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CONSISTENCY IN THE APPLICATION OF DISCIPLINARY MEASURES WITHIN A STATE-OWNED ENTITY

XAVIER EARL KNIGHT

SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF PHILOSOPHY: EMPLOYMENT RELATIONS

FACULTY OF MANAGEMENT

DEPARTMENT OF INDUSTRIAL PSYCHOLOGY AND PEOPLE MANAGEMENT

UNIVERSITY OF JOHANNESBURG

SUPERVISOR: PROF WILFRED I. UKPERE

OCTOBER 2016
DECLARATION

I, Xavier Knight, hereby declare that the thesis contained herein, as well as its contents, represent my own work, and that it has not been previously submitted for academic examination towards the fulfilment of requirements towards any qualification. Moreover, the work contained herein represents my personal thoughts and opinions, and not those of the University of Johannesburg.

I additionally declare that the academic work contained herein aligns to the Plagiarism Policy of the University of Johannesburg, of which I am fully aware. Lastly, I further declare that the contents of this thesis are authentic and original, unless clearly indicated otherwise, and in such instances, full reference to the source has been acknowledged.

____________________  ___________________
Signed                              Date
Disciplinary policies and procedures are utilised to correct employee behaviour that contradicts organisational norms and to bring about a conducive environment in the workplace. When applied and monitored correctly, policies and procedures regulate employee behaviour, and can bear positive results for an organisation. However, when these are applied in an inconsistent and unfair manner, they will not bring about the desired outcome of improved employee behaviour in the workplace. Therefore, exploring the perceptions of employees with regard to the consistency of disciplinary measures within a state owned entity, is imperative.

The primary objective of the study was to establish whether the substantive and procedural elements were taken into consideration in the application of disciplinary measures within a state-owned entity. In addition the study attempted to establish the perceptions of employees around disciplinary measures in order to ascertain possible areas of weakness in the current application of discipline in the case organisation. An effort was made to also understand why a high number of internal disciplinary matters usually end up at external dispute resolution bodies, and to uncover the reasons for this.

The study adopted a case study approach, as it dealt with a specific state owned entity in the Johannesburg area, Gauteng Province, South Africa. Purposive and convenience sampling was utilised to obtain information from top managers, middle and junior managers, supervisors, shop stewards, as well employees who have themselves faced disciplinary action within the case organisation. Data was collected by means of semi-structured interviews with research participants. The research findings revealed a high level of inconsistency in the application of disciplinary action at the state owned entity. Furthermore, research participants highlighted selective application of disciplinary action; toxic leaders who use discipline as a victimisation weapon in the workplace; the existence of a poor organisational culture; and ineffective shop stewards were all mentioned as elements that have exacerbated the level of inconsistency in the application of discipline. It was evident from the research findings that disciplinary
measures in the state owned entity have failed to achieve the desired outcomes and, therefore, recommendations have been proposed in the current study to improve the status quo.
ACKNOWLEDGEMENTS

To my Heavenly Father, I give You all the praise and glory for Your mercy, guidance and protection, which You have bestowed upon my life.

This academic journey would not have been achievable without the contribution and support of the following individuals whom I wish to thank:

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- My sister, Kaylo, for her complete understanding.

I thank each and every one of you for your role in the achievement of my goal.
DEDICATION

I dedicate this thesis to:

My late grandparents, Edward and Mavis Knight, for playing a pivotal role in my upbringing, and for laying a solid foundation in the teachings of my life.
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GLOSSARY

A number of important concepts have been utilised throughout the research study, and are clarified below.

- **Affinity**: a powerful relationship or connection amongst individuals or objects.
- **Audi alterant partem**: legal principle in labour law, which indicates that both sides of a matter must be heard.
- **Chairperson**: individual appointed by an organisation to preside over a disciplinary matter and to deliver a verdict and sanction on a matter.
- **Charge sheet**: document prepared by the organisation detailing the level and extent of the alleged wrongdoing on the part of the alleged perpetrator.
- **Consistency**: the agreement with or rational soundness among events or things.
- **Disciplinary action**: an intervention on the part of an organisation for correcting job-related behaviour, which fails to meet expected and communicated performance standards.
- **Disciplinary panel**: individuals who are appointed by an organisation, to facilitate the process of ensuring a fair and procedural disciplinary hearing.
- **Empathy**: the ability to understand and share the feelings of another.
- **In casu**: legal concept that originates from Latin law, referring to a matter “in this case”.
- **Inconsistency**: not behaving or acting in the same manner, as was done in the past.
- **Ineffective leadership**: inability or failure to achieve specific results or to obtain certain outcomes.
- **Mandate**: a specific instruction or order to act or behave in a certain manner.
- **Motivation to discipline**: a document which is prepared within the case organisation, seeking approval to commence disciplinary action against a certain accused employee.
- **Organisational politics**: the process of utilising an informal network in order to obtain power and to achieve tasks to meet an individual’s personal wants or needs.
• **Perceptions**: the manner in which an individual thinks about or understands someone or something.

• **Procedural fairness**: is concerned with the procedures that are used by a decision-maker to reach a decision, and not the decision itself.

• **Selectivity**: the act of carefully choosing someone or something over another.

• **Self-serving behaviour**: serving one's own interests or agenda, specifically without concern for the needs or interests of others.

• **Substantive fairness**: refers to fair and reasonable criteria, which are used by a decision-maker to reach a decision or conclusion on a matter.

• **Toxic leadership**: a combination of self-centred actions, motivations, and behaviours that result in adverse effects on employees, individual performance, and the organisation as a whole.
## LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>DEFINITION</th>
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<tbody>
<tr>
<td>CFO</td>
<td>Chief Financial Officer</td>
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<td>COO</td>
<td>Chief Operating Officer</td>
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<td>DC</td>
<td>Disciplinary Hearing</td>
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<td>ER</td>
<td>Employee Relations</td>
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<tr>
<td>GCEO</td>
<td>Group Chief Executive Officer</td>
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<td>GE</td>
<td>Group Executive</td>
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<td>GM</td>
<td>General Manager</td>
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<td>HR</td>
<td>Human Resources</td>
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<td>Line</td>
<td>Line Manager</td>
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<td>SOE</td>
<td>State Owned Entity</td>
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Chapter 1

1.1 Introduction

Individuals enter the employment market with different attitudes, skills, perceptions and values. When these individuals interact with one another at the workplace, the potential for organisational conflict increases as a result of their differing needs and interests. To resolve this potential conflict between and amongst organisational members, supervisors and other organisational leaders, disciplinary measures are utilised to prevent escalation and to ensure peace in the workplace. As Grogan (2009) states that, in their essence, disciplinary measures are developed to rectify workplace behaviours and to provide equilibrium within workplace relationships.

Workplace discipline can, therefore, be conceptualised as direct, policy processes with which leaders correct employees’ behaviours through the implementation of transparent procedures (Jones & Saundry, 2012). However, when these disciplinary measures are applied inconsistently within an organisation, the consequences become apparent at all levels of a business. Bellizzi and Hasty, (2001) describe inconsistent disciplinary action as being identical or similar workplace behaviour that is met with different disciplinary sanctions. Bellizzi and Hasty (2001), further argue that the cause of the differential treatment may be owing to the personal circumstances of the employee such as a close working relationship and level of trust between the manager and employee. Hence, some employees may be severely disciplined, while others receive more lenient punishments from their managers.

This practice by organisational leaders may be evident within the workplace, which means that the human resources department of an organisation has a duty to monitor and enforce fair workplace practices. Grogan (2009) states that workplace discipline is considered to be a primary duty of human resource professionals, as they are expected to educate leaders on ethical decision-making, especially when dispensing discipline to employees. Van Rensburg, Basson and Carrim (2011) state that employee discipline is an area of human resources management that involves expert knowledge on the
subject. It can further be said that it is the duty of human resource professionals to communicate their professional advice to line management when employee discipline becomes an area of concern, and that its management is important for organisational success. This is especially important because the way employees are disciplined impacts on the organisational success. The reason being that employees contribute towards the fulfilment of business objectives, thus any behaviour that is contrary to the expected should be dealt with in a fair and consistent manner.

1.2 Background to the study

It is generally accepted that organisations operate within a progressive and global environment, where their most important source of competitiveness is their employees. These employees contribute their efforts towards ensuring that their organisations remain viable and sustainable, receiving rewards in the form of remuneration and other benefits. However, owing to the complexities of a business, conflict is inevitable.

The success of a business lies in how it deals with conflicts and their consequences. Cole (2008) explains that leaders use disciplinary measures to correct undesirable workplace behaviour, and also to send a message to other employees that this behaviour is unacceptable. How this is perceived then plays a role in the effectiveness of the disciplinary action which is taken by organisational leaders. However, to be viewed as effective, employees should perceive discipline as being executed in a fair and consistent manner, according to organisational policies and procedures. Van der Bank, Engelbrecht and Strumpher (2008) explain that a disciplinary procedure strives to endorse procedural integrity and fairness in the dispensation of employee discipline, with a threefold advantage. Firstly, it contributes to a stable workforce; secondly, it minimises the turnover of labour; and thirdly, it promotes productivity.

When consistently applied, disciplinary action can result in the benefits referred to above, but the reverse is also true; where the inconsistent application of discipline can affect a business negatively. Bellizzi and Hasty (2001) state that inconsistent disciplinary action also has a threefold disadvantage for a business: firstly, it undermines goal accomplishment; secondly, it weakens employee motivation; and
thirdly, it sends a message to workers that certain incorrect behaviours might be acceptable at times. This goes to show that although discipline exists to correct undesirable behaviour, it can engender negative behaviour when it is incorrectly applied.

Managers and other organisational leaders play a key role in preserving employees' rights and monitoring how discipline is dispensed within a business. This has the effect of ensuring that a process, which is fair and transparent, is followed; the integrity of which can be compromised when judgements are made to the contrary. Jones and Saundry (2012), posit a situation where line managers do not favour handling discipline through formalised procedures. This is based on a paradigm, which follows that managers favour a practical approach based on their instincts. This approach has real life consequences for a business such as those referred to above regarding the consequences of inconsistent disciplinary action.

The current state of discipline within the organisation under study is not as effective as it could be. There are often appeals to disciplinary sanctions that are delivered to employees, with claims of inconsistencies within the disciplinary process. Further to this, disciplined employees and their respective representatives often question the competence of chairpersons and the disciplinary panel after the process has delivered a sanction on them. Van der Bank et al., (2008) indicate that all these factors could lead to strained relations between management, trade unions and employees within an organisation. Grogan (2009) further states that strained relations between management and organised labour are not conducive to achieving a climate of good faith within the workplace. Cole (2008) explains that when appeals are lodged by employees who are unsatisfied with sanctions that are imposed on them by management, it leads to further resources being utilised, as well as extra costs being incurred by an organisation through lost time and productivity.

Cole (2008) states that issues of inconsistency do not only lead to internal disputes that are lodged, but these often find their way to external dispute resolution processes. This is because disputes are frequently lodged by employees at the CCMA, as they refer internal matters to this statutory body with the assistance of their respective trade
unions. These litigation processes often end at the conciliation phase of the process, which displays a negative image to commissioners that the organisation is unable to effectively resolve disputes internally. Another worrying element is the amount of time that is spent at the CCMA by employees from the employee relations department. Grogan (2009) states that this time could be better spent advising the business on how to deal with conflict and discipline amongst employees, which would prevent it from evolving into disciplinary disputes at the workplace.

All the factors outlined above can lead to the creation of an unhealthy working culture within an organisation, where a lack of trust exists between management, employees and their respective trade unions. Van Rensburg et al., (2011) state that a lack of trust often has negative repercussions for an organisation, which should ultimately strive to maintain harmonious relations between all parties within the workplace.

1.3 Problem statement

Although the organisation under study has established mechanisms to deal effectively with conflict and discipline, complaints and disputes often arise from its implementation. The organisation has formal disciplinary procedures, which are articulated within various policies, but its implementation is at the heart of the problem. Employees perceive these policies as being selectively applied within the workplace, where one employee receives harsher treatment than another based on the same or worse set of facts. This has caused employees to appeal their disciplinary sanctions, as the consistency of disciplinary measures is questioned. With this perception of unfairness, the workforce could develop lower levels of motivation and job satisfaction, which would detrimentally affect the organisation.

The above perceptions, which employees hold form the basic foundation for conducting this study, where these perceptions are investigated further to identify underlying causes of these problems.

Research questions

In light of the research problem, the study investigates the following research questions:
Does the state owned entity take into consideration the substantive and procedural elements in the application of its disciplinary measures?
What perceptions do employees have regarding disciplinary measures within the organisation?
Is disciplinary action selectively applied within the organisation?

1.4 Objectives of the study

Primary research objective

The primary objective of the research is:

- To establish whether substantive and procedural elements are taken into consideration in the application of disciplinary measures within a state-owned entity

Subsidiary objectives

Subsidiary objectives which relate to the study are:

- To understand employees’ perceptions around disciplinary measures within the state owned-entity;
- To explore possible areas of weakness in the application of disciplinary action; and
- To recommend possible improvements to the current system in relation to disciplinary measures.

1.5 Motivation for the study

Seeking a balance in the employment relationship is important for both the employer and employees. Disciplinary action is seen as a means to achieve this balance. It can be utilised to manage poor work performance and to remedy behaviour which is inconsistent with the objectives of the business. Employees are also granted an opportunity to state their case in defence of these allegations. In order for the desired
results to be achieved, however, leaders within the workplace need to apply disciplinary measures in a consistent and fair manner. Cole (2008) explains that research within discipline has expanded outside of a focus which relates to employees, and now includes contextual elements, as well as viewpoints of managers and observers regarding corrective action. This leads to the outcome of the disciplinary event, which not only affects the employee who has been disciplined, but also his/her colleagues and the organisation, as a whole. Therefore, the effects of inconsistent disciplinary action can have a negative effect on all parties that are involved in the business (Cole, 2008).

Cole (2007) states that an inconsistent approach to solving disciplinary difficulties can have harmful effects on employees’ trust and morale. This is because employees view fairness and consistency in a disciplinary process as being important; where the severity of workplace misconduct should fit the sanction that is imposed. Bellizzi and Hasty (2001), explain that occasionally, the same or similar workplace misconduct is treated differently within an organisation. As stated earlier (Bellizzi & Hasty, 2001), the reasons for the differential treatment could be linked to the individual characteristics of the employees who are involved in the disciplinary action. These could relate to factors such as the trust between the employee and manager, social relationships outside of the workplace, the level of likeability of employees, and other variables, which could affect the disciplinary outcome.

Grogan (2009) argues that this inconsistent practice referred to above occurs increasingly within the public sector of the economy, and more specifically within South African state owned entities. This is evident in the amount of negative exposure, which has surrounded state owned entities over the past year; their functionality and credibility have been questioned. Whether it relates to senior executives lying about their academic qualifications or fraud and corruption, state owned entities have increasingly come under the spotlight in recent times. Cole (2008) explains that this can have the resultant effect of demoralising staff, and the manner in which they view their organisations, which could further affect productivity levels and employee motivation. This can be especially damaging where these individuals have committed severe misconduct and received minor disciplinary sanctions or no corrective action at all.
Working in a highly unionised environment and observing how disciplinary measures are implemented, I have observed how these can be perceived unfairly at times. Van der Bank et al., (2008) explain that disciplinary decisions can sometimes be made on inconclusive facts and a lack of witnesses to corroborate the employer's account. Cole (2008) states that this can result in the employer often having to pay out the remainder of the alleged offender’s contract, or settling the disciplinary matter as a result of the irreparable damage to the employment relationship owing to potential unfairness in the disciplinary process. This study is, therefore, motivated by the need to gain insight into why such costly and damaging decisions are made by leaders in the organisation, and the factors, which drive such inconsistencies within the disciplinary process.

1.6 Delimitation of the research

The study specifically focuses on the Johannesburg area, where most of these entities are situated. The first delimitation of the study is that it focuses on a single state owned entity and not on all state owned entities. Therefore, results that are obtained are not generalisable to both public and private sector businesses. Secondly, collected data is only from one state owned entity in Gauteng, and is therefore not representative of all state owned entities in South Africa. Lastly, collected data was interpreted based on the perceptions of participants, with respect to their personal experiences in relation to the topic of the research.

1.7 Significance of the study

Moving into the twenty-first century, many academics have called for a heightened focus within the field of performance management, yet the area of employee discipline remains under-researched and under-managed (Cole, 2007). Therefore, the research is poised to shed light on the application of disciplinary measures within a state owned entity. It should contribute to the limited knowledge that is currently available on the topic, and focuses more specifically on the public sector of the South African economy. This is a sector in which the majority of the population is employed, hence the results are significant and of public interest.
Inconsistently applying discipline can have negative effects on an organisation’s aim of achieving its objectives, where unfair treatment of employees leads to undesirable behavioural outcomes. Van der Bank et al, (2008) state that where individuals perceive differential treatment on an unfair basis, they tend to display emotions such as irritation and bitterness. Further to this, unfair differentiation has been linked to vengeful actions such as theft and unproductivity.

The above highlights the need for consistent and fair treatment of employees with regards to disciplinary action. The reasons for inconsistency and leniency in relation to disciplinary action should be explored and articulated before any effective measures to reduce these problems can be designed and implemented (Cole, 2007). Therefore, it is important to explain the elements, which lead to discipline being inconsistently applied, in order to avoid undesirable workplace behaviours on the part of employees.

Researchers have considered the consistency of disciplinary action, but few have done so within the context of state-owned entities (Cole, 2008). The anticipated contribution of this study is set out as below:

If discipline remains under-researched and under-managed (the anticipated contribution of this study is that it provides insight on how employees view the effectiveness of discipline within these organisations). State-owned entities should then be able to learn from this, and resolve these issues more effectively within their respective work places.

In my view, the study will especially offer new insights and understanding of application of disciplinary measures within a state-owned entity in the following ways:

1.7.1 Theoretical

- Contribute towards the field of performance management in general and in the area of disciplinary action in state-owned entities in SA specifically. This is especially true since the literature on this subject is limited and empirical studies are scarce.

1.7.2 Practical
• Provide insight into the practice of disciplinary action to state owned entities as well to human resource managers

• Offer guidelines for SA state owned entities on the implementation of disciplinary measures within a state-owned entity

1.8 Preliminary literature review

The following section provides a brief overview of disciplinary action and its various elements within the workplace. The importance is disciplinary action is also highlighted, in addition to important concepts such as consistency, fairness and its applicability in a state owned entity.

1.8.1 Discipline in the workplace

Disciplinary measures should be utilised as corrective measures within organisations; not to penalise employees, but specifically to encourage workplace behaviours to be on a more desirable level (Bendix, 2010). Managers are, therefore, encouraged to provide corrective measures in response to undesirable outcomes by employees. However, when disciplinary action is utilised as some form of a penalty, its outcomes could lead to a manifestation of the problems with employees. This is substantiated by Daniels, (2006) who states that the outcomes of punishment are rather short-lived, only temporarily discouraging unwanted behaviour instead of totally eradicating it. The above mentioned author goes on to state that forms of punishment have longer lasting effects when suitable behaviours are rewarded simultaneously, while punishing undesirable ones. Applying the above to workplace scenarios, could for example lead to a situation where frequently penalising individuals that arrive late at the workplace could be more effective if employees were further rewarded for being punctual at the workplace.

A consequence of utilising disciplinary measures as punishment is that it could potentially create resentment and antagonism within the workplace. Robbin, Odendaal and Roodt (2003) explain that if these ill-feelings are not appropriately addressed, it could negatively affect working relationships and levels of motivation within the organisation. This would in turn counter the purpose of disciplinary action, further
preventing the organisation from achieving its objectives and establishing a sustainable competitive advantage.

1.8.2 Disciplinary codes and procedures

Disciplinary codes are an important element of an organisation’s disciplinary system. Finnemore (2006) explains that as a result for the desirability of consistency in disciplinary sanctions, an organisation must possess a written code of possible offences accompanied by disciplinary sanctions which could result from engaging in those offences. This would ensure that individuals are aware of behaviours that are unacceptable in the workplace in order to amend their actions towards acceptable levels accordingly.

The disciplinary procedure of an organisation outlines the actions and principles which must be adhered to in various instances and it becomes crucial that it be in a written form and readily be available to employees. Gennard and Judge (2005) advance the following as standard practice in setting out a disciplinary procedure: a verbal warning, ensued by written warnings should necessary improvements be absent, following final written warnings in cases where behaviour or actions are still inadequate; followed ultimately by dismissal. This process endeavors encouraging desirable behaviour and effectively remedying misconducts where they occur. Subsequently, line managers are generally at the forefront of dispensing disciplinary action. Therefore, it is important that these managers be equipped with the correct competencies and experience to dissolve any conflict at the lowest possible level. This view is echoed by Greenberg and Baron (2007), who postulate that it is a function of managers to administer discipline with consistency, free of favouritism or bias, in order to reduce any perceptions of unfairness.

1.8.3 Elements of disciplinary measures

The effectiveness of any disciplinary measure is dependent, to a great extent, on the motives and circumstances around its application (Cole, 2008). For effectiveness to be achieved there should be a substantively and procedurally fair reason for embarking on disciplinary action in the workplace. Bendix (2010) defines substantive fairness as the
reason for the disciplinary action, referring to whether a work rule was breached and whether the employee was reasonably aware of this work rule. Disciplinary action should thus be undertaken in cases of unacceptable work behaviour or performance, with the appropriate process being followed within the organisation. van Niekerk, Christianson, McGregor, Smit and van Eck (2012) define procedural fairness as a process that is effected in accordance with a fair procedure. This would necessitate that a manager follows all related protocol before imposing a disciplinary sanction on an employee, allowing employees to state their case in defense of the allegations, as well as exercising their right to representation; to mention but a few procedural aspects. Lewis, Thornhill and Saunders (2003) argue that the purpose of disciplinary action is to protect individuals against arbitrary treatment, while also allowing employers to dispense with an employee who performs or behaves in an unsatisfactory manner. A disciplinary procedure thus benefits both the employer and employee in this respect, but only if it is followed in a transparent and diligent manner.

1.8.4 Consistency in the application of disciplinary measures

For discipline to have the desired effect of correcting workplace behaviour, it should be applied in a consistent manner. Consistency will allow the process to be perceived as being fair, allowing the sanction, which stems from it to be more readily accepted (Lewis et al., 2003). Discipline, with its subsequent procedures, has always had recognition as a vital dimension, and applying these consistently will determine its success within the workplace (Edwards, 2005). Knight and Ukpere (2014) define consistency as reliable and clear compliance to the parity principle. To apply this to the work context, Knight and Ukpere (2014), further view consistency as being similar workplace guidelines that are applied for individuals within a workplace, with no arbitrary criteria, which differentiates them. Therefore, it becomes crucial for organisations’ to implement similar policies for all individuals within the business.

However, this does not always happen, as some employees may receive “lighter” sanctions than others for committing the same misconduct or breaching the same set of rules. Du Plessis and Fouche (2006) explain that an organisation commits an unfair labour practice when it unfairly acts on the suspension of employees or the imposition of
a severe disciplinary outcome. Grogan (2009) states that leaders within an organisation have a duty to ensure that the application of disciplinary measures is done correctly, where their behaviour is consistently applied to all disciplinary cases. Grogan (2009) further explains that this can produce benefits such as a reduction of claims of unfairness and lodging disputes in the workplace, where employees will perceive management as acting with integrity and transparency in disciplinary dealings. If, however, this fails to occur, it can cause serious damage to the relationship of trust that should exist between the employers and employees.

Six (2005) states that trust becomes important in circumstances where one individual depends on the actions of another in order to achieve personal goals and objectives in the future. This dependence thus suggests that when acting on personal trust, the truster makes themselves vulnerable to the behaviour of the trustees. As both leaders and employees are interdependent and rely on one another to achieve their respective objectives, this trust relationship should be established and maintained as effectively as possible (Six, 2005). Without this, neither party will succeed in their efforts to reach their respective goals.

### 1.8.5 Self-serving behaviour within state owned entities

Organisational politics is a reality in every organisation, although its existence may be more severe in certain environments than others. This is particularly true of public organisations, where governmental decisions and political behaviour tend to influence operations within these businesses. Byrne (2005) defines political behaviour as actions (both positive and negative), which do not form part of a job, and are not formally endorsed by the employer. These behaviours are normally driven by self-interest and act as motivation to achieve personal goals within the workplace. Political behaviour is often engaged with at the expense of others, and its consequences can severely affect the operations of a business (Byrne, 2005).

When political behaviour is directed towards settling scores and punishing employees in the workplace, it results in improper disciplinary procedures being enacted, while the substantive reasons for doing so may also not be genuine. Gadot (2006) suggests that
high levels of internal politics adversely impact on levels of performance, as it is often interpreted as unprofessional and unfair conduct on the part of leaders. Byrne (2005) states that the purpose and effectiveness of disciplinary procedures can thus also be questioned when driven by personal vendettas, as fairness is an important element of any disciplinary measure. Attempting to isolate and punish others through discipline to advance self interest in the business should be discouraged, as this is not the purpose of the design and implementation of discipline in the workplace.

1.8.6 Implications of inconsistent and unfair disciplinary action on an organisation

Employers frequently suffer great losses because of ineffective discipline and its application. These losses are both monetary and non-monetary in nature, affecting the organisation in different ways. Six (2005) states that monetary losses refer to substantial amounts of money being spent on litigation processes, as well as orders that are made by dispute resolution bodies for the payment of compensation and damages to employees who have been unfairly treated. Six (2005) further states that non-monetary losses refer to lower motivation amongst employees, decreased satisfaction on the job and employees who become disheartened as a result of unfair and inconsistent treatment on the part of the employer. Blyton and Turnbull (1998) explain that employees usually react to unfair situations in different ways. They could do this by withdrawing from situations of dissatisfaction, or alternatively participate in actions such as sabotage or indiscipline by showing their displeasure against certain individuals. This could result in organisations losing valuable employees owing to the bias of their leaders/managers, while not even being aware of it.

Knight and Ukpere (2014), state that inconsistencies occur when managers apply a specific set of rules to an employee that he/she primarily dislikes in a certain way, while applying the same rule completely differently to another individual. This may be because an employee is in the manager’s social circle, or an inherent friendship may exist between them. This abuse of power by managers is an unpleasant practice which may exist discreetly or even explicitly in some organisations. As highlighted earlier, the consequences of this practice is often damaging to an organisation. Knight and Ukpere
(2014), further refer to consequences such as the payment of damages enforced against organisations, penalty payments imposed by courts, and also the harm caused to the employer’s brand. The conclusion that is drawn is, therefore, that a duty exists on the part of organisations to apply disciplinary measures in a fair and consistent manner. Without this possibility present, managers may endure a tough task of moving the organisation forward with a demotivated and dissatisfied workforce within its ranks.

1.9 Research design and methodology

The singular objective of research designs is facilitating a method of answering questions which relate to research. Research designs further provide clarity to questions which could decide on a path that the researcher takes throughout his/her study (Kumar, 2010). Burns and Grove (2003) further defines research designs as plans for undertaking a study with full control over elements that could affect the validity of its outcomes.

1.9.1 Research approach

In answering questions which relate to the research, a study will make use of qualitative research, as the research would be exploratory in nature and would allow me to understand the experiences of people. Babbie (2007) postulates that exploratory studies strive on discovering specific phenomena which are typically new, and use ‘what’ questions to seek more profound meaning for the phenomena. The above mentioned author also states that exploratory research is often used for qualitative studies.

Wise and Millward (2005) effectively refer to qualitative research as having a purpose of understanding instead of explaining. I will thus endeavour to seek an understanding of what research participants think as well as feel about disciplinary measures within their organisation. Qualitative research further assisted me to gain an appreciation of the underlying details, opinions, and perceptions; delivering additional insights into the problem under investigation.

1.9.2 Research strategy
This research used a case study approach to investigate employee perceptions about disciplinary measures within a state owned entity. Moloto, Brink and Nel (2014) refer to case studies as methods utilised for extensively studying an individual or organisation within a unique surrounding or situation. This enabled me to understand my participants’ experiences at length, and to draw conclusions on how they perceive their organisation in terms of dealing with employee discipline within a specific context. The case study approach, therefore, provided detailed information about the phenomenon under investigation, and assisted in establishing relationships with the research participants. This relationship will be built through enriching engagements with participants, providing rich, data relevant for the research.

1.9.3 Research setting

In qualitative research it is important to articulate details which pertain to places and regions that are relevant to the research (Marshal and Rossman, 2011). Therefore, when locating data, a point of direction is going to a setting and interacting with individuals who are more probable of being in a position to deliver clarity on research problems (Goulding, 2002).

The research was conducted within the context of a large state-owned entity within South Africa, and, which is also a national keypoint in the country. Bussin (2013) describes the term “state owned-entity” as referring to entities of business, which are created by national governments who hold official designations which originate from the government. The organisation is located in central Johannesburg, and is involved in the media and broadcasting industry. I will have easy access to participants as I am currently employed by the organisation in casu (in this case), and the organisation's boardrooms were used as the scene to collect data from participants.

1.9.4 Population and sample

As it is improbable to collect information from all individuals who may have had experience of disciplinary measures, individuals were selected from the population, where the process of selecting from this population is referred to as sampling. Though a general qualitative research approach can utilise any sampling method, it often involves
maximum variation in sampling to ensure broad insight into the phenomenon (Kahlke, 2014).

According to Best and Kahn (2007), a population refers to any group of people who possess one or more features, which are of interest to the researcher. Meanwhile, samples represent subsets of people from the population (Vanderstoep & Johnston, 2009). This study utilised purposive, as well as convenience sampling to identify respondents for study purposes. Babbie (2007) defines purposive sampling as being centred on a researcher’s judgemental thinking around specific characteristics possessed by individual groups for study purposes. Convenience sampling relates to the ease that a researcher has in selecting respondents for a study (Best & Kahn, 2007). Ten employees within the state owned entity was selected by using this purposive random sampling technique. These included senior management employees, middle management employees, trade union shop-stewards, junior management employees, as well as employees who have experienced disciplinary action themselves. These employees are based in the Human Resources Department of the organisation, or are tasked with implementing discipline; defending employees facing disciplinary action, while some have experienced being disciplined themselves. After identifying the sample, the next step within the process is data collection (Babbie, 2007).

1.9.5 Data collection

One-on-one, semi-structured interviews were utilised to explore employee perceptions surrounding disciplinary action in the workplace. DiCicco and Crabtree (2006) acknowledge that the most common strategies that are utilised for qualitative data collection are usually done by utilising interviews. Flick (2009) also advocates this approach in the use of exploratory studies. I also feel that semi-structured interviews will be effective as I will be investigating the lived experiences of my participants within the study. Therefore, I will be fostering learning in relation to individual experiences on a given set of issues, pertaining to my participants’ views on disciplinary action.

Patton (2002) suggests that a good interview involves exposing the experience, knowledge, and thoughts of the interviewer, as well as the participants. This allows a
process to unfold in which participants can tell their own story pertaining to the subject matter under investigation. Interview questions that were used in the study were formulated around employees’ experiences in respect of disciplinary measures in their workplace. Further to this, I will be conducting two interviews per person to ensure enriching and prolonged engagements with my respondents. This will be important for asserting the data collected and to provide opening spheres for in-depth data collection.

1.9.6 Data management

Silverman (1993) recommends observations, text analyses, interview recordings and transcriptions as being most suitable for qualitative research. Therefore, I recorded interviews by using a digital voice recorder and safely stored these recordings. For the purpose of reliability I will use Okun’s (2002) techniques of communication while conducting semi-structured interviews. The above mentioned techniques use clarifying questions, which enable researchers to monitor the respondent’s direction, probing respondents while also facilitating further communication around the opinion of participants. In addition to this, I also took and kept field notes to ensure the reliability of my findings. All interviews were conducted in a quiet environment within the organisation, and behind closed doors to avoid disturbances.

Marshal and Rossman (2011), acknowledge that arranging gathered data into an orderly and structured manner can be viewed as challenging. However, using codes can ease this process by searching for themes and relationships among the data. Therefore, initial codes and themes were used in this study, as proposed by Marshal and Rossman (2011).

1.9.7 Analysis of data

Two techniques were employed to analyse the transcribed qualitative data, namely, content analysis and thematic analysis. Marshal and Rossman (2011), define content analysis as a determination of key phrases or factors, whilst determining their frequency from the transcribed data. Thematic analysis is defined as enabling the researcher to determine key themes and patterns, which emerge frequently from the data (Patton, 2002). Abbot, Goosen, and Coetzee (2013) further clarify this technique as involving the
identification of themes from information that was gathered, thereafter relating it to analysis and objectives, which the study strives to achieve.

For the purposes of analysing the data, a computer software package was utilised for this study. Various computer software packages exist to analyse qualitative data, but this study used Atlas.ti. Babbie and Mouton (2001) advocate that the Atlas.ti software ensures that analysis of qualitative data is accurate and well organised, and it assists in documenting themes that emerged from the data. Babbie and Mouton (2001) further state that Atlas.ti provides the basics of data analysis, and possesses the capability to assist the researcher with more sophisticated functionalities in relation to data analysis.

1.9.8 Data reporting and writing style

After the data was collected, it was transcribed into written text. Marshall and Rossman (2011), state that when transcribing, it is imperative to ensure that spoken words are not always similar to written words; as punctuations, pauses, and formatting might produce a completely different meaning to a text. I exercised caution in drawing inferences and interpreting linguistic patterns. Marshall and Rossman (2011), further state that visual meanings are also typically lost during the transcription process. To counter this shortcoming, I took field notes during the course of conducting the interviews.

The transcription process may also result in situations where sentences and topics are left incomplete. Where such a case arose, I shared the transcribed interview with participants, ensuring that meanings were accurate and well captured. Patton (2002) contends that a perfect research design does not exist, but endorses that some scientific procedure should be followed. I therefore endeavoured to observe the highest possible technical standards in the collection of data, the analysis thereof as well as its presentation. All sources that I consulted were acknowledged, and all findings were reported in an ethical manner.

1.9.9 My scientific beliefs

An important step in qualitative research entails the researcher clearly stating his/her world view. Locke (2001) argues that the selected philosophy is determined by the
researcher’s beliefs. Two concepts which relate to the scientific beliefs of a researcher are ontology and epistemology. Ontology is referred to as the “nature of reality to be studied and what can be known about it” (Terre Blanche & Durrheim, 1999, p. 6). Epistemology refers to “the nature of the relationship between the researcher and what can be known” (Terre Blanche & Durrheim, 1999, p. 6). Based on these above two concepts, a researcher’s worldly perspective is thus shaped by his/her social and cultural background (Watson, 2005). As a result, my own African and Christian background ultimately shapes my frame of thinking and my philosophical stance.

