).

2.2 Action shall be consistent and substantively and procedurally fair.

2.3 Substantive fairness means that there was a good cause for taking disciplinary action and that reasonable judgement was applied in considering the severity of the disciplinary action.

2.4 Procedural fairness means that the disciplinary codes and procedures are fair and equitable and were followed.

2.5 The severity of disciplinary action shall depend on the nature of and the circumstances surrounding the misconduct, previous record and any mitigating/aggravating evidence presented at the hearing, but shall not be more severe than the action specified in the disciplinary code.

3. FORMAL DISCIPLINARY ENQUIRY

A formal disciplinary enquiry shall be conducted to the minimum standards set out hereafter, in all cases where the alleged transgression may warrant a written warning or may result in dismissal.

4. MINIMUM STANDARD FOR FAIR DISCIPLINARY ACTION

4.1 Thorough Investigation

All relevant facts should be gathered prior to considering further action by the responsible Manager and not the Chairman of the disciplinary enquiry.

4.2 Suspension

Where it is necessary to remove the employee from his workplace pending a full and proper investigation, such suspension will be with pay and with all benefits still in place. Suspension in these circumstances will not be considered a form of disciplinary action.

4.3 Fair Disciplinary Enquiry

Please Note: It is recommended that the company's official disciplinary docket be used to ensure compliance with minimum standards prescribed with regards to substantive as well as procedural fairness.

- 4.3.1 The Chairman shall be impartial and not familiar with any aspect of the alleged transgression. He can therefore not act as the charging official, the representative of the accused or as a witness for either the company or the accused;
- 4.3.2 The accused shall be advised beforehand by the charging official of the nature of the alleged offence/misconduct and any relevant details. (See the notification of disciplinary enquiry forms at the back of this document);
- 4.3.3 The enquiry shall take place timeously, but with adequate notice (not less than 24 hours) being given to the accused prior to the enquiry for the purpose of preparation;
- 4.3.4 The accused will have the right to an interpreter if required. (Interpreter always provided by company and may not be employee representative as well);
- 4.3.5 The accused may be represented by a fellow employee from the same company but not of higher authority than the Chairman;
- 4.3.6 The accused employee must be present throughout all proceedings;
- 4.3.7 The accused may call witnesses and cross question all other witnesses;
- 4.3.8 Witnesses shall not be present during all proceedings but should only be called when their testimony is required;
- 4.3.9 The Chairman shall adjourn the enquiry to consider the evidence and facts of the case in private and only thereafter give a finding as well as his reasons for his finding;
- 4.3.10 The Chairman shall give the accused as well as the charging official an opportunity to place mitigating/aggravating evidence/circumstances before him/her;
- 4.3.11 The Chairman shall advise the enquiry of the penalty to be imposed;
- 4.3.12 The Chairman shall inform the accused of his/her right of appeal, the procedure to follow and the grounds on which a request for appeal may be based.

4.4 Fair Finding and Penalty

The following will constitute a fair finding and a fair penalty:

- 4.4.1 The finding and penalty shall be in accordance with the disciplinary code. Please note that the company's disciplinary code (page 18, section 3) details the most severe penalties only. In most instances and depending on the circumstances, the penalty applied will therefore be less severe than that prescribed in the code;
- 4.4.2 The Chairman may not impose a penalty in excess of his/her level of authority (see clause 5 hereof);
- 4.4.3 The Chairman shall consider previous earlier formal and valid disciplinary action, length of service and other mitigating/aggravating circumstances of a personal nature in deciding the penalty to be imposed.

4.5 Fair Appeal and Findings on Appeal

4.5.1 An appeal may only be lodged on the basis of:

- additional or new evidence; and/or
- alleged procedural unfairness; and/or
- alleged substantive unfairness;
- impartiality/incapacity of the Chairman.

4.5.2 The person considering the appeal shall not be the same as the person who chaired the original hearing, shall be impartial and of the same or higher level of authority than the Chairman of the original enquiry;

4.5.3 The person considering the appeal may, on the basis of the appeal, exercise full discretion to:

- turn down the application for an appeal;
- order a re-enquiry (new disciplinary hearing and not an appeal hearing – flaws in original disciplinary hearing cannot be rectified with appeal hearing);
- grant an appeal hearing;
- rule on the basis of facts or evidence, presented either verbally or in writing.

4.5.4 The ruling shall be final and will be given in writing.

5. AUTHORITY FOR DISCIPLINARY ACTION

The following lowest levels of authority shall apply when disciplinary action is taken;

DISCIPLINARY ACTION	FINAL LEVEL OF AUTHORITY
Verbal Warning	Immediate Supervisor
Written Warnings (First & Final)	Head of Department
Summary Dismissal	General Manager

The final level of authority of the General Manager in the event of all dismissals does not imply that the General Manager should be involved in or chair the disciplinary enquiry. The supervisor/head of department/head of another department, may fulfil this role and decide on the dismissal, but may not finally convey or exercise this decision without the express final authorisation of the General Manager.

6. STEPS / STAGES / ELEMENTS IN THE DISCIPLINARY PROCEDURE

6.1 Steps are Progressive

There are five prescribed stages in the disciplinary process. These are progressive – one stage follows on the previous stage – and should be administered as such when an employee does not respond to earlier stages.

6.1.1 Verbal Caution

This is the first stage and will be applied only in minor matters and no note will be made in the employee's personal record. Obviously this represents only a minor reprimand and cannot be used to support more serious disciplinary action, such as a written warning or dismissal.

Please Note: No formal disciplinary hearing is required before an employee can be verbally reprimanded.

6.1.2 Written Warnings

The disciplinary advice form for all employees must be used. (Copies at the back of this document). More of these documents are available from the Human Resources Department. The pink copy must be given to the employee and the blue copy must be kept on company records.

6.1.3 First Written Warning

Only one (1) recorded warning will be given before a final written warning is issued for the same offence. The procedure only allows for a maximum of two (2) written warnings to be issued for a repeat of the same offence (First and Final). However, any written warning has a lifespan of only six (6) months, whereafter it loses its validity (see item "Please Note" further on).

The presiding official will make it clear that this is the first of only two (2) steps in the disciplinary procedure, which could lead to dismissal or whatever steps are prescribed in the procedure for the specific transgression. The employee will sign the disciplinary advice in the presence of at least one witness to indicate that he/she has received it.

6.1.4 Final Written Warning

This must also be recorded as in the procedure followed with the first written warning, but with an indication on the disciplinary advice form that it constitutes a final written warning. Once the final warning has been given, Management cannot issue another final written warning for the same type of offence unless the previous final written warning has expired, (is older than six (6) months), a dismissal must be processed with further transgressions in terms of the Labour Relations Act's provisions on procedural fairness and if authority and control are to be maintained. Such dismissal may only be implemented with the sanction of the General Manager.

In the case of certain serious offences, a final written warning could immediately be issued without a preceding first written warning. (See disciplinary code and maximum penalty guidelines).

6.1.5 Summary Dismissal

(See termination of employment form in back of this manual)

6.1.5.1 The employing company may summarily dismiss an employee without notice of payment in lieu of notice in instances of misconduct or offences serious enough to warrant summary dismissal. This is, once again, the last stage of the disciplinary process and also requires personal authorisation from the General Manager.

6.1.5.2 The importance of a proper and thorough disciplinary enquiry in this instance cannot be stressed enough. The reason for termination being "summary dismissal" and the charges against the employee should not be written on the termination of employment form – merely state the reason for the termination as "disciplinary action".

- Please Note:*
- *Both the first and final written warnings issued must be reported verbally to the General Manager.*
 - *Should an employee have no written warnings against his/her name for six (6) consecutive months, previous written warnings should be disregarded, allowing the employee to start a "clean sheet". All previous written warnings should, however, be retained even though the employee has now regained his/her clean record. The purpose of retaining expired written warnings is to in future, if it so develops, be able to prove a trend, should this become evident over time.*

SECTION 3

PROCEDURAL GUIDELINES FOR DISCIPLINARY ACTION

1. WHAT HAS TO BE KNOWN BEFORE EMBARKING ON DISCIPLINARY ACTION?

- 1.1 Do all parties know their jobs, are they properly trained?
- 1.2 Do all parties know what is expected of them?
 - the performance standards;
 - codes of behaviour/conduct.
- 1.3 Have all been given an opportunity to perform and have they been motivated and counselled sufficiently? Are all essential resources in order to comply/perform, readily available?
- 1.4 If the answer to any of the above is "no", first train and/or counsel before resorting to disciplinary action.

2. STEPS IN HANDLING A DISCIPLINARY CASE

- 2.1 Conduct an investigation of the incident/problem as quickly and as close to the source of origin as possible.
- 2.2 Gather the facts and note relevant information, taking into account the circumstances.
- 2.3 Based on the findings of the investigations, decide if the company has enough evidence for a formal charge.
- 2.4 Be responsible for arranging the disciplinary enquiry and for appointing an appropriate Chairman.
- 2.5 Consult with others, consult procedures and precedents set in previous cases.
- 2.6 Interview employee in privacy of office and advise of allegations/nature of alleged misconduct.
- 2.7 Advise employee of his/her rights. (Employee's rights are listed elsewhere in this section).
- 2.8 Advise of full investigation to follow.
- 2.9 Agree the date, time and place for the hearing with the accused, thereafter confirm it in writing together with the charge or reason. (Not to take place immediately after transgressor has been notified of charge against him/her but at the earliest, 24 hours thereafter – see *Notification of Disciplinary Enquiry Forms* at the back of this document).

- 2.10 If necessary to remove employee from workplace, suspend in consultation with supervisor, on full pay and with benefits in place. (The *Notification of Disciplinary Enquiry* Form makes provision for suspension – delete if not applicable).
- 2.11 Anticipate the questions the employee and/or his/her representative are likely to ask at the hearing.
- 2.12 Consider the value where applicable of having witnesses confirm allegations in statements/affidavits.
- 2.13 Do not prejudice the issue – guard against bias.
- 2.14 Advise the various supervisors of the accused, witnesses and others that he/she is required for the hearing and will be absent from work.
- 2.15 Keep the case and all relevant information strictly confidential.
- 2.16 Do not share any evidence or facts obtained in the investigations with the Chairman prior to the enquiry taking place – Chairman to remain objective and impartial.