My personal ontological and epistemological stances are outlined below as:

- The complexity of the world and its circumstances are shaped by individuals and their reaction to it.
- Research participants create their own reality, which is normally flexible.
- Researcher objectivity becomes challenging because researchers interact with participants. This ultimately leads to subjective relationships being formed with research participants.
- The experiences of others are best understood by relating to them.
- It is important to analyse individuals in their “open systems”, referring to individuals’ “own space, around their natural environment” (Willig, 2001, p. 9).

1.10 Ethical considerations

When indulging in a study of this level, a number of ethical considerations should be noted. Hofstee (2006) suggests that in order to conduct research in an ethical manner, a number of guidelines should be observed. With these in mind, I strived to abide by these ethical rules when my research was conducted, as set out below:

Respect for individuals is an important aspect. To ensure the highest ethical standards for my study, permission was sought to conduct this research from the University of Johannesburg through this research proposal. Permission was also sought from my employer to conduct the study within the workplace, and further consent was sought
from the trade union representatives who formed a part of my study. Further to this, my participants were provided with adequate information that facilitated informed consent. In this regard, participants were required to sign a consent memorandum which included research interests and parameters, free-will participation, and confidentiality (Marshal & Rossman, 2011). Participants’ right to privacy was reserved, as well as their confidentiality and anonymity. I further pledged not to harm participants in any manner, whether emotionally, psychologically or physically.

People usually adjust to meet researchers; they give their time, forgo their priorities and schedules, or tolerate the presence of the researcher. In return, the researcher has to reciprocate (Marshal & Rossman, 2011). In this regard, I provided formal and/or informal feedback and listened attentively during the interviews.

1.11 Reliability and validity

Pellissier (2007) states that the reliability of research relates to the degree that other researchers may utilise the same methods and obtain identical results. Validity relates to the degree that specific methods accurately indicate the concept that it intends to measure (Babbie & Mouton, 2001). The above mentioned concepts both contribute towards the trustworthiness of a study.

Marshall and Rossman (2011), raise the topic of trustworthiness within qualitative research and further argue that credibility, dependability, confirmability and transferability of research should be demonstrated throughout the research process. This can only be achieved when procedures are observed to ensure trustworthiness. Lincoln and Guba (1985) state that for validity and credibility purposes, having prolonged engagements with respondents is important, sharing data and its understanding with respondents for member checks, and triangulating gathered data from and through multiple sources. Within my study, I observed all these processes mentioned above, as a means to ensure the reliability and validity of my study.

1.12 Summary
This chapter introduced a background of the research problem and articulated the research study’s problem statement. Additionally, it described the objectives related to the study, and how the study was conducted. Research methods and approaches that were utilised were briefly explained, as they are described in detail in Chapter Three of the study.

Disciplinary action plays an important role in the maintenance of order in an organisation, particularly when they are implemented with the desire of correcting workplace behaviour. However, where they are used as a tool to punish for self-serving purposes, it victimizes employees in the workplace, and does not achieve its desired results. This could lead to employees declaring litigation processes at external dispute resolution bodies, where unnecessary wastage of financial and human resources result. Therefore, assessing the consistency of disciplinary measures within a state owned entity, is imperative. The next chapter focuses on disciplinary action and its processes, which is discussed with other relevant elements in greater detail.
CHAPTER 2

Concepts, perspectives and ideologies related to disciplinary action in the workplace

2.1 Introduction

The maintenance of discipline and order is essential among employees to achieve the objectives of an organisation and to promote sound relations among its employees. Grogan (2009) recognises that it is the responsibility of management within an organisation to maintain discipline, in order to direct employees’ behaviour towards the achievement of organisational goals.

A number of concepts related to the employer-employee relationship play a role in the effective maintenance of discipline. These relate to concepts such as dispute resolution, joint decision making and fairness to mention a few. Finnemore (2006) acknowledges that consistency is a further central principle to discipline, and proclaims that deviations from formalised policies and procedures on discipline can negatively affect the employment relationship, as well as the organisation as a whole. Bendix (2010) advances that an effective disciplinary process ensures that discipline is not enacted in a disorderly manner and that it is carried out in accordance with a fair procedure. Du Plessis and Fouche (2006), states that a fair and correct procedure ensures that all employees in a business are treated in the same way, providing for consistency in the disciplinary system of the organisation. van Niekerk et al., (2012) refer to consistency as employees receiving the same sanctions when circumstances around an act of misconduct are the same in the workplace, with no differentiating factors being present in the misconduct cases.

Consistency is the common concept which emerges throughout the literature review, as it is the key principle which forms the basis for this study. A number of elements related to disciplinary action will also be discussed, and how these impact on the effectiveness of disciplinary measures. Grogan (2009) declares that laws relating to the employment relationship have undergone dynamic and frequent changes over the last few decades.
With these in mind, the origins of disciplinary action are examined, as well as its evolution over the last number of decades.

### 2.2 The origins of disciplinary action

The perceptions of individuals relating to work vary, depending on the nature of the work performed. Finnemore (2006) postulates that generally, a negative attitude towards work exists in man. Certo (2006) adds to this perspective by stating that traditionally, work is no more than a necessary “evil” to most individuals.

Bendix (2010) explains that biblically, work was a form of punishment given to man for its original sin. Bendix (2010) further claims that Israelites too regarded work as a form of amends for defying the word of the Lord. In ancient Greece, work was perceived as being an undignified and drudgery activity, likened to a curse placed upon man (Finnemore, 2006). Bendix (2010) suggests that this led to the institutionalisation of slavery, where the Greeks used discipline as a measure of punishment to ensure that slaves obeyed their orders without question and that tasks were executed according to the manner wished for by the master. These perspectives outline the negative connotation associated with discipline, where it is viewed as a measure of punishment for disobeying the command of those in authority (van Niekerk et al., 2012). Although the views stated are ascribed to the pre-industrial era, they remain an influencing perspective on modern perceptions towards work. As a result of these historical events, du Plessis and Fouche (2006), advocate for the utilisation of disciplinary action to maintain a level of order to the employment relationship. Certo (2006) explains that discipline is designed to actually correct behaviour towards the achievement of organisational goals and, therefore, should not be seen as a means of punishment. When discipline is perceived as an act of punishment, it deteriorates its effectiveness and defeats the positive outcomes which can be derived from it (Adams, 2007). Clyde and Wilkinson (2012), highlight that discipline, like any system, is created to provide reasonable boundaries within which parties operate to achieve mutually beneficial objectives. Discipline is, therefore, a prerogative of management to regulate the employment relationship, but this must be exercised with reasonable care and responsibility in order to achieve its ultimate purpose. Daniels (2006) views this as the
mutually explicit goal of the relationship, which is to ensure that both parties adhere to the essentials of the employment contract.

du Plessis and Fouche (2006), explains that historically, an employment contract was viewed as a type of lease, and keeping with the Roman-Dutch law of individualistic forms, only the individual aspects of that relationship was dealt with. Grogan (2009) states that this relationship was categorised squarely within the private sphere and with the exclusion of civil service employment, was governed by the common law regulations governing contracts.

2.2.1 Discipline and the common law contract of employment

Finnemore (2006) acknowledges that the common law values of the service contract relate to the previous master and servant relationship that represented employment relations in an era of minimal legislation relating to labour relationships. du Plessis and Fouche (2006), further state that the contract of service (or employment) is regarded as traditionally being a sub-species of the contract of lease under the common law, with its roots in Roman law. du Plessis and Fouche (2010), further advocate that under roman law, three types of lease agreements exist being “locatio conductio rei or the rental of a thing, locatio conductio operarum or the hiring of services and locatio conductio operis or the hiring of a piece of work” (p. 9).

van Niekerk et al., (2012) observe that under common law, employees possess an inherent duty to provide their services as expected under the contract, to remain reasonably efficient and to obey lawful instructions by their employer, amongst others. It is in the latter where the potential for conflict exists, as the unequal power in the employment relationship could become a factor in this regard. Mosley Jr, Mosley Sr, and Pietri (2011) are of the opinion that where management feel that employees are disobedient to their authority, they tend to make use of disciplinary action to regulate the employment relationship and restore order to their authority. Bendix (2010) detects that under the common law, the employer held more power than the employee, which had the effect of rendering the employment relationship unequal. Mathis, Jackson, and Valentine (2014) argue that under these circumstances it could be inferred that
employees entered contracts under the common law, which would eventually lead to their exploitation. Grogan (2009) further contends that the common law allowed employees no say in management decisions, which directly affected their working conditions and legitimate interests, resulting in no effective protection in relation to job security. An employee could, for example, be dismissed under common law with no recourse of action at the disposal of that employee.

Finnemore (2006) concurs that, as a result of the inherent inequality in the employment relationship, legislatures were enacted to address the shortcomings which were prevalent under common law. Grogan (2009) explains that legislatures favoured three methods of redressing these inequalities; firstly, by imposing minimum conditions of employment, secondly by promoting the ideal of collective bargaining and thirdly, by developing specialist tribunals to develop equitable rules in the workplace. These would ensure that employees’ rights are protected, and that discipline would not be meted out in an arbitrary manner. Bendix (2010) highlights that statutory regulation of the common law contract of employment can be traced back to 1349, when the first so-called master and servant laws were enacted in England. Discipline and employment relations and its accompanied history are naturally different from country to country, with different influences and legacies having played a part in its evolution.

2.2.2 The global evolution of employment relations and discipline

Intervention by the legislature into the employment relationship is said to have been motivated by the realisation that rules regarding the contract of employment disregard the inherently unequal power present between employer and employee (van Niekerk et al., 2012). Clyde and Wilkinson (2012), explain that as a result, countries all over the world have experienced changes pertaining to the nature of their employment relationships and the rules which govern them.

Cooney, Gahan and Mitchell (2009) mention that while comparisons have been drawn internationally between employment relations and labour law influences which are shared in academic writing, little emphasis had been placed on the concepts of legal family and legal origin. Cooney et al., (2009) suggest that, consequently, scholars have
sought to justify variations between labour law regimes, and have focused on aspects such as political context to gain meaning. The extensive interest in employment origins as a method of examining dissimilarities between labour law systems is thus a recently discovered phenomenon (Bendix, 2010). The origins and development of employment relations and discipline thus has a unique origin in every country, with different forces and influences having shaped its eventual existence.

2.2.2.1 The development of discipline and employment relations in England

According to Rendell (2000), the rules of natural justice in England are expressed in terms of the *audi alterant partem* rule, and the case-law on this subject is large and confusing. Deakin, Lele and Mathias (2007) illustrate the importance by which the timing of industrialisation in relation to the evolution of British labour law was significant.

Upon the commencement of industrialisation in Britain, the previous form of labour regulations founded on the master and servant laws were still present, in comparison to Europe where the codified laws of private contract was already institutionalised (Deakin, 2008). Cooney et al., (2009) assert that the ancient forms of directive persisted in Britain well into the late 19th century, progressing the tradition of tough managerial prerogative through guardianship and viewed employment as a service, ensuring enforcement by means of criminal sanctions. This is to say that employees who would question decisions made by their employers, whether in relation to discipline or not, would face criminal prosecution for such defiance. The contract of employment as it is now understood in the common law world did not fully emerge in Britain until the 1920’s-1930’s (Cooney et al., 2009). Due to changing market conditions and the need for more sophisticated systems of employment relations, the common law contract had to be amended to provide for more employee rights and protections (Deakin et al, 2007). This allowed employees the right to be notified of an impending disciplinary enquiry, as well as the opportunity to be heard in relation to any accusations of wrongdoing (Deakin, 2008). These are factors, which were missing under the common law regulations and worked to the detriment of employees.
Rendell (2000) states that the current system is largely due to constantly changing market forces which increasingly occurred in the late 1980’s, where the British government understood the need for regulating the employment relationship and greater protections which were needed by employees.

2.2.2.2 The United States of America

Kalleberg (2009) acknowledges that employment relations is the central mechanism through which employees in the United States obtain rights and benefits related to their work in respect of labour law and social security. “These relations differ in the relative power of employers and employees to control tasks, negotiate the conditions of employment, and terminate a job” (Kalleberg, 2009, p.12).

During the 1930s, certain laws were passed, such as laws associated with wages and hours of work, minimum wage levels, as well as retirement unemployment insurance, which increased the percentage of employees whose work provided employment security (Amenta, 1998). Kalleberg (2009) explains that the power of employers were restricted over terms of employment, as workers’ right to bargain collectively was approved by the passing of the Wagner Act in 1935, together with enhanced governmental controls over conditions of work and employment practices. Bendix (2010) explains that subsequent amendments to the Wagner Act in 1947 and 1959 established certain rights such as the regulation of recognition to trade unions and the formation of bargaining units. These structural changes resulted in precarious work formations and employment relations, which were consequently influenced by economic forces (Kalleberg, 2009). Deakin et al., (2007) postulate that the extent of precarity differs among organisations in the United States, which are dependent on factors such as the relative power of management and employees, as well as the nature of their psychological and social contracts.

Finnemore (2006) highlights that according to American labour legislation, trade unions are free to operate, but so is management. Management actions are limited mainly through their agreements with trade unions, but their prerogative is stronger where no such agreements exist (Finnemore, 2006). This view is supported by Bendix (2010),
who submits that in non-unionised organisations in America, an employee’s services can be terminated without providing any reasons, and employee reductions for operational requirements could be undertaken at the discretion of management. Van Niekerk et al., (2006) suggest that owing to the strong individualistic perspective in America, successive governments have chosen to minimally interfere in employment relations. Although unions have directed their attentions to the matters of fairness and employment justice, efforts at achieving enhanced regulation of the employment relationship have been unsuccessful, branding the National Labour Relations Act in the country as ineffective (Bendix, 2010).

2.2.2.3 Japan

In relation to employment relations in Japan, Schregle (1993) mentions that the Japanese public, as a principle of society, expects employers to do everything they can to avoid dismissals and terminations to employment. This is as a result of the Japanese philosophy of lifetime employment, and loyalty of an individual to one employer throughout his/her working life (Bendix, 2010).

Schregle (1993) adds that there are only two pieces of legislation in Japan dealing with dismissals; Article 627 of the Civil Code, which states that a contract of employment may be terminated with notice of two weeks by either party without justification. Secondly, Article 20 of the Labor Standards Act of 1947, which extends the notice period to thirty days for dismissal (Schregle, 1993). Sugayami (2011) confirms that the Labor Standards Act requires no rationalisation or explanation for dismissal with notice. Schregle (1993) mentions that provisions in respect of dismissal are on occasions contained in collective agreements, or they are articulated in work rules formulated by management after subsequent consultations with organised labour. These provisions typically deal with disciplinary sanctions including dismissal, although they seldom relate to dismissals for operational requirements (Schregle, 1993). Bendix (2010) again suggests that this may be owing to the Japanese perspective of lifetime employment. Although the Japanese society traditionally holds this perspective, it is dispelled in certain instances. Disciplinary action, which could result in dismissal, is understood only
in circumstances where the employer can illustrate that every possible measure was taken to avoid dismissal. du Plessis and Fouche (2006), assume that this may refer to instances of gross misconduct such as theft, dishonesty, assault in the workplace and gross insubordination. Although these acts may not be common amongst the Japanese workforce, it cannot be discounted that they do not or will not occur.

Japanese courts have ultimately accepted the notion of factually reasonable and socially justifiable causes for dismissal, as the courts consider mostly every advantageous factor afforded to employees in the country (Schregle, 1993). This would mean, for all intents and purposes, that the legitimacy of a dismissal is denied, except in cases, which involve serious misconduct by the employee.

2.3 The history and development of discipline and employment relations in South Africa

Finnemore (2006) proclaims that South African labour law contains an encompassing application of the contract of employment as set out in common law, with a diversity of statutory laws. This meant that employees enjoyed very little protection under the common law, and could be disciplined and have their contracts terminated without any notice or justifiable reason for doing so. The employment relationship, however, was influenced through custom and practice as well as agreements stemming from employer and employee collective bargaining (Grogan, 2009). This brought with it a few protections to employees’ conditions of service, as economic developments necessitated a change in the nature of employment contracts (Bendix, 2010).

du Plessis and Fouche (2006), agree that labour legislation in South Africa is founded on the individual employment contract, yet it continually developed with the requirements of agreed collective agreements and legislation. Employees in South Africa have not always enjoyed the rich labour protections which exist currently, as an unequal society was created under the apartheid government in South Africa. van Niekerk et al., (2012) explain that the development of labour legislation was brought upon during a period of rapid industrialisation, after the discovery of diamonds and gold during the second half of the nineteenth century in South Africa. The foundations of the
Labour Relations Act were enacted mainly in response to occurrences in 1922, where White workers embarked on strike action on the mines. One consequence of that strike was the promulgation of the Industrial Conciliation Act in 1924, resulting in the establishment of trade unions, employer organisations and voluntary collective agreements, which could be enforced through criminal sanctions (Finnemore, 2006). The Act only had applicability to White workers, and in 1934, the Van Reenen Commission revised the Act, and in 1937, a new Industrial Conciliation Act was passed (Finnemore, 2006). Bendix (2010) adds that in 1956, the Industrial Conciliation Act was enacted, which entrenched the exclusion of Black employees from statutory systems, consistent with the racist policies of the government at the time.

Grogan (2009) explains that the late 1960’s economic boom resulted in an increased demand for skilled labourers, moving them into the higher skilled occupations. This resulted in the government appointing the Wiehahn Commission in 1977, tasked with making recommendations into existing labour legislation (Finnemore, 2006). Bendix (2010) confirms that during the “labour unrest” in 1973, trade unions representing mostly black workers started rejecting the country’s racist labour system, striking to seek improved protections for workers. In 1979, the Wiehahn Commission’s findings enacted amendments to the 1956 Industrial Conciliation Act, with trade union rights being afforded to black employees and a definition of unfair labour practices being established (du Plessis & Fouche, 2006). Bendix (2010) states that the definition of unfair labour practice resulted in a comprehensive, but inconsistent jurisprudence which emerged from Industrial Courts during the 1980-1994 period. This jurisprudence had the significance of developing and applying the concept of fairness within the employment relationship (Bendix, 2010). van Niekerk et al., (2012) express that during this period, for the first time, the employment context and contractual terms were now directly subordinate to issues of fairness, with the employer’s conduct being subjected to scrutiny under that basis.

“With the birth of a new, democratic South Africa it was necessary to reform the labour laws of the country” (du Plessis & Fouche, 2006, p. 195). Bendix (2010) articulates that soon after the election of the new government in 1994, the Labour Minister went about
initiating a five year plan to remodel legal frameworks as well as the regulatory institutions to the labour market. Overhauling laws regulating employment relations was the opening step to this process, with a revision of the 1956 Act (Bendix, 2010). van Niekerk et al., (2012) outline that a task team was appointed with approved terms of reference, to provide a blueprint to a new Labour Relations Act. Grogan (2009) explains that the enactment of an interim constitution as well as its inclusion of labour rights in a Bill of Rights established new requirements and guidelines for the labour market. In 1994, South Africa rejoined the International Labour Organisation and embarked on strategies to ratify core conventions of the ILO (Grogan, 2009). The LRA of 1956, with its amendments effected after 1979, required a long overdue overhaul, as it was now an unworkable portion of legislation (Finnemore, 2006). The task team appointed to revamp labour legislation released a negotiating document, with the view of reaching consensus with social partners on the finalisation of the new legislation (van Niekerk et al., 2012). A year later, the Labour Relations Act 66 of 1995 came into being, followed by the BCEA in 1997, the EEA in 1998, and the SDA in 1998 to complete the set of legislation regulating the labour market in South Africa (van Niekerk et al., 2012).

Bendix (2012) confirms that the LRA remains the primary piece of labour legislation in South Africa. The Act regulates factors such as the right to strike, organise and bargain collectively, but also, importantly, provides protection to employees against unfair labour practices and unfair dismissals (Grogan, 2009). The LRA further articulates that to discipline any employee, there should be a substantively and procedurally fair reason for doing so, ensuring that every employee does not suffer any adverse effects resulting from discipline being meted out arbitrarily by management (Finnemore, 2006).

2.4 Elements related to disciplinary action within the South African context.

Due to South Africa’s unique history, employment relations and discipline in the workplace form an important element within society (Bendix, 2010). du Plessis and Fouche (2006), recognise that South Africa has one of the most progressive constitutions in the world, which gives effect to labour rights and protections to employees in the workplace. Employment commissions and labour courts are further
established for this purpose, in order to regulate the employment relationship and to ensure that discipline is implemented in a fair manner (van Niekerk et al., 2012).

2.4.1 Discipline in the workplace

Grogan (2009) acknowledges that the interaction between employer and employees is a reciprocal, yet delicate relationship within the workplace. This is because employees provide their labour to employers in return for remuneration and other organisational benefits, while the employer utilises this labour for economic and competitive purposes. Islam, Khan, Ahmad and Ahmed (2012) state that organisations today compete on a global stage, with each organisation attempting to gain a competitive advantage over its rivals.

In order to achieve this objective, organisations utilise discipline to maintain order and ensure that policies and processes are adhered to. Mathis et al., (2014) define discipline as a form of training which upholds rules within an organisation. Certo (2006) defines discipline as steps undertaken by management to avoid employees breaking any workplace rules. The theme which is common among both definitions is the need to uphold organisational rules, as a manner to provide structure and order within the workplace. Without this, employees would have no direction to channel their energies towards the achievement of organisational goals and no form of accountability would exist (Bendix, 2010). Cole (2004) explains that clarifying work processes, rules of the organisation and corporate procedures are an important aspect of the employment relationship. This ensures that employees are aware of what is expected of them, and can therefore adjust their behaviour to these standards (Grogan, 2009). Where, however, this is not forthcoming, managers as organisational leaders have a duty to restore order and correct the behaviour of employees.

In correcting this behaviour, Certo (2006) states that a supervisor must differentiate between punishment and discipline. Certo (2006) explains that punishment is an undesirable consequence in response to undesirable behaviour, while discipline is a teaching process; correcting the behaviour of employees and explaining the importance and consequences of that behaviour. In correcting this behaviour, Camen, Croucher,
and Leigh (2008) mention two options available to managers; the formal disciplinary approach, as well as the progressive disciplinary approach.

### 2.4.2 Types of discipline

These two approaches represent two methods of disciplinary measures within the workplace. Both approaches seek to correct behaviour on the part of employees, but the formality involved in both approaches varies to some extent in its application (van Niekerk et al., 2012).

Effective performance within organisations requires that both managerial and non-managerial staff must observe discipline. Mosley Jr et al., (2011) argue that most employees within organisations prefer working in groups that are well structured and well-disciplined than groups that are not. This necessitates formal systems in the workplace whereby work is structured and each employee knows what is expected of them (Adams, 2007). Any behaviour contrary to this should be addressed and administered, through a formal and systematic process of discipline. Certo (2006) states that as soon as a supervisor becomes aware of behaviour contrary to organisational goals, these needs to be addressed as soon as possible. This will involve informing the employee of the contrary behaviour, and allowing the employee an opportunity to state his/her case in response to the allegation of problematic behaviour (Bendix, 2010). van Niekerk et.al, (2012) further explains that the employee should be allowed a reasonable time frame to respond to the allegations of unsatisfactory behaviour, and should be afforded the opportunity to have a trade union representative or fellow employee represent him/her at the disciplinary hearing. At this disciplinary hearing, both sides of the story should be heard, that of the manager alleging unsatisfactory behaviour and that of the employee in defense of this allegation (Finnemore, 2006).

The version of events will be heard by a disciplinary panel, which will weigh both sides of the event on a balance of probability on the most likely account (Van der Bank et.al, 2008). Thereafter, parties to the dispute will submit arguments in mitigation or aggravation of the dispute before the disciplinary panel. Finnemore (2006) defines
mitigating factors as those reasons why the disciplinary panel should apply a lenient sanction on the accused employee. These may refer to factors such as long years of service, seniority within the organisation and a clean disciplinary record on the part of the employee (Finnemore, 2006). Daniels (2006) refers to aggravating factors as those that support an appropriate sanction in relation to the offence committed. These refer to factors such as the severity of the offence committed, and the breakdown of the trust relationship between employer and employee (Daniels, 2006). Once these factors have been considered, the chairperson of the disciplinary panel will deliver a sanction, in writing to the accused employee (du Plessis & Fouche, 2006). In addition to this formal approach to discipline, an alternative approach is available to managers within an organisation. This is referred to as progressive discipline.

Progressive discipline is a less formal, but structured approach to disciplinary action within the workplace (Certo, 2006). It is directed towards systematically correcting behaviour, whilst recording every effort made towards achieving that objective. Mathis et al., (2014) define progressive discipline as incorporating steps that develop progressively into more stringent forms designed to change an employee’s unacceptable work behaviour. Mosley et al., (2011) further defines progressive discipline as involving a graduated scale of sanctions.

Du Plessis and Fouche (2006), explain that the principle behind progressive discipline is the speed at which the matter is dealt with. This is because the supervisor/manager usually addresses the issue immediately when it comes to his/her attention and without higher approval being sought to deal with the matter, as is the case in a formal disciplinary enquiry. It can thus be reasonably inferred that progressive discipline is used to deal with less severe forms of misconduct. Mosley et al., (2011) state that the usual steps in a progressive disciplinary process are as follows:

An oral warning that goes into the employees record, a written reprimand in the form of a written warning, which comes from a level above the supervisor, a final written warning if the undesirable behaviour continues, and finally, dismissal when the behaviour continues or a serious act of misconduct is committed.
The process mentioned highlights the graduated steps taken to improve employee behaviour, although there are instances where these steps will not be systematically followed. Mathis et al., (2014) clarify that certain serious offences are excluded from the progressive disciplinary procedure and would warrant immediate dismissal. These would refer to cases such as gross misconduct, dishonesty, theft, fraud and other offences of such a nature (Van der Bank et al., 2008). These offences go to the heart of the trust relationship, and could lead to an irreparable breakdown of the trust relationship. This view is shared by Franklin and Pagan (2006) who suggest that once the trust relationship irreparably breaks down between employer and employee, a fair and consistent disciplinary process should be implemented to deal with this breakdown.

2.4.3 Positive discipline

This is yet another form of discipline available to an employer, which shares a few common principles with that of progressive discipline. Mathis et al., (2014) explain that the positive disciplinary approach is built on the philosophy that violations are acts which can usually be remedied constructively without the need for a sanction. Camen et al., (2008) expand that in this approach to discipline, the manager focuses on utilising facts and guidance to motivate desirable behaviour rather than on using sanctions to discourage certain behaviour.

Mathis et al., (2014) outline four steps to positive discipline, as follows:

1. **Counselling**: where the objective of this step is to increase the awareness of the employee on the policies and procedures of the organisation;
2. **Written documentation**: if the employee fails to correct the undesirable behaviour, a second meeting becomes necessary. This stage is documented in written form and solutions are developed to avoid further problems from occurring;
3. **Final warnings**: occurs where the employee fails to heed the written solutions identified in the second step. In this meeting, the manager/supervisor again highlights the importance of correcting the undesirable behaviour of the employee, accompanied by a final written warning; and
4. **Dismissal**: occurs where the employee failed to follow the action plan that was formulated and further problems still do exist. In this case, a manager would be justified in dismissing an employee.

Mathis et al., (2014) explain that an advantage of this approach is that it focuses on finding constructive solutions to problems. So, while the positive approach to discipline is a more lenient approach to correcting behaviour, the benefits derived may go a long way in creating improved relations between employees and their managers in the workplace (Franklin & Pagan, 2006).

### 2.4.4 The role of the supervisor/line manager in the disciplinary process

Whenever unsatisfactory performance is observed or misconduct is committed on the part of employees, the immediate line manager/supervisor is usually the first to know about this (Certo, 2006). This is because the implicated employee would usually work within a specific area, as the line manager would have a number of employees reporting to him/her within that specific area of the business.

Hall, Pilbeam, and Corbridge (2013) define line managers as those who have teams or individual employees reporting directly to them within a business. These line managers report to senior management on the performance of those teams or individual employees. Hall et al., (2013) further go on to state that line managers should be carefully selected within an organisation, paying special attention to competencies related to behavioural outcomes such as emotional intelligence, leadership and communication amongst others. This is because line managers usually have an individual or individuals reporting to him/her and must get them to work together to achieve strategic objectives within the business (Adams, 2007). When any one or more of these individuals behave in a contrary manner to this objective, the line manager is responsible for correcting the behaviour and this is where the line manager’s role in dispensing discipline becomes important. Belker and Topchik (2005) suggest that when managing employees, line managers should confront problematic behaviours on the part of their employees. One reason for this is that a fundamental duty of any manager is to manage, and another is that an organisation expects its managers to have the
interests of the business at heart. Hall et al., (2013) therefore submits that any individual who behaves in ways that threatens the interests of the business would thus have to be dealt with in an appropriate way.

Although what has been said is theoretically correct, not all line managers execute the task of disciplining their employees in the correct manner. This can result in problematic behaviours not being addressed, and this can later manifest itself into even more problems within the workplace. Belker and Topchik (2005) conclude that when line managers allow problematic behaviour to continue, they are sending out a message to others that it is acceptable to behave in that manner. This also results in the rest of the staff losing trust and confidence in a particular manager. Franklin and Pagan (2006), advances that when employees see a manager not addressing a problematic issue, they feel as though the manager does not have the ability to manage difficult employees or even worse that these managers simply do not care. When these perceptions are held by employees, line managers could find it difficult to motivate the group and channelling their efforts to achieve objectives in the workplace (Van der Bank et al, 2008). Certo (2006) proposes that a manager’s basic function is to ensure that the business meets its objectives, and an inability to do this will create an overall perception that the manager is unable to perform his/her basic duties.

An equally important task of any manager is to ensure that discipline is carried out in a fair and objective manner. Supervisors, as human beings, should possess the ability to work well with others, and treating employees with respect is thus important (Grogan, 2009). However, some line managers may utilise discipline as a means of punishing employees, creating personal vendettas in the workplace. Belker and Topchik (2005) recommend that discipline should always be impersonal, and is a function which should be carried out privately within a business. This will ensure that the employee’s dignity remains intact, while correcting the problematic behaviour (Mathis et al., 2014). The problem really occurs where certain line managers would use this opportunity to humiliate the employee, allowing their personal issues to cloud their judgement (Adams, 2007). Mathis et al., (2014) postulate that this could be as a result of a lack of emotional
intelligence from line managers or the inability to remove their personalities from the functioning of a business.

Mosley et al., (2011) mentions that as a line manager, one should not get involved in personalities when administering discipline. Grogan (2009) goes on to explain that a manager should be as objective as possible to ensure that when the disciplinary process is complete, some form of relationship should remain between the manager and employee. Mosley et al., (2011) propose that the act of misconduct or poor performance should be disciplined, and not the person. “Administering discipline in such a manner will ensure that the employee’s work behaviour will be consistent with that expected from the organisation” (Mosley, 2011, p.467).

2.4.5 The role of HR professionals in the disciplinary process

The HR function within a business is a support service to the organisation. HR professionals advise line managers on the implementation of policies and procedures, and the management of employees on a daily basis (Camen et al., 2008). Nieto (2006) indicates that human resource professionals should strive to position themselves to advise the business on possible reasons for tension and difficulties in the employment relationship, and how to avoid unnecessary conflicts, where possible.

It should also be understood that line managers are specialists within their respective areas of the business, and may not be effectively equipped to deal with human relation issues and discipline in the workplace (Burke & Cooper, 2008). This is where the HR function provides a support service to the business, advising line managers on how to effectively deal with discipline and the issues which stem from it (Adams, 2007). As HR professionals, these individuals need to provide expert advice and solutions to various employee issues in the workplace (Camen et al., 2008). Bendix (2010) further clarifies that resolving conflict is a competence which lies within the HR function, and that HR should guide the organisation on effective methods to utilise as a means to ensure that employee behaviour is corrected and effective. This may not always be an easy task, as certain line managers may make decisions regarding disciplinary action without consulting HR on the matter. Mathis et al., (2014) mention that HR advice can be
perceived as being subjective by managers who do not possess an understanding of the basics of employee relations. du Plessis and Fouche (2006), postulate that this perspective could lead to discipline being implemented in an incorrect manner, resulting in undesirable outcomes as well as the inconsistent application of disciplinary measures. The HR function is designed to guide the business on a variety of issues relating to the employment relationship (Camen et al., 2008). Franklin and Pagan (2006), indicate that an explanation in variations to discipline may be the influence of organisational culture on line managers in dispensing discipline. The organisation may have a culture of ignoring HR advice in relation to disciplinary action, instead of implementing it to achieve their own selfish objectives. Where line managers choose to ignore HR advice and implement discipline according to their own analysis of a situation, the consequences thereof may be unpleasant for an organisation (Certo, 2006).

The HR function, in practice, is also responsible for constituting a disciplinary panel within most organisations. The role of HR within this panel will be to guide the chairperson of the disciplinary hearing on how to conduct a fair and objective process, and the appropriate sanction that should be imposed on an employee who is found guilty of misconduct (Nieto, 2006).

2.4.6 The role of the disciplinary panel in the disciplinary process

In modern employment relations, disciplinary action is viewed as a corrective measure rather than as a punitive one (Grogan, 2009). Within the South African context, organisations utilise disciplinary panels to achieve this objective, and to ensure that the employees’ behaviour is either corrected, or that the employee exits the workplace in serious misconduct cases (du Plessis & Fouche, 2006).

van Niekerk et al., (2012) outline that the disciplinary panel usually consists of; a chairperson, who presides over the hearing and makes a finding; an initiator, who leads the misconduct charges on behalf of the employer; and an HR representative, who guides the process and assists the chairperson in reaching a verdict. Bendix (2012) proposes that the disciplinary panel is an effective method for any organisation, but only
if the chairperson is neutral and objective in the process. Finnemore (2006) agrees that a hearing should be chaired by an individual who is not or has not been involved in the dispute, having no prior knowledge of any allegations against the employee. Burke and Cooper (2008), further substantiate this by proclaiming that chairpersons’ should set aside their personal feelings and bias, and treat both parties in a respectful and fair manner. Bendix (2010) argues that as much as this can be done by a chairperson, senior management could at times become involved in the verdicts that are delivered by the disciplinary panel and may even motivate for a harsher sanction, if a personal agenda is involved in the disciplinary action. This compromises the integrity of the process, while the disciplinary panel may feel helpless with instructions coming from the top (van Niekerk et al., 2012). In SA Revenue Service V CCMA & others (2014) the accused employee pleaded guilty to the offence, and the chairperson suspended the employee without pay for two weeks and gave him a final written warning. Management regarded the sanction as inadequate and summarily dismissed the employee. When the employee referred the case as an unfair dismissal dispute to the CCMA, it ruled in his favour and viewed management’s interference in the disciplinary hearing as unfair.

The above case proves how costly senior management’s actions can be viewed if it is driven by a personal agenda, and not one of correcting behaviour. du Plessis and Fouche (2006), therefore, advocate the importance of an objective disciplinary panel to ensure that an organisation complies with its disciplinary procedures and practices.