3. DURING THE HEARING

The Chairman will:

- 3.1 Allow adequate time for the hearing and arrange for all incoming telephone calls to the venue of the hearing to be diverted.
- 3.2 Establish if accused requires the service of an interpreter and to provide an interpreter (company's responsibility) if so required, before proceeding any further with the hearing.
- 3.3 Ensure that no witnesses are present (to be called only when their testimony is required).
- 3.4 Explain to all present the reason for the hearing.
- 3.5 Inform the employee of his remaining rights, e.g.:
 - should have been advised in advance (at least 24 hours) of the nature of the alleged offence/misconduct;
 - of the enquiry taking place timeously (not sooner than 24 hours after having advised the alleged transgressor of the nature of the alleged misconduct but as soon as possible thereafter);
 - to be represented if he so wishes (by another employee of the same company and somebody of his/her own choice);
 - to call witnesses and to cross question all witnesses;
 - to be advised of the finding (guilty/not guilty);
 - if found guilty, to submit mitigating evidence before the Chairman finally decides on a penalty;

- if found guilty and after consideration of any mitigating/aggravating evidence, to be told the penalty to be imposed;
 - to appeal in terms of the appeals procedure.
- 3.6 Will not assume that an offence has been committed until he (the Chairman) has assessed all the facts.
- 3.7 Describe the problem as he (the Chairman) sees it. To be specific and to explain why it is unacceptable.
- 3.8 Keep calm – do not argue or rebuke. Such behaviour is a sure sign of prejudice.
- 3.9 Ask for and listen patiently, openly and carefully to the charging official as well as the employee's explanation. Question both parties further if you have any doubts or misunderstandings. Allow the employee to be supported by his/her representative who should be permitted to speak on his/her behalf.
- 3.10 Ask for and listen patiently, openly and carefully to evidence from other people involved in the case. Question them further if you have any doubts or uncertainties.

4. EVALUATION

Evaluate unbiasedly all information and facts available to decide on the extent of the employee's guilt.

- 4.1 If the employee is considered not guilty of the offence, terminate the disciplinary enquiry and then speak to the employee and his supervisor privately to ensure that his/her self-esteem is maintained and that the negative effects on his/her/their attitude and morale of the disciplinary enquiry are removed.
- 4.2 If the employee is considered guilty of the offence, ask for and consider all mitigating and aggravating evidence and circumstances, including previous written warnings, age, past work performance of the employee, the period of service and loyalty to the employer, the nature and seriousness of this offence, etc., then consult the disciplinary code to decide on the appropriate disciplinary action.
- 4.3 State exactly what you have to consider regarding the problem. Ensure that the action taken is fair and is consistent with previous action for similar offences.
- 4.4 Inform the employee of the disciplinary action or penalty which you are imposing against him/her and inform him/her of his/her right to appeal against the action as well as the procedure to follow.
- 4.5 Immediately after the hearing and provided the penalty is not dismissal, the Chairman should, if need be:
- 4.5.1 counsel both the employee, who he has found guilty, as well as his supervisor and encourage them to suggest together solutions to the problem.

- 6.2.1 The nature of the alleged transgression or charge originally brought against him/her;
 - 6.2.2 The penalty imposed against him/her;
 - 6.2.3 The nature and/or grounds for his/her appeal;
 - 6.2.4 The settlement required by him/her.
- 6.3 The charging official of the original disciplinary hearing will be responsible for appointing an appeal Chairman (not the same Chairman who chaired the original hearing but of same or higher employment status) and all the arrangements for the appeal hearing.
 - 6.4 The same charging official who presented the company's case at the original disciplinary hearing, may present the company's case again at the appeal hearing.
 - 6.5 The accused retains his so-called 10 rights with the appeal hearing as well – i.e. right to interpreter, to be represented, etc.
 - 6.6 Until such time as the appeal Chairman finds otherwise, the original penalty imposed at the first hearing will not be implemented.
 - 6.7 The outcome of the appeal hearing will be final and binding.
 - 6.8 Appeals against disciplinary action are not considered as grievances and are not dealt with in terms of the grievance handling procedure.
 - 6.9 An appeal hearing may not be used to remedy or rectify procedural or other flaws in the original disciplinary hearing. A new disciplinary hearing (not appeal hearing) under a new Chairman should be convened instead, in order to rectify any such mistakes.

SUMMARY OF FOREGOING STANDARD AND GUIDELINES FOR PREPARATION AND HANDLING OF DISCIPLINARY HEARINGS / APPEAL HEARINGS

1. FAIRNESS OF DISCIPLINARY ACTION

1.1 What is fairness?

- Disciplinary action will be taken against any employee for misconduct.
- Instances of poor/substandard performance should be counselled before disciplinary action is considered – see special guidelines for poor/substandard performance.
- Regular ill-health absence with valid medical certificate will likewise be dealt with in terms of yet another procedure – see special guidelines for dealing with incapacity.
- Emphasis initially be aimed at correcting unacceptable behaviour/conduct, rather than harming the violator.
- Action to be substantively and procedurally fair.
- Substantive fairness means:
 - There was a good cause for taking disciplinary action
 - That the disciplinary code is fair, that all employees are familiar therewith (induction and poster) and that reasonable judgement was applied in considering the appropriate penalty in every disciplinary hearing
- Procedural fairness means:
 - That the procedure is fair, equitable and was adhered to by all parties
- The penalty imposed shall be based on the merits of the case and not be more severe than specified in the disciplinary code.

1.2 Elements of a fair hearing

- Thorough investigation:
 - All relevant facts to be gathered prior to considering further action.
 - The charging official is responsible for investigation, not the Chairman
- Suspension:
 - Only to be considered in specific circumstances (see annexure 3 at end of this section)
 - Suspension will always be on full pay
- Fair disciplinary enquiry:
 - Chairman chosen shall be impartial
 - The Chairman may not be the charging official as well
 - The nature of the alleged misconduct to be explained to the accused
 - Accused must be provided with all relevant facts/ information relating to the charges
 - Hearing to take place timeously
 - Adequate notice to be given to the accused
 - Accused has got the right to an interpreter – accused's decision
 - Accused has got the right to be represented by a fellow employee

- Accused may call witnesses and cross question all witnesses
- Witnesses may not be present during proceedings – called to testify only
- After having heard both sides, the Chairman must adjourn hearing and in privacy decide on finding
- Accused to be informed of the finding
- Mitigating, extenuating and aggravating circumstances to be considered before penalty is decided
- Accused to be informed of penalty to be imposed
- Accused to be informed of right to appeal and relating procedure

1.3 What makes a finding and penalty fair?

- To be in accordance with merits of the case and not to be more severe than detailed in the disciplinary code.
- Penalty to be consistent as far as possible with previous rulings for same type of offences/misconduct.
- All previous still valid disciplinary action, mitigating, extenuating and aggravating circumstances to be taken into consideration before penalty is decided – to be presented by the accused and/or charging official.

2. PROGRESSIVE STEPS IN DISCIPLINE

- The verbal warning
 - This is the first step and is applicable only in minor transgressions
 - No written record to be kept
 - Cannot be referred to again or be used to support more serious disciplinary action
 - REMEMBER, no formal disciplinary hearing is required for a verbal reprimand
- The first written warning
 - Only 1 recorded warning to be given before a final warning is issued for the same offence
 - The procedure allows for 2 written warnings only (first and final) for the same offence
 - Different transgressions may each call for more than 1 first written warning
 - Hourly paid employees will be issued with written warnings through the standard disciplinary advice form, whilst monthly paid staff should be warned in the form of a personal letter, marked “*Private & Confidential*” – see proposed draft in formal guidelines
 - Any written warning has a lifespan of only 6 months, whereafter it loses its validity – do not destroy, however

- The final warning
 - Once a final written warning has been issued, another final warning cannot be issued for the same offence, unless the previous final warning has expired
 - Different transgressions may each call for more than 1 final written warning
 - In the case of certain serious offences, a final written warning, or even dismissal could be instituted without a preceding first written warning (see disciplinary code)
- The dismissal
 - Dismissals resulting from disciplinary action are always summarily – no notice period (see disciplinary code for exceptions)
 - The dismissal normally follows a final written warning

3. GUIDELINES FOR INITIATING A DISCIPLINARY ENQUIRY

3.1 Prior to embarking on disciplinary action

What the charging official should establish first:

- Do all parties involved know their jobs, are they properly trained?
- Do all parties know what is expected from them regarding performance standards as well as codes of conduct?
- Have all been given an opportunity to perform and have they been motivated and counselled sufficiently?
- Are all essential resources in order for accused to comply/performance, readily available?

3.2 Preparing for the disciplinary hearing – Guidelines for the charging official

The charging official will:

- Conduct an investigation
 - Secure evidence, take statements as quickly and as close to the source as possible
 - To establish the severity of the actions, gather facts and note relevant information
 - Ignore evidence of hear-say nature
 - Suspend accused if need by (see page 12 hereof – “Suspension”)
- Grounds for formal charge
 - Based on results of investigation, decide if company has any basis for a formal charge
 - Perhaps alternative procedure is called for, e.g. counselling, training, transfer etc.
- Formulate the charge
 - Make use of the disciplinary code to assist in formulating charges correctly – do not use own wording
 - Also formulate alternative charges if need be

- Issue the notification
 - Complete the standard notification form (see annexure 2 at end of this section)
 - Allow accused to be represented when issuing the notification in privacy of office
 - Use an interpreter if so required by the accused
 - Warn all present to treat with utmost confidentiality
 - Notify the time, place, date and reason for the hearing (see annexure 2)
 - Allow accused at least 24 hours to prepare for hearing
 - Advise accused of all relevant facts/information pertaining to charge
 - Ensure that the accused understands the nature of the charge
 - Issue the notification in the presence of dependable witness
 - Hand notification to the accused but retain a copy
 - Advise the accused of his so-called 10 rights as contained in the formal notification