2.4.7 The role of the trade union representative in the disciplinary process

Trade union representatives play an important role within South African workplaces, especially in the background of inequalities and past segregations (van Niekerk et al., 2012) Finnemore (2006) defines a trade union representative as an elected employee mandated with protecting employees’ rights, whilst promoting fair labour practices in the workplace.

Within disciplinary hearings, these representatives also play a defining role, as they could be requested to represent employees who are members of their union (Bendix, 2010). The union representative would then be tasked with defending the case of the
accused employee, monitoring the fairness of the process while also examining witnesses and cross-examining management’s witnesses (van Niekerk et al., 2012). Rendell (2000) defines the process of examining witnesses as a method of relating a story and its authenticity through the verbal evidence of others, while cross-examining is a technique of challenging the evidence of others by casting doubt on it. Grogan (2009) suggests that these two techniques could assist the accused employee’s case, while attempting to uncover the true nature of the allegations. Finnemore (2006) claims that having a union representative present adds substance to a disciplinary hearing, while protecting the employee’s rights, as set out in the Code of Good Practice: Dismissal, as articulated in the LRA 66 of 1995. The union representative further protects the employee from an unprocedural hearing, while assisting lower level employees who may not be conversant with employment relations and disciplinary practices in the workplace (Burke & Cooper, 2008).

Given South Africa’s troubled and exploitative past, trade unions and its representatives is a key instrument in protecting employees’ rights and interests (du Plessis & Fouche, 2006). Bendix (2010) further adds that they ensure that management comply with their disciplinary codes and procedures, and that no employee is subjected to an unfair and inconsistent disciplinary hearing in the workplace.

2.4.8 The influence of organisational culture on consistent disciplinary action

Within all organisations, regardless of their size or nature, an organisational culture exists. Franklin and Pagan (2006), define an organisation’s culture as a structure of common beliefs and values shared by employees, and comprises tangible and intangible cues constructed within the business. Nieto (2006) defines organisational culture as a set of acceptable behaviours and norms, which operates within a business.

Organisational culture, in relation to discipline, is important, as managers will approach a situation based on what they perceive to be appropriate. Mathis et al., (2014) advocate that culture will dictate decisions taken by managers within a business. If an organisation breeds the culture of applying discipline inconsistently or allows problematic behaviours to continue, managers may follow this precedent and approach
disciplinary situations in the same manner (Adams, 2007). This view is supported by Franklin and Pagan (2006), who state that the culture within the workplace provides a sense of guidance on what employees may or may not do within the business. Leaders within a business who approach disciplinary action in a personal manner not only jeopardises its effectiveness, but also contribute to a negative organisational culture and system of operation. O’Neil and Horne (2012) explain that the manner in which managers make decisions is one of the main influences on an organisation’s culture. It may thus be reasonable to infer that when managers use discipline to punish employees or apply it in an inconsistent manner, other managers may follow this example, and do the same when given an opportunity to do so.

To avoid creating a culture of inconsistent and personal disciplinary action, managers would be advised to evaluate each case of misconduct or poor performance based on its merits (Camen et al., 2008). This view is supported by Mosley et al., (2011) who recommend that managers should adhere to a correct process when constituting disciplinary action against employees. This would ensure that employees are treated in a consistent manner, and that the prerogative of managers is exercised in a responsible manner (Nieto, 2006). This may contribute to a culture of fairness and transparency that is established in the organisation, where the actions of leaders are consistent and objective.

2.4.9 Perceptions of fair treatment in the workplace

Fair treatment in the workplace is an element, which both employer and employees search for within the employment relationship (Bendix, 2010). Employers expect employees to obey reasonable work instructions and to achieve organisational goals, while employees expect fair treatment and working conditions from the business (du Plessis & Fouche, 2006). Hall et al., (2013) explain that both the employer and employee should feel that the employment relationship is a fair exchange in order for effective outcomes to be achieved. This fair exchange may relate to factors such as carrying out lawful work instructions, feeling appreciated in the workplace, and being treated with dignity and respect.
Coetzee and Botha (2012) postulate that employees make decisions about the degree to which they place the interests and welfare of the organisation above their own. Employees may even sacrifice their own private time for the sake of achieving certain business goals, if they feel a strong bond and sense of loyalty towards the organisation. Coetzee and Botha (2012), further advance that being treated fairly gives an indication to employees that they are respected as human beings, and not only seen as a means to an end. Within the context of disciplinary action, perceptions of fairness play a big role in how employees react towards an act of discipline by the employer (Grogan, 2009). Bendix (2010) mentions that where employees view the disciplinary action as being an unfair act, the effectiveness of that act will be greatly deteriorated and the correction of the problematic behaviour will thus not be achieved. Following the correct procedure in disciplining employees becomes important in this context, as objective and reasonable criteria should be applied before a decision to discipline can be made (Finnemore, 2006). Certo (2006) states that employees view fairness as an important trait in a manager, as they expect equitable treatment from their superiors. Using discipline as any other means than correcting behaviour can have negative consequences on employees’ perceptions of their managers, which could minimise levels of trust in the employment relationship (van Niekerk et al., 2012).

Certo (2006) states that when employees perceive that their managers have favourites amongst their colleagues, this could create a sense of resentment on their part. It could occur where one colleague is taken to task for violating a work rule, while no action is taken against another for the same offence. “In some cases, employees’ resentment can breed unethical responses that make the situation even worse” (Certo, 2006, p. 102). An example of this differing treatment could be when one employee is late for duty and is treated harshly compared to another who regularly arrives late at work. Camen et al., (2008) conclude that employees who observe their managers differing treatment of colleagues tend to have a less optimistic psychological contract with the organisation.

2.4.10 The impact of inconsistent disciplinary action on the psychological contract between an employer and employees
When employees first join an organisation, they hold many positive attitudes and feelings about that organisation and what it will be like to work there moving forward (Adams, 2007). The employee has these hopes and expectations, and the employer, in return, has certain expectations of the new employee in the workplace (Nieto, 2006). These salient rules and expectations are referred to as the psychological contract.

Hall et al., (2013) describe the psychological contract as a concept which is utilised to explain a perception of implicit and reciprocal exchanges between an employee and his/her organisation. Hall et al., (2013) further mention that the psychological contract can be used as a management tool, where difficult variables can be identified and can potentially be used to predict future employee behaviours. A strong psychological contract allows an employee to feel like an important part of the business, and the employee would, therefore, identify strongly with that organisation (Van der Bank et al., 2008). Employees that hold higher levels of identification with an organisation experience deeper feelings of comfort with their organisations and are also more psychologically attached to the workplace (Lee & Peccei, 2007). This would in turn allow an employee to experience a deeper feeling of belonging, and therefore the employee would be willing to exert extra effort towards achieving organisational goals in the workplace (Certo, 2006). As the psychological contract creates unwritten expectations, one of these would be that the employer adheres to its policies and procedures, and that the employee obeys these in the workplace. In the context of disciplinary action, the employee would expect the employer to follow its official and written policies and procedures with regard to disciplinary action.

Franklin and Pagan (2006), state that organisations usually possess established policies and procedures that guide the business on how to respond to various behaviours by employees. Where the business fails to comply with its own standard operating procedures, they create inconsistencies within the application of these procedures, which in turn creates negative perceptions of fairness by employees (Bendix, 2010). These negative perceptions then violate the psychological contract, as the employer does not apply its procedures as the employee would have expected them to do (Lee & Peccei, 2007). A violation within the psychological contract refers to the
failure by one party to effectively comply with the expected obligations (Hall et al., 2013). These violations not only damage the trust relationship between the employment parties, but could also lead to the development of undesirable behaviours in the workplace. Hall et al., (2013) indicate that violations of the psychological contract usually involve feelings such as anger, betrayal, resentment and injustice, which may cause negative reactions to the employment relationship. It can, therefore, be said that consistent disciplinary action preserves the psychological contract between employer and employee, and allows the employee to experience some form of organisational justice in the workplace.

2.5 Organisational justice in the workplace

When one hears the words organisational justice, the first thing that usually comes to mind is treating employees in a fair manner within the workplace. Burke and Cooper (2008), explain that justice involves matters of fairness; fairness in procedures that are implemented to reach decisions and also fairness in the end results of these decisions. Burke and Cooper (2008), further declare that fairness is a perception, and is viewed differently from person to person.

Coetzee et al., (2012) state that any discussion of employee treatment without some kind of reference to justice is not possible. This is because fairness is a value judgement, and justice involves making the correct decisions around that fairness in the organisation. Burke and Cooper (2008), define organisational justice as the extent to which fair labour practices are implemented against employees within their workplace setting. Fairness is an important, if not the most important, perceived measure of justice by employees in the workplace (Bendix, 2010). Organisational justice consists of three components, namely:

- **Distributive justice**: Murtaza, Shad, Shahzad, Shah, & Khan, (2011) refer to distributive justice as the perceived fairness that an individual experiences based on the outcomes of the decision reached;

- **Procedural justice**: “refers to the fairness of workplace rules and policies” (Burke & Cooper, 2008, p. 86). Cropanzano (2001) refers to procedural fairness as
concerning issues related to the methodologies, processes and mechanisms utilised to reach an outcome. Procedural fairness is thus an important element of organisational justice, as it involves the procedure behind reaching a certain outcome or decision; and

• **Interactional justice**: Coetzee and Botha (2012), define interactional justice as the manner in which individuals are treated in the workplace. It refers to “treating participants with consideration and recognizing their right to dignity” (Burke & Cooper, 2008, p. 73). The way in which people are treated in the workplace is crucial, and this fair treatment in interactional justice consists of important components. Katono, Manyak, Katabaazi, & Kisenyi, (2012) mention factors such as trust, meaningful work duties, respect amongst colleagues, dignity and honesty as important components for fair interactions in the workplace.

Grogan (2009) states that fair treatment and justice in the workplace are important, as they establish feelings of security and predictability in an organisation. Applying disciplinary action inconsistently may create a perception that there is an absence of such justice, accompanied by feelings of unfairness amongst employees. This may have negative consequences for a business. Burke and Cooper (2008), state that vengeful behaviours result from experiences of unfair treatment or injustice at the workplace. This could manifest in behaviours such as sabotage, theft, deliberate poor work performance or acts of violence in the workplace (Burke & Cooper, 2008). The behaviours mentioned here may lead to increased ill-discipline within the business, which is the opposite of the purpose of disciplinary action in the first place. This escalation of poor behaviour will eventually result in increased cases of disciplinary action, which could have been avoided, had discipline been implemented consistently. Mathis et al., (2014) explain that distributive and procedural justice principles suggest that when a manager tolerates ill-discipline from an employee, other employees may dislike that unfairness towards the tolerance.

Finnemore (2006) advocates that applying discipline consistently and fairly can result in an organisation avoiding any undesirable consequences, and will establish a sense of justice in the workplace. Where employees perceive organisational justice and fairness
in the workplace, this can lead to increased levels of job satisfaction, organisational citizenship behaviour and psychological attachment to the organisation (Mosley et al., 2011).

2.6 The impact of inconsistent disciplinary action on the trust relationship between employer and employees

Trust is an important element in any kind of relationship between two or more parties. This is especially true within the context of employment, where a reciprocal relationship exists between the parties (Nieto, 2006). Adams (2007) defines trust as a psychological state, which is represented by the understanding of an individual of relationships of vulnerability and risk. Certo (2006) explains that trust requires time and energy to build, and can be lost through one unreasonable act by the parties.

It is, therefore, reasonable to infer that trust involves both a truster and trustee, both of whom place faith in one another and in their ability to maintain the relationship moving forward (Burke & Cooper, 2008). Treating employees differently may jeopardise this trust relationship between parties, as this act could be seen as violating expected behaviours, where one party trusts another to do the right thing (Bendix, 2010). How managers in the workplace treat and lead employees in relation to policy implementation is crucial in sustaining trust and eliciting commitment (Hall et al., 2013). An example of this could be where an employee makes a minor mistake in the workplace and trusts the manager to condone this single error. The trust relationship will be violated when the manager heavily criticises the employee or disciplines the employee for this single error where other employees are not taken to task for similar mistakes. Trust, therefore, could have a heavy influence on performance, positive or negative attitudes and perceptions in the workplace (Adams, 2007). Certo (2006) states that for managers to set a good example and build trust within the employment relationship, they should adhere to disciplinary processes and procedures when dealing with employees. The most effective manner to build and maintain trust is to participate in fair and predicable workplace practices (Six, 2005).
Inconsistent disciplinary action threatens the trust relationship between employer and employee, which is at the heart of the employment relationship. As mentioned earlier, trust is a delicate dimension in the workplace and once it is eroded, it may become difficult to restore. Adams (2007) concurs and states that when an individual evaluates future workplace behaviour based upon undesirable past or present behaviour, it becomes difficult for that person to regain trust in the leadership of the organisation. This is an unfortunate reality of organisational life, where businesses may lose their top performing employees as a result of bad disciplinary decisions and toxic leaders, using discipline as a means to achieve their own selfish objectives.

2.7 Toxic leaders and their use of disciplinary action

Within most organisations, there exist managers who place their own interests above that of the organisation’s. These individuals serve their own selfish interests and fulfill these through their work duties and responsibilities. These individuals are referred to as toxic leaders. Mathis et al., (2014) define a toxic leader as an individual who oversees a team of people within an organisation, and who manipulates the leader–follower relationship abusing power and destroying relations between employees. Parry, Stavrou, and Lazarova (2013) mention that toxic leadership develops through an absence of self-awareness, decreased levels of confidence and self-control all of which are vested by self-interests.

Within the context of discipline, toxic leaders may use their power to bring about undesirable consequences for people whom they do not particularly like. Lawrence and Robinson (2007) explain that such enactments of power can threaten or weaken an individual’s identity within the organisation, and question their standing as strong and equal employees. These behaviours by leaders are not sanctioned by the organisation, and are a sign of vengeful behaviours on their part (Lee & Peccei, 2007). The toxic leader may be holding onto a past experience that occurred in the workplace, caused by feelings of injustice, which was caused by a particular employee, and may seek to achieve some sort of retribution through disciplinary action (Lawrence & Robinson, 2007). By doing so, the leader is not only undermining the purpose of disciplinary action, but may also contribute to or establish the practice of inconsistent disciplinary
action in the workplace. Belker and Topchik (2005) state that an employee should never be humiliated during the process of disciplinary action, but this may be exactly what a toxic leader attempts to do through disciplinary action. An example of this could be where an executive director announces through electronic communication channels within an organisation that another manager has been dismissed.

Toxic leaders have the potential to negatively affect the morale and job satisfaction of a workforce, which can lead to a lack of unity in the business (Certo, 2006). O’Neil and Horne (2012), declare that a reduced feeling of unity within an organisation leads to a lack of internalisation of organisational policies and procedures. Employees who perceive management as possessing hateful or vengeful behaviour may suffer from emotional distress, and may in severe cases quit the organisation (Nieto, 2006). It can, therefore, reasonably be inferred that it is a function of human resource professionals to curb these behaviours within a business, and ensure that disciplinary action is not implemented for personal or vengeful reasons, which could lead to inconsistencies.

2.8 Types of inconsistencies

Grogan (2009) declares that modernised employment legislation involves employers implementing standards, which are necessary for the effective functioning of a business. Fairness also requires that the employer should apply those standards objectively and consistently (Camen et al., 2008). When employers do not implement employment legislation in this manner, it can lead to inconsistencies within the application of disciplinary measures in a business. Parry et al., (2013) refer to two types of inconsistencies related to disciplinary action; historical and contemporaneous inconsistencies.

2.8.1. Historical inconsistency

du Plessis and Fouche (2006), define historical inconsistency as employees who have committed the same act of misconduct as a number of employees have in the past, but are being measured by a different standard. Historical inconsistencies occur where an organisation has, in the past, as a practice, not dismissed employees or imposed a specific sanction for contravention of a certain work rule (Bendix, 2010). van Niekerk et
al, (2012) further add that an employer is guilty of historical inconsistency when it does not apply a disciplinary sanction or dismissal in the same manner as it was applied in the past, under the exact same circumstances. Where an employer is found guilty of historical inconsistency, a number of remedies could be awarded to an employee. In *Molatudi v Sikwane NO & others*, a CCMA commissioner found the dismissal of Molatudi procedurally unfair, as another employee was found guilty of the same offence in the past, but was given an option between suspension without pay or dismissal, and that employee chose the former. The CCMA commissioner in this case awarded Molatudi two months' compensation for the employer’s historical inconsistency in this matter.

van Niekerk et al., (2012) state that arguments around inconsistency usually arise when allegations are levelled that only certain employees are selected for disciplinary action, while others are not. Bendix (2010) argues that this practice is not aligned with the objectives of the Code of Good Practice: Dismissal, which states that discipline should be implemented in a fair and consistent manner.

### 2.8.2 Contemporaneous inconsistency

Finnemore (2006) defines contemporaneous inconsistency when two or more employees engage in the same or similar misconduct during approximately the same period, while only one or a few of the employees are disciplined, or where dissimilar sanctions are imposed. Grogan (2009) further defines contemporaneous inconsistency as “dismissing only some of a number of employees guilty of the same infraction” (p. 206).

Bendix (2010) explains that issues of contemporaneous inconsistency occurs when a group of employees are guilty of the same offence, but the employer considers individual circumstances to differentiate between them. These circumstances relate to factors such as the employees’ disciplinary record, length of service, seniority within the business and the like (Finnemore, 2006). Grogan (2009) suggests that where these factors are taken into consideration, the employer may be found wanting in imposing different sanctions for the exact same misconduct that is committed. This is proven in
CEPPWAWU & others v Metrofile (Pty) Ltd, where the Labour Appeal Court found that the employer had failed to provide convincing reasons for dismissing employees who had blockaded one branch during a strike, where other employees from another branch had been issued with final written warnings for the same offence. In this case, the dismissed employees were subsequently reinstated. Likewise, in SRV Mill Services (Pty) Ltd v CCMA & others, it was found that an employee’s dismissal for failing to arrive for a shift and lying about the reasons therefore was unfair and inconsistent. This ruling was made because two other employees were given final written warnings for the same offence within a similar period as the dismissed employee.

Finnemore (2006) advocates for the same treatment of employees who are guilty of a collective act of misconduct in order to avoid any claim of contemporaneous inconsistency. Employment Courts have, over a period of time, emphasised the standard of equality in the treatment of employees, which is often referred to as the parity principle (Grogan, 2009).

2.9 Substantive and procedural fairness

van Niekerk et al., (2012) state that before the early 1980’s, employees in South Africa had no protection against an unfair dismissal. “If the employer gave the required notice of termination of employment, the employee generally had no recourse, however unfair the reason for dismissal might have been” (van Niekerk et al., 2012, p.213). du Plessis and Fouche (2006), explain that the LRA codifies the legislation; principles and decisions of the courts, which are associated with dismissals before its introduction as an Act, and created a right not to be unfairly dismissed. Mathis et al., (2014) postulate that it is normally agreed that behaviour is considered as being fair if a balance exists between employment parties, where both receive equal treatment and conformity is present with accepted standards of employment. Camen et al., (2008) mention two requirements for a dismissal to be considered as being fair; substantive fairness and procedural fairness.

2.9.1 Substantive fairness
du Plessis and Fouche (2006), define substantive fairness as “a valid and lawful reason that will justify dismissal, and lawful in accordance with common law, statute law, a collective agreement or the contract of employment” (p. 271). Burke and Cooper (2008), mention that a valid reason for dismissal may not always be fair. A fair reason implies that, under the circumstances, dismissal was the only suitable sanction, and no other alternative could be considered.

Grogan (2009) explains that under item 7 of the Code of Good Practice: Dismissal, the following criterion is assessed to measure substantive fairness:

- Whether or not the employee was aware of the work rule that he/she contravened;
- Is there a transparent reason for the disciplinary action?
- Is the employee’s treatment consistent with the treatment of other employees who contravened the same or equal offence?
- Was there a consideration of special circumstances before the imposition of a sanction?
- Was there sufficient evidence of misconduct? and
- Was the sanction appropriate for the misconduct committed,

du Plessis and Fouche (2006), declare that an employer is expected to act consistently in the implementation of disciplinary rules, without being too rigid and inflexible. This will ensure that the employer observes the rules of natural justice whilst adhering to the substantive fairness requirements within South African labour legislation (Bendix, 2010).

2.9.2 Procedural fairness

Adams (2007) defines procedural fairness as the adoption of an objective procedure during a disciplinary hearing. This entails an employee facing dismissal and being afforded an opportunity to state his/her case in response to an allegation of misconduct or incapacity (van Niekerk et al., 2012).

In Ngubeni v National Youth Development Agency & another, it was indicated that procedural fairness can be incorporated as an element in a contract of employment. In
Twala v ABC Shoe Store, the Industrial Court declared that to ensure a fair procedure in relation to disciplinary hearings, the rules of natural justice must be observed. These two cases indicate the importance of the *audi alteram partem* rule, where both sides should be heard (Bendix, 2010). Grogan (2009) advocates that for a disciplinary hearing to be held as being procedurally fair, the following elements must be present:

- The employee should be aware of the nature of the offence committed;
- The employee must be given sufficient time to prepare for the disciplinary hearing;
- The employee must be provided with an opportunity to state his/her case;
- The employee’s right to representation must be allowed;
- The employee should be informed of the reasons for a disciplinary sanction in writing; and
- The employee must be notified of his/her rights, such as the right to call witnesses, right to an interpreter and the like.

Bendix (2010) explains that where a company’s policy allows for an appeal process, this should be outlined to the employee to ensure that all internal processes are exhausted in order to find a resolution for the situation. Where an organisation adheres to the principles of procedural fairness, this indicates the employer’s commitment to a fair process and may increase the employee’s acceptance or not of the final sanction, which is imposed while reducing the risk of compensation payments, where an unfair dismissal dispute is lodged at external forums (Finnemore, 2006).

2.10 Settlement agreements in state owned entities

Where an employer has realised that it acted unfairly towards an employee in relation to a dismissal, it can prevent the matter from going to court or before arbitration by making a settlement offer (Grogan, 2009). du Plessis and Fouche (2006), specify that settlement agreements can be in the form of compensation or reinstatement, although reinstatement would not be feasible, where the employment relationship has irreparably broken down.
Finnemore (2006) explains that settlement agreements stem from unprocedural disciplinary action, which is often enacted owing to personal agendas or self-serving behaviour within organisations. A recent opinion piece on settlement agreements (Msomi, 2015) states that settlement agreements are increasingly occurring within state-owned entities in South Africa. Another recent opinion piece on settlement agreements in state owned entities (Thakali, 2015) states that in virtually all settlement agreement cases in an unnamed SOE, the executives were purged for political reasons. Grogan (2009) explains that when an employee accepts a settlement agreement, he/she normally cannot ensue litigation against an employer, because that acceptance waives the employee’s rights against the employer. A settlement offer, however, must be tabled and accepted in good faith, with the consequences of that acceptance being understood by the employee (Mathis et al., 2014). van Niekerk et al., (2012) advance that once an employer has explicitly agreed to comply with a settlement award in relation to paying compensation to an employee, it cannot challenge that award unless it has reserved its right to do so. It can, therefore, be reasonably inferred that settlement agreements bind both parties to the terms of that agreement, and it is expected that both will obey the conditions of that agreement.

Settlement agreements in the public sector often amount to millions of rands, and in state owned entities it is usually derived from the money of taxpayers in the country. A recent opinion on wasteful expenditure in the public sector (van der Merwe, 2015) expresses that preventable wastage of money and resources in the public sector jeopardises its relations with citizens in South Africa. Six (2005) postulates that when an individual loses trust or faith in another group of individuals or organisation, the image and credibility of those are deteriorated in the eyes of that individual.

2.11 Summary

The literature indicates the origin of disciplinary action, and how it has evolved from a punitive measure to one of correcting behaviour of employees, while protecting their employment rights. Within this evolution, Grogan (2009) acknowledges that managerial prerogative to unilaterally discipline employees has been curbed through the
introduction of concepts such as fairness, consistency and reasonableness, to mention a few.

Further elements which relate to disciplinary action that is specific to the South African context also emerged, wherein greater employment protections are now afforded to employees as a result of the country’s political history of exploitation and inequality. Bendix (2010) acknowledges that there are now a number of procedural elements, which should be satisfied for an employer to discipline an employee, and these should be observed regardless of the nature or severity of the misconduct that is committed by the employee. The literature mentions elements which relate to a valid and lawful reason to discipline: organisational support functions such as HR and trade union representatives to ensure that a fair procedure is followed; how managers can utilise discipline as punishment for personal agendas; and the consequences which stem from such self-serving behaviours. When discipline is implemented in accordance with irrational and unjustified intentions, it tends to defeat its purpose and causes undesirable consequences, which are often hard felt by an organisation (van Niekerk et al., 2012).

After having perused the literature, I concur with the aforementioned view. Discipline should only be utilised to correct undesirable behaviour on the part of employees, and managers should exercise reasonableness when dealing with such cases. Behaviour which is contrary to organisational goals should be redirected through discipline as a means to achieve business objectives, indicating to the employee where he/she went wrong and the reasons why it is important to correct that behaviour (du Plessis & Fouche, 2006). Should the undesirable behaviour continue after every attempt had been made to correct it, the employer would then be justified to dismiss such an employee as a last resort. Applying such reasoning will result in discipline being applied in a fair and consistent manner, which will lead to a productive workforce and effective relations between employer and employees.
CHAPTER 3
RESEARCH METHODOLOGY AND ITS IMPLEMENTATION

3.1 Introduction

In the ensuing chapter, I outline the design as well as the methodology related to the research that I implemented for the research. Research methods that were utilised are described and an explanation is provided as to why such methods were chosen to collect data, which was needed to answer the research questions. The chapter also discusses the theoretical background of various research methodologies and the elements that underlie their adoption. This is done with the view of gaining a richer understanding of theories, which underlie the different methodologies and how these were utilised within the current study. Therefore, the population that was targeted, size of the sample, ethics of research as well as data analyses practices, which were utilised in this study, is also described in this chapter. According to Babbie and Mouton (2012), research methodology consists of two elements, namely the research process as well as the tools and procedures that are utilised. In addition to this, the research problem determines the combination of different options, which are available in the research design, as well as the data collection method that is used (Babbie & Mouton, 2012). Consequently, the planning and decision making that I undertook for the study, as well as the outline of the design and the type of research methodology that was selected, is discussed. According to Denscombe (2010), any research adopted has two inherent elements, namely the research design and methodology to which I next turn to.

3.2 Research design and research methodology

A design of research can be defined as a “plan or blueprint of how the researcher intends to conduct their research” (Mouton, 2001, p.55). It can, therefore, be seen as a framework to conduct research (Creswell, 2009). A research design should typically consist of the following elements, which relate to the study: the researcher's philosophical suppositions; the approach of research employed; strategy of the research; methods of collecting data; and details of how the data will be analysed (Denscombe, 2010).
Babbie and Mouton (2001) differentiates between the design of the research and its methodology as depicted per Table 3.1 below:

Table 3.1

<table>
<thead>
<tr>
<th>Research study design and methodology differences</th>
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</thead>
<tbody>
<tr>
<td><strong>Design of the research</strong></td>
</tr>
<tr>
<td>Focused on outcomes: the type of research being intended and the results being aimed at.</td>
</tr>
<tr>
<td>Has research questions or problems as its departure point.</td>
</tr>
<tr>
<td>Focused on the rationale of the study: the kind of evidence needed to answer the research questions effectively?</td>
</tr>
</tbody>
</table>

*Source: Babbie & Mouton (2001:75)*

The fundamental differences which exist between the research design and methodology influenced my research process employed in the following format as set out below:
The above flowchart, Figure 3.1, illustrates the process that was followed to obtain information for purposes of answering questions, which related to the research and resolving its problem. Denscombe (2010) suggests that an effective research design effectively illustrates how various elements answer research questions that have been formulated. Therefore, research designs should be particular for the purposes of the study that is to be conducted (De Vaus, 2001, Denscombe, 2010). At this juncture, the different types of research designs are discussed in the following text.

3.2.1 Different types of research design

Babbie (2007) posits that three research designs exist for any study, that is, descriptive research, explanatory as well as exploratory research. Descriptive studies seek to clarify phenomenon in order to address the “how” and “what” components of research studies (Babbie, 2007, Neuman, 2010). Descriptive research can also be utilised for quantitative as well as qualitative studies (De Vos, Strydom, Fouche & Delport, 2005). Explanatory research seeks to describe “why” a particular phenomenon exists (Babbie, 2007). Explanatory research consists of theory testing, framing hypothesis and establishing casual connections amongst variables (De Vaus, 2001). Therefore, explanatory studies are normally utilised in quantitative studies (De Vos et al., 2005).
and, therefore, was deemed unsuitable for this study. Babbie (2007) states that exploratory studies seek to discover phenomenon which is often newly uncovered. Exploratory studies asks “what” questions in order for a better understanding to be obtained around a phenomenon, which is normally utilised in qualitative research (Babbie, 2007).

This study adopted both a descriptive and exploratory design for the following reasons: these designs are suitable because of the manner in which research questions were phrased using “what” questions; the phenomenon investigated is a new area in the environment; and the basis of this new area was to explore and describe how research participants experienced this phenomenon in their workplace.

3.3 Research methodology

Babbie and Mouton (2001) define research methodology as a systematic and methodical implementation, which relate to the research design. Research methodology thus clarifies the research approaches that are available to a researcher and provides a solution in terms of which one is more suitable, which is dependent on the study that is conducted prior to deciding on the research design (Flick, 2009). Babbie and Mouton (2001) state that the most appropriate utilisation of the two research approaches is dependent on questions, which relate to the study, as well as its objectives.

Three approaches to execute a research exist, namely, quantitative, qualitative and mixed methods. Collins and Hussey (2014) posit that quantitative methods place an excessive amount of emphasise on numbers. These numbers illustrate values and measures of theoretical paradigms, as well as the understanding thereof (Collins & Hussey, 2014). Myers (2010) advances that qualitative research methods enable researchers to explore social and cultural phenomenon within its naturally occurring setting. Data that is collected from qualitative sources, therefore, ensure an understanding of individuals, their behaviour and motivations, and the broader context in which they work and live. Creswell (2009) states that mixed method research involve a blend of both quantitative research and qualitative approaches. Mixed method’s underlying inquiry involves the utilisation of induction (establishment of patterns),
deduction (hypothesis and theory testing), as well as abduction (detection and reliance upon the paramount set of clarifications to better understand one’s outcomes) (Burke-Johnson & Onwuegbuzie, 2004). These methods enable a researcher to explore unexplained, and previously explained phenomena, which were misunderstood (Welman et al., 2006).

Within the current study, the research methods and techniques that were used are more aligned to a qualitative methodology. This methodology is elaborated upon next.

3.3.1 Qualitative methodology

Welman, Kruger, and Mitchell, (2006) define qualitative research as research, which involves a variety of interpretative methods, that aim to decipher, explain and clarify terms, which have their occurrence within a social setting. Methods that are employed in qualitative research, therefore, seek to assist individuals to gain a richer insight into phenomena within a social context. Hence, while taking the research objectives into consideration, this study subsequently adopted a qualitative research approach.

3.3.2 Advantages and disadvantages of qualitative research

Babbie and Mouton (2001) explain that a key strength of qualitative research is that an in-depth understanding can be gained of the research problem, while also allowing for the effective interpretation of results and the discovery of contemporary methods. It becomes further useful to address the objectives of a study through elements, which may be difficult to quantify (Babbie & Mouton, 2001; Welman et al., 2006). Welman et al., (2006) further mentioned that qualitative studies are more flexible as a result of research methods that are utilised, providing opportunities for data to be amended as the research advances. However, a disadvantage in qualitative research is the strong dependency on individuals within the sample in terms of access to honest and reliable information (Vanderstoep et al., 2009). A lack of objectivity and potential bias, which may occur from inferences that are drawn by the researcher, may further lead to incorrect conclusions (Moloto et al., 2014).
To mitigate these challenges, I intend implementing the following strategies: participants will be interviewed in an isolated and private area, allowing for no disturbances and honest information to be gathered; I will observe an adequate level of reflexivity in order to be objective despite potential biases being present in my topic, which will prevent me from drawing incorrect inferences from data collected.

### 3.3.3 Research strategy

Welman et al., (2006) identifies five types of qualitative research, namely ethnographic studies, phenomenological studies, narrative research, grounded theory and case studies. Vanderstoep et al., (2009) define an ethnographic study as research conducted over a certain period of time involving an intact cultural group within a natural setting. A cultural group may be seen as one consisting of individuals that possess common social knowledge, share a location, or any other social characteristics which may be of interest (Creswell, 1994, Mason, 1996). Ethnographic studies can take many forms, and could differ in terms of studies investigating the impact of HIV/AIDS on households, indigenous cultural groups functioning in society and the like (Vanderstoep et al., 2009). A phenomenological study examines human experiences of people through detailed descriptions (Welman et al., 2006). The objective can thus be seen as seeking to obtain clarity on the ‘lived experiences’ of individuals under study. This method involves conducting intensive research over an extended period of time on a small group of individuals (Creswell, 1994; Mason, 1996).

Welman et al., (2006) describe narrative research as a form of inquiry where the researcher conducts a study on the lives of people, and offers an opportunity to one or more of these individuals to provide stories about their lives. The information obtained is thereafter retold in the form of a narrative timeline (Creswell, 2009). Grounded theory is seen as a form of inquiry where the researcher attempts to arrive at a universal, intellectual philosophy and process, action, or interface which becomes grounded through opinions of participants to a research study. Moloto et al., (2014) describe case studies as explorations of single entities and phenomena confined by time and activity. A case study inquiry can, therefore, be seen as an expressive record of individual behaviour and experiences.
For the purposes of this study, I utilised a case study method. This method was chosen as I sought to extensively study individuals within a single organisation. The case study approach, therefore, allowed for detailed information to be provided on the phenomenon under study.

### 3.3.4 Applying the case study

Merriam (2005) is of the view that a case study is the exploration of a certain phenomenon, such as events, processes, institutions or social groups. It provides the opportunity for researchers to investigate an individual or organisations through modest or intricate interferences, associations, societies, or interventions that support the deconstruction, as well as the ensuing reconstruction of different phenomena (Yin, 2003). Merriam (2005) postulates that there are four aspects, which determine the implementation of case studies: firstly, the type of research questions; secondly, the extent of control that a researcher has over the variables under study; thirdly, the desired end product; and, lastly, the identification of a bounded system as the focus of the study. In addition, Yin (2003) identifies three types of case studies as per Table 3.2 below:

**Table 3.2**

<table>
<thead>
<tr>
<th>Types of case studies</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanatory</td>
<td>These types of studies are used where a researcher is seeking answers to questions that seek to clarify the supposed causative associations in actual interventions which appear as complex for survey or experimental approaches. Within the context of assessment, clarifications could link program adoption to program outcomes.</td>
</tr>
<tr>
<td>Exploratory</td>
<td>These forms of case studies are adopted to investigate situations where the intervention under evaluation possesses no clear,</td>
</tr>
</tbody>
</table>
single group of outcomes.

| Descriptive | Case studies utilised for describing interventions and/or phenomenon as well as the actual context where it transpired. |

Source: Yin (2003)

From an interpretive stance, case studies strive to obtain a complete clarification on how individuals make sense of a certain phenomenon under study (Maree, 2007). Babbie and Mouton (2001) view a case study as a method utilising primary data which enables a researcher to gain an accurate description of the views people hold and their opinions around a certain topic.