- The so-called 10 rights
 - These 10 rights comprise the following:
 1. The right to be granted a full opportunity for accused to state his case
 2. To be timeously advised of the date, time, venue and nature of the alleged offence/transgression
 3. The hearing to take place timeously but not within the first 24 hours
 4. The right to an interpreter if so required
 5. The right to be represented by a fellow employee of the same company
 6. The right to call witnesses and to cross question all witnesses
 7. The right to a finding – guilty or not guilty
 8. If found guilty, the right to present evidence in mitigation
 9. To be advised of the penalty to be imposed
 10. The right to appeal

- Suspension
 - The accused only to be suspended under very specific circumstances, e.g.:
 1. There is a chance that the individual could repeat the offence
 2. The individual could tamper with evidence
 3. The individual's presence on the property might have a disruptive influence on other employees
 4. The individual's presence on the property constitutes a threat to his/her own life

- The accused to be informed of suspension when issuing the notification (see 2 options provided for on notification of disciplinary enquiry form)
- Suspension is always on full pay
- Preparing for the hearing
 - Advise supervisors/departmental heads of accused, chosen representative, interpreter and witnesses of pending hearing and arrangements
 - Inform all participants, e.g. witnesses, of hearing arrangements
 - Arrange interpreter if so required
 - Anticipate questions the employee and/or his representative is likely to ask and prepare to counter same
 - Prepare witnesses for cross questioning
 - Take further statements if necessary, consider the value of statements where applicable
 - Prepare own questions for the accused
 - Arrange the venue for the hearing – to be private with no interruptions
 - Arrange for a neutral Chairman
 - Inform all parties of hearing arrangements – time, venue and date
- Confidentiality
 - Keep the case strictly confidential
 - Do not share any information, evidence or facts obtained in the investigation with the Chairman prior to the enquiry taking place

4. GUIDELINES FOR THE CHAIRMAN

4.1 Prior to the hearing

The Chairman will:

- Avoid all contact with accused, witnesses and representative – intentional and unintentional
- Check procedural guidelines to ensure procedural correctness and fairness of own role and action

4.2 During the hearing

The Chairman will:

Step 1: Do introductions:

- Chairman introduces himself and other people present to one another – if need be
- Record everybody's names and details in writing for future reference – attendance register

- Record date, time and venue
- Determine the role of everyone present and explain their roles as follows:

- Witnesses Any witnesses present to please withdraw but to remain available until called to testify
- Chairman To act impartially, to co-ordinate the presentation of evidence, to seek clarification, to ensure fairness, to make a decision, if guilty to hear evidence in mitigation / aggravation and to give penalty
- Charging official To present company's case with supporting evidence and testimony
- Interpreter To impartially interpret every aspect of the hearing
- Representative To assist the accused in presenting his case and to monitor the proceedings to ensure substantive and procedural fairness
- Accused To fully present his case with supporting evidence and testimony

Step 2: Explain to all the reason for the hearing:

- Read the charge as per the notification of the enquiry
- Determine whether the accused understands the nature of the charge
- Emphasise the seriousness of any disciplinary action taken and the importance of the truth to be established

Step 3: Check the accused's rights:

- Ask the following questions, check accused's understanding thereof and record the reply:
 - *Were you informed of the nature of the offence?*
 - *What was the period of notice?*
 - *Was the period of notice of enquiry adequate? (if answer is no, postpone hearing)*
 - *Were you informed of your right to representation by a fellow employee? Do you need one?*
 - *Were you informed of your right to an interpreter?*
 - *Were you informed of your right to call and to cross question witnesses?*
 - *Were you informed of your right to a finding? (guilty/not guilty)*
 - *Were you informed of your right to bring forward mitigating circumstances and have it considered?*
 - *Were you informed of your right to appeal?*

- Step 4: Explain how hearing is to be structured:
- Company to state its case first through charging official
 - Charging official to call his witnesses, if any
 - Accused to state his case
 - Accused to call his witnesses, if any
 - Accused to cross question charging official and/or company's witnesses
 - Charging official to cross question accused and/or accused's witnesses
 - Chairman affords charging official, accused and accused's representative final opportunity for statements, questions and/or response before hearing is adjourned for Chairman to consider evidence
 - Hearing adjourned for Chairman to consider evidence and to arrive at finding – guilty/not guilty
 - Meeting resumes and Chairman conveys his finding – guilty/not guilty
 - If not guilty, hearing to be terminated
 - If guilty, Chairman to hear evidence in mitigation/aggravation
 - Chairman decides and conveys penalty to be imposed
 - Accused to be advised of right to appeal and procedure to follow
- Step 5: Chairman to ask for and deal with any questions or uncertainties at this stage before proceeding with hearing
- Step 6: Ask the accused to plead:
- Ask the accused how he pleads to each charge, one at a time and record the response: guilty/not guilty
- Step 7: If plea of guilty, proceed to step 15, i.e. hear evidence in mitigation/aggravation
- Step 8: If plea of not guilty, proceed to step 9 immediately hereunder
- Step 9: Allow charging official to state company's case:
- Record all evidence, statements, questions, answers
 - Allow the charging official to lead his evidence
 - Allow the charging official to call in witnesses one at a time to testify
 - Chairman to question charging official and witness to clear up uncertainties, if any
- Step 10: Allow accused to state his case:
- Record all evidence, statements, questions, answers
 - Allow the accused/representative to lead their evidence
 - Allow the accused/representative to call their witnesses one at a time to testify

- Chairman to question accused/representation and witnesses to clear up uncertainties, if any

Step 11: Cross questioning:

- Allow the accused/representative to cross question the charging official and his witnesses
- Allow the charging official to cross question the accused/representative and his witnesses
- Chairman to clear up any own uncertainties, through further questions to all parties

Step 12: Adjourn the hearing:

- Record the time when adjourning the hearing
 - Purpose of the adjournment
 - to consider and weigh up the evidence in privacy
 - to gain insight on how to interpret the facts and to evaluate the evidence
 - to decide whether the employee is guilty or not guilty
 - to record the reasons for the finding of guilty/not guilty

Step 13: Reconvene the hearing:

- Inform the accused/representative of your reasons for your finding
- Advise the accused/representative of the finding (guilty or not guilty)
- Unless accused found not guilty, do not entertain any question and least of all, do not debate your decision

Step 14: If not guilty:

- Chairman terminates hearing and calls accused and his representative to privacy of his office, counsels him and ensures that his self-esteem is maintained
- Do not apologise for circumstances that have come about
- Purpose of any disciplinary hearing is to establish the truth and therefore to prove someone's innocence or guilt

Step 15 If guilty call for mitigating circumstances:

- You need to consider and record all mitigating and aggravating circumstances
- The following list serves as a guideline. However, this is not an exhaustive list and you are required to be flexible, but at the same time to be consistent:

<u>FACTOR</u>	<u>AGGRAVATING</u>	<u>MITIGATING</u>
Attitude	<ul style="list-style-type: none"> - Confrontational - Remorseless - Sly or evasive - Insolent 	<ul style="list-style-type: none"> - Remorseful - Apologetic - Candid or open - Ashamed
Position	<ul style="list-style-type: none"> - Position of trust - Access to confidential information - Abused - Member of executive team 	<ul style="list-style-type: none"> - Not in trust position - Confidential information not disclosed - Breadwinner of family
Performance	<ul style="list-style-type: none"> - Bad - Average 	<ul style="list-style-type: none"> - Exemplary - Above average
Service	<ul style="list-style-type: none"> - Short service 	<ul style="list-style-type: none"> - Long Service
Disciplinary record	<ul style="list-style-type: none"> - Many previous valid written warnings - Variety of offences 	<ul style="list-style-type: none"> - No/few previous valid written warnings
Monetary loss to company	<ul style="list-style-type: none"> - High 	<ul style="list-style-type: none"> - Low
State of mind	<ul style="list-style-type: none"> - Wilful and intentional - Gross negligence 	<ul style="list-style-type: none"> - Accidental/failure - Unintentional

Step 16: Decide on appropriate penalty:

- It may be necessary for Chairman to adjourn second time
- After taking into account the mitigating and/or aggravating evidence/circumstances and after having taken into account previous valid written warnings, decide on appropriate penalty
- Advise the accused/representative of the penalty to be imposed as well as the reasons for the specific penalty

Step 17: Inform the guilty party / representative of his right to appeal:

- Explain to the guilty party/representative that right of appeal does not grant them the automatic right to a new hearing
- Explain the 4 grounds of appeal:
 - New evidence
 - Penalty is too harsh and/or inconsistent (substantive unfairness)
 - Hearing was procedurally unfair
 - The Chairman was not impartial or perhaps intoxicated
- Inform the employee/representative of the procedure to be adopted and that they have 3 working days to submit an application for an appeal hearing - to use standard appeal advice form

5. **PLEASE NOTE**

5.1 **Level of authority**

- Levels of authority must be checked and be advised/consulted before penalty is imposed
- The Chairman must ensure the charging official processes all paperwork called for, e.g. completion of written warning form

5.2 **Disciplinary code**

- Discretionary guidelines rather than rigid rules
 - It serves as a maximum penalty guide
 - Listed offences represent as far as possible categories of offences and is not intended as an exhaustive list to cover every eventuality that may occur
- Consistency and procedural fairness
 - View each case on it's own merits and use own discretion, however, at the same time try to be as consistent as possible with earlier and similar disciplinary decisions

5.3 **Consultation**

- Please feel free to, at any time or any stage of a disciplinary/appeal hearing, to consult with your company's own or the Group Human Resources or Industrial Relations Managers.