The reason behind choosing the case study method is because the study is being conducted within its real life context at the state owned entity, and employees involved in and who have experienced disciplinary processes will form the basis for gathering data. Babbie and Mouton (2012), advocate that the case study method be utilised as an intensive investigation of a single unit.

The unit of analysis of a case study may be extended to individual persons, families as well as an organisation (Babbie & Mouton, 2012). In addition, Yin (2003) advances that case studies method are most effective where researcher’s attempt to gain clarity on decisions, related to “why” such decisions were made, the execution thereof, and “what” consequences stemmed from it.

I adopted a case study method for this study as I will be exploring a particular phenomenon within a unique setting as perceived by my participants. The case study method also becomes relevant as I will be examining the perceptions of participants within a single unit, that being a state owned entity and how my participants’ perceive the environment around them.

3.4 Research paradigms

De Vos et al. (2005) postulate that scientific studies of research operates in specific paradigms, which gives meaning to the study. Creswell (2009) and Avramidis and Smith (1999) collectively explain that determining research approaches and methodology that
a researcher will select for his/her study, paradigms influence the choice significantly. Eriksson and Kovalainen (2008) additionally mention that in reaching decisions about the analysis of information, reporting and presenting the conclusions of a study, paradigms also play an influencing role on the researcher.

3.4.1 Paradigms in qualitative research

Mertens and Wilson (2012) identify four paradigms within qualitative research, namely pragmatic, post-positivism, transformative and interpretivism. The pragmatic paradigm to science involves the utilisation of methods that appear as most appropriate for the research problem and avoiding tangles with philosophical arguments around a best method (Maree, 2007). Mertens and Wilson (2012), further ascertain that pragmatic researchers often use a mixed method, and therefore grant themselves freedom to use any method, technique and procedure which they deem to be appropriate. Pragmatic researchers acknowledge every method and its flaws, where various approaches may further act as complementary (Maree, 2007). Post-positivism primarily originates from positivist research, and has evolved over the years (Erikson & Kovalainen, 2008). The philosophy of post-positivism is founded on the assumption that multiple realities exist, which is subjectively and mentally built by people (Maree, 2007). According to Flick (2009), this approach perceives knowledge as being formulated through individual understanding and observations. Therefore, contexts ranging from gender, culture and the like will influence reality as it is subsequently not fixed. Babbie and Mouton (2001) is of the view that post-positivist researchers concentrate on revealing the “truth” and will therefore strive to gain evidence which has validity and reliability in relation to the presence of the phenomena, instead of broad generalisations. Maree (2007) states that transformative research is a type of research that can drastically alter our understanding of important existing science. Transformative research involves practices which can lead to the development of a new theory or field of science within research (Mertens & Wilson, 2012). Lastly, the interpretive approach holds the assumption that “access to reality is only through social constructions such as language, consciousness and shared meaning” (Maree, 2007:60). This method further attempts gaining an understanding of realities by the sense that individuals place on it and perceptions held through activities
by themselves (Maree, 2007). An objective would be analysing a situation through gathering understanding on the sense created of that situation encountered by individuals. According to Henning, Van Rensburg, and Smith (2004), the interpretive approach strives for validity through encouraging the utilisation of various sources and analysis methods. The construction of knowledge is therefore achieved through the description of individual perceptions, intentions, principles and reasoning, creating sense and a meaning of understanding oneself (Denscombe, 2003). All of the four paradigms mentioned above are founded on individuals and their formulation of individual realities. Yet, within reality, a distinction does not exist among these paradigms, as each can be applied to various categories related to research (Maree, 2007). Within the current study, I seek to gather a richer appreciation of my study problem; hence, my study aligns itself to an interpretive paradigm.

My current study is aligned more to the interpretivist paradigm for the following reasons; multiple realities exist within the research problem, where I will provide quotes to demonstrate the different perspectives of my research participants, the relationship between myself and that which is being researched is close, as I will collect data at the state owned entity where I am employed. Another reason for my interpretivist paradigm is because the methodology that I will employ is inductive, as I start with participants’ views on the research topic and build ‘up’ to patterns, theories, and generalisations and finally, my rhetoric will be based on writing in an informal style (Mertens & Wilson, 2012). Individuals possess a range of feelings, principles, ideologies, attitudes, tempers and thought processes that affects interpretations of sequences and happenings.

3.4.2 Philosophical Assumptions

Mertens and Wilson (2012), identify four philosophical assumptions; the first of these is axiology, which refers to the role values play in conducting research or the nature of ethics. Secondly, is ontology, which refers to the nature of reality which exists when researchers conduct their study. Ontology concerns itself with the characteristics of the common sense of the physical and perceptual world (Denscombe, 2003). Epistemology refers to how one obtains knowledge of what one knows or “what is the nature of knowledge and what is the relationship between the knower and that which would be...
known” (Mertens & Wilson, 2012, p.36). The methodological process of research is the fourth philosophical assumption, and refers to the systematic approaches available for gathering information about what would be known (Mertens & Wilson, 2012).

My personal ontological and epistemological stances are outlined as below:

- The complexity of the world and its circumstances are shaped by individuals and their reaction to it.
- Research participants create their own reality which is normally flexible.
- Researcher objectivity becomes challenging because researchers interact with participants. This ultimately leads to subjective relationships being formed with research participants.
- The experiences of others are best understood by relating to them.
- It is important to analyse individuals in their “open systems”, referring to individuals’ “own space, around their natural environment” (Willig, 2001, p. 9).

To summarise, as an interpretivist, my key scientific beliefs are articulated as a researcher who will “rely on first-hand experiences, trying to explain what I see in adequate detail, presenting findings through effective and, at times, evocative narratives” (Terre Blanche & Durrheim, 1999, p. 124).

3.4.3 Key features of qualitative research
Qualitative enquiry has its own specific nature, namely naturalism, description and understanding and discovery. These characteristics are discussed in the sections below.

3.4.3.1 Naturalism
Mertens and Wilson (2012), posit that social research as a form of qualitative research should encapsulate human character in its pure essence. This objective can be achieved through direct contact with individuals and interacting with them actively (Denscombe, 2003). As opposed to a research process that is artificially developed for
its own purpose, qualitative research is conducted within its natural setting which exists independently (Maree, 2007). According to Flick (2009) this increases the prospects of discovery, and improves the circumstances of individuals subject to the research process. This therefore leads naturally to social events, which can then be explained within the context in which it occurs.

3.4.3.2 Description and understanding
Singleton and Straits (2005), postulate that social beings develop specific ways through which they interact with their communities or respective environments. Therefore, qualitative research seeks to describe what humans do in detail (O'Leary, 2004). According to Henning et al., (2004), qualitative research further attempts to effectively gain an understanding of human behaviour in relation to the cultural perspectives on which they are based. Singleton and Straits (2005), further argue that from a qualitative perspective, it is challenging to assume knowing the perspectives of others, even within our own environments. Therefore, a need will always exist for a clearer understanding of others perspectives around a phenomenon or event (O'Leary, 2004). As a result of this, there is a need for a level of naivety within the research process to ensure an effective understanding of individual perspectives, to avoid pre-empting practices which can have an influence on the research outcomes (Welman et al., 2006).

3.4.3.3 Discovery
According to Vaus (2001) qualitative research has its focus on discovery rather than testing an artificial hypothesis. Neuman (2010) further argues that the discovery of the true nature of a phenomenon could be tainted when research on individuals interacting with their environments is preceded by a predetermined hypothesis. In an effort to discover and clarify any phenomena, a qualitative researcher’s focus should therefore be directed towards social phenomena or a practical problem which exists (Singleton & Straits, 2005).

3.5 Key decisions during the process of qualitative research
According to Wise and Millward (2005), research methods are made up of the strategies and procedures/approaches which are needed for operationalising the research design, and include elements such as the sampling plan, as well as the collection and analysis of the data. The rationale in choosing this method is that qualitative research focuses on understanding a phenomenon in detail, which was what I set out to achieve in relation to understanding how disciplinary measures are carried out within the case organisation.

The key decisions which will be discussed further under this section consist of: the research setting, population, sampling and sampling techniques; data collection method; data analyses, reflexivity, ethical considerations and quality assurance.

### 3.5.1 Research setting

The research was conducted in a state owned entity within the Johannesburg area, to ensure that the research was within a manageable scope. The organisation consists of approximately 3700 employees, with established leadership and executive structures. Due processes were followed to obtain permission for the study to be conducted (see Annexures B & C).

### 3.5.2 Population

De Vos et al., (2005) define a population as consisting of individuals within an environment that possess specific characteristics. According to Castillo (2009), two kinds of populations exist in research, the target population and the accessible population. An entire group of objects or people which is of interest to a researcher when attempting to generalise conclusions is referred to as the target population (Castillo, 2009). The second kind of population is referred to as the accessible population. Babbie (2007) refers to the accessible population as a population within research in which the researcher’s conclusions are applicable. Employees included in the study consists of those within senior management, middle management and junior management positions as well as a few union shop stewards. This targeted population all reside at the head office of the state owned entity in Johannesburg, Gauteng. This is convenient as they are all located in a single place, which saves time, expenses and effort.
3.5.3 Sampling

Vanderstoep et al., (2009), define a sample as a subset of people within the identified population. Singleton and Straits (2005:118) state that the term representative entails “providing a close estimate on specific features related to the population targeted”. De Vos et al., (2005) additionally assert that due to expense and time limitations; it would not be possible to access the entire population as a result of these restrictions. O’Leary (2004) and Vanderstoep et al., (2009) declare that sampling allows a researcher to draw generalisations in their findings to a larger population. Moreover, a researcher’s capacity to draw generalisations from results and apply these to a larger population is made possible by sampling (Babbie, 2007). Various sampling methods exist that a researcher can employ in order to choose a sample from the population.

Denscombe (2003) and Babbie (2007) identify probability sampling and non-probability sampling as the two types of sampling methods within research. Vanderstoep et al., (2009) explain that random sampling, also referred to as probability sampling, occurs where each individual within a population has equal opportunity of selection for research studies. A sample will be perceived as being representative where it possesses characteristics which are similar to those of the population under study (Babbie, 2007; Vanderstoep et al., 2009). Sampling which is non-probable, also known as non-random sampling, on the other hand, occurs where each individual within a population cannot have equal opportunities of selection for participation in research studies (Vanderstoep et al., 2009).

Within the current study, purposive and convenience sampling was employed. Purposive sampling was selected as it is based solely on my judgement about particular characteristics and attributes possessed by a certain group of individuals (Babbie, 2007 & Creswell, 2009). Hence, I selected a sample with a particular objective in mind. The advantage of convenience sampling is thus the ease related to selecting participants to form part of a study (Vanderstoep et al., 2009). To guard against my closeness and familiarity with role players from distorting my findings, I will observe an adequate level of reflexivity in the study. The concept of reflexivity is elaborated upon in more detail later in the chapter.
With the above being outlined, this study, however, acknowledges limitations related to purposive and convenience sampling. Denscombe (2003) and Vanderstoep et al., (2009) identify a limitation where the results gathered from research studies cannot entirely be generalisable across a broader population as both purposive and convenience sampling fall into non-random methods of sampling. To overcome this limitation, results gathered from this research will be generalisable so as to achieve the specific objectives and outcomes of the research. The research will have the advantage of possibly being extended to other state owned entities in South Africa, where researchers can probe further into the subject and develop potential solutions to this phenomenon within their context.

3.5.3.1 Sample Size

Within the current study, it is not realistic to investigate the entire population, but I drew general findings in the research across the subset of the population under study. O’Leary (2004) states that the size of the sample is usually dependent on the research study and its nature. Larger samples usually generate better accuracy, as it will more likely resemble the features of the general population, and is often suitable for quantitative studies (Vanderstoep et al., 2009). With this being said, Babbie (2007) declares that for qualitative studies, a smaller sample size is always desirable. I thus selected 10 employees within the case organisation, made up of employees, supervisors, managers and trade union shop stewards.

3.6. Pilot study

Kothari (2014) defines a pilot study as a micro study performed to determine or evaluate the ease and possibility of undertaking a full study. Within semi-structured interviews, however, limitations exist for the use of pilot studies. This is because of the nature of open ended questions, where responses of interviewees may not easily be anticipated before the research. It is common within quantitative research to make use of pilot studies, though it has been successfully used in other types of studies, particularly where the terrain of study is new and a need exists to test the terrain before conducting the full study (Kothari, 2014). A pilot study is recommended for qualitative studies.
especially because of the depth of information expected to be obtained (Flick, 2009). This study utilised the pilot study to explore potential problems in the interview guide. Interview questions were piloted with two employees within the employee relations department of the case organisation. These two employees have extensive experience in disciplinary matters, and provided valuable input towards interview questions. Therefore, interview questions were adequately vetted to ensure that they addressed critical issues relevant to the study.

3.7 Data Collection

Babbie and Mouton (2001) identify various methods which are available for collecting data in qualitative studies, namely; individual interviews, in-depth interviews, focus group interviews, participant observations as well as semi-structured interviews.

Kumar (2005) defines individual interviews as a process whereby the interviewer asks each participant the same series of questions on a one on one basis. The questions are developed prior to the interview, and often have a limited set of response categories. According to Welman et al., (2006) individual in-depth interviews are commonly utilised to jointly create meaning with participants by rebuilding perceptions of events and experiences. This category of interviewing allows for a wide range of research questions to be accommodated by probing and follow-up questioning from the researcher (Moloto et al., 2014).

Babbie (2007) declares that participant observation combines participation in the lives of participants being studied, while maintaining a professional distance which facilitates the effective observation and recording of information. Lastly, Vanderstoep et al., (2009) state that semi-structured interviews consists of a number of key questions that assist in defining areas to be explored in order to gain rich data. These interviews further allow the interviewer or interviewee to deviate from set questions in order to pursue an idea or response in further detail (Kumar, 2005).

Semi-structured interviews (face to face) were held with employees involved in and those who have faced disciplinary action within the state owned entity. This was done with the view of drawing from their institutional knowledge and experiences in relation to
the subject matter. Each of the interviews lasted between 20-35 minutes, depending on which participant was being interviewed. Open-ended, semi-structured interview questions were posed to participants. This enabled me to ask further clarifying questions and to probe further on responses given (Babbie, 2007). Participants interviewed were from the human resources department as well as other employees involved in either initiating disciplinary action, defending employees against it or have experienced it themselves. Interviews were conducted privately as confidential questions related to the business were posed; hence the interviews were conducted in isolated and private areas. Questions specifically related to disciplinary action and the state owned entity were drafted, to allow participants to answer questions effectively. To define the line of enquiry and ensure that effective qualitative data was gathered, an interview guide was developed around the phenomenon under study. The advantage of a semi-structured type of interview is its effective control practiced by the researcher during the interview process, allowing participants to be probed on responses provided (Welman et al., 2006).

With the consent of participants, notes were also taken whilst conducting interviews (O’Leary, 2004). This was done with the purpose of reverting to important issues raised and the manner in which they were raised. This allowed me to go back to important aspects raised and the context within which it was raised, allowing for further interpretation to take place. Welman et al., (2006) acknowledge that the interview method for collecting data can be costly and time consuming, owing to expenses related to travelling and scheduling of meetings with participants. I am employed at the case organisation which made access to participants more easy and convenient. If the research participants were busy with operational obligations when proposed interviews took place, the interview process was rescheduled to accommodate them. All participants, though, allocated time for the interview which allowed for the collection of data to run effectively. Leading and follow up questions were posed. Questions such as “have you ever been disciplined for erring in executing of your duties? How did you feel? Do you think the treatment you received was fair and consistent according to organisational practices? If not, what was different?” will be posed to participants as well as other questions.
3.7.1 Recording of data

Interviews were digitally recorded. This was done in an effort of ensuring that true lived experiences of participants were captured during the one-on-one interviews (Babbie, 2007). Field notes were taken with particular care as to elaborate on the digital recordings. In particular, field notes gave me the opportunity to reflect on previously gained information. Particular care was taken to ensure that participants’ views were accurately documented, whilst ensuring that their responses were recorded as realistically as possible. Additionally, transcripts were sent to participants for member checks and verifications. As a result of these adopted methods, evidence obtained from this study can be considered as credible because of the measures taken by me.

3.7.2 Data Analysis

Data obtained through the interviews was digitally recorded. Interviews were then transcribed and interpreted to provide clarity and explanations of responses received during the interviews. Once transcribed, the information was inserted into a system called Atlas.ti to analyse the data. Hwang (2008) states that the Atlas.ti software ensures that the analysis of qualitative data is accurate and well organised, and it assists in documenting the themes emerging from the data. Pope, Ziebland, and Mays (2000) declare that such software enables basic “code and retrieval” of information and allows more sophisticated analysis to take place employing algorithms to classify co-occurring codes in a range of rationally corresponding or nesting possibilities, explanation of the text, or the development and unification of codes. The transcribed qualitative data was analysed by employing two data analysis techniques, namely, content analysis and thematic analysis. These techniques will be elaborated upon in Chapter 4 of the study.

3.7.3 Reflexivity in Qualitative Research

Collins and Hussey (2014), define reflexivity as an attitude of attending systematically to the context of knowledge construction, particularly to the effect of the researcher, at every step of the research process. Creswell (2009) posits that the qualitative interview includes a constant process of reflection on the research. Reflexivity therefore involves
a process of evaluating oneself as both a researcher, through a research journey (Myers, 2010). Collins and Hussey (2014), explain that self-reflection involves a process of evaluating an individual’s own ideological perspectives, norms and presumptions, and the role that they can play in affecting the decisions of the researcher, especially in selecting and phrasing of questions. In addition, Myers (2010) states that a reflection of the relationship with research consists of evaluating individual relationships with participants, as well as how these dynamics could influence reactions to questions of research. Therefore, reflexivity involves focusing the nature of the research inquiry itself, thereby openly evaluating pre-conceptions and gaining an awareness of situational dynamics in which the researcher and participants are jointly involved in knowledge creation (Myers, 2010). Collins and Hussey (2014), further argue that there is a need for reflexive practices as it presents the opportunity to revise research questions and even re-frame the research topic as the project unfolds.

Although I am employed in the human resources division of the organisation, responsible for the implementation and management of discipline, I will strive to be objective during the research process. Any preconceived notions and perspectives that are held by me around the topic will be managed as much as possible, and I will further attempt to gain a richer understanding of how participants have experienced the phenomenon, instead of attempting to impose my own views on them by adhering to the quality criteria for qualitative research.

3.8 Quality assurance

For research instruments to be effective, correctness and exactness are crucial. Related to the abovementioned terms in the qualitative inquiry are the concepts of credibility, transferability, dependability and confirmability.

3.8.1 Credibility

Kumar (2005) refers to credibility as the capability of research instruments in measuring what they are supposed to measure. According to Merriam (2005), the concept relates to the question, “How consistent is my findings in relation to reality?” To ensure credibility, a purposive sample was selected and procedures were adopted to ensure
that valid results were achieved. Further to this, various measures were also taken to ensure the credibility of the interview process, i.e. a pilot study was conducted to enhance the quality of interview questions. Furthermore, changes were also made to the memorandum outlining the objectives of the study sent to participants (see Annexure D); to ensure that research participants obtained a clearer understanding of the purpose of the study to enable them to address questions correctly. The credibility of the interview guide was further confirmed by verifying the quality of questions with my research supervisor. The line of questioning was also clarified and questions were rephrased based on the input received from my supervisor.

### 3.8.2 Transferability

Merriam (2005) describes transferability as being associated with a degree to which findings in a single study could be applicable to another. Within post-positivist tradition, the focus frequently dwells on a demonstration of a study’s outcomes and how it can be transferred to a broader population (Shenton, 2004). Shenton (2004) further argues that as findings related to qualitative research is specific to smaller groups of individuals through context specifics, it becomes challenging to illustrate how outcomes and assumptions may be applied to a different population or situation. However, this should not be seen as detrimental to the study. Merriam (2005) postulates that it can become a tendency for researchers to establish a preoccupation with transferability. Kumar (2005) explains that eventually, results gathered from qualitative research require an understanding within its context of specific features of individuals or organisations and, possibly, within the geographical scope where data was obtained. Shenton (2004) concludes that for the purposes of assessing the degree of accuracy of findings as it relates to individuals in different circumstances, projects of a similar nature can be employed utilising similar processes but completed in dissimilar environments may result in great value to researchers.

### 3.8.3 Dependability

Singleton and Straits (2005) indicate that when the same results can be achieved when a different researcher uses the same research technique, dependability would be
achieved. Collins and Hussey (2014), acknowledge that dependability focuses on whether the research process is systematic, rigorous and well documented. When conducting research, the dependability of information obtained from participants is influenced. This is because participants’ positive or negative experience around a phenomenon under study has the potential to influence the manner in which they answer questions directed at them. With that being said, interview questions from the same interview guide were directed to all participants in an effort to sustain a high level of dependability. Interviews were also conducted individually with each identified research participant, owing to the number of participants and the variety of responses anticipated. It thus created an overlap, ensuring that the interviews conformed to dependability.

3.8.4 Conformability

Shenton (2004) defines confirmability as the researcher’s equivalent care for objectivity. Patton (2002) relates scientific objectivity to the utilisation of methods which do not rely upon individual expertise or perception. There, nevertheless exists a challenge in ensuring genuine impartiality, as assessments and questionnaires are even developed by individuals; making the imposition of researcher bias unavoidable. Patton (2002) states that the degree to which researchers acknowledge their own predispositions are a key criterion for confirmability. Therefore, philosophies reinforcing choices made and processes selected must be admitted during the study, justifications for selecting one method over another clarified and flaws in the methods applied actually being acknowledged (Shenton, 2004). To attain confirmability as far as possible, I ensured my study’s outcomes were as a consequence of the participants’ understandings and thoughts, instead of any features or inclinations of my own.

3.9 Ethical considerations during the research process

Babbie (2007) declares that when designing any research study, it is important to observe ethical standards during the course of conducting research. Therefore, I heeded the call as mentioned by Welman (2006), in that I guarded myself from manipulating my participants through the use of unethical tactics when conducting the
interviews. This was done to ensure that participants were not harmed during the interview process and that my easy access to them was not abused. Before collecting the data, the full consent of participants was obtained. The anonymity of research participants was conserved during the interview process and the confidentiality of information was preserved; this was assured as part of collecting data for the study. Further, the names and designations of participants’ were not mentioned during the qualitative data analysis. To protect their identities, pseudonym names were assigned to participants and they were generally referred to as participant number one, two and so on. In addition, employees’ level of tenure was also not mentioned without first obtaining the consent of participants.

The research study was only conducted once an ethical clearance form was submitted to the university’s industrial psychology and people management department, and this was dually signed by me and my research supervisor. Furthermore, data was only collected once a request was submitted to the knowledge management department within the learning and development division of the case organisation. Within the request, it was required of me to outline the purpose of the study, anticipated research participants to be selected for the study and the rationale for selecting them. The research approach to be followed was also explained to the case organisation, as well as the data collection method to be utilised. Once all this information was populated, the request form was signed by me and approved by management. In ensuring that the study was completed ethically, a number of measures were taken. Firstly, a meeting invite was sent to each participant individually, where a convenient date and time was agreed upon. Within this meeting, the purpose of the study was outlined and the role that each participant would play was clarified. Thereafter, in ensuring the study was further completed ethically, a memorandum was sent to participants articulating details around what was discussed during the meeting, providing further detail on the data collection method and how participants’ confidentiality would be protected.

3.10 Summary

This chapter provided an explanation of the design as well as methodology of the research followed within the present study. Differences between the research design
and methodology were further outlined, and the elements which form the foundation of each were expanded upon.

The exploratory nature of the present study was described, where after the interpretive paradigm as well as qualitative approach to research was highlighted. Various elements of the qualitative research approach were discussed, including its purpose, theoretical framework and advantages and disadvantages amongst others. Theory around the different philosophical assumptions was provided as well as an explanation as to why a particular research paradigm and approach was adopted. The research methodology discussed the qualitative method research design. The research process was expanded upon, and a case study was selected as it was deemed suitable for the purposes of exploring the phenomenon in detail within a specific context. In terms of data collection, interviews of a semi-structured nature were employed to obtain information as per participants within a case organisation. An explanation of the pilot study’s process was also provided. Interviews were further conducted with top, middle and junior management level employees as well as trade union shop stewards and employees who have faced disciplinary action. The concept of reflexivity was also discussed, as well as it impact on data collection and analysis. The population and sample was discussed, and two non-probability sampling methods were selected in the form of purposive and convenient sampling.

Quality assurance techniques were further elaborated upon, where the credibility, transferability, dependability and confirmability of the study were discussed and the process which was followed to ensure that these assurance techniques were met. Lastly, ethical considerations which were observed during the study were explained. This explanation included the procedure followed to gain authorisation to conduct the study within the case organisation and how the approval of participants was sought for their participation in the study.
Chapter 4

Data analysis

4.1 Introduction

This chapter analyses the data relating to consistency of disciplinary measures within the case organisation. Data obtained from the interviews was analysed as per the case-study method, which expanded on participants’ experiences in order to obtain an in-depth understanding of consistency in disciplinary measures at the organisation under study. The perceptions and experiences which they described provided an opportunity for reflection and personal interaction with affected individuals. Interview transcripts were repeatedly read and in exploring the content of participants’ experiences, common themes and similarities were identified across their narratives.

To ensure an adequate data analysis, it is necessary to reflect on the research questions as contained in chapter 1 of this dissertation and set out below:

- Does the state owned entity take into consideration the substantive and procedural elements in the application of its disciplinary measures?
- What perceptions do employees have regarding disciplinary measures within the organisation?
- Is disciplinary action selectively applied within the organisation?

4.2 Thematic and Content Analysis of Data

Braun and Clarke (2006), refer to thematic analysis as a qualitative analytical method used to identify, analyse and report on patterns/themes found in the data. This analytical method minimally organises and describes data sets in rich detail (Vaismoradi, Turunen, & Bondas, 2013). Thematic analysis frequently goes beyond this function as it interprets a variety of aspects in the research topic (Braun & Clarke, 2006).
According to Babbie & Mouton, (2012), content analysis is often applied in various forms of communication. Vaismoradi et al., (2013) state that content analysis involves the identification of key patterns in terms of who says what, to whom, why and to what extent. In line with the above thoughts, I have used content and thematic analyses to explore the contents of the qualitative data which emanated from the interviews as well as in the literature review. I was therefore focused on keywords and themes within the texts as obtained from research participants during the interviews.

During the data analysis, I initially utilised the Atlas TI software. Atlas TI analysis unstructured data in a systematic manner by identifying codes within the text of the primary data (Babbie & Mouton, 2001). It further simplifies large amounts of qualitative content by placing the text into categories, allowing a researcher to interprete the data at ease (Abbot et al., 2013). For all these advantages mentioned, Atlas TI however presented some challenges in the current study as my coding did not properly reflect in an effective manner to allow for proper analysis (see Annexure E). It was therefore resolved, with the consent of my supervisor, that the data be manually analysed (see Annexure F).

### 4.2.1 Research Participants

Most of the research participants hold a tertiary education and have been employed at the case organisation for 5 years or longer. This excludes one participant who only holds a matric qualification and another who has been in the employ of the organisation for only 3 years. Participants are vastly experienced within their roles, which can be inferred by the fact, that none of them are below the age of 33 years, which gave rise to their in-depth knowledge and experiences on the subject matter. Interestingly, however, is the fact that half of the participants are unionised, although some of them hold management positions within the organisation and are entrusted with engaging organised labour as management representatives.
Table 4.1
Sample Profile

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<th>RP2</th>
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**Source**
Author’s Fieldwork
4.2.2 A brief background in relation to research participants

In this context, pseudonyms were used for participants in order to protect their identities. This was done as a result of the nature of questions asked and the anticipated responses from participants on the subject matter, so as to create a sense of security that would allow for open and honest answers to the questions posed.

RP1

RP1 is a 41-year-old male who has been employed with the case organisation for 6 years. He is in a middle management position, and is a highly skilled individual within the field of employment relations and labour law. He is vastly experienced, and has held positions in trade unions as well as in organisations, making him a well-rounded individual in his field of speciality, labour law and employment relations. Despite all this, participant one found himself disciplined and dismissed within his first year of service in the organisation under investigation. He referred an unfair dismissal dispute to the CCMA and was subsequently reinstated after winning his case. His answers were well articulated, and he explained processes and procedures in thorough detail as it related to the subject matter questions posed to him.

RP2

RP2 is the youngest participant at age 33, and she is a female employed for a period of 8 years to date with the organisation. She is a well-articulated individual, and is currently a shop-steward of one of the two majority unions within the case organisation. RP2 is a strong willed female, who stood firm on her perspectives towards certain elements within the organisation and around the subject matter. She is one of the most active shop-stewards in her trade union, and has a deeper understanding around disciplinary measures as she often defends employees against allegations of misconduct brought against them in disciplinary hearings.
RP3

RP3 is a 37 year old male with a strong forensics background. He has been employed at the organisation for approximately 7 years, and is quite familiar with the organisation's processes and procedures. RP3 has been involved in a number of disciplinary cases, where he often attends proceedings as a witness for the employer against an employee who has been charged for alleged misconduct, following a forensics investigation was done. As a result of this, his responses were well measured and guarded, and he repeatedly asked whether I understand the meaning of his responses in order to avoid any misinterpretations. He has a pleasant demeanour and is a highly professional individual and conducts himself as such, although he was rather defensive at times.

RP4

This research participant is a 37 year old male with more than 14 years of experience within the organisation under study. Although RP4 holds a master’s degree, he is only employed at an administrative level within the business. He has faced disciplinary action himself, and was subsequently dismissed from the employer’s business before a reinstatement order was made at the CCMA for him to return to work when he disputed his dismissal. RP4 provided well-articulated responses, although a sense of frustration and resentment towards management was illustrated in most of his responses.

RP5

RP5 is a 43 year old male with a tenure of 9 years. He holds an administrative level position with a matric qualification, and is also a shop-steward of the same majority union as that of participant 2. RP5 is a visible and vocal representative of his trade union, and also has vast experience in disciplinary matters, as he represents many employees who are and have been alleged to have committed misconduct in disciplinary hearings. He provided clear and calm responses throughout the interview,
and conveyed a particularly negative perspective towards the human resource management function within the case organisation.

**RP6**

This 46 year old research participant holds a supervisory level position, but is currently acting in a vacant management level position within his department. RP6 holds a diploma in operations and is a shop-steward of the other majority union within the case organisation. He showed great enthusiasm at being a part of the research study, and his responses were fraught with suggestions on how the executive leadership within the organisation can improve processes around the subject matter. RP6 has been employed for 18 years in his department and displayed a great deal of compassion for employees within the organisation who have previously been disciplined. He further possesses a high level of emotional intelligence, and seemed to understand the organisational culture and dynamics, which were at play within the organisation.

**RP7**

RP7 is a 49 year old female who currently holds a top management position. She has over 11 years of experience within the organisation, and holds a degree qualification. Being within the finance division of the organisation, RP7 understands the nature and organisational culture of the organisation, and also provided experienced responses without divulging any divisional information, which she felt, was too sensitive. She further outlined disciplinary processes that she herself has had to enact as a means to discipline her own staff members for various PFMA (Public Finance Management Act), related misconducts. RP7 is a firm leader within the organisation, and also displayed a high level of ethical leadership, which is required for a finance department.

**RP8**
She is a 34 year old female who had been employed for 8 years within the organisation in the human resources division. She was previously based at the Bloemfontein offices of the organisation before receiving a transfer to the Johannesburg head office in mid-2015. She holds an honours degree in industrial psychology and sociology, and is perceived to be one of the better HR professionals within the organisation. Although RP8 was nervous and hesitant in her responses initially, she gradually became more comfortable and secure as the interview progressed. She displayed a strong passion for her profession and understands the nature of operations within her department. Although RP8 displayed a strong sense of empathy for employees who experience disciplinary action, and also understood the rationale of it and its use within an organisation.

RP9

He is a 55 year old male who has been employed within the human resources division of the case organisation for over 26 years. He holds an honours degree in industrial psychology and is a specialist within his COE (Centre of Excellence) of the human resources division. RP9 has only held employment with one other organisation before joining the State Owned Entity under study, and his loyalty to it was displayed in his responses as he watched his words carefully throughout the interview. RP9 provided academic and generic responses to interview questions, and had to be probed to elicit his personal views on the subject matter. He did, however, provide specific examples for most of the questions with regard to incidents that had transpired over his 26 year tenure, which assisted me towards drawing a further holistic picture on the subject matter within the organisation.

RP10

RP10 is a 36 year old male who holds an MBA qualification and top management position within the organisation. He has only been employed in the case organisation for just over 3 years, and is a vastly experienced individual at his age, having gained
experience in both the public and private sector. RP10 is currently on suspension and is prohibited from entering the premises of the organisation, thus he was the only research participant who was interviewed at his home. Despite the above situation, he was enthusiastic about being a part of the study and his responses were similar to that of most participants, with no anger or resentment in his responses. He did, however, feel that a great sense of injustice had been imposed on him for being an ethical and transparent leader. His responses were also fraught with many suggestions on how the organisation under investigation could change its stature of executive leadership in future, which would in turn change the nature of its organisational culture.

The ten participants’ involvement in and experience with disciplinary measures rendered them the most suitable research participants. This has allowed me to understand their perspectives of how disciplinary measures have affected them personally within the organisation. The research participants have all established their careers over time and hold recognisable statuses within and outside of the organisation. Most participants have a tertiary qualification, except for participant 5 who only has a matric. Half of the research participants are members of either of the two recognised majority unions, while the other half is not affiliated to any trade union. Seven of the research participants are males while the remaining three are female. Participants were also selected from all levels of the organisation, in order to gain a holistic perspective of how disciplinary measures are perceived throughout the hierarchy of the organisation.

In a nutshell, participants within the study proved to be eager and enthusiastic about being part of the research, and have been employed at the organisation for an average of 11 years. Participants thus have an established organisational bond with the state owned entity, and possess institutional knowledge that contributed significantly to the study. They were further driven by their belief that disciplinary action should be utilised and implemented for its intended purpose, and in a fair manner.

4.3 The interviewing process
Collins and Hussey (2014), define interviews as a method of gathering information where questions are directed at research participants in order to establish what they feel, think and/or do. Myers (2010) further holds that this method provides an opportunity to collect rich data within different roles and contexts from a variety of people. From an interpretivist perspective, interviews involve the exploration of data on perceptions, opinions, understandings, feelings and the like (Collins & Hussey, 2014). Interviews thus involve direct interaction between the interviewer and the interviewees. During the interviews, I was careful in allowing interviews to flow freely, thereby allowing participants to provide information freely. The setting of the interviews, where they took place, as well as how they were conducted, is elaborated next.

4.3.1 Setting of the interviews

I felt that it was important that the interviews should be conducted in the workplace where participants are based. Hence, I followed the recommendation of Myers (2010), who advocates that a setting should be chosen where participants are comfortable and which is private. As a result, most interviews were conducted during pre-arranged times with participants, where they had made time available prior to the interviews. A special arrangement was made to interview RP10 at his home because of his ongoing suspension. I am familiar with all research participants and their consent was sought to schedule the interviews so that they took place well in advance of the actual interview date. Privacy was ensured by securing a boardroom in an isolated area of the business, which allowed recordings to remain uninterrupted. The following is a brief discussion of the procedures that were followed during the interview process.

4.3.2 Procedures observed during the interview process

As aforementioned, interviews were conducted with ten research participants, and all the interviews were administered by myself. Collins and Hussey (2014), refer to this process as face to face interviews, where participants can be interviewed on the streets, in their homes, at their workplace, or at any other place of convenience. During these
interviews, I sought to gain an understanding of the meaning created by research participants on their experiences (Myers, 2010). Collins and Hussey (2014), advance that although interviews could be time-consuming and expensive; they offer the benefit of gathering data, which may be useful in order to understand sensitive and/or complex situations.

To establish a professional rapport for the interview process, a few guidelines were set out. Before the interviews officially commenced, the objectives of the study were explained to participants, as well as the aims of the research. Once this was articulated, participants were given assurances around confidentiality of the interview process, as well as the pseudonyms assigned to them. The rationale for recording the interviews was outlined and participants gave their consent for field notes to be taken during the interviews (Myers, 2010). For the purposes of asking questions, I utilised the interview guide which was created by me and at the start of the interviews, I asked participants to provide me with a brief background about themselves before commencing with the questions. I felt that this established a good rapport during the interviews, as it allowed participants to ease into the process. I also took care to listen thoughtfully to the views expressed by participants, while recording important non-verbal cues, which were displayed when responses were provided.

4.3.3 Probing

Probes involve the researcher asking questions in relation to a response, which is provided by the research participant (Eriksson & Kovalainen, 2008). According to Collins and Hussey (2014), probing questions are asked to allow for greater understanding around an issue under investigation, and to signify the commencement of the data analysis process. Neuman, (2010) states that probing provides for a two functional approach; firstly, probing results in research participants providing more detailed responses to their initial statements and, secondly, a level of flexibility is present in responses, which reduces irrelevant data and clarifies information.
In-depth and comprehensive responses were received from participants because of their expertise and experience. Also, by posing probing questions, participants could sense that I took an interest in their personal perspective on matters, which resulted in highly interactive interviews with a richness of information flowing from it. As my probing questions were unstructured and stemmed from participants’ responses, a wide variety of answers were gained from participants who provided them with an opportunity to fully express their feelings and emotions. During the course of data collection, research participants showed a great level of enthusiasm and passion, as the subject matter directly impacts on employees and their livelihood; not only in the case organisation, but in society as a whole.

4.4 Presentation method

In relation to the presentation of findings, common themes were identified which I deemed as important to research participants. Within the context of this qualitative study, it gives rise to understanding the findings where I have made reference to how many research participants hold a particular view, whilst also referring to the existence of a connection between common themes, which emanated from the data analysis.

4.5 Descriptive indicators

Through the use of broad questions or themes, I solicited the perceptions and experiences of participants, which were subject to exploration and/or description. With regard to descriptive analysis, a relational association is evaluated in terms of frequency when comparing the responses of participants (Collins & Hussey, 2014). To explore research participants’ constructs of reality and for the purposes of gathering broad information, open ended questions were used in this regard (Myers, 2010). Responses from participants were thus analysed in terms of frequency in the form of a hierarchy. These responses not only provide answers to research questions, but also provide a perspective on participants’ own construction of reality in an implicit manner (Cresswell, 2009). These constructions were important as participants are employed in the
organisation under study. Participants are and were involved in disciplinary processes; which resulted in the interviews being regarded as effective. The evidence that was collected brought both common and opposing views through data analysis on the subject matter. I therefore considered the interpretation of the evidence that was gathered as a true reflection of research participants’ constructs.

The rationale for interviewing those who are and have been involved in disciplinary measures were twofold. Firstly, these participants have been employed within the case organisation for a number of years. Being long serving employees of the case organisation, they possess institutional knowledge and have witnessed a number of executive regime changes with regard to leadership structures and how these have influenced the organisation’s culture. Secondly, participants were also able to reflect on how disciplinary action has impacted on their lives personally in the organisation, resulting in the current relationship that they have with the organisation. Disciplinary measures are effective when they are applied in a consistent manner within an organisation. Therefore, consistency and fairness of disciplinary measures became the main units of analysis, whereby the case study revealed the manner in which participants constructed their reality in relation to the subject matter within the investigated organisation. Following is a discussion on the interview guide utilised for gathering data.

4.6 Interview guide

This study was guided through the three main research questions, which were closely aligned with the research topic, namely consistency in the application of disciplinary measures within a state owned entity. The consistency was explored through the narrative of participants which was pursued via open-ended questions and followed up by the use of probing questions to expand on the main questions posed and at the same time clarified answers provided. The contents of the interview guide are set out in the table below:
Table 4.2

*Interview guide questions*

1. Does the state owned entity take into consideration the substantive and procedural elements in the application of its disciplinary measures?

   1.1 What are the procedures followed by line managers when instituting disciplinary action against employees?

   1.2 What is your opinion on the objectivity and professionalism displayed by members of the disciplinary panel during a disciplinary hearing?

   1.3 What is your perspective on the fairness and validity of disciplinary hearing outcomes?

2. What perceptions do employees hold regarding disciplinary measures within the organisation?

   2.1 With regard to disciplinary action in the workplace, what is your experience in terms of its use for the intended purpose?

   2.2 After experiencing a disciplinary hearing, how did you feel?

   2.3 Do you feel that trade union shop-stewards do enough to assist employees during disciplinary matters? Please elaborate.

   2.4 What is your perception of the consistency of the application of disciplinary action in the organisation?

3. Is disciplinary action selectively applied within the organisation?

   3.1 In cases where disciplinary measures were inconsistently applied, were there any distinguishing factors in those cases?

   3.2 Does the culture within the organisation play any role in how disciplinary action is implemented?

   If yes, how?

*Source*

Author’s Fieldwork
The questions contained in the table above were direct and open questions, while probing questions were utilised where the need arose. The different categories of interviews in relation to research questions are elaborated on in the next section.

4.6.1 Substantive and procedural elements in the application of disciplinary action

Fairness and consistency are key factors in determining the validity of disciplinary action, which employers take. To adhere to these requirements, organisations are obliged to ensure that substantive and procedural elements are fulfilled. These relate to a fair reason for discipline and enacting it according to a rational procedure. In the event that any of these two elements are not met, organisations could endure undesirable penalties. Therefore, it is crucial that a fair reason for discipline is carried out, as per a sound procedure, to ensure that discipline produces its desired outcomes.

The following responses emanated from research question 1: Does the state owned entity take into consideration the substantive and procedural elements in the application of its disciplinary measures?

In this regard, RP1 remarked: "When there is an allegation of misconduct, the line managers can approach the implementation of this in two ways. One is if they've got sufficient evidence; they can there and then set up a disciplinary panel so that it can rule on the disciplinary hearing (DC). The other alternative is where there is a need for an investigation, is for line managers to approach either the internal forensic investigators or alternatively an external one, for them to conduct an investigation and then produce a report".

“Obviously management will receive, considering my line of work, they will receive facts about a particular misconduct and with proper recommendations after an internal
investigation is conducted and therefore management will then be asked to, or a recommendation will be issued to discipline a particular employee”. (RP3).

RP4 added: “If a line manager wants to discipline one of the individuals, he/she must first have to look at the validity or the transgression of the act of the person to see whether there is a case or not. If you take now for example, insubordination. You can’t just shout insubordination if you do not have any infraction committed by the employee or a failure by the employee to carry out a lawful and reasonable task requested by the employer”.

It is apparent from the above that management will usually consider the nature and severity of the alleged misconduct which the employee perpetrates before action is taken. This, as per the responses, takes place after an allegation has been investigated by management, or after a certain action by an employee has been brought to management’s attention.

In terms of the procedure that is followed by line management once an allegation has been brought to light and investigated, a clear and sound procedure seems to exist. This is based on responses that were received from research participants as shown below:

“The line (manager) is expected by the delegation of authority framework to obtain permission from the head of the division or the business unit, authorising the line manager to continue with the disciplinary hearing. Once that permission has been obtained then the disciplinary hearing will then be implemented, in a sense that the line manager will then escalate the complaint to HR, who then has to facilitate the process going forward”. (RP1).

“So then what happens is the manager consults with HR, HR gives advice and then they draw up a motivation request for a disciplinary action to be taken against the specific employee or the accused employee. The motivation being signed by the head
of the department, receipt of proof and motivation of the disciplinary action to be taken against a certain or particular employee. Then from there we draw up a charge sheet in consultation with our labour relations for them just to go through to double check we actually do have a valid charge against the specific employee”. (RP8).

Within this context, RP7 added: “For more serious offences which in my experience I have had as well is where it is necessary for the employee to be suspended. Officially there is a procedure around obviously the type of offence that warrants that. The process we follow there is obviously giving an intention to suspend the employee which allows him time to respond to that. Once they have responded, we review it and think about it to see if it is still necessary to suspend”.

What emanates clearly from the above responses is that a detailed procedure is followed by management when they contemplate disciplining an employee, and this includes consultations with experts, including HR. As noted from RP7’s response, a similar procedure also exists when an employee is suspended, as well as disciplined for serious misconduct. This seems to be a precautionary measure to allow for further investigations to take place before official disciplinary action is taken.

Similar to research participants 1, 7 and 8, RP3 stated the following: “In terms of the internal process, the line manager needs to submit a motivation, some form of a request to discipline to the higher authority to say we intend to discipline a particular person and then approval will be granted you know after interactions between themselves and the line manager as to the reasons behind it. And then my understanding will be that the next step here is to engage employee relations to facilitate the process”.

“With help of employee relations and HR, normally HR you get advice, you put in writing allegations whatever, and you give the employee, ask them for reasons you know, what is their side of the story and in some cases if it is of a serious nature for reasons why they should not be suspended”. (RP9).
As outlined above, RP9 concurs with RP7 that suspension, in addition to disciplinary action, would be required for serious acts of misconduct. In addition, the latter two research participants verified the procedure, where a motivation is written by the line manager, seeking permission from a higher authority to commence and officialise disciplinary action, to ensure its validity, as per the disciplinary procedure and policy.

With regard to a follow up question, which relates to the professionalism and objectivity displayed by members of a disciplinary panel once disciplinary action commenced, RP7 responded as follows: “It is very important to act professionally to ensure there is no bias at all in terms of the process and it must be a fair and open process. One can’t just based on one’s evidence being presented and already making a conclusion on that. You have to be open minded in terms of listening to both sides of the case”.

RP7’s response supports the notion that it is important for both sides of the matter to be heard (audi alteram partem rule) before any decision can be made on the outcome of any matter.

In the same vein, RP8 stated: “The panel will be objective and they will not be biased towards the case that is being held. We normally make use of people outside of the department, who are not directly affected with the case and are not familiar with its merits; it can be the working environment or the person being charged who can make sure whatever objective panel will be put together”.

“In my experience with interactions with the panel, because I most of the time lead evidence or provide evidence on matters that are investigated, the professionalism is of high note and I have never had any issues per se with the panel. I have always observed that the people who sit on those panels are of utmost professionals and they display that. I think that is my view, which is obviously supported by the fact that they understand that they are dealing with people’s reputations, people’s futures and you know careers”. (RP3).
The common theme which emerged from the above responses was the competency and professionalism which are displayed by a disciplinary panel during proceedings. This theme may be linked to the fact that individuals who serve on those panels understand the procedure and the matters which are at stake during a disciplinary hearing.

However, RP1 brought the following to light: “It depends on who had made the request to discipline within the organisation, whether that person is in a position to influence the chairperson of the hearing. You cannot rule out that possibility. You have instances where the chairperson would assume that because the complainant is from a particular unit, headed by a particular individual, therefore there is an expectation that he/she should return an outcome that is favourable to the line managers, thereby compromising the professionalism of that person and the objectivity. So yes, you may have a person who is experienced and competent but the environment and the circumstances maybe such that, that person is influenced in not seeing to it that he conducts the disciplinary hearing in a professional and objective manner”.

RP1 seems to hint that there are certain situations where the integrity of a disciplinary hearing could be compromised owing to the individuals involved in the matter. This would seem to be dependent on the ethical nature of those individuals, their relationship with line management, and their reason for instituting the disciplinary action.

The research participants’ experiences on valid and fair reasons for disciplinary action were explored next to elaborate on substantive fairness. Responses to this question are presented below:

“My view is that it is fair and it is also valid. The reason being that whatever outcomes is based on fact you know, it is based on firstly documentary evidence that is being provided and also based on testimonies and the fairness of it is also based on the fact that the other party who is being disciplined has been given the opportunity to you know, cross-question or cross-examine whatever witness has been brought to testify in
that matter and they are given the opportunity to also question the documentation or evidence that is being presented and the findings are based on facts you know”. (RP3).

RP8 concurred that before any decision is made on a disciplinary matter, the facts and circumstances of the matter would have to be considered:

“We always look and take into consideration the circumstances surrounding the disciplinary matter. We always make sure that we get all the facts of the employee because that will also affect the severity of the transgression before you give a harsh sanction for lack of a better word”. (RP8).

With the above noted, RP7 brought some interesting remarks to the fore, which relate to fairness as an underlying element:

“In terms of my current employer, there were different experiences obviously. It was in terms of one particular case where I felt it wasn’t fair because it was clear insensitivity of the sanction written by the Chairperson afterwards and management didn’t take that into consideration. So I felt that was a bit unfair. But at the same time there was a different case chaired by a different Chairperson and a different panel where again there was unfairness”. (RP7).

RP7 touched on a concern, which was shared by RP1 in one of his previous statements, namely that of certain chairpersons in disciplinary cases not being ethical during disciplinary proceedings. This could result in certain disciplinary outcomes being rendered as unfair, with the affected employee having options that he/she can pursue in order to obtain a certain relief based on the disciplinary outcome.

All the responses, which have been outlined above represent the research participants’ views on substantive and procedural elements that play a role in the application of disciplinary measures. A clear procedure is followed for disciplinary action, as articulated by all research participants, but the fairness of disciplinary action was
questioned by some participants. In order words, an employee within the organisation may be disciplined according to a fair procedure, but not for a substantively fair reason.

Hence, with regard to substantive and procedural elements within disciplinary measures, the common themes that emanated from the data are as follows:

- Allegation of misconduct;
- Convening a DC panel;
- Investigation into misconduct;
- Nature of misconduct;
- Motivation to discipline;
- Communication with HR;
- Charge sheet formulated;
- Procedural fairness;
- Opportunity to state case;
- Competency of DC panel; and
- Unethical conduct by certain chairpersons

The frequency of these themes, as they emerged from the relevant data in relation to research question 1, is reflected as per the table below:

Table 4.3
Frequency and ranking of emergent themes for substantive and procedural elements

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of misconduct</td>
<td>xxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Communication with HR</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Opportunity to state case</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Motivation to discipline</td>
<td>xxx</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 4.3 above indicates that the nature of misconduct emerged as the most common theme as a substantive element in disciplinary action. This was followed by communication with HR as a procedural element, as well as an opportunity for the employee to state his/her case in response to misconduct allegations. Motivation to discipline, procedural fairness of the process, and competency of the DC panel, as well as allegation of misconduct, emerged as the third procedural elements that came out more from the relevant data. This was followed by the investigation of misconduct and unethical conduct by certain chairpersons. Convening a DC panel and charge sheet formulation appeared to be the least in terms of the frequency of response, as revealed in the relevant data. The above summary is a reflection that the organisation does follow a sound and rational procedure in dispensing discipline which would fulfil the requirements for procedural fairness. However, RP1 and RP7 raised interesting concerns, which may impact on the substantive fairness of disciplinary action. These two research participants questioned the ethical conduct of certain chairpersons in disciplinary hearings. This could have the effect of rendering a disciplinary outcome as being unfair, as the chairperson is the one who renders a verdict or sanction in the disciplinary matter, with the rest of the panel only there to advise him/her. Unethical conduct by the chairperson, in conjunction with the relevant line manager who
dispenses discipline, could therefore cast doubt on whether or not fairness was an underlying element when disciplinary action was first instituted. The next section focuses on the perceptions of employees around disciplinary action within the organisation.

4.6.2 Perceptions of employees regarding disciplinary measures within the organisation

Employees' perceptions around disciplinary measures within the case organisation elicited the strongest responses from research participants. The inconsistent application of disciplinary action, as well as the abuse/misuse of the process came across as a common denominator from most of the interviews. Participants' experiences of toxic leadership also emerged when participants elaborated on their personal experiences, and this resulted in participants feeling a sense of empathy for other employees within the organisation who may come across these toxic individuals in future. The possible presence of toxic leaders in the organisation would defeat the objective of the business, which is to work together towards the achievement of common goals. This could also result in disciplinary action not having its desired outcome, as it would be used for purposes other than that of correcting behaviour.

In terms of the perceptions that employees hold around disciplinary measures, RP4 explained how the disciplinary process has been compromised and is now being used for alternate purposes, as outlined below:

“I think over time it has been compromised in such a way that it is now used to settle scores, turf wars and to fight personal battles”.

“The problem now is these unfair applications of any particular workplace law, or rule, which then compromises the whole thing to an extent of saying this is unfair and unless and until it is attended to by someone at higher authority externally, but from within the organisation it has become a norm over time that the standards themselves have been compromised”. (RP4).
RP4 seems to suggest that it has now become normal practice for disciplinary measures to be used in the manner in which it is being currently used. In this context, RP10 shared similar sentiments:

“So you actually have me, for example, being charged with made up charges. So in my department for example, you are employed to instil governance and to protect the organisation’s financial resources. So even if there is a superior person like the Director of the company, you have the right to speak although they have power to lead us, we can question them if they are not making the right business decisions. In my case for example, you find out that you are now being persecuted for trying to instil financial discipline, for trying to ensure the seniors follow proper governance protocols”. RP10 went on to further state: “So in my experience, we are being charged with trumped up charges for something which is made up just to get us out of the way. So the process in my case, I would say is not entirely fair. It would feel that at this point in time that rights are being infringed upon. It is not a fair process”. (RP10).

RP4 and RP10 share common perceptions of the disciplinary process, as both have been subjected to disciplinary action, which they feel was not warranted at all. Although RP4 has been incorporated back into the organisation after having taken his matter to the CCMA, it should be noted that RP10 is currently on suspension for his alleged misconduct.

A follow up question was posed to explore participants’ perceptions of whether disciplinary action is being used for its intended purpose within the case organisation. The following responses followed:

“No, absolutely not because, I will tell you why. Because we have just a few cases and the employee relations will attest to that, where a line manager will have, for the lack of a better word, a vendetta against their employee and they will find ways to either charge that person or frustrate them or to dismiss them”. (RP5).
“From maybe the perception point of view is that, the perception is that the process can be abused, unnecessarily so. And sometimes in valid cases it is not applied. So for me there is a feel of a personal vendetta sometimes as opposed to looking at the true facts of the offence”. (RP7).

“I would say definitely not. Reason being there are certain cases where disciplinary action is warranted. But for example, some cases you can see that disciplinary action is being used to further people’s agendas for example. I do not think it is being applied appropriately”. (RP10).

“Well, I will not be able to prove it, but my opinion is that discipline is nowadays selectively applied, more in cases where people become hurdles in the process on the higher levels of the organisation. On the lower levels it does not happen, but on the higher levels, just from the outside it seems that, without having all the facts, that people are targeted in some cases”. (RP9).

In the above narrative RP9 concurs with other research participants, but introduces an interesting element. RP9 suggests that discipline is used for its purpose for lower level employees, but for more senior employees it is used to “target” certain individuals. Despite the above responses and everything that has been said, RP3 provided the following response to the same question:

“In my experience, the disciplinary action will follow an investigation and findings which are highlighting a transgression with regards to policies and procedures of the organisation or related legislation you know. So hence I am saying, they are warranted you know. Because it is following a recommendation that there was a transgression and this needs corrective action, you know. Hence I am saying it is justifiable”. (RP3).

It appears as though RP3 holds idealistic perceptions around disciplinary action. The rest of the research participants, comprising management, as well as shop stewards,
are identifying an alarming trend within the organisation in relation to disciplinary action, but not RP3. He seems to be looking at disciplinary action from a theoretical point of view, and his body language during responses was quite defensive at times, as he kept reminding me about his line of work as a forensic investigator as he responded to questions.

A probing question was also posed to research participants to reflect on how they felt after having been involved in disciplinary action in some form or another. The following responses were received:

“I felt aggrieved and taken advantage of and especially it lowered my professional and self or personal worth. It really lowered it because I became a laughing stock when everyone was like looking at me as if I am acid or a hot potato not to be touched or even interfered with. I really was offended to an extent that if I go back in time, down memory lane I still feel the same, that aspect has not been resolved because I feel really I was offended and yet no one got punished for it, but I got punished for something that I never did”. (RP4).

“Extremely angry, I wish I had more powers to question the leadership and to actually take them through disciplinary action themselves for their actions”. (RP10). RP10 further stated: “From inside the organisation, it doesn’t seem there is enough protection for employees though. But I am feeling extremely furious, further corrective action needs to be taken. There is nothing wrong with disciplining people, only if it is warranted. But when it is being misused, I feel like corrective action needs to be taken”. (RP10).

RP4 and RP10 both allude to how the perceived unfair disciplinary action that was taken against them has affected them personally and psychologically. They refer to feeling angry as their professional standing has been compromised as a result of the disciplinary processes that they experienced and that RP10 is currently going through. In addition, RP10 showed a sense of empathy for other affected employees within the organisation, and this was shared by other research participants, as outlined below:
“Sometimes during disciplinary hearings, the human factor kicks in. Unfortunately when you look at serious misconduct such as fraud and the like, you have no alternative but to dismiss. But also from the human side you feel bad for the employee because you know the family and they may be the only bread winner and it all depends on the outcome of the specific disciplinary hearing”. (RP8).

“Well the one case where I had to testify that a person should be dismissed, I did not feel that well but I had no choice. If someone is dishonest they should go, so but personally I felt for that person”. (RP9).

“As a representative, it’s never nice to see your member being violated or taken advantage of in a DC, not a good experience at all”. (RP6).

RP 8 and 9 displayed a level of empathy towards employees who have experienced disciplinary action, but both agreed that there are certain levels of misconduct, which warrant disciplinary action or even dismissal. Within this context, RP7 provided the following response:

“My honest opinion of this organisation in terms of the disciplinary procedures that are being followed here, I would go as far as to say I hope never in my life have to experience one again. Because it is not a good experience to go through”. (RP7).

Although RP7 is a top level manager and will probably have to discipline one of her employees in future, she states that she never wants to experience the process in any other capacity. She was referring here to when she had to testify against her superior, a former CFO of the company, and how she would never want to be involved in such a process again. This reflects on a notion that was expressed by RP9 in one of his earlier responses, where he stated that employees closer to the top level of the organisation may be “targeted” in certain instances even if disciplinary action is not warranted.
In relation to how research participants perceived the effectiveness of trade union representatives in protecting their members against disciplinary action within the organisation, the responses are shown below:

“My observation has always been that there are instances where I feel that trade unions, especially where a person has done wrong you know; I feel they need to advise their members appropriately”. (RP3).

“They at times use like tactics to bother and to frustrate the whole process or to personally attack the character of the Chairperson or the line and sometimes they take the, well they do not look at the merits of the charge. They make use of other tactics to delay and stall the process. For me, the shop stewards should just advise and guide their members appropriately”. (RP8).

“Shop stewards at times lose the plot and end up fighting issues which are not relevant to their members or the merits of the particular case they are dealing with. This has the potential of seriously prejudicing their members and the absence of a defence towards allegations faced by a union member could result in a harsh outcome being handed down”. (RP1).

Participants perceive that the unions do not advise their members appropriately during disciplinary processes within the organisation. In addition to this, RP9 identifies a lack of preparation for disciplinary cases by shop stewards, as outlined below:

“The one case which I, the last case I was involved in, a learner shop steward was used to defend someone in a dishonesty case, which I think is not good enough. I do not think that was good enough at all and was a serious injustice towards the member as dishonesty is a very serious charge”. (RP9).

From the above narratives it would seem that research participants view trade union representatives within the organisation as being ineffective, as they offer poor advice to
members during times of disciplinary matters. This would defeat the purpose of belonging to a trade union, as members would expect that shop stewards would provide them with quality advice and adequate protection during disciplinary processes.

The probing question regarding how participants perceived the consistency of disciplinary measures within the case organisation was a crucial question posed. This is because exploring consistency was the crux or core reason for conducting this study, and responses received were as follows:

“You must remember that there are two types of inconsistencies, historical and contemporaneous. In this organisation, you would find that discipline is not applied the same as it was in the past for the same or similar misconduct, which is the historical part. Then again there are instances where there are contemporaneous inconsistencies, where there are individuals in a group, depending who they are, where they are not disciplined for the same or similar misconduct like the rest of the group”. (RP1).

“Look I feel that there is inconsistency in the application of disciplinary measures. People are applying the disciplinary policy in the way that they want and this is a problem, as one wonders who gave them the authority to implement it in that way”. (RP2).

My perception is there is no consistency whatsoever, because for me it depends on the panel. Mr Knight we have disciplinary and grievance processes in the organisation and it is clearly outlined and you will see you know, the panel or the whole process just deviating from that documented process and for whatever reason, but the variance is quite alarming. (RP5).

The participants above all perceive that disciplinary action is not consistently applied within the case organisation. Further to this, RP7 highlighted the following:
“According to my view I believe there is no consistency at all. I know for lesser cases where employees have been dismissed and in other cases which were most serious have been found not guilty somehow or they sort of get a slap on the wrist and they continue to work. So it is definitely in my opinion there is no consistency”. (RP7).

RP7 mentions that not only is there inconsistency, but that certain employees who are found guilty of very serious misconduct only receive “light” sanctions, and continue working as if nothing ever happened. RP9 shared the same sentiments as outlined below:

“I do not think it is, I think it improved at some stage, but it is worse now again. People are not consistent, it depends on whether you are a high tree that you catch wind, and you are more likely to be taken to task than someone who is not making a lot of noise etc. So, I do not think people are consistently taken through disciplinary hearings and in some cases, I do not think the sanctions are consistent as well”. (RP9).

RP9 once again makes reference to organisational levels in his response as he did in an earlier response. His remark regarding “high trees that catch wind” seems to allude to senior managers who are close to the top who may be disciplined inconsistently or “targeted” for whatever reason. This is also in line with a comment that RP10 made earlier, where he referred to “trumped up charges used to get people out of the way” who question certain decisions made at the top. In relation to consistency, RP10 also had the following to say:

“I think at this point in time it seems like there is no consistency you know. Because you see charges like people being responsible or guilty of physical abuse, and their charges get shoved under the carpet. Sexual abuse, certain cases swept under the carpet just because they are closer to the top office. But then certain employees who do not have a relationship with the big bosses, their cases are fast-tracked and you will be out of the door in no time. So I think at this point in time I do not think there is consistency” (RP10).
“There is no consistency. There is not any. This organisation really has to clean itself up; it has to clean its reputation especially when it comes to management. There are a lot of guys who are in senior management by default, and you do not expect people who are in senior management by default to be well disciplined citizens because this is a State Owned Entity and I think it cuts across State Owned Enterprises whereby people get away with murder, and eventually it is a case of I am gathering golden handshakes, yet they are the offending party, but now who you know and who represented you, how much you appeal, you know, those factors they carry a lot of weight”. (RP4).

RP4 shared his views as outlined above, and also makes reference to certain individuals at top management who have close relationships to certain individuals who get away with “murder”. This view was also shared by RP10 in his response to consistency. However, RP3 once again held a different view as compared to other participants on consistency, as shown in his response below:

“I would say it is consistent. It is consistent, from where I am sitting, if I issue a report and you know there is this recommendation to discipline and it is managements’ prerogative to discipline. You know the measure in which they want to discipline and by that I am referring to, when I say institute disciplinary hearing, they might do a verbal warning, it is still disciplinary” (RP3).

In his response, RP3 seems to justify his stance on consistency, as according to him, a verbal warning is still discipline. So, it would seem to appear as though even very serious misconduct could be dealt with by giving a verbal warning to an employee, even though another employee may be dismissed for the same offence. This conclusion is drawn by the participant stating that “discipline is management’s prerogative”, and a “verbal warning is still discipline”. RP3 is once again the outlier as compared to other participants, who all agree that discipline is applied in an inconsistent manner in the organisation.
The narrative outlined above represents participants’ perceptions around disciplinary measures within the case organisation. Some research participants felt that management influence disciplinary processes in certain cases, and that there are toxic leaders present within the organisation who use disciplinary measures to further their own agendas. Consequently, the narrative also supports participants’ views that disciplinary action is applied in an inconsistent manner and that the process is being used for alternate purposes.

Therefore, in relation to the perceptions of participants’ around disciplinary measures, the following common themes emerged from the data:

- Misuse of discipline;
- Toxic leaders;
- False allegations;
- Valid disciplinary action;
- Inconsistency;
- Anger;
- Empathy for affected employees;
- Ineffective shop stewards;
- Management influencing DC processes;
- Consistency

The frequency with respect to how these themes emerged from the relevant data is reflected as per table 4.4 below:

Table 4.4

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inconsistency</td>
<td>xxxxxxxx</td>
<td>9</td>
</tr>
<tr>
<td>Misuse of discipline</td>
<td>xxxxxxxx</td>
<td>8</td>
</tr>
<tr>
<td>Toxic leaders</td>
<td>xxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Theme</td>
<td>Frequency</td>
<td>Rank</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>Empathy for affected employees</td>
<td>xxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Anger</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Ineffective shop stewards</td>
<td>xxx</td>
<td>4</td>
</tr>
<tr>
<td>Management influencing DC processes</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Valid disciplinary action</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>False allegations</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Consistency</td>
<td>x</td>
<td>1</td>
</tr>
</tbody>
</table>

*Source*

Author’s fieldwork

Table 4.4 above indicates that inconsistency in the application of disciplinary measures was the theme that appeared as the most common from the perceptions of participants. In other words, the application of discipline in the case organisation is inconsistent. This was followed by the misuse/abuse of disciplinary processes by some toxic leaders. Toxic leadership and empathy towards employees that endure the negativities of such leaders also came out strongly as third common themes from the relevant data. The next in line is anger and ineffective shop stewards. Anger comes as result of perceived victimisation by toxic leader through unfair disciplinary processes. Moreover, ineffective shop steward may likely jeopardise the disciplinary process, which may negatively affect the affected employee. Management influencing the disciplinary process and the validity of disciplinary action were next in terms of the emerging themes. It is the perception of participant that sometimes, some managers in the organisation do exercise undue influence on the DC processes to further their own personal agendas. Moreover, a few research participants felt that serious misconduct such as fraud and dishonesty could not be condoned, and therefore rendered disciplinary action valid. False allegation minimally emerged as a common theme from the relevant data. Only one participant (RP3) perceived disciplinary action as being consistently applied within the organisation, although his non-verbal communication throughout the interview could be interpreted as
having provided a different perspective as compared to his responses. Research participants expressed strong views in relation to each follow up question, and some themes identified cut across most participants through their responses. Research participants’ views regarding whether disciplinary action is selectively applied in the case organisation was explored in the next section.

4.6.3 Selective application of discipline

The research question surrounding possible selectivity in disciplinary action within the organisation elicited some interesting responses relating to the study. As the consistency in disciplinary action was addressed in research question two, the current question must be seen within the context of whether possible selectivity leads to or compounds the inconsistency in disciplinary action raised by participants. Commonalities were once again identified in the responses by participants, and probing questions relating to the underlying reasons for possible selectivity were also directed at participants.

From RP1’s point of view, there is no justification for the current trend of selectivity in disciplinary action within the organisation, as shown in the following comments:

“There definitely is selectivity from where I’m standing, and nothing justifies them being inconsistent with employees who have committed the same or similar misconduct. Selectivity, in fact it aggravates the situation, from where I am seated, they should have been treated consistently”. (RP1).

RP1 seems to indicate that selectivity does exist when disciplinary action is taken against employees, and this may be fuelling the practice of inconsistency within the organisation. Other research participants seem to agree with RP1, as shown in their comments below:
“It is a case of who is in management and how much do they love or hate you to that effect. If like, for example, you have influential friends they will defend you with all that they have and try to paint this good picture of you, a very positive picture of you to an extent that the accusations themselves will fall off, but if they hate you, they will concoct a lot of unsubstantiated accusations to an extent that even someone who hears about you will be like no, that guy cannot be associated with this organisation”. (RP4).

“There is an element of selectivity, and I mean it is like anything when you have a deviation, I mean like you can’t have that at all. But the perception we get is that it is not based on the merits of a case, it is from an influenced point of view”. (RP7).

“Human resources, I believe they are the custodians of the processes and policies of the organisation, those are the people who are supposed to prevent selectivity and guide us and make sure that those policies and guidelines are adhered to, and because these things are happening right in front of their eyes and for them to not enforce them, the way they are supposed to is a concern”. (RP5).

RP5 seems to suggest that the HR function in the organisation is allowing selectivity in disciplinary action to happen, with no action or preventative measures implemented to curb this practice. This would be a concern for the organisation, as HR are meant to guide line managers in the implementation of disciplinary action to ensure that it is carried out in an effective and fair manner.

In relation to the follow-up question of whether any distinguishing or objective factors were present in disciplinary cases where inconsistencies did occur, the following responses emanated:

“There were no special characteristics in those cases. Coupled with the inconsistencies in certain areas, you will find that the decisions being made by the line manager is of a personal nature and there is no objectivity to it, so that whoever is being charged or is perceived to be charged, that process can be done a bit differently and you will find that
it is either the line manager involved in the bias towards the employee, and yet it is the same line manager that has to discipline that employee and I just find all of those things a bit unfair”. (RP2).

“No distinguishing factors were communicated to the trade union when we enquired; it was just that no action was taken against that employee although others have been disciplined for that in the past. I don’t think that was fair”. (RP6).

“It was normal standard cases, no special features which I was aware of. I am aware of a number of cases where employees were dismissed and it went to the CCMA and we had a number of reinstatements or settlements as a result of such selectivity in disciplinary action”. (RP9).