DISCIPLINARY CODE – SUMMARY OF DISMISSABLE OFFENCES

1. Riotous behaviour or inciting such behaviour.
2. Any form of unprotected industrial action, including striking.
3. Wilful damage to employer's property, property of others, sabotage or disturbance of the peace.
4. Fighting and assault.
5. Carrying or using a lethal weapon.
6. Victimisation or intimidation.
7. In possession of, using, or under the influence of drugs or liquor on premises of employer.
8. Rudeness, swearing or use of profane language towards superiors, guests or others or within hearing distance or any other acceptable behaviour.
9. Clock card or any time recording irregularities.
10. Staying away from work without leave or an acceptable excuse for five working days or longer.
11. Unauthorised possession or removal of employer's property or property of others.
12. Refusal to obey a fair and reasonable instruction.
13. Receiving or giving bribes.
14. Falsifying of any document or record, fraud and/or any form of dishonesty.
15. Sleeping on the job.
16. Refusal or failure to comply with company's house rules, resulting in serious consequences.

PLEASE NOTE: A transgressions of any of the above listed offence categories are as a most severe penalty, answerable with summary dismissal.

Offences not falling within any of these 16 categories will be dealt with in terms of the employer's code and procedure for less serious offences.

DISCIPLINARY CODE*Annexure 1***Please Note:**

1. As per the company's stated policy, the purpose of disciplinary action is to correct unacceptable behaviour and not with the emphasis on the punitive content of discipline. This approach will promote effective communication and mutual respect which in turn will hopefully lead to a voluntary attitude to obey and abide by the established codes of conduct with self-discipline as the ultimate aim.
2. While this disciplinary code details the most severe penalties for the listed misconduct, each case will be judged on its own merit with the disciplinary official applying his discretion with regard to the specific circumstances.
3. The code which follows herebelow is not intended as an exhaustive list of categories of offences or nature of misconduct. Any form of misconduct not listed and which, in the opinion of the company, is detrimental to the efficient running of the company and/or welfare of its employees will be dealt with in terms of the norms laid down for similar or related offences.
4. This code will apply equally to all employees.

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
A. Time-Keeping	1. Late for work or leaving work early (habitual and without good reason)	Verbal warning	First written warning	Final written warning	Summary dismissal
	2. Leaving work without permission/ notification	First written warning	Final written warning	Summary dismissal	
	3. Abuse of flexitime system	Verbal warning	First written warning	Final written warning	Summary dismissal
	4. Taking of extended lunch/tea breaks or of unauthorised breaks during working hours	Verbal warning	First written warning	Final written warning	Summary dismissal
	5. Leaving work station or premises without permission or loitering	Verbal warning	First written warning	Final written warning	Summary dismissal

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
B. Work Attendance	1. Unnotified illness – absence of 1 or 2 days	Verbal warning	First written warning	Final written warning	Summary dismissal
	2. Unnotified illness or illness without medical or doctor's certificate – absence of 3 days or longer	First written warning	Final written warning	Summary dismissal	
	3. Unauthorised/unwarranted/unnotified absence from work:	Verbal warning	First written warning	Final written warning	Summary dismissal
	1 – 2 working days	First written warning	Final written warning	Summary dismissal	
	3 – 5 working days	Final written warning	Summary dismissal		
	6 working days or longer	Summary dismissal			
C. Work Output	1. Output below standard	Verbal warning	First written warning	Final written warning	Summary dismissal
D. Quality Of Work	1. Poor quality/efficiency of work	Verbal warning	First written warning	Final written warning	Summary dismissal
	2. Serious negligence in performance of duties	Final written warning	Summary dismissal		
	3. Gross neglect and/or dereliction of duties and/or responsibilities causing company serious prejudice in relation to profit turnover and/or production and/or company image	Summary dismissal			

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	4. Poor maintenance of company vehicle or equipment.	First written warning	Final written warning	Summary dismissal	
	5. Gross negligence in driving or abuse of company vehicle/reckless driving	Summary dismissal			
	6. Abuse of company vehicle and/or private use arrangement of company vehicle or company sponsored vehicle	Final written warning	Summary dismissal		
	7. Wastage of material, stationery, supplies, etc	First written warning	Final written warning	Summary dismissal	
	8. Damage to equipment or material through negligence	Final written warning	Summary dismissal		
E. Attitudinal/Social Behaviour	1. Smoking in "No Smoking" area	First written warning	Final written warning	Summary dismissal	
	2. Failure to carry out instructions/adhere to procedures (implied and/or written) (NB: failure only, not blatant refusal – also see G4)	First written warning	Final written warning	Summary dismissal	
	3. Use of abusive/foul/offensive language	First written warning	Final written warning	Summary dismissal	
	4. Unauthorised use of company equipment or material	Summary dismissal			
	5. Failure to adhere to dress code/ acceptable dress standard	Verbal warning	First written warning	Final written warning	Summary dismissal