RP9 brings up an interesting issue while responding to selectivity. He suggests that a consequence of selectivity is that the organisation loses litigation processes at external dispute resolution platforms, where dismissed employees are either incorporated back into the organisation or a monetary settlement is reached with that particular employee. Case law advocates that distinguishing factors such as the severity of the misconduct, years of service and a clean disciplinary record may justify inconsistencies in disciplinary action. However, these seem to be absent based on the responses from participants, leaving no objective reasons for inconsistencies within the organisation.

RP10 states that ineffective leadership within the organisation may be the root cause of the selectivity, as outlined in his response below:

“Transparency is slowly falling away. So it is like an entire governance structure has been torn apart. I think the leadership should start leading by example and I think it is time for a leadership change within the organisation”. (RP10).
RP7 concurs on the ineffective leadership within the organisation as per her response below:

“I think it is leadership. The lack of leadership. You know you need to lead by example and if you don’t, you know it becomes free for all and everybody is doing what they think is the right thing to do”. (RP7).

The last probing question focused on the organisational culture within the organisation and whether it plays a role in how discipline is implemented. This question elicited emotive responses from participants, as outlined below:

“I would not divorce the culture from the politics in the environment. They are intertwined and they are linked. Depending again on who you are, who you associate with, your level; the culture is such that you are likely to be disciplined when you commit misconduct if you are a junior employee. Secondly, you are likely to be disciplined if you are not a junior employee but a middle or senior employee and if you do not tow a particular line, so the culture is that, my view is that there is a culture of, for the lack of a better word, fear, it depends on who you know. So the culture is not the culture where I would say that it is objective and professional”. (RP1).

“For me to describe it to you in one word it will be ill-disciplined. I think within that there is no respect within each other from management downwards or from employee level upwards and that undermines each other. And there is an absolute lack of respect and that in my opinion causes a lot of ill-discipline”. (RP7).

“Yes, I think the culture of the organisation, especially if you talk to a number of people who have been with this organisation for years; they will tell you the same mistakes being repeated every year. It is almost like a revolving cycle. Same mistakes being
repeated. So I think it talks to inconsistencies and it talks to political comrades protecting each other. That is what it seems like”. (RP10).

Research participants seem to align the inconsistencies and selectivity in disciplinary action with the highly political environment which they suggest exists within the organisation. They suggest that, as previously mentioned in responses relating to research question two, that it depends which group of individuals you are associated with in the organisation, and that will determine whether and how an employee is disciplined.

In addition to the above, the following was mentioned by research participants:

“Unfortunately the company we find ourselves in, politics is high on the rise where you get a mandate from senior management which you know is not the right way to go, but you just have to follow the mandate that you would have received and that is how we end up having a lot of inconsistencies”. (RP8).

“Selectivity, there are many cases like that. Looking for something to get rid of someone. It is more the politics, the internal politics of this organisation. It is that way and it has always been like that. This company is not different from 25 years ago”. (RP9).

RP8 and 9 agree that there is a high level of politics and self-serving behaviour present in the organisation. RP9 further goes on to say that since he has been with the organisation, it is the culture that he has become accustomed to and that the organisation will always have that element to it.
In addition to the perceived high level of politics, ineffective leadership was once again highlighted as per the responses below:

“Organisational culture plays a very big role. If you have, for example, exemplary leadership, this is what is lacking. If you have exemplary leadership that is cheerful, that is happy, that respects the laws that treat everyone with respect and that is not insecure – but we have a lot of insecure people in high places and that is the problem. So that compromises the whole implementation of be it disciplinary measures and even affects the levels of productivity itself”. (RP4).

“Our culture is reactive and lastly our culture is a culture of destruction and breaking each other down instead of building each other up. We’ve got a culture of management that are afraid to make decisions. They are not managers who lead by example and like I said that the culture of a company is like that because it stems from the executive level”. (RP6).

“I must say when you are looking at the culture, depending on which level, which clique, which department you belong to you know, you can have your whole disciplinary situation dealt with differently. It is just because of poor leadership”. (RP8).

The emergent themes which emanated from the data with regards to perceived selectivity in disciplinary action are outlined below:

- Selectivity;
- Individual affinity;
- Lack of objectivity;
- Lack of action from HR;
- Ineffective leadership;
- Reinstatements and settlements;
- Organisational politics;
- Poor organisational culture;
- Lack of respect
The frequency with respect to how these themes that emerged from the data is reflected as per table 4.5 below:

Table 4.5

**Frequency and ranking of emergent themes for possible selectivity in disciplinary action**

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selectivity</td>
<td>xxxxxxxx</td>
<td>9</td>
</tr>
<tr>
<td>Ineffective leadership</td>
<td>xxxxxxx</td>
<td>8</td>
</tr>
<tr>
<td>Poor organisational culture</td>
<td>xxxxxxx</td>
<td>7</td>
</tr>
<tr>
<td>Organisational politics</td>
<td>xxx</td>
<td>4</td>
</tr>
<tr>
<td>Individual affinity</td>
<td>xxx</td>
<td>4</td>
</tr>
<tr>
<td>Lack of objectivity</td>
<td>xxx</td>
<td>4</td>
</tr>
<tr>
<td>Lack of action from HR</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Lack of respect</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Reinstatements and settlement agreements</td>
<td>x</td>
<td>1</td>
</tr>
</tbody>
</table>

*Source*

Author’s fieldwork

Table 4.5 above illustrates that selectivity was the common theme that appeared the most from the relevant data, indicating that disciplinary action is applied selectively within the organisation. This was followed by ineffective leadership, which leads to a poor organisational culture being in existence. Other themes that emerged moderately from the relevant data alluded to organisational politics being at play in the implementation of disciplinary processes, that individual affinity will dictate how disciplinary processes are enacted and that no objective criteria exists which justify the current inconsistencies and selectivity in relation to disciplinary action. Another crucial theme that emerged is that human resources do not take action to mitigate selectivity
within the organisation. This could offer an explanation to the perceived self-serving behaviour of certain individuals within the organisation, and how they are said to be handing down “mandates” to the HR function in relation to disciplinary action, where HR acts on it even though “it might not be the right to do” as one participant stated. A lack of respect emerged minimally from the data, which can be seen as a consequence of these “mandates” which exists within the workplace, which has resulted in victimisation and dismissal of employees, and most of the employees who are dismissed, are either reinstated or offered settlement agreements at external dispute resolution bodies. This may have a negative impact on the reputation and image of the organisation. Therefore, based on the emergent themes which emanated from the data, participants suggest that the poor organisational culture leads to discipline being implemented in a selective manner, which then leads to inconsistencies.

4.7 Summary

This chapter dealt with the data that was analysed after it was subsequently collected through interviews conducted with employees in a state owned entity. The responses expressed by research participants denoted concerns around the inconsistent and selective application of disciplinary action within the organisation, and the poor organisational culture which exists. The ten research participants’ profiles were discussed as well as the process of how interviews were conducted. The method of presenting the data was subsequently discussed, as well as the descriptive indicators and this was supported with an outline of the interview guide. Semi-structured interviews was utilised to obtain data, as well as the use of probing and follow-up questions in relation to each research question. The main research questions focused on substantive and procedural elements that play a role in the application of disciplinary measures, the perceptions employees hold regarding disciplinary measures and whether disciplinary action is applied selectively within the organisation. The analysed data identified emerging and common themes across participants’ responses, and these will be elaborated upon in the next chapter which deals with the discussion of the findings.
CHAPTER 5

DISCUSSION OF FINDINGS

5.1 Introduction

This chapter discusses the findings related to the study based on information derived from the data analysis. As mentioned previously, the main focus of the study was to explore the phenomenon of consistency in the application of disciplinary measures. For the purposes of an accurate discussion, it would be worthy to reflect back on the research objectives of this dissertation, as stated in the introductory chapter, namely:

- To establish whether substantive and procedural elements are taken into consideration in the application of disciplinary measures within a state-owned entity;
- To understand employees’ perceptions around disciplinary measures within the state owned-entity;
- To explore possible areas of weakness in the application of disciplinary action; and
- To recommend possible improvements to the current system in relation to disciplinary measures.

Of the four research objectives outlined above, only the first three were used in this chapter for the purposes of discussion. The last research objective, dealing with recommendations, will be done in the next and final chapter. That chapter further covers the areas for future research whilst the limitations of the study were additionally highlighted. The findings of the study, which follow were based on the research objectives and the information extracted from the data analysis, and discussed in the following text:
5.2 Establishing whether the substantive and procedural elements are taken into consideration in the application of disciplinary measures

In an economic environment, individuals are employed to ensure that they contribute towards the achievement of an organisation’s strategic and operational objectives. Therefore, the maintenance of discipline and order amongst these individuals becomes essential in achieving these objectives and promoting sound relations in the workplace. Grogan (2009) acknowledged that it is management’s responsibility to ensure that an effective level of discipline is achieved, in order to direct employees’ behaviour towards the achievement of organisational goals.

The findings indicate that the state owned entity considers the nature of an employee's alleged misconduct before any disciplinary action is taken, to determine how the alleged misconduct has affected its business operations. This is consistent with the views of Certo (2006), who stated that as soon as an organisation becomes aware of actions contrary to organisational goals, these needs to be addressed as soon as possible. It was also found that communication with the human resources (HR) department of the organisation under study follows, where the alleged misconduct and undesirable behaviour was analysed and a plan of action or procedure adopted on how to deal with the matter. Camen et al., (2008) posit that HR professionals provide guidance to line managers on the implementation of discipline, and the subsequent management of employees on a regular basis. The findings further revealed that within the disciplinary process adopted, the employee would be given the opportunity to state his/her case in response to the allegations levelled, which adhered to the audi alteram partem rule, where both sides of a case are heard (Bendix, 2010). This would provide the accused employee with an opportunity to cross examine the witnesses of the employer, to interrogate any evidence that would be used against the employee and to call his/her own witnesses in defence of the allegations levelled (van Niekerk et al., 2012). It can therefore be deduced from the findings that the case organisation observed the audi alteram partem rule in its disciplinary hearings, which is consistent with the constitution and our labour law of the country in that all employees are entitled to a fair hearing. The findings on the question of procedural fairness demonstrated that before a disciplinary
hearing commenced, the line manager would write a motivation to discipline the affected employee based on the findings of an investigation and outlining the reasons why the manager deemed it important for that employee to go through the disciplinary process. During the interview process, participants highlighted that this motivation to discipline would be approved by a higher authority than that of the manager as demonstrated by the following quote, “The line (manager) is expected by the delegation of authority framework to obtain permission from the head of the division or the business unit, authorising the line manager to continue with the disciplinary hearing” (RP1). This process ensured that the correct procedure was followed and that the manager displayed fairness as a trait, which employees view as an important characteristic of any manager (Certo, 2006). This element of procedural fairness is critical in the institution of discipline, to ensure that the employer is guarded against any litigation claims related to procedural unfairness by an affected employee.

Findings revealed that once the line manager had observed the elements related to procedural fairness, he/she had to ensure that the competency of any potential disciplinary panel was of an effective nature. This became evident from the view of research participant 8 who stated “the panel will be objective and they will not be biased towards the case that is being held” (RP8). It can therefore be inferred that a fair and suitable sanction would stem from a disciplinary hearing, where all evidence would be weighed by the panel to determine the seriousness of the charge in relation to the alleged misconduct. The finding suggests that the alleged misconduct by an employee would be brought to the attention of the relevant line manager, where the source of the information would articulate the circumstances around the alleged misconduct and how it transpired. This is consistent with the view expressed by RP3, who stated “obviously management will receive, considering my line of work, they will receive facts about a particular misconduct” (RP3). It was further found that the line manager would ensure that the alleged misconduct was investigated by relevant experts within the organisation, such as the internal audit department or alternatively, an external forensics audit firm. The finding revealed that after a matter had been investigated, and
if a valid case was perceived to exist, a chairperson would be identified to rule on the disciplinary hearing. Although chairpersons are meant to be objective and impartial during disciplinary hearings, research participants 1 and 7 brought interesting information to light on the substantive element of disciplinary hearings within the state owned entity. In RP1’s words, “….. You have instances where the chairperson would assume that because the complainant is from a particular unit, headed by a particular individual, therefore there is an expectation that he/she should return an outcome that is favourable to the line managers, thereby compromising the professionalism of that person and the objectivity. So yes, you may have a person who is experienced and competent but the environment and the circumstances maybe such that, that person is influenced in not seeing to it that he conducts the disciplinary hearing in a professional and objective manner”. RP7 further added, “…..I felt it wasn’t fair because it was clear insensitivity of the sanction written by the Chairperson afterwards and management didn’t take that into consideration. It was presumed that these two research participants spoke on their past experiences of how unethical chairpersons compromised the substantive fairness and integrity of a disciplinary hearing. Bendix (2010) stated that this would in turn have the effect of declaring a disciplinary hearing as substantively unfair because of the close relationship between the chairperson and affected line manager, or the influence of the affected line manager on the chairperson. The nature and severity of the misconduct can therefore be exaggerated under these circumstances, leading to a dismissal for an offence which may not warrant dismissal, where the employee could pursue remedies for unfair dismissal at external dispute resolution bodies, like RP1 successfully did in the past. Discipline can only be effective if it is implemented according to a substantively fair reason but only if the chairperson is neutral and objective in the process (Bendix, 2010). Burke and Cooper (2008), further substantiated this view when proclaiming that chairpersons’ should set aside their personal feelings and bias, thereby ensuring that both parties are treated in a respectful and fair manner.

The finding highlighted that once an objective and impartial chairperson had been identified, a disciplinary panel is normally convened to adjudicate on the disciplinary matter. This panel would consist of a chairperson as mentioned, an HR representative
and another individual from an unrelated business unit (van Niekerk et al., 2012). Further to this, it became apparent from the finding that the organisation would also identify an initiator to lead evidence on its behalf, and this initiator would be responsible for obtaining a favourable sanction on behalf of the employer. Lastly, the findings revealed that after a disciplinary panel is convened, an employee would be handed a charge sheet with detailed allegations of misconduct and a date would be provided on when the disciplinary hearing would be held. This finding is supported by Bendix (2010) who postulated that a charge sheet would spell out, in unambiguous terms, the alleged misconduct that the employee allegedly committed together with the workplace rule or standard that the employee had allegedly transgressed.

From the discussion outlined above, it is obvious that the organisation does follow a clear and fair procedure when implementing discipline within the workplace. This fulfilled the requirements of a fair hearing, as discipline needed to be applied according to an objective and rational procedure (Mathis et al., 2014). Based on the above, research objective one, which dealt with understanding the existence of substantive and procedural elements in the application of disciplinary measures in a state owned entity had been achieved. Based on my personal observations as an employee of the state owned entity as well as information that emanated from the data analysis, it can therefore be said that the state owned entity considered all elements related to observing a fair procedure when disciplining an employee, however, discipline was not implemented for a substantively valid or fair reason at all times. In other words, an employee may at times be disciplined for breaching a workplace rule or standard which does not exist, or for an unreasonable purpose.

5.3 Understanding employees’ perceptions around disciplinary measures within the state owned entity

In terms of employees’ perceptions around disciplinary measures at the state owned entity, it was found that employees perceive disciplinary action as being inconsistently
applied in the organisation under study. This became apparent from the following quote: “According to my view I believe there is no consistency at all” (RP7). The literature dictates that where an organisation fails to comply with its own standard operating procedures, inconsistencies are created within the application of these processes, which in turn creates negative perceptions of fairness amongst employees (Bendix, 2010). Findings from the interviews revealed that these inconsistencies lead to feelings of unfairness and insecurity, where participants felt that the impact of these inconsistencies negatively affect productivity and staff morale within the organisation. The findings further revealed that within the organisation, both historical and contemporaneous inconsistencies exist. The literature defined historical inconsistency as employees who have committed the same acts of misconduct as a number of other employees had in the past, but are measured by a different standard and therefore not taken through disciplinary action or receiving a lenient sanction as compared to that in the past (du Plessis & Fouche, 2006). The literature further defined contemporaneous inconsistency as two or more employees engaging in the same or similar misconduct during approximately the same time period within the case organisation, but only one or a few of those employees are disciplined, or where dissimilar sanctions are imposed amongst them (Finnemore, 2006).

The findings revealed that participants perceived disciplinary action as being misused to further certain individuals’ agendas within the organisation, where disciplinary action is now not being applied for its intended purpose. This was inferred from comments by participants such as the following: “Well, I will not be able to prove it, but my opinion is that discipline is nowadays selectively applied, more in cases where people become hurdles in the process on the higher levels of the organisation” (RP9). As aforementioned in the literature, the ultimate purpose of disciplinary action is to correct undesirable workplace behaviour to channel employees’ efforts towards the achievement of organisational goals (du Plessis & Fouche, 2006). Findings from the data also suggest that within the organisation under study, this does not always seem to be the case. It was found that disciplinary action was used by “toxic leaders” within the organisation to achieve ulterior motives which only contributed towards their self-serving
purposes within the workplace. In the words of RP4, “There is no consistency. There is not any. This organisation really has to clean itself up; it has to clean its reputation especially when it comes to management”. Therefore, it can be said that certain members within management have compromised the consistency of disciplinary action, where these members of management have subsequently earned a bad or “toxic” reputation as a result of their actions in the case organisation. Literature clarified that these behaviours by management are not always sanctioned by the organisation but are a sign of revengeful actions on their part by using disciplinary action to further their own interests (Lee & Peccei, 2007). As a result of their own experiences of toxic leaders within the case organisation, it emerged from the data analysis that participants’ felt a sense of empathy for other employees who are being disciplined for ulterior and self-serving purposes. This can be inferred from the interviews, where participants expressed the following sentiments, “As a representative, it’s never nice to see your member being violated or taken advantage of in a DC” (RP6). The data revealed that this sense of empathy seemed to extend to employees who would also encounter these toxic leaders in future; where employees might be disciplined for any reason should they become “hurdles” in the path of the current leadership within the organisation.

The data further revealed that employees who have experienced these inconsistencies and misuse of disciplinary action harbour feelings of anger towards senior management of the organisation. This was found as per the following responses from participants who had been disciplined for perceived unfair reasons: “I feel extremely angry, I wish I had more powers to question the leadership and to actually take them through disciplinary action themselves for their actions” (RP10). Another participant added: “I felt aggrieved and taken advantage of and especially it lowered my professional and self or personal worth” (RP4). Findings from the interviews also revealed that these participants felt that the “unfair disciplinary action” had lowered their professional standing within the organisation and that they were “targeted” for simply attempting to do their jobs in the correct manner. It was apparent from the data that trade union representatives are perceived as being ineffective within the organisation. “I feel they need to advise their members appropriately” (RP3). Another participant added: “Shop
stewards at times lose the plot and end up fighting issues which are not relevant to their members or the merits of the particular case they are dealing with” (RP10). Evidence in the literature suggested that trade union representatives or shop stewards are elected by employees with a view to protecting workplace rights and promoting fair workplace practices within an organisation (Finnemore, 2006). Burke and Cooper (2008), further adds that union representatives protect an employee from an unprocedural hearing, while assisting lower level employees who may not be conversant on employment relations and disciplinary practices in the workplace. This finding is particularly concerning because if the shop stewards within the state owned entity do not possess the skills and competencies required to effectively protect employees from inconsistencies in the workplace, this could further contribute to inconsistencies occurring in future.

Findings from the data analysis show that when management attempt to “get rid” of certain employees, they unduly influence disciplinary processes within the organisation. Findings from the interviews alluded to the undue influence appearing in the form of certain “mandates” being directed at employees within the HR department, where they are expected to carry out a work instruction which may not be for a fair or valid reason. Hall et al., (2013), explained that these types of actions by senior management violate the fair exchanges which are expected from employer and employees based on the contract of employment. Once either party within the employment relationship perceive their rights as being violated or infringed upon, a sense of unfairness exists which could result in undesirable behaviours and negative consequences for an organisation (Coetzee et al., 2012). Observations made during the interview process revealed that participants felt that these negative consequences could be avoided if disciplinary action was actually used for its intended purpose within the organisation, but this does not seem to be the situation currently in the present organisation under study.

The finding revealed that there are certain instances where disciplinary action was perceived as being valid within the organisation. Participants stated that this validity would depend on the type of misconduct committed and the severity thereof, where the
organisation would have no choice but to discipline the employee for this transgression. As RP8 stated: “unfortunately when you look at serious misconduct such as fraud and the like, you have no alternative but to dismiss”. This statement is substantiated by Grogan (2009) who explained that there are certain actions which the organisation simply cannot condone from its employees, where disciplinary action is the only suitable recourse to deal with these actions committed. Six (2005) further added to this by explaining that these types of behaviours erode the trust relationship between employer and employee, where one party to the employment relationship had broken the reciprocal element involved in a contract of employment.

Interestingly, the findings showed that although there are and have been cases of valid disciplinary action being taken within the case organisation, some employees were charged with false allegations which have been levelled against them in the course of their duties as employees. It emerged from the data analysis that certain participants perceived that senior management had “concocted and brewed” false allegations in an attempt to get them out of the way. This was inferred from what was said in the following: “So you actually have me, for example, being charged with made up charges” (RP10). Another participant added: “I got punished for something that I never did” (RP4). It is clear from the findings that these participants viewed their disciplinary action as unfair, and that they were “targeted” within the organisation.

An interesting and outlying finding did, however, emerge from the data. This relates to a remote occurrence, where one research participant perceived that disciplinary action was consistently applied within the organisation under investigation. This was noted through the following remark: “I would say it is consistent” (RP3). This was in stark contrast to the rest of the research participants who revealed that disciplinary action was being applied in an inconsistent manner. Findings from the data analyses alluded to this research participant’s rationale not being convincing, as his responses were based on his line of work, and what he believed consistency meant within the context in which it was raised.
Based on the discussion outlined above, research objective two, which dealt with understanding employee perceptions regarding disciplinary measures, has been achieved. Employees perceive disciplinary action as being inconsistently applied within the organisation, with the misuse of disciplinary action further contributing to this phenomenon. The presence of toxic leaders in the workplace is perceived to be the root cause of inconsistencies and victimisation, as the disciplinary process is used to “settle scores” and “get people out of the way”, because they are perceived to be “hurdles” during the course of executing their duties.

5.4 Exploring possible areas of weakness within the current application of disciplinary action

In this context findings that emanated from the data revealed that selectivity in disciplinary action was found to have compromised the effectiveness of disciplinary action in the state owned entity. This was unexpected, as the relationship between employees and employer is a reciprocal, yet sensitive one within the workplace context (Grogan, 2009). If either party perceives that the policies and procedures of the organisation are applied in an unfair or biased manner, the effectiveness of these regulations is thrown into doubt. Research participants suggested that there are weaknesses in the current application of disciplinary action, and that these should be addressed urgently. RP1 stated that, “there definitely is selectivity from where I’m standing, and nothing justifies them being inconsistent with employees who have committed the same or similar misconduct”. In addition to selectivity, the findings indicate that ineffective leadership within the organisation also contributes to the compromised disciplinary system, which seems to exist within the case organisation. As stated by RP7: “I think it is leadership. The lack of leadership”. Literature advocates the purpose of disciplinary action as correcting workplace behaviour; therefore, management should differentiate between correcting behaviour and using discipline as a punitive step (Certo, 2006). Camen et al., (2008) further posit that the consequences of punishment are short lived while correcting behaviour may have long term positive effects on employees within an organisation. Correcting behaviour may lead employees
to understand the consequences of their actions, and hence not repeat those, but instead work towards achieving of organisational goals.

The effectiveness of the current disciplinary system was further questioned as according to the research findings, a poor organisational culture exists within the organisation under study. According to RP6, “the culture is reactive and lastly the culture is a culture of destruction and breaking each other down instead of building each other up”. Literature advances that the culture of an organisation provides direction to employees on what behaviours are appropriate in the workplace and, which are not, and if these are not clear, employees may participate in undesirable behaviours if these are seen to be the norm (Franklin & Pagan, 2006). There is further evidence in literature that suggests that to refrain from further cultivating a culture of inconsistency and unfairness, management within the organisation under study should evaluate each disciplinary case on its merits, and be objective in their decision making (Camen et al., 2008). It can be inferred from the findings that this poor organisational culture that seems to exist within the state owned entity is further cultivated by the perceived organisational politics at play within the organisation. This could be construed from the comments of RP8, who stated that “unfortunately, the company we find ourselves in, politics is high on the rise”. Byrne, (2005) posits that organisational politics is often engaged in at the expense of others, where its consequences are severely felt throughout the organisation’s operations. High levels of internal politics adversely impacts on the levels of performance of employees, as it is often interpreted as unprofessional and unfair conduct on the part of managers and leaders.

Findings from the data indicated that an individual’s affinity or associations within the state owned entity played a role in the application of discipline. Hence, RP4 said that, “it depends who is in management and how much they love you or hate you to that effect”. Certo (2006) postulates that when employees perceive their managers as playing favourites amongst their colleagues, this could create a sense of resentment on their part. This behaviour within the case organisation has led employees to believe that management is biased in their decision making, and that some employees are
“untouchable”. The findings suggest that management’s preferential treatment of employees in the workplace stems from a lack of objectivity in their decision making relating to discipline. From this it can be gathered that management differentiated in respect of disciplinary action amongst employees, with no objective criteria being present for this differentiation. Mathis et al., (2014) postulate that this lack of objectivity could be as a result of a lack of emotional intelligence from line managers. This means that managers and leaders within the state owned entity were unable to remove their personalities and feelings from the functioning and decision making, which are required within the organisation.

Another finding indicated that a lack of action from HR contributed to the inconsistencies and selectivity present in disciplinary action. The literature highlighted that the HR function was supposed to provide a support service to the organisation, advising line managers how to effectively deal with discipline and the issues which stem from it (Adams, 2007). If this function was not being effectively provided by the HR department, line managers could be free to implement disciplinary action in any way that they saw fit, which seemed to be the case within the organisation under study. This situation is explicated by RP8 as follows: “sometimes you get a mandate from senior management which you know is not the right way to go, but you just have to follow the mandate that you would have received”. Employees within the HR department may be following these “wrong” mandates, because they also do not want to be seen as “hurdles” that get in the way of senior management’s decisions, since employees who are seen as “obstacles” could be unfairly disciplined and suspended.

The findings further revealed that a lack of respect was present in the case organisation, where line managers and employees at times implement decisions the way they saw fit, although it may not be according to the organisation’s policies and procedures. As quoted by RP7: “there is an absolute lack of respect and that in my opinion causes a lot of ill-discipline”. This indicates that the lack of respect amongst employees would play a role in how discipline was carried out in the organisation under study.
Lastly, the findings highlighted that the state owned entity has had a number of reinstatements and settlement agreements at external dispute resolution bodies over the last few years. This finding was revealed in the interview, where RP9 was quoted as saying: “when cases went to the CCMA, we had a number of reinstatements or settlements as a result of such selectivity in disciplinary action”.

The literature explains that reinstatements occur where an external commissioner at an institution such as the CCMA or bargaining council finds that the employer has acted unfairly in dismissing an employee, or where dismissal was found to have been too harsh a sanction for the misconduct that was committed (Grogan, 2009). Finnemore (2006) further argues that settlement agreements arose from unprocedural and unfair disciplinary actions, which were caused owing to personal agendas or self-serving behaviour within organisations in relation to disciplinary action. A recent opinion piece highlighted this as an alarming trend, as settlement agreements are said to be increasingly occurring within state-owned entities across South Africa (Msomi, 2015). A recent opinion piece mentioned that in most settlement agreement cases in an unnamed SOE, executives within the organisation were purged for political reasons. Settlement agreements in state owned entities often amount to millions of rands, which is usually derived from taxpayers’ money in the country.

5.5 Implications of the findings

Contemporary organisations face a number of challenges as they compete within a globalised and often competitive environment. To compete successfully, organisations need their employees to effectively contribute their efforts to goal achievement, while being creative and innovative in the execution of their tasks. To ensure that employees operate in a productive and safe working environment, disciplinary processes and procedures are developed and implemented to correct undesirable workplace behaviour and maintain a harmonious working relationship amongst employees. The organisation under study, however, has created a poor organisational culture, where organisational politics has led to the presence of toxic leaders in the organisation, and where
employees are selectively and inconsistently disciplined. This has led to a sense of fear amongst employees in the workplace, where certain unfair and controversial decisions remain unchallenged because of fear of victimisation from senior and top management in the organisation. Employees within the state owned entity may, therefore, be feeling a lack of commitment and pride towards the organisation, which will eventually lead to reduced levels of motivation and productivity in the workplace. This type of environment stifles employee creativity and innovation, and without these an organisation cannot create a sustainable competitive advantage to compete with other leading organisations in the industry and country as a whole.

By creating such an atmosphere within the workplace, management will, therefore, encounter challenges in their efforts to attract and retain excellent talent and top performing employees within the state owned entity, and hence decrease its attractiveness as an employer of choice within the labour market. Having state owned entities within South Africa that operate in an ineffective manner is counterproductive to the country’s goal of eventually establishing itself as a developed nation on the global stage, as state resources are currently being misused for ulterior motives, and to pursue certain individuals’ personal ambitions within the sphere of the organisation. Therefore, the state owned entity must effectively manage its challenges in leadership to ensure that it implements disciplinary action in the correct manner and for its intended purpose. This will ensure that the organisation has efficient and productive employees within its ranks, who contribute towards the realisation of the organisation’s mission and subsequently its overall vision. This will lead to the organisation fulfilling its mandate to citizens of the country, with consequent benefits such as increased job creation and the effective utilisation of taxpayers’ funds.

5.6 Limitations of the study

This study focused on the consistency of disciplinary measures within a single state owned entity, which is situated in the Gauteng province. Therefore, the findings of this study cannot be used to generalise across all state owned entities in every sector of the
country. The study also did not undertake an investigation, which is inclusive of all employees at every level of the organisation. Only ten employees were extensively interviewed in the process of collecting the relevant data. An extension of the research and data collection amongst employees at senior management level, or even members of the organisation’s Board would probably have shed more light on how they view disciplinary action as being applied within the state owned entity. In addition, the perceptions and experiences of employees at the lowest levels of the organisation, especially those that were disciplined in the past, were not explored. This study further only utilised interviews as a data collection tool within the qualitative approach. The use of a mixed method research could conceivably have shed further light in relation to the findings of the study.

5.7 Suggestions for future research

In future, a mixed method research can be utilised, which will be inclusive of both qualitative, as well as quantitative data collection. This mixed method research should be conducted across a wider geographical area, where the perceptions of employees in relation to consistency in disciplinary action can be compared across two or more state owned entities within the country. This can be done to ascertain whether those results would corroborate with the current findings of this study. This approach, together with a mixed method of research, can be utilised to gather rich data and to further achieve an effective level of triangulation. In addition, research which deals with the perceptions of CCMA and bargaining council commissioners around inconsistency in discipline, can also be of great value, as organisations would be able to gain a deeper insight into how consistency in discipline is viewed by external parties who eventually deal with employment disputes between employers and employees.

5.8 Summary

This chapter discussed the findings as they relate to the study. These findings revealed that disciplinary action was implemented according to a fair and thorough procedure;
However, the underlying reason for discipline was not always substantively fair. Furthermore, it was discovered that disciplinary action was being applied in an inconsistent manner owing to the misuse of discipline by toxic leaders who utilise disciplinary action to further their own interests within the organisation. As this practice has now become increasingly apparent, employees have harboured feelings of anger towards the organisation, which has affected the organisation’s effectiveness and efficiency internally. The weaknesses of the current disciplinary system and its application were also explicatured upon in this chapter. It was found that disciplinary action was selectively applied within the organisation as a result of ineffective leadership, which had led to the development of a poor organisational culture within the organisation under study. Additionally, implications of the study were discussed, while its limitations and areas for future research were also suggested. Therefore, the research study’s major objectives were achieved in this chapter. The ensuing and final chapter focuses on the study’s recommendations and the dissertation’s conclusion.
CHAPTER 6

Recommendations and conclusion

6.1 Introduction

This chapter provides the recommendations and conclusion of the study, namely consistency in disciplinary action at a state owned entity. A concerted effort was made in the preceding chapters to conceptualise the phenomenon of consistency, and to analyse its impact on disciplinary action. Hence, efforts were made in the study to understand whether the substantive and procedural elements were taken into consideration in the application of disciplinary measures in the case organisation in order to further comprehend employees’ perceptions around disciplinary measures within the state owned-entity. Potential areas of weakness within the current application of disciplinary action were also explored in order to recommend possible improvements to the current system in relation to disciplinary measures.

The problem statements of this dissertation were earlier specified as follows:

- Although the case organisation has mechanisms in place to effectively deal with conflict and discipline, complaints and disputes often arose from their implementation;

- Employees perceived these policies as being selectively applied within the workplace, where one employee receives harsher treatment than another, based on the same or worse set of facts; and

- Employees often appeal their disciplinary sanctions as consistency of the disciplinary measures was always questioned.

Indeed, the findings of this research corroborate the above mentioned problems. The study found that although the state owned entity follows thorough and detailed procedures in disciplining employees, this seems to be based on substantively unfair criteria at times. As a result, employees perceived disciplinary action as being inconsistently applied and misused amongst employees. Additionally, the existence of
toxic leaders within the organisation has compounded this phenomenon, where discipline is used to further individuals' self-interests. Moreover, it was found that disciplinary action is selectively applied within the workplace, dependent on who certain individuals associated with in the organisation. There is a further sense of ineffective leadership within senior and top management, where decisions are made based on the absence of rational and effective processes, or where decisions are not made at all. The absence of effective and skilled shop stewards has worsened this situation, where employees are left exposed to the irrational and unfair disciplinary actions of management. An important issue in the study was the cultivation of a poor organisational culture in the workplace, where organisational politics are on the rise and mandates are handed down to further self-interests at the expense of employees and the organisation's effectiveness.

In fact, it was found that disciplinary action was not able to achieve its original purpose of correcting undesirable behaviour within the organisation, because of its inconsistent application. Additionally, a lack of objectivity in decision making around disciplinary action has resulted in more inconsistencies in the application of discipline in the organisation. This situation has become a source of frustration for employees, because they feel that certain employees within the organisation under study have basically become "untouchable". This development has resulted in ill-feelings between and amongst employees, thereby leading to emotions of anger and unfairness in the workplace. Moreover, a lack of action from individuals within the HR department has weakened the disciplinary processes, since no advice is sought, or ineffective advice is given to appease line management prior to selective disciplinary action being taken. Furthermore, the consequential effect of this practice has resulted in a lack of respect between and amongst employees in the workplace, where disciplinary action is taken according to individual preferences which suit a particular situation.

This state of affairs has led to a number of reinstatements and settlement agreements being signed at external dispute resolution bodies; more so than had transpired in the past. This has huge financial and reputational consequences for the organisation, where its public image and attractiveness as an employer of choice is being tarnished. These
negative effects have been articulated in almost all of the preceding chapters, where its impact on employees was also explained. My contention as a researcher is that disciplinary action is an effective and necessary mechanism within all organisations, only if it is consistently and fairly applied so that organisations can reap its benefits to improve workplace behaviour and productivity amongst others. Based on the concerns outlined above, recommendations are warranted.