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	6. Use of or under influence of alcohol/ illegal drugs during working hours	Final written warning	Summary dismissal		
	7. Unauthorised possession of alcohol/ illegal drugs on premises	Final written warning	Summary dismissal		
	8. Unauthorised possession of and/or using lethal weapons/fire arms and/or threatening violence	Summary dismissal			
	9. Creating or inciting a disturbance at work, assault, fighting and/or use of dangerous weapons	Summary dismissal			
	10. Driving/operating company vehicle/ equipment under influence of alcohol or illegal drugs	Summary dismissal			
	11. Failure/refusal to comply with administrative or other policies and procedures	First written warning	Final written warning	Summary dismissal	
	12. Wilful or blatant refusal or failure to comply with or adhere to administrative or other policies and procedures resulting in serious company losses, serious harm to the company's business and/or image	Summary dismissal			

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	13. Unacceptable behaviour/conduct/ language or spreading of rumours which could result in political/Industrial Relations/ racial incidents and/or which could be regarded as a serious insult or defamation of character and/or which could harm company's image and/or business	Summary dismissal			
	14. Unauthorised selling, canvassing or speech making on company premises	Final written warning	Summary dismissal		
	15. Insubordination or insolence shown towards superior	First written warning	Final written warning	Summary dismissal	
	16. Sleeping whilst on duty	Summary dismissal			
F. Safety, Health & Loss Control	1. Creating/contributing to poor administrative/sanitary/safety/health/ house keeping or loss control conditions	First written warning	Final written warning	Summary dismissal	
	2. Dangerous "horseplay" / insolent behaviour	Verbal warning	First written warning	Final written warning	Summary dismissal
	3. Failure/refusal to draw/use personal protective equipment (e.g. hard hat, safety belt etc)	Verbal warning	First written warning	Final written warning	Summary dismissal

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	4. Wilfully not reporting an accident/injury on duty involving self	Final written warning	Summary dismissal		
	5. Use of plant/equipment/material in manner that endangers own or another's safety or health	Final written warning	Summary dismissal		
	6. Disregard of Government or company safety/health/loss control regulations	First written warning	Final written warning	Summary dismissal	
G. Criminal and or Other Serious Misconduct	1. Wilful damage to company property or property of others	Summary dismissal			
	2. Harassment of fellow employee/s, company client/s, guest/s, supplier/s or any other company co-operator/s, which includes but is not necessarily limited to sexual or offensive slurs, jokes, other verbal, graphic or physical conduct relating to a person's race, colour, gender	Summary dismissal			
	3. Unauthorised cash withdrawals from expense/company credit card account and/or abuse of company's expense account arrangements	Summary dismissal			
	4. Unlawful possession or removal of company property or property of others	Summary dismissal			

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
X	5. Refusal and/or blatant failure to obey fair and reasonable instructions and/or to adhere to company policy and/or procedures including but not limited to procedures relating to Industrial Relations, accounting, occupational health and safety, loss control, security, disclosure of information, etc.	Summary dismissal			
	6. Time recording irregularities in respect of own or another employee's record	Summary dismissal			
	7. Subversion/deliberate incitement of employee against each other or the company	Summary dismissal			
	8. Refusal to obey fair and reasonable instruction (NB. Not <i>failure</i> but blatant <i>refusal</i> – also see E2)	Summary dismissal			
	9. Gross insubordination				
	10. Unprotected industrial action, any form of unprotected industrial action	Summary dismissal			
	11. Going slow and/or working to rule and/or inciting/influencing others to do same	Summary dismissal			
	12. Intimidation or victimisation	Summary dismissal			

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	13. Leaking / sharing confidential information	Summary dismissal			
	14. Fraud, deceit, bribery, acceptance of a bribe, corruption, computer fraud or any form of dishonesty at work	Summary dismissal			
	15. Unauthorised presence on company premises after hours	Final written warning	Summary dismissal		
	16. Any action aimed at trying to force an issue whilst refusing/failing to apply grievance procedure	Final written warning	Summary dismissal		
	17. Gambling during working hours	Final written warning	Summary dismissal		
	18. Loan "sharking"	Final written warning	Summary dismissal		
	19. Divulging/sharing/exchanging/selling of information, manufacturing processes, computerised programme / system / licensed software or related information or information related to affair/finances/ matters pertaining to the company	Summary dismissal			
	20. Unauthorised acceptance of other remunerative employment or directorship, partnership or agency or starting/running of undertaking or activity for financial gain	Summary dismissal			

DISCIPLINARY CODE (continued)

Annexure 1

CATEGORY	NATURE OF MISCONDUCT	Most severe disciplinary action allowed			
		1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
	21. Breach of environmental responsibilities	Summary dismissal			
	22. Any transgression or cause recognised in law	Summary dismissal			
	23. Failure, at time of your employment with the company, to make a material disclosure that you were previously charged for and found guilty of fraud/dishonesty in a court of law	Summary dismissal			
	24. Failure, at time of your employment with the company, to make a material disclosure that you were dismissed by your previous employer after having been found guilty of fraud/dishonesty	Summary dismissal			
	25. Failure, at time of your employment with the company, to make a material disclosure namely that your state of health at the time of your employment could adversely affect your ability to perform the work for which you were employed	Summary dismissal			