6.2 Recommendations

In order to enhance consistency and fairness with regard to disciplinary measures, and to correct undesirable workplace behaviours and achieve its intended purpose, the following recommendations have been proposed.

1. Education and Training

Current levels of knowledge amongst line managers and some members of the disciplinary panels are at an alarmingly low level throughout the organisation. This hampers line management’s ability to understand advice which is given to them by employees within the HR department, and they choose to instead implement discipline in a manner that suites them. The organisation is currently also facing challenges to assemble competent disciplinary panels, as the same employees are often used in every disciplinary case. The organisation can, therefore, contract external specialists to deliver training at the workplace, where line managers and other staff members can attend the training during working hours in a designated area. This will further increase the pool from which the organisation can choose employees from to assemble disciplinary panels, as they would have an understanding of the process and rule on disciplinary matters in a fair and objective manner. In addition, there is an urgent need for the organisation to invest in upskilling current and future shop-stewards. This will ensure that they have the necessary skills and competencies to effectively represent employees at disciplinary hearings. This measure will increase the prospects of employees receiving a fair and objective hearing in the workplace.
2. Disciplinary action should be consistently applied and objective chairpersons should be appointed to preside over disciplinary hearings

It is imperative that the organisation under study should apply its disciplinary code and policy in a consistent and fair manner. This will entail disciplining employees based on the misconduct that they have committed, whilst applying the same set of rules for all employees, regardless of their stature or association within the organisation. This will transcend the message that all employees are equal in the workplace, and that undesirable behaviour will not be accepted from any employee. There is a further need for independent and objective chairpersons to preside over disciplinary hearings. Biased and conflicted chairpersons compromise the integrity of disciplinary hearings, thereby rendering the sanction as unfair and manipulated. Therefore, chairpersons should be elected on the basis of their experience and knowledge of disciplinary matters. These individuals could be sourced from within the organisation, from an external law firm or CCMA, or accredited dispute resolution agencies such as Tokiso and others.

3. Review of the disciplinary code and policy and benchmarking of best practices

The organisation should review its current disciplinary code and policy in order to assess whether it is sufficient to achieve the objectives of disciplinary action in the workplace. This process must involve employees from the HR department, as well as officials and shop-stewards from the respective recognised trade unions within the workplace. Once the policy has been revised and improved, its implementation should be benchmarked against other state owned entities or leading organisations within the country. This will allow the organisation under investigation to adopt a “best practice” approach, where disciplinary action will be implemented consistently in a fair and rational manner.

Furthermore, I suggest the model below to ensure consistency in the application of disciplinary measures within the organisation. The model links the various stages that line management should go through when contemplating disciplining an employee in the workplace.
Figure 6.1: Stages of the disciplinary process.

The above model shown in Figure 6.1 illustrates a diagrammatic view of how disciplinary action can be applied in a fair and consistent manner. This may be the best solution for the disciplinary ineffectiveness at the state owned entity. Where a *prima facie* (at face value) disciplinary case exists, the organisation should appoint the internal audit function or an independent third party to investigate the matter. Once the outcome of the investigation has been communicated, the organisation can elect to either suspend and/or discipline the affected employee. Where the misconduct is found to not be of a serious nature, the organisation can institute progressive discipline with either a verbal warning and/or training to avoid the misconduct being repeated in future. However, if it is of a serious nature, then formal disciplinary action may be instituted. Furthermore, the employee should have the freedom of electing to resign before or during the disciplinary hearing, if the employee feels the need to do so. Where the employee is not found guilty, the matter should end and not be followed up again. If the employee is, however, found guilty of the misconduct during the hearing, then he/she should be afforded an opportunity to submit mitigating factors for a lenient sanction, and the employer would submit aggravating factors for a harsher sanction. After considering these factors, the chairperson will then deliver a disciplinary sanction or outcome based on the evidence which is presented. It is further recommended that this process should be followed in all disciplinary cases, with no selectivity or inconsistencies in the process. The organisation’s internal appeal process is hereby discarded in favour of referring a perceived unfair disciplinary sanction directly to the CCMA. The rationale for this is to avoid an employee’s dispute being prolonged within the organisation’s appeal process, instead of referring the disciplinary verdict directly to the CCMA for a timeous and fair resolution to the dispute. This process will also prevent further potential victimisation of the employee, where the appeal hearing could present toxic leaders with a further opportunity of degrading and unfairly punishing the employee.

4. Adherence to organisational policies and procedures and improved communication
Regardless of how sound or fair a disciplinary policy and process is, it will be rendered as being ineffective if it is not strictly adhered to within the organisation. Hence, in order to address this issue, line management within the organisation must respect and obey the disciplinary policy and process, and apply it when and where necessary in all instances without fear or favour. There is also a need for line management to improve its communication methods when contemplating disciplining an employee. This should allow the affected line manager to receive adequate advice on how to handle the matter with the respective employee, and a process should be enacted to resolve the matter in a fair and transparent manner. The affected employee’s trade union must also be communicated with throughout the process in order to allow them to consult with the employee and approach the matter in an amicable manner.

5. Increased respect for the HR function within the organisation

There is an urgent need for the HR function to play a more proactive and critical role within the organisation, especially in terms of the manner in which discipline is dispensed. More than this, HR professionals possess the knowledge and skills to effectively resolve conflict and manage discipline. Therefore, line management should engage the HR function before any discipline decision is taken. In short, once advice is received from the HR function, such advice should be accepted and respected, regardless of whether it serves the initial intentions or preferences of certain line managers.

6. Eliminating wasteful expenditure on disciplinary cases without merit

There is an urgent need for the organisation to avoid pursuing disciplinary matters that lack merit and fairness. Moreover, these are the type of cases where toxic leaders attempt by any means, to suspend or discipline an employee for personal and/or self-serving reasons, which result in hundreds of thousands of rands being spent on external lawyers, litigation fees and settlement agreements at external dispute resolution bodies.
Instead, where a case has no merit, this should be communicated internally and the matter should be regarded as closed at that point, without any state funds being spent on consultations with private and associated law firms. In addition to this, and as articulated in the literature and illustrated in Figure 6.1, there are certain types and levels of misconduct, which can be approached in an informal manner. This approach will be useful in cases where an employee has committed an honest mistake (in good faith), or where no intention of wilful wrongdoing is found on the part of the affected employee. This would negate the need to assemble disciplinary panels for each and every act of misconduct in the workplace, and save the organisation time and productivity, as potential panel members will perform their usual day to day duties instead of sitting in disciplinary hearings for days or weeks.

7. Disciplinary action can be taken against toxic leaders and more stringent governance structures should be instituted

Where there exists a trend of wasteful expenditure and misuse of disciplinary processes, the organisation should take steps towards disciplining those affected managers who use discipline to further their own agendas. This will ensure that those line managers who instil a sense of fear in the workplace are dealt with whilst simultaneously sending a message that the misuse of discipline will not be tolerated at any level within the state owned entity. The need for stricter governance structures is justified on the grounds that there are certain leaders within the organisation who interfere with business processes only in relation to certain suppliers or service providers. This compromises the internal integrity of functions such as procurement, finance, compliance and a number of other departments. The organisation should, therefore, strengthen its governance structures to ensure that internal risks are effectively identified at an early stage, and that a proper and thorough process is followed before any one individual is able to interrupt or interfere in any business process within the organisation.
8. Change of organisational culture

There is a critical need to change the poor organisational culture and sense of fear, which is currently present within the workplace. Additionally, there is a great need for the organisation’s decision making processes and ways of doing things to be more effective and transparent, allowing for development of a new culture to filter down to every level within its structures. The lack of accountability and responsibility by certain leaders within the organisation allow them to hide behind and blame others for their ineffective and poor decision making. When an ineffective or deliberately poor decision results in financial and/or reputational damage to the state owned entity, the root causes of that decision should be investigated and addressed, and the individual/s responsible for those decisions should be called upon to account for it, and not be protected or shielded from facing the consequences of their actions.

9. Ethical leadership by management

Accountability and responsibility go hand in hand with ethical leadership, which is lacking within the case organisation. Leaders should, therefore, begin to direct their behaviour and actions towards respecting the values of dignity and the employment rights of all employees within the organisation. They should promote and understand the importance of decision making that is honest, transparent and fair to all individuals within the organisation. Management should further consider the impact of their decisions regarding the feelings, emotions and self-esteem of their employees. Once the impact of their actions is truly understood, these leaders are encouraged to remedy their behaviours and decisions for the benefit of the organisation. After all, it is never too late to do the right thing and to show remorse for wrongful and deliberate actions, which have occurred in the past, whilst working towards improving these moving forward into the future.

10. Subordination of self-interests in favour of the organisation’s interests
The problems that are currently present in the workplace should be resolved in a humanistic manner. In fact, it is recommended that leaders should refocus their efforts towards achieving organisational goals, which will allow the organisation to move forward successfully and contribute towards the country’s growth and economy. This action will resonate the leading by example approach, where leaders do what is best for the business and all who are within it for the successful and effective functioning of the organisation long into the future. When leadership within the organisation say one thing, but do the complete opposite, they erode any possible levels of trust, which may exist between them and employees in the workplace. Apart from this, it is, therefore, proposed that management within the organisation should begin to lead their departments with integrity and accountability, thereby becoming the kind of leaders that employees would want to follow through their own actions.

11. Change of leadership

Every organisation should have a fully competent and capable executive leadership body. This has become vitally important for the organisation under investigation based on the calibre of decisions that are currently made by the leadership; not only in relation to disciplinary action, but also in terms of a whole host of other ineffective and irrational business decisions around other organisational functions within the organisation. A change within the executive managerial structure, as well as a new board of directors seem to be a feasible proposition at this point.

12. Appointment of top and senior managers based on merit

Lastly, within this proposed change of leadership, it is recommended that top and senior leaders should be recruited based on their qualifications and experience within industry and nothing else. This means that no other fickle or irrelevant criteria should be considered for critical positions such as that of the CEO, COO, CFO and members of the board. This will ensure that the state owned entity has qualified and competent individuals in key positions, which will allow mistakes of the past not to be repeated, and
facilitate the organisation’s pursuit in the delivery of its mandate to citizens of the country.

6.3 Conclusion

In conclusion, it is necessary to provide a brief summary of the chapters that are contained in this dissertation. Chapter 1 of the study contained sections, which relate to the study’s introduction, background, problem statement, motivation for the study, significance of the study, delimitations, as well as current level of knowledge. The problem of inconsistent disciplinary action within organisations was also discussed in brief here, which raised concerns as to how disciplinary action could achieve its objectives when applied in an inconsistent manner. Moreover, the effect and implications of inconsistent disciplinary action were also briefly highlighted. Relevant literatures on disciplinary action was reviewed in Chapter 2, which included reviewing articles on the topic, as well as a host of other various materials, valuable knowledge in relation to disciplinary action and its origins within international and South African labour law. The different aspects and dimensions of disciplinary action were also perused, where its utilisation and effectiveness within workplaces was also elaborated upon. The reviews led to a sharpened focus for the research topic.

The research methodology and its operationalisation were explicated in Chapter 3. Subsequently, a qualitative research design was adopted for the study. Purposive and convenience sampling was used to select research participants. Semi-structured interviews were used as a data collection method for the study in order to obtain data from knowledgeable and experienced research participants in relation to the subject of disciplinary action. Within the qualitative paradigm, a case study approach was thought to be most appropriate for the study. The rationale behind selecting certain research participants was also explained, as the entire population within the state owned entity may not, practically, be interviewed. My ontological and epistemological stances as a researcher were also explained. Key decisions during the process of qualitative research were further elaborated on, which comprised of aspects such as the research setting, data collection, data recording, as well as data analysis, amongst others. Lastly, reflexivity in qualitative research, quality assurance and ethical considerations were also
highlighted in this chapter. Data that was collected from research participants through semi-structured interviews were analysed in Chapter 4 of the study. Responses from research participants signified their perceptions around the consistency of disciplinary action within the case organisation. Profiles of research participants were firstly discussed, where after interviews focused on the substantive and procedural elements, which are considered by the organisation when implementing disciplinary action. Furthermore, the interviews concentrated on the perceptions of research participants in relation to disciplinary action, and whether they thought that discipline was enacted in a selective manner within the organisation. Common themes, which emerged from the relevant data were ranked in relation to their frequency of appearance and were subsequently summarised.

The study’s findings were discussed in Chapter 5. The findings revealed that the organisation considers the nature of misconduct before instituting disciplinary action for any employee. In addition, it was found that the organisation follows a thorough and fair process when disciplining its employees and this process was deemed to be sound and rational. However, the findings revealed that although fair processes were followed, an employee may not always be disciplined for a fair and/or objective reason. The chapter also showed that disciplinary action was perceived to be inconsistently applied, as it was misused for purposes that were not mandated by the organisation itself. This had the effect of severely disrupting relations in the workplace, as employees were treated differently and the issue of problematic workplace behaviour was not effectively addressed. It was further found that toxic leaders used disciplinary action to further their own interests, and that the current shop stewards within the organisation were unable to protect employees from this phenomenon. This meant that employees were left exposed to the wrath of toxic leaders’ unfair application of discipline, where shop stewards were ill-equipped to defend them. Additionally, research participants perceived that disciplinary action was selectively applied as a result of ineffective leadership, which had resulted in the development of a poor organisational culture within the state owned entity. Implications and limitations of the study were also discussed in this chapter, and future research areas were also suggested. Hence, objectives which relate
to the study were achieved in Chapter 5. Chapter 6 focused on recommendations to enhance consistency in disciplinary action within the state owned entity, as well as other organisations, nationwide.

The statement of the research problem points to the assertion that disciplinary action is inconsistently and selectively applied, which has negative consequences for the organisation. This has led to perceptions of unfairness amongst employees. It is significant to emphasise here that the findings of the study corroborate the research problem, where it was indeed found that disciplinary mechanisms were unable to achieve its objectives in the organisation under investigation owing to it being applied in an inconsistent manner. Consequently, the organisation found it difficult to remedy undesirable workplace behaviours as a result, where these behaviours manifested in the form of toxic leaders and the self-serving behaviours of certain individuals. This situation has further led to employees within the organisation having lower levels of motivation, job satisfaction and overall productivity as a result of this unequal treatment in disciplinary action. However, responsibility for the ineffective application of discipline rests with management at all levels of the organisation, as well as with the HR function. Hence, based on these subsidiary findings, I have no alternative than to state that inconsistent disciplinary actions seem to be having devastating consequences for the case organisation. There is, indeed, a negative relationship between inconsistent disciplinary action and fairness, as selectivity has resulted in employees being treated differently on capricious grounds. Nevertheless, if the suggestions that have been advanced in this chapter are taken into consideration, then future disciplinary matters within the state owned entity might be dealt with in a fair manner, which could have a positive effect on employees, line managers, human resources, as well as the organisation as a whole. Therefore, a renewed call is made to leaders within the organisation to effectively engage and communicate with the HR function in relation to all disciplinary matters, which may present itself in the workplace. When these individuals coordinate harmoniously and possess a sense of professional respect for one another, the implementation of discipline will vastly improve, resulting in fairness, high morals and increased productivity in the workplace.
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1. Introduction

The story contained in a research journey is often not only a reflection of the experiences of a researcher, but also gives such experiences a meaning. My own story in this regard has been a pleasant and insightful experience at most, with only a few challenges along the way, as is elaborated upon here.

As an employee relations (ER) practitioner in modern South Africa, I have had my fair share of unpleasant experiences, emanating from the modernised workplace environment, where employment law has created a rigid labour market, where employers often have to experience long winded procedures to rid themselves of problematic and troublesome employees. This has often led to me and my colleagues spending large amounts of organisational time at external dispute resolution bodies such as the CCMA and the labour court, where we have had to defend decisions that are made with regard to dismissals and unfair labour practice claims that were made by current and former employees. Further to this, I have regularly had to deal with trade union matters within a highly political workplace environment, where a large amount of emotional intelligence and skilful manoeuvring had to take place to avoid issues escalating beyond our control. During times of collective bargaining between our organisation and the two recognised trade unions, the levels of aggression and anger displayed during wage negotiations have increased drastically over the years, where organised labour perceive management as short-changing their members, and only looking after their own interests at the expense of employees in the workplace. The above environment has led to a number of employees, often at higher management levels, being “targeted” and unfairly disciplined in the workplace as a result of ulterior motives and toxic leadership being at play within the organisation. A newly qualified and minimally experienced HR professional such as myself learns a lot of skills and industry
knowledge from these situations, although at times a sense of guilt and worrying conscience creeps in with the knowledge that some decisions being made are simply wrong and totally unfair to the individuals involved in it. Consequently, I decided to conduct research on a topic, which I have personally observed since commencing employment at the organisation and, which I felt had to be investigated at a deeper level where its true existence, or not, could be established. Moreover, I decided to research different aspects of disciplinary action within the organisation to gain a perspective of how these issues are perceived by employees themselves at different levels of the organisation. As I collected my data from research participants, I realised that they had a firm interest in the topic, as they had experienced disciplinary action in some form or another through their working lives, especially since some of them had been disciplined themselves for completely unfair reasons, as perceived by them. What was crucial for me as an individual was that I could research a topic that was perceived to be fairly controversial and sensitive, as the organisation is a state owned entity with a well-recognised political workplace environment. I believe that my research can make a difference to the state owned entity in future, where managers and employees alike can reflect on its findings and establish whether there are any learnings in the study that could add value to the organisation moving forward.

What was important to me was that I could research a subject that was out of the ordinary, which meant that I would interact with people in a social setting, where I intended to make a difference, irrespective of not being remunerated for it, and I would remain focused on a worthy goal.

The story of this research journey will tell my experiences in relation to my academic progress, and how that has contributed to my current state of mind and knowledge in relation to disciplinary processes. It further describes the excitement and difficulties of my academic journey, the challenges faced, decisions made, and also my process of learning, which has developed me as an individual and academic.

2. Personal details
I am currently employed as an employee relations practitioner within a state owned entity in the Gauteng area. I also hold further part-time employment with the University of Johannesburg (UJ) as a marker/evaluator at the Department of Business Management. As a relatively newly qualified ER practitioner, I have been fortunate to gain employment at one of the biggest and more well-known organisations within South Africa, where I have learnt a lot around the human resources (HR) and ER functions. I have been placed with well experienced and knowledgeable individuals in both functions, where their guidance and advice has contributed to my current knowledge and level of competence within the field. Consequently, I am looking forward to furthering my knowledge and experience even more in future, and to actively making a contribution to society within the field of HR. I am also a huge sports fanatic, and enjoy watching and occasionally playing soccer, cricket and tennis, and also rugby (only as a spectator of course). I am the second eldest of four children at home, where the youngest is my baby brother who is 6 years old at present. Having a baby around has brought new joy and fulfilment to both my parents' lives, as the rest of the children are all working and out of the family home, so my baby brother keeps us together and gives a reason to often visit at home, more than would have been the case if he wasn’t born, I believe.

3. Academic qualifications and further studies
While I was relatively satisfied with my academic qualifications from UJ, I wanted something that would make me stand out from the crowd in an even bigger way. I had obtained both my National Diploma and B-Tech Degree in Human Resource Management from the institution, and graduated *cum-laude* and top of my class in both qualifications. I then went on to do my BA Honours Degree, specialising in Employment Relations, as this is the field, which was of most interest to me. As an emerging professional in ER, I wanted to delve even further into the field, and knew that with a firm academic background, I would be able to grasp the learnings even faster than normal, allowing for a good mix between academic knowledge and practical experience that I have gained in the workplace.
Having applied and being accepted into the M-Phil programme for employment relations, I was both nervous and excited at the prospect of commencing and eventually completing the programme. I was confident in my academic abilities but also went into a pure research academic programme, which I have not previously done in my academic career. After learning that my study leader would be Professor Wilfred Ukpere, my nerves eased quite a bit, as I had been taught by him previously during my Honours qualification. Prof Ukpere and I even published an academic article together, which stemmed from one of the assignments that I completed during his module in 2013. Having attended the study school in January 2015, I realised how exciting and interesting the journey would be. In July 2015, my research proposal was accepted at the first attempt of presenting it to the academic panel and I knew from that point that I would have approximately one year to complete the rest of the dissertation. I had completed the research methodology module in both my B-Tech and Honours qualifications, but it would be my first time that I would conduct pure research, with no tests, assignments or exams being written. Although I had always enjoyed the traditional techniques of learning (assignments, tests and exams), I knew that if I spent enough time and energy on research, that I could eventually excel in it, especially because I intend to pursue my Ph.D. at a later stage. The skills and knowledge that I learn now will be of good use at that stage, and this motivated me even further to do what was required and to obtain the Master’s qualification in the prescribed time period. I also intend to lecture on a part time basis at an academic institution sometime in the future, so obtaining the Master's degree would be another step towards that goal.

4. Family illness and accidents strike

On or about October 2014, my Mother became increasingly ill and her health began to deteriorate drastically and suddenly. None of us within the family could understand what was causing my Mom’s sudden deteriorating health, to a point where my Mom could hardly walk by herself and she was losing certain functions of her brain. She would start talking about things, which didn’t make sense and would fall asleep randomly at times, and then it was basically impossible to wake her up. The situation took a turn for the
worse on the 16th December 2014, when my Mother took too many sleeping pills as she could not sleep anymore, and we thought that we had lost her on that day. However, luckily the hospital declared that it was not a deliberate overdose of medication, but that she took too many strong pills at one time and she would spend only a few days in hospital. In March 2015, my Mother could not attend my graduation ceremony for the first time, as she was still not well and the diagnosis was still unclear. After visiting a specialised hospital in April 2015, it was discovered that a previous medical surgery that my Mother had performed, had caused some nerve damage, which affected her nervous system and brain, and she was subsequently placed on medication, By May 2015, my Mother was on the road to recovery and slowly getting back to her old self. This was a great relief as my Mother is the glue that keeps the family together and my baby brother still needed her around in the same manner that we had when we were growing up. However, in September 2015 a very horrible car accident struck half my family, where my Father, older brother and sister were involved in a nearly fatal car accident on their way to a family function. It was a miracle that no one was fatally injured in that accident, as it involved 3 cars and reduced our family vehicle to a tiny bit of its former self. The paramedics stated that they would not have thought that anyone would have walked out of that accident alive. Fortunately, all my family members have since made a full recovery and the accident did not affect my Mother’s recovering health as badly as we thought it would at that stage. These incidents in 2015 affected me rather badly and my research study subsequently took a back seat for large amounts of time. I, however, dealt with these situations, as hard as they were and although I didn’t complete the dissertation as quickly as I would have wanted to, I am forever grateful that my family members are now all well and in good health after what was a terrible 2015 for me and my family.

5. Experiences in the research journey
After having my proposal accepted in July 2015, I knew that at that point the real work would begin and that I would have to put in a lot more work than I had in the preceding 6 months. I had prepared myself mentally for it, but having to work a full day and thereafter focus on academic studies was not as easy as it was before, as research
entailed a different method to learning than that I had become accustomed to over the years. I understood that it would involve an incremental process of working on the study bit by bit over the next 12-13 months, and my motivation levels would need to be at its highest during this time. Fortunately, I'm not much of an outgoing person so I managed to make the most of my weekends and spent considerable time on my research study during these times, managing to make time here and there for friends and family.

What helped even further was the fact that I do not have a steady partner or family of my own yet at this point in time, which assisted tremendously, as all my time was my own, and I could consequently dedicate any time during the night and on weekends towards the study. As much as all this assisted, I found myself alone often and isolated from most social events and functions, and although these were not really my scene, it affected me to a lesser extent where I could not always take up offers from friends and associates to go out, as the weekends were my time to make up for any hours that I may have lost during the week. As a young person in today’s generation, making sacrifices and dedicating personal time to postgraduate studies is not always the easiest thing, but I managed to work out a routine, and was disciplined enough to stick stuck to it for most of the time. Whenever I encountered feelings of frustration and tension as a result of the study, I would remind myself about the reasons for me wanting to complete the study and the eventual rewards that I could reap in future by remaining committed and completing the study the best way that I could.

6. Finally getting to terms with qualitative research

Although the literature review section of the study took up a considerable amount of time (3 months to be exact), I enjoyed researching available content on the research topic and putting together a history of disciplinary action and all its related elements. This section I believe contributed enormously towards my researching skills, and writing on a topic in a sequential and interesting manner. With the above being said, the research methodology section took even longer to complete (4-5 months to be exact); except this time I did not really enjoy it as much as I
did with the literature review section. I followed the same routine of gathering as much literature as possible on qualitative research and all its encompassing elements, but writing the chapter presented a lot of challenges and difficulties for me. Being an individual who was used to the conventional styles of learning (tests, exams, etc.) I now had to change my approach to learning by reading about elements such as epistemology and ontology, research paradigms and approaches and other related concepts, which were all new to me. Although I gathered most of these concepts at the study school and subsequent weekend classes that were provided by the university, I had no idea how much work this chapter would entail. This resulted in me having to write and rewrite the chapter a number of times, with new suggestions and ideas being recommended with every submission by my research supervisor.

After having finally produced a version of the methodology chapter that my supervisor deemed to be acceptable, it was decided between us to send the chapter to Professor Schurink for his perusal and possible input. I was excited to have Prof Schurink involved in my study, as he is a pioneer and leader in qualitative research in South Africa, and his input would go a long towards improving my methodology section. I would also further be acquiring new knowledge and skills from him on how to navigate this element of research moving forward into the future. The chapter returned after a few weeks with a number of suggestions and input on how to improve it even further, and I took this with a “pinch of salt” when it was sent my way. Prof Schurink’s input assisted in improving the chapter even further, and I learned a lot from his input and advice. Therefore, I read the additional material, which was suggested by Prof Schurink and implemented all his recommendations and revised the chapter to the final product that it now is. Upon completion of this chapter, I realised how interesting it was, and what I learned from it will serve me well when I enter my Ph.D. study someday.

The chapters, which followed the methodology section were quite enjoyable and very interesting to experience. The last 3 chapters (data analysis, discussion of findings and recommendations and conclusion) took me about 3-4 months to complete. Having to draw up an interview guide with interview questions for data collection was relatively
easy, as my previous experience of working in an HR environment came in handy and I further knew the process and what it involved. After formulating the questions and refining it with Prof Ukpere, I went ahead with the data collection and subsequent analysis thereof. Although the analysis of the data would only provide a few challenges, these were quite interesting. Prof Ukpere had now taught me to write academically and sequentially in order to demonstrate a certain level of rigour needed in qualitative research. These skills will remain with me for a lifetime moving forward, and I always remained open to Prof Ukpere’s advice and suggestions in order to improve my study and contribute towards my development as a researcher.

Myself and Prof Ukpere have always enjoyed a good academic relationship since we first met at UJ back in 2013, and his continued patience and understanding with me was much appreciated throughout the study. Although I am sure that my frustrations and irritations were quite apparent to him at some stages, he never mentioned these to me and that also assisted greatly in maintaining my motivational levels and spirit throughout the study. Prof Ukpere would often send me messages of encouragement and compliment my efforts with every draft of every section that I sent to him, and this kept me going throughout the study in terms of reminding me that I was still on the correct path and allowing me to envision my eventual completion of the study.

The year 2016 turned out to be a much better year than the preceding one, as all of the challenges and personal turmoil that I had experienced in 2015 were a thing of the past, and I could now afford my complete time and attention to my academic studies after working hours. Having the peace of mind of knowing that my family was well and safe, allowed me to have an added sense of motivation, where I always knew at the back of my mind that they supported me and understood the sacrifices that I had to make in order to complete the study timeously. Knowing that I had overcome all those challenges in the past made me a stronger and better person, and further gave me an added appreciation of good health and family, which are two of the most important things in this world.
7. My study and the state owned entity

My journey with the state owned entity has been a pleasant one up to this point in time. I joined the organisation as an Intern in 2013, and this was a dream come true for me as I had always wanted to work for the organisation ever since I started my tertiary education in 2009. Having learnt from some well experienced individuals and practically experiencing the workings of an HR department, my confidence and competence grew with time, and I managed to create some meaningful relationships in the workplace while contributing to the effectiveness of the departments in which I worked.

After my internship I was offered a one year fixed term contract as an HR administrator, and thereafter I joined the ER department on a permanent basis in late 2014. This is where I really began to learn a lot about labour law and workplace dynamics, and over time, my experiences in the ER department motivated my research topic and subsequent Master’s study. Having observed how processes could sometimes be manipulated and misused, a sense of empathy grew within me for those individuals whom I observed as sometimes being ill-treated and bullied in the workplace, and I further also received first-hand experience of the existence of toxic leaders and organisational politics. Seeing how senior managers can utilise certain organisational processes to further their own agendas personally affected me at times, but I maintained the mind-set that I was in the corporation to gain as much experience as I could, and to learn as much as I possibly can.

My journey with the state owned entity in the past 3 years has been a good one for both my professional and personal growth and development, and although I have observed some unfair labour practices taking place in the workplace, my colleagues have been supportive of me. They have contributed enormously to my growth as a professional and person up to this point and time, where their teachings will last forever moving forward into my professional career. I am hoping that the corporation could make use of the findings of the study to improve their processes and procedures, where certain
unfair labour practices, which have occurred will be minimised, if not completely eliminated from the workplace.

I have met some really experienced and wonderful individuals during my employment and they have all contributed towards my pleasant memories and experiences. This, compounded by the fact that I had wanted to work for the corporation for a long time and having eventually achieved my goal after much hard work and dedication, I am satisfied with the way that things are going at present.

8. **Learnings from the research journey**

My initial experiences with a fully focused research qualification brought its own challenges and excitement, especially as I had to come to terms with the various elements and components of research. Even though the challenges that I experienced at times seemed to be overwhelming, a few key learnings remained with me at the conclusion of the study. Firstly, research is a passionate field, which should be pursued with enthusiasm. If an individual pursues research for the sake of pursuing research, with a lack of interest in it, the research journey will thus feel as though it is a burden, and will in turn produce undesirable feelings of frustration and irritation. The second key learning that I realised was that research is an ongoing field in an ever-changing environment. What researchers discover today may become obsolete within a short time frame. This is because we live in a technologically advanced and globalised era, where changes are constant and new phenomena emerge constantly, needing research based solutions to it. Thirdly, I discovered that every researcher needs to be reflexive in his/her work in order to produce accurate and objective findings. The concept of reflexivity was a new word to me, and its importance in research made me realise how researchers should take a few steps back from their work and look at it in a manner, which is impersonal and objective in order to contribute to academic knowledge. Lastly, I realised that research can be both challenging and ambiguous to a first time researcher. Therefore, new researchers should familiarise themselves with all the elements and concepts, which relate to their field of research, and pursue the subject in a knowledgeable and progressive manner in order to achieve maximum effectiveness.
and output from their study.

9. Conclusion
My research journey has at times been an emotional and reflective passage in all facets of my life. From dealing with family related heartaches to personal intellectual challenges, I seldomly felt demotivated and discouraged by the events that passed through my life over the past two years. However, I knew that I had to remain focused through all the challenges that came with life and postgraduate responsibilities, and the fact that I previously achieved these goals gave me a sense of comfort that I could once again achieve what I needed to achieve.

In conclusion, I believe that it becomes relevant to mention that learning is a life long journey, where we all get to decide what our destination will eventually be. We all have a choice in how our lives will pan out, and the decisions that we make every day, whether consciously or unconsciously, will determine where we end up in life. Although we are all born into different and sometimes challenging circumstances, it is up to each of us as individuals not to allow our circumstances to dictate our future, and to make the most of each talent and gift, which has been bestowed upon us by our Almighty Lord.
ANNEXURE B
University permission to conduct research study

DEPARTMENT OF INDUSTRIAL PSYCHOLOGY AND PEOPLE MANAGEMENT

Auckland Park Kingsway Campus
Corner Kingsway & University Road
PO Box 524
Auckland Park
Johannesburg, 2006

11 November 2015

To whom it may concern
Re: Permission to conduct study

The University of Johannesburg hereby confirms that Xavier Knight, student number (200919568) is a registered Master’s student in the Department of Industrial Psychology and People Management. His research topic titled “Consistency in the application of disciplinary measures within a state-owned entity” has been approved by the department and Xavier is currently at the data collection phase of his study.

The University hereby kindly requests the organisation allow the student to conduct his research at your organisation. The student will undertake to maintain confidentiality regarding the identity of the organisation and research participants. Xavier is currently employed within your organisation, and it will be greatly appreciated if you could allow him the opportunity to conduct his research, as the results could potentially benefit both the University and your organisation.

Kind Regards / Vriendelike Groete

A Ferreira
Administrator: Postgraduate Masters & Doctoral LPC.HRM.HRD.ER.
DEPARTMENT OF INDUSTRIAL PSYCHOLOGY AND PEOPLE MANAGEMENT
Office: D Ring 437
Telephone: 011-559 2079
Fax: 011-559 2710
Email: amandaf@uj.ac.za
ANNEXURE C
Permission granted from organisation to conduct research study

15 March 2016

Dear Student,
The Learning and Development Department take pride in supporting your learning journey. Your research topic, titled: Consistency in the application of disciplinary measures within a state owned entity is hereby approved and supported. The following declarations apply to your authorisation for the study:

Declaration

1. Student
I hereby undertake to use the organisation’s information for the sole purpose of fulfilling my obligations as a postgraduate student. I understand that the organisation’s information is for the usage of examination purposes and will not expose the organisation in a deliberately bad light.

2. Manager
I acknowledge the studies that Xavier Knight is undertaking and I will endeavour to provide the necessary support and information relating to the research component of the dissertation.

Hope that you find the above to be in order.

Regards,

Sonti Lurayi
Knowledge Management and Business Development Manager
ANNEXURE D
Descriptive memorandum to research participants

MEMORANDUM

To: Research Participants From: Xavier Knight,

Date: 20/04/16 Subject: Details on purpose of Research interviews

Dear Participants,

You are kindly invited to take part in a Master’s study that aims to examine the consistency in the application of disciplinary measures in a state owned entity. This phenomenon is occurring increasingly in South African labour law and has relevance in our workplace as well.

You are kindly invited to participate in this study by availing yourselves for about 20-30 minutes for the purposes of conducting interviews as part of the data collection process of the study as previously discussed. Your valuable responses obtained from these interviews will enable me to investigate the consistency of disciplinary action and how it relates to our workplace. Please note that participation in this study is voluntary and anonymous, as you will be given pseudonyms during the interview process. The
information obtained from the interviews will remain confidential and will not be disclosed to any individual who is not part of the study. Interviews will be scheduled during normal working hours, where a designated boardroom will be utilised at a time most convenient for you.

Your participation and assistance in this study is highly appreciated, and do not hesitate to contact me for any further clarity needed.

Kind regards,

Xavier Knight
Annexure E

Atlas ti data analysis

Interviewer: I think that is very appropriate. Thank you. Our first question is based on substantive and procedural elements. Could you please explain to me what are the procedures followed by line managers when they are instituting disciplinary action against employees.

Participant: Can you repeat the question.

Interviewer: No, what are the procedures that are followed by a line manager when they are contemplating disciplining an employee?

Participant: (whispering) Okay let me just quickly think, if a line wants to discipline one of the individuals, he must first have to look at the; what is the word I am looking for? The validity or the transgression of the act of the person to see whether there is a case or not. They might also have evidence or proof in order for the case to, let me say for the employer to have a substantial case against the employee. If you take now insubordination. You can’t just shout insubordination if you do not have any reason or infraction which is reasonable for the employee to perform or to carry out infraction as requested by your employee. So then what happens is the manager consults with HR, HR give advice and then they draw up a motivation request for a disciplinary action to be taken against the specific employee or the accused employee. The motivation being signed by the head of the department, receipt of proof and motivation of the disciplinary action to be taken against a certain or particular employee. Then from there we draw up a trial sheet in consultation with our labor relations for them just to go through to double check we actually do have a valid charge against the specific employee. They give the go ahead. We notify the employee the disciplinary has been taken against him and then from there you will look for, yeah you inform and the employee has to respond to the charge or the discipline. While they respond and you go through and see if the management still wants to go through the. If you still feel that action will be taken then. You will be given the charge sheet, you put up a panel. That is the whole process.
You will be given the charge sheet, you put up a panel. That is the whole process.

Interviewer: And that is very effective thing. Could you please tell me your opinion on the objectivity and professionalism displayed by members of the disciplinary panel, in your experience of course.

Participant: If I can start back at the selection of a panel member the people will be objective and they will not be biased towards the case that is being held. We normally make use of people outside of the department, who are not directly affected with the case and are not familiar with whatever; it can be the working environment or the person being charged who can make sure whatever objective panel will be put together. So we will also make sure there is an Initiator, a Chairperson and we also try to balance off the panel with an HR member and a general staff member we can rely on depending on the scale code of the views in there.

Interviewer: Okay, explain to me that criteria which you select the panel. In your experience in the issues that you have been involved, what is your comment on their professionalism and objectivity that they have displayed?

Participant: It is based on the merits of the case and not the individual who is being charged. So we look at the merits and the facts and put them in place and the corrective measure taken will best be for the employee and the organization. If I understand the question.

Interviewer: So you are saying, in all the cases you have been involved they have been?

Participant: Yah, they look at not the individual but at the cases and how the corrective measures can be both beneficial to both parties.

Interviewer: What is your perspective on the validity and fairness of disciplinary outcome of the cases you have been involved in.
Participant: Because sometimes you give a person a verbal or a written warning, you get those cases where the person who does the same transgressions. So sometimes he doesn't give you any options but to go again into DC as a corrective measure because sometimes remember DC is a corrective measure for certain behaviors. But some employees do not get the behavior to learn through a DC. They transgress and end up making the same mistake and even worse off making the company being in a disadvantaged position. So there is no alternative than to go for a disciplinary action. What was the question again?

Interviewer: How do you perceive the fairness?

Participant: We always look and take into consideration the kind of people we employ. We always make sure that we get all the facts of the employee because that will also affect the severity of the transgression before you give a harsh offence for lack of a better word. And the other part of the question?

Interviewer: No, I think you have covered it. My next set of questions are based on perceptions around disciplinary action. With regards to disciplinary action in the workplace, do you feel that it is used for its intended purpose in this organization?

Participant: In this organization the few that I have been exposed to, I can say yes it has been used but sometimes when you talk to colleagues it has also been used differently or actually wrong reasons as to what it is there for.

Interviewer: Could you just elaborate on the wrong reasons please.

Participant: Because sometimes managers fail to manage the employees and they sometimes feel they have to go through the disciplinary process so that they can manage their staff. So they look at the easy way out and
Interviewer: And after your experience in disciplinary hearings as a panel member, how did you feel after the process? How did you feel?

Participant: As a person or basically as HR? You know that depends on the sense when it comes to the employee. A written warning is fine and you hope the person will learn from the experience and they will not do the same transgression again in order for them not to go through the same disciplinary process. But sometimes the human factor kicks in, unfortunately when you look at fraud and the like you have no alternative but to dismiss. But also from the human side you feel bad for the employee because you know the family and they may be the only bread winner and it all depends on the outcome of the specific disciplinary hearing.

Interviewer: Okay, with regards to shop stewards in the organization. Do you feel that they do enough to protect employees in DC?

Participant: I think sometimes when an employee does it on shop steward there is always a hidden vendetta or malicious intentions to just aggravate the situation. They know they will use like tactics to gather and to frustrate the whole process or to personally attack the character of the Chairperson or the line and sometimes they take the, well they do not look at the merit of the charge. They make use other tactics to delay and stall the process. For me, if the shop steward should just advice and refrain with the members. I do not think we will have a lot of ups and downs with shop stewards representing employees within the company.

Interviewer: Could you just elaborate on some of the tactics which you refer to that some of the shop stewards use?

Participant: Sometimes you will really like they will officially push the boundaries if they can maybe see you are making some moves towards resolutions they will try to add to what the nature of this. They
whether which route we want to take and we will go and revise from the center of excellence. So for me in the process it creates a lot of problems for other cases, pending cases coming forward.

Interviewer: So you feel there is some element.

Participant: Yah.

Interviewer: And what makes the current case that you are dealing with, why do you feel it is inconsistent?

Participant: You remember ... service panel within the organization. There are a few reliable Chairpersons and a few reliable line initiators; you also want staff with strong employee relations as well as informed in that area. So when you look at work load and time frames and the motivation and signed for the disciplinary hearing to take place and it also depends on the outcome which people can take back. It can take maybe the employee can appeal the outcome and there can also be timelines on why so long. Sometimes an investigation took place in 2014 and in 2014... And for argument’s sake a transgression took place in 2014 or a motivation was signed off in December. And there is also like the season spirit and the people coming back from it will be a real struggle to put again altogether.

Interviewer: Okay, my last set of questions will build with selectivity and the application on this disciplinary action. In these cases of inconsistency which you have been aware of: do you feel there were distinguishing factors which mitigated the inconsistency or you feel they were all universal?

Participant: I must say, sometimes a bit of both. In like I say unfortunately the company we find ourselves, politics is high on the raise in which you get a mandate which you know is not the right way to go but you just have to follow the mandate that you would have received and that is how we end up having a lot of inconsistency.
Interviewer: Can you just elaborate on the politics and the mandate you are referring to. Just to get more information on that.

Participant: If I can maybe refer, rather know that candidate A is a better candidate than candidate B and there is a vacant position. So you will go out of your way just to find something against candidate A to eliminate the specific person in order for you... to ensure your chances to be appointed in the specific position is greater and you will go out of your way just to find something against candidate B to eliminate that person. For me it is really unfair towards the growth of an individual and you will, the type of service that you as the extra security you are supposed to be giving to the organization. Which you really sometimes question the discretion of the people. And the people I am referring to are the seniors and the lines.

Interviewer: Okay, I hear you. My last question to you is, based on the organizational culture, do you feel that the culture within the organization based on everything that you have said, Do you feel culture plays a role on how discipline is implemented?

Participant: I think if you can refer to one of the big exercises that have taken place a month or two ago, everybody was actually shocked because sometimes you get away with murder and you do not get charged. And sometimes the severity of the transgression you would have preferred an outcome, you will be shocked that the person will just have received a verbal warning or a written warning and not being dismissed. And depending on which level, I hope I will get my story straight. Depending on which level which click, which department you belong to you know. You can, your whole situation may be dealt differently. And because discipline sometimes is dealt as a corrective measure and when the company follows through in taking a disciplinary action it is like a shock to the whole organization were they play the victim...
discipline sometimes is dealt as a corrective measure and when the company follows through in taking a disciplinary action it is like a shock to the whole organization were they play the victim...

Interviewer: If you had to describe the organizational culture in this company in a few words. What words would you use?

Participant: I must say when you are looking at the culture you may take...managed by...and then the inconsistencies in process and in people...they do not value their jobs anymore because of how things are done. So...the system of employees...and high resistance to change.

Interviewer: What do you feel has contributed to this culture?

Participant: Poor management, non-reward systems to hard working diligent employees and just lack of interest towards the employees of the company.

Interviewer: Participant Number 8, I would like to thank you very much for your time madam and for your participation in this study.

Participant: When I partake in this study, it also took me down and raised some questions around...what are we actually working towards and what culture would it involve. We thank you.

Interviewer: Thank you very much.
4.6.1 Substantive and procedural elements in the application of disciplinary action

Fairness and consistency are key factors in determining the validity of disciplinary action taken by employers. To adhere to these requirements, organisations are obliged to ensure that substantive and procedural elements are fulfilled. These relate to a fair reason for discipline and enacting it according to a rational procedure. In the event that any of these two elements are not met, organisations could endure undesirable penalties. Therefore, a fair reason for discipline carried out as per a sound procedure is crucial in ensuring that discipline produces its desired outcomes.

The following responses emanated from research question 1: Does the state owned entity take into consideration the substantive and procedural elements in the application of disciplinary measures?

In this regard, RP1 remarked: “When there is an allegation of misconduct (allegation of misconduct), the line managers can approach the implementation of this in two ways. One is if they’ve got sufficient evidence; they can there and then set up a disciplinary panel (convening a disciplinary panel) so that it can rule on the disciplinary hearing (DC). The other alternative is where there is a need for an investigation (investigation into misconduct), is for line managers to approach either the internal forensic investigators or alternatively an external one, for them to conduct an investigation and then produce a report”.

“Obviously management will receive, considering my line of work, they will receive facts about a particular misconduct (allegation of misconduct) and with proper
recommendations after an internal investigation is conducted and therefore management will then be asked to, or a recommendation will be issued to discipline a particular employee”. (RP3).

RP4 added: “If a line manager wants to discipline one of the individuals, he/she must first have to look at the validity or the transgression (nature of misconduct) of the act of the person to see whether there is a case or not. If you take now for example, insubordination. You can’t just shout insubordination if you do not have any offence committed by the employee or a failure by the employee to carry out a lawful and reasonable instruction”.

It is apparent from the above, that management will usually consider the nature and severity of the alleged misconduct perpetrated by the employee before action is taken. This, as per the responses, takes place after an allegation has been investigated by management or after a certain action by an employee has been brought to management’s attention.

In terms of the procedure followed by line management once an allegation has been brought to light and investigated, a clear and sound procedure seems to exist. This is based on responses received from research participants as follows:

“The line (manager) is expected by the delegation of authority framework to obtain permission from the head of the division or the business unit, authorising the line manager to continue with the disciplinary hearing (motivation to discipline). Once that permission has been obtained then the disciplinary hearing will then be implemented, in a sense that the line manager will then escalate the complaint to HR (communication with HR), who then has to facilitate the process going forward”. (RP1).

“So then what happens is the manager consults with HR, HR gives advice (communication with HR) and then they draw up a motivation request for a disciplinary action (motivation to discipline) to be taken against the specific employee or the
accused employee. The motivation being signed by the head of the department, receipt of proof and motivation of the disciplinary action to be taken against a certain or particular employee. Then from there we draw up a charge sheet (charge sheet formulated) in consultation with our labour relations for them just to go through to double check we actually do have a valid charge (nature of misconduct) against the specific employee”. (RP8).

Within this context, RP7 added: “For more serious offences (nature of misconduct) which in my experience I have had as well is where it is necessary for the employee to be suspended. Officially there is a procedure around obviously the type of offence that warrants that. The process we follow there is obviously giving an intention to suspend (procedural fairness) the employee which allows him time to respond to that (opportunity to state case). Once they have responded, we review it and think about it to see if it is still necessary to suspend”.

What emanates clearly from the above responses is a detailed procedure to be followed by management when they contemplate disciplining an employee, which includes consultations with experts such as HR. As noted from RP7’s response, a similar procedure also exists when an employee is to be suspended as well as disciplined for serious misconduct. This seems to be a precautionary measure to allow for further investigations to take place before official disciplinary action is taken.

Similar to research participants 1, 7 and 8, RP3 stated the following: “In terms of the internal process, the line manager needs to submit a motivation, some form of a request to discipline (motivation to discipline) to the higher authority to say we intend to discipline a particular person and then approval will be granted you know after interactions between themselves and the line manager as to the reasons behind it. And then my understanding will be that the next step here is to engage employee relations (communication with HR) to facilitate the process”.

“With help of employee relations and HR (communication with HR), normally HR you
get advice, you put in writing allegations (allegation of misconduct) whatever, and you
give the employee, ask them for reasons you know, what is their side of the story
(opportunity to state case) and in some cases if it is of a serious nature (nature of
misconduct) for reasons why they should not be suspended". (RP9).

As outlined above, RP9 concurs with RP7 that suspension in addition to disciplinary
action would be required for serious acts of misconduct. In addition, the latter two
research participants verified the procedure where a motivation is written seeking
permission from a higher authority to commence and officialise disciplinary action, to
ensure its validity as per the disciplinary procedure and policy.

With regards to a follow up question, which related to the professionalism and objectivity
displayed by members of a disciplinary panel once disciplinary action commenced, RP7
responded as follows: “It is very important to act professionally (competency of dc
panel) to ensure there is no bias at all in terms of the process and it must be a fair and
open process (procedural fairness). One can’t just based on one’s evidence being
presented and already making a conclusion on that. You have to be open minded in
terms of listening to both sides (opportunity to state case) of the case”.

RP7’s response supports the notion that it’s important for both sides of the matter to be
heard (audi alteram partem rule) before any decision can be made on the outcome of
any matter.

In the same vein, RP8 stated: “The panel will be objective (competency of dc panel) and
they will not be biased towards the case that is being held. We normally make use of
people outside of the department, who are not directly affected with the case and are
not familiar with its merits; it can be the working environment or the person being
charged who can make sure whatever objective panel will be put together”. (procedural
fairness)

“In my experience with interactions with the panel, because I most of the time lead
evidence or provide evidence on matters that are investigated, the professionalism is of high note (competency of dc panel) and I have never had any issues per se with the panel. I have always observed that the people who sit on those panels are of utmost professionals and they display that. I think that is my view, which is obviously supported by the fact that they understand that they are dealing with people’s reputations, people’s futures and you know careers”. (RP3).

The common theme which emerged from responses was the competency and professionalism displayed by a disciplinary panel during proceedings. This theme may be linked to the fact that individuals sitting on those panels understand the procedure and the matters which are at stake during a disciplinary hearing.

However, RP1 brought the following to light: “It depends on who had made the request to discipline within the organisation, whether that person is in a position to influence the chairperson of the hearing. You cannot rule out that possibility. You have instances where the chairperson would assume that because the complainant is from a particular unit, headed by a particular individual, therefore there is an expectation that he/she should return an outcome that is favourable to the line managers (unethical conduct by certain chairpersons), thereby compromising the professionalism of that person and the objectivity. So yes, you may have a person who is experienced and competent but the environment and the circumstances maybe such that, that person is influenced in not seeing to it that he conducts the disciplinary hearing in a professional and objective manner”.

RP1 seems to hint that there are certain situations where the integrity of a disciplinary hearing could be compromised due to the individuals involved in the matter. This would seem to be dependent on the ethical nature of those individuals, their relationships with line management and their reason for instituting the disciplinary action.

The research participants’ experiences on valid and fair reasons for disciplinary action were explored next to elaborate on substantive fairness. The question drew the
following responses:

“My view is that it is fair and it is also valid. The reason being that whatever outcomes is based on fact you know, it is based on firstly documentary evidence that is being provided and also based on testimonies and the fairness of it is also based on the fact that the other party who is being disciplined has been given the opportunity to you know, cross-question or cross-examine (opportunity to state case) whatever witness has been brought to testify in that matter and they are given the opportunity to also question the documentation or evidence that is being presented and the findings are based on facts you know”. (RP3).

RP8 concurred that before any decision is made on a disciplinary matter, the facts and circumstances of the matter would have to be considered:

“We always look and take into consideration the circumstances surrounding the disciplinary matter (investigation into alleged misconduct). We always make sure that we get all the facts of the employee because that will also affect the severity of the transgression (nature of misconduct) before you give a harsh sanction for lack of a better word”. (RP8).

With the above being noted, RP7 brought some interesting remarks to the fore on fairness as an underlying element:

“In terms of my current employer, there were different experiences obviously. It was in terms of one particular case where I felt it wasn’t fair because it was clear insensitivity of the sanction written by the Chairperson afterwards and management didn’t take that into consideration. So I felt that was a bit unfair. But at the same time there was a different case chaired by a different Chairperson and a different panel where again there was unfairness”. (RP7). (unethical conduct by certain chairpersons)
RP7 touches on a concern which was shared by RP1 in one of his previous statements, that of certain chairpersons in disciplinary cases not being ethical during disciplinary proceedings. This could have the consequence of certain disciplinary outcomes being rendered as unfair, with the affected employee having remedies that he/she could pursue in order to obtain a certain relief based on the disciplinary outcome.

All the responses which have been outlined above represent the research participants' views on substantive and procedural elements that play a role in the application of disciplinary measures. A clear procedure being followed for disciplinary action was articulated by all research participants, but the fairness of disciplinary action was questioned by some participants. In order words, an employee within the organisation may be disciplined according to a fair procedure, but not for a substantively fair reason.

Hence, with regards to substantive and procedural elements within disciplinary measures, the common themes that emanated from the data were as follows:

- Allegation of misconduct;
- Convening a DC panel;
- Investigation into misconduct;
- Nature of misconduct;
- Motivation to discipline;
- Communication with HR;
- Charge sheet formulated;
- Procedural fairness;
- Opportunity to state case;
- Competency of DC panel;
- Unethical conduct by certain chairpersons

The frequency of these themes as they arose from the data in relation to research question 1 is reflected as per the table below:
Table 4.3

*Frequency and ranking of emergent themes for substantive and procedural elements*

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Nature of misconduct</td>
<td>xxxxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Communication with HR</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Opportunity to state case</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Motivation to discipline</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Procedural fairness</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Competency of DC panel</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Allegation of misconduct</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Investigation into misconduct</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Unethical conduct by certain chairpersons</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Convening a DC panel</td>
<td>x</td>
<td>1</td>
</tr>
<tr>
<td>Charge sheet formulated</td>
<td>x</td>
<td>1</td>
</tr>
</tbody>
</table>

*Source*

Author’s fieldwork

4.6.2 Perceptions of employees regarding disciplinary measures within the organisation

Employees’ perceptions around disciplinary measures within the case organisation elicited the strongest responses from research participants. The inconsistent application of disciplinary action as well as the abuse/misuse of the process came across as the common denominator from most of the interviews. Participants’ experiences of toxic leadership also emanated when participants’ elaborated upon their personal experiences, and this resulted in participants feeling a sense of empathy for other employees within the organisation who may come across these toxic individuals in future. The possible presence of toxic leaders in the organisation would defeat the
objective of businesses, which is to work together towards the achievement of common goals. This could also result in disciplinary action not having its desired outcome, as it would be used for other purposes than that of correcting behaviour.

In terms of the perceptions that employees hold around disciplinary measures, RP4 explained how the disciplinary process has been compromised and is now being used for alternate purposes as outlined below:

“I think over time it has been compromised (misuse of discipline) in such a way that it is now used to settle scores, turf wars and to fight personal battles”. (toxic leaders)

“The problem now is these unfair applications of any particular workplace law, or rule, which then compromises the whole thing to an extent of saying this is unfair and unless and until it is attended to by someone at higher authority externally, but from within the organisation it has become a norm over time that the standards themselves have been compromised”. (RP4). (misuse of discipline)

RP4 seems to suggest that it has now become normal practice for disciplinary measures to be used in the manner in which it is being currently used. In this context, RP10 shared similar sentiments:

“So you actually have me, for example, being charged with made up charges (false allegations). So in my department for example, you are employed to instil governance and to protect the organisation’s financial resources. So even if there is a superior person like the Director of the company, you have the right to speak although they have power to lead us, we can question them if they are not making the right business decisions. In my case for example, you find out that you are now being persecuted for trying to instil financial discipline, for trying to ensure the seniors follow proper governance protocols”. RP10 went on to further state: “So in my experience, we are being charged with trumped up charges (false allegations) for something which is made up just to get us out of the way. So the process in my case, I would say is not entirely fair. It would feel that at this point in time that rights are being infringed upon. It is not a
RP4 and RP10 share common perceptions on the disciplinary process, as both have been subjected to disciplinary action which they feel was not warranted at all. Although RP4 has been incorporated back into the organisation after having taken his matter to the CCMA, it needs to be noted that RP10 is currently on suspension for his alleged misconduct.

A follow up question was posed to explore participants’ perceptions of whether disciplinary action is being used for its intended purpose within the case organisation. The following responses followed:

“No, absolutely not because (misuse of discipline), I will tell you why. Because we have just a few cases and the employee relations will attest to that, where a line manager will have, for the lack of a better word, a vendetta against their employee (toxic leaders) and they will find ways to either charge that person or frustrate them or to dismiss them”.

(RP5).

“From maybe the perception point of view is that, the perception is that the process can be abused, unnecessarily so and sometimes in valid cases it is not applied (misuse of discipline). So for me there is a feel of a personal vendetta sometimes as opposed to looking at the true facts of the offence”.

(RP7). (toxic leaders)

“I would say definitely not. Reason being there are certain cases where disciplinary action is warranted (valid disciplinary action). But for example, some cases you can see that disciplinary action is being used to further people’s agendas for example. I do not think it is being applied appropriately”.

(RP10). (misuse of discipline)

“Well, I will not be able to prove it, but my opinion is that discipline is nowadays selectively applied (inconsistency), more in cases where people become hurdles in the process on the higher levels of the organisation. On the lower levels it does not happen, but on the higher levels, just from the outside it seems that, without having all
the facts, that people are targeted in some cases”. (RP9). (toxic leaders)

In the above narrative, RP9 concurs with other research participants, but brings in an interesting element. RP9 suggests that discipline is being used for its purpose on lower level employees, but with more senior employees it is being used to “target” certain individuals. In spite of the above responses and everything that has been said, RP3 provided the following response to the same question:

“In my experience, the disciplinary action will follow an investigation and findings which are highlighting a transgression with regards to policies and procedures of the organisation or related legislation you know. So hence I am saying, they are warranted you know. Because it is following a recommendation that there was a transgression and this needs corrective action, you know. Hence I am saying it is justifiable”. (RP3). (valid disciplinary action)

It appears as though RP3 holds idealistic perceptions around disciplinary action. The rest of the research participants, being management as well as shop stewards, are identifying an alarming trend within the organisation in relation to disciplinary action, but not RP3. He seems to be looking at disciplinary action from a theoretical point of view, and his body language during responses was quite defensive at times, as he kept reminding me about his line of work as a forensic investigator as he responded to questions.

A probing question was also asked to research participants’, to reflect on how they felt after having been involved in disciplinary action in some form or another. The following responses were received:

“I felt aggrieved and taken advantage (anger) of and especially it lowered my professional and self or personal worth. It really lowered it because I became a laughing stock when everyone was like looking at me as if I am acid or a hot potato not to be touched or even interfered with. I really was offended to an extent that if I go back
in time, down memory lane I still feel the same, that aspect has not been resolved because I feel really I was offended and yet no one got punished for it, but I got punished for something that I never did”. (RP4). (anger)

“Extremely angry (anger), I wish I had more powers to question the leadership and to actually take them through disciplinary action themselves for their actions”. (RP10). RP10 further stated: “From inside the organisation, it doesn’t seem there is enough protection for employees though (empathy for affected employees). But I am feeling extremely furious (anger); further corrective action needs to be taken. There is nothing wrong with disciplining people, only if it is warranted. But when it is being misused (misuse of discipline), I feel like corrective action needs to be taken”. (RP10).

RP4 and RP10 both allude to how the perceived unfair disciplinary action taken against them has affected them personally and psychologically. They refer to feeling such as angry as their professional standing has been compromised as a result of the disciplinary processes they went through and that RP10 is currently going through. In addition, RP10 showed a sense of empathy for other employees within the organisation, and this was shared by other research participants’ as outlined below:

“Sometimes during disciplinary hearings, the human factor kicks in. Unfortunately when you look at serious misconduct such as fraud and the like, you have no alternative but to dismiss (valid disciplinary action). But also from the human side you feel bad for the employee because you know the family and they may be the only bread winner and it all depends on the outcome of the specific disciplinary hearing”. (RP8). (empathy for affected employees)

“Well the one case where I had to testify that a person should be dismissed, I did not feel that well but I had no choice. If someone is dishonest they should go, so but personally I felt for that person”. (RP9). (empathy for affected employees)

“As a representative, it’s never nice to see your member being violated or taken
advantage of in a DC, not a good experience at all”. (RP6). (empathy for affected employees)

RP 8 and 9 displayed a level of empathy towards employees who they have witnessed going through disciplinary action, but both agree that there are certain levels of misconduct which warrant disciplinary action or even dismissal. Within this context, RP7 provided the following response:

“My honest opinion of this organisation in terms of the disciplinary procedures that are being followed here, I would go as far as to say I hope never in my life have to experience one again. Because it is not a good experience to go through”. (RP7). (empathy for affected employees)

Although RP7 is a top level manager and will probably have to discipline one of her employees in future, she states that she never wants to go through the process in any other capacity. She was here referring to when she had to testify against her superior, a former CFO of the company, and how she would never want to be involved in such a process again. This reflects on a notion expressed by RP9 in one of his earlier responses, where he stated that employees closer to the top level of the organisation may be “targeted” in certain instances even if disciplinary action is not warranted.

In relation to how research participants’ perceived the effectiveness of trade union representatives in protecting their members against disciplinary action within the organisation, the responses were as follows:

“My observation has always been that there are instances where I feel that trade unions, especially where a person has done wrong you know; I feel they need to advise their members appropriately”. (RP3). (ineffective shop stewards)

“They at times use like tactics to bother and to frustrate the whole process or to personally attack the character of the Chairperson or the line and sometimes they take
the, well they do not look at the merits of the charge. They make use of other tactics to
delay and stall the process. For me, the shop stewards should just advise and guide
their members appropriately”. (RP8). (ineffective shop stewards)

“Shop stewards at times lose the plot and end up fighting issues which are not relevant
to their members or the merits of the particular case they are dealing with. This has the
potential of seriously prejudicing their members and the absence of a defence towards
allegations faced by a union member could result in a harsh outcome being handed
down”. (RP1). (ineffective shop stewards)

Participants’ perceive the unions as not advising their members appropriately during
disciplinary processes within the organisation. In addition to this, RP9 identifies a lack of
preparation for disciplinary cases by shop stewards as outlined below:

“The one case which I, the last case I was involved in, a learner shop steward was used
to defend someone in a dishonesty case, which I think is not good enough. I do not
think that was good enough at all and was a serious injustice towards the member as
dishonesty is a very serious charge”. (RP9). (ineffective shop stewards)

From the above narratives, it would seem that research participants view trade union
representatives within the organisation as being ineffective and poorly advising their
members in disciplinary matters. This would defeat the purpose of belonging to a trade
union, as members would expect that shop stewards would provide them with quality
advice and adequate protection during disciplinary processes.

The probing question regarding how participants perceived the consistency of
disciplinary measures within the case organisation was a crucial question posed. This is
because exploring consistency was the crux or core reason for conducting this study,
and responses received were as follows:

“You must remember that there are two types of inconsistencies, historical and
contemporaneous. In this organisation, you would find that discipline is not applied the same as it was in the past for the same or similar misconduct, which is the historical part. Then again there are instances where there are contemporaneous inconsistencies, where there are individuals in a group, depending who they are, where they are not disciplined for the same or similar misconduct like the rest of the group”. (RP1).

“Look I feel that there is inconsistency (inconsistency) in the application of disciplinary measures. People are applying the disciplinary policy in the way that they want (misuse of discipline) and this is a problem, as one wonders who gave them the authority to implement it in that way”. (RP2).

My perception is there is no consistency whatsoever because for me it depends on the panel. Mr Knight we have disciplinary and grievance processes in the organisation and it is clearly outlined and you will see you know, the panel or the whole process just deviating from that documented process and for whatever reason, but the variance is quite alarming. (RP5). (inconsistency)

The participants above all perceive that disciplinary action is not consistently applied within the case organisation. Further to this, RP7 highlighted the following:

“According to my view I believe there is no consistency at all. I know for lesser cases where employees have been dismissed and in other cases which were most serious have been found not guilty somehow or they sort of get a slap on the wrist and they continue to work. So it is definitely in my opinion there is no consistency”. (RP7). (inconsistency)

RP7 mentions that not only is there inconsistency, but that certain employees who are found guilty of very serious misconduct only receive “light” sanctions, and continue working as if nothing ever happened. RP9 shared the same sentiments as outlined below:
“I do not think it is, I think it improved at some stage, but it is worse now again. People are not consistent (inconsistency), it depends on whether you are a high tree that you catch wind, and you are more likely to be taken to task than someone who is not making a lot of noise etc. So, I do not think people are consistently taken through disciplinary hearings and in some cases, I do not think the sanctions are consistent as well”. (RP9).

RP9 once again makes reference to organisational levels in his response as he did in an earlier response. His remark regarding “high trees that catch wind” seems to allude to senior managers who are close to the top who may be disciplined inconsistently or “targeted” for whatever reason. This is also in line with a comment that RP10 made earlier, where he referred to “trumped up charges used to get people out of the way” who question certain decisions made at the top. In relation to consistency, RP10 also had the following to say:

“I think at this point in time it seems like there is no consistency you know (inconsistency). Because you see charges like people being responsible or guilty of physical abuse, and their charges get shoved under the carpet (management influencing DC processes). Sexual abuse, certain cases swept under the carpet just because they are closer to the top office (management influencing DC processes). But then certain employees who do not have a relationship with the big bosses, their cases are fast-tracked and you will be out of the door in no time. So I think at this point in time I do not think there is consistency” (RP10).

“There is no consistency. There is not any (inconsistency). This organisation really has to clean itself up; it has to clean its reputation especially when it comes to management. There are a lot of guys who are in senior management by default, and you do not expect people who are in senior management by default to be well disciplined citizens because this is a State Owned Entity and I think it cuts across State Owned Enterprises whereby people get away with murder, and eventually it is a case of I am gathering
RP4 shared his views as outlined above, and also makes reference to certain individuals at top management who have close relationships to certain individuals who get away with “murder”. This view was also shared by RP10 in his response to consistency. However, RP3 once again held a different view as compared to other participants on consistency, as shown in his response below:

“I would say it is consistent. It is consistent, from where I am sitting, if I issue a report and you know there is this recommendation to discipline and it is managements’ prerogative to discipline. You know the measure in which they want to discipline and by that I am referring to, when I say institute disciplinary hearing, they might do a verbal warning, it is still disciplinary” (RP3).

In his response, RP3 seems to justify his stance on consistency, as according to him, a verbal warning is still discipline. So, it would seem to appear as though even very serious misconduct could be dealt with by giving a verbal warning to an employee, even though another employee may be dismissed for the same offence. This conclusion is drawn by the participant stating that “discipline is management’s prerogative”, and a “verbal warning is still discipline”. RP3 is once again the outlier as compared to other participants, who all agree that discipline is applied in an inconsistent manner in the organisation.

The narrative outlined above represents participants’ perceptions around disciplinary measures within the case organisation. Some research participants felt that management influence disciplinary processes in certain cases, and that there are toxic leaders present within the organisation who use disciplinary measures to further their own agendas. Consequently, the narrative also supports participants’ views that disciplinary action is applied in an inconsistent manner and that the process is being
used for alternate purposes.

Therefore, in relation to the perceptions of participants’ around disciplinary measures, the following common themes arose from the data:

- Misuse of discipline;
- Toxic leaders;
- False allegations;
- Valid disciplinary action;
- Inconsistency;
- Anger;
- Empathy for affected employees;
- Ineffective shop stewards;
- Management influencing DC processes;
- Consistency

The frequency with respect to how these themes emanated from the data is reflected as per table 4.4 below:

Table 4.4
_FREQUENCY AND RANKING OF EMERGENT THEMES FOR PERCEPTIONS AROUND DISCIPLINARY MEASURES_

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inconsistency</td>
<td>xxxxxxxxx</td>
<td>9</td>
</tr>
<tr>
<td>Misuse of discipline</td>
<td>xxxxxxxxx</td>
<td>8</td>
</tr>
<tr>
<td>Toxic leaders</td>
<td>xxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Empathy for affected employees</td>
<td>xxxxx</td>
<td>5</td>
</tr>
<tr>
<td>Anger</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Ineffective shop stewards</td>
<td>xxxx</td>
<td>4</td>
</tr>
<tr>
<td>Management influencing disciplinary processes</td>
<td>xxx</td>
<td>3</td>
</tr>
<tr>
<td>Valid disciplinary action</td>
<td>xxx</td>
<td>3</td>
</tr>
</tbody>
</table>
4.6.3 Is disciplinary action selectively applied within the case organisation?

The research question surrounding possible selectivity in disciplinary action within the organisation elicited some interesting responses relating to the study. As the consistency in disciplinary action was addressed in research question two, the current question must be seen within the context of whether possible selectivity leads to or compounds the inconsistency in disciplinary action raised by participants. Commonalities were once again identified in the responses by participants, and probing questions relating to the underlying reasons for possible selectivity were also directed at participants.

From RP1’s point of view, there is no justification for the current trend of selectivity in disciplinary action within the organisation, as shown in the following comments:

“There definitely is selectivity (selectivity) from where I’m standing, and nothing justifies them being inconsistent with employees who have committed the same or similar misconduct. Selectivity, in fact it aggravates the situation, from where I am seated, they should have been treated consistently”. (RP1). (selectivity)

RP1 seems to indicate that selectivity does exist when disciplinary action is taken against employees, and this may be fuelling the practice of inconsistency within the organisation. Other research participants seem to agree with RP1, as shown in their comments below:

“It is a case of who is in management and how much do they love or hate you to that effect (individual affinity). If like, for example, you have influential friends they will...
defend you with all that they have and try to paint this good picture of you, a very positive picture of you to an extent that the accusations themselves will fall off, but if they hate you, they will concoct a lot of unsubstantiated accusations (lack of objectivity) to an extent that even someone who hears about you will be like no, that guy cannot be associated with this organisation". (RP4).

“There is an element of selectivity (selectivity), and I mean it is like anything when you have a deviation, I mean like you can’t have that at all. But the perception we get is that it is not based on the merits of a case, it is from an influenced point of view (individual affinity)”. (RP7).

“Human resources, I believe they are the custodians of the processes and policies of the organisation, those are the people who are supposed to prevent selectivity and guide us (lack of action from HR) and make sure that those policies and guidelines are adhered to, and because these things are happening right in front of their eyes and for them to not enforce them, the way they are supposed to is a concern”. (RP5). (lack of action from HR)

RP5 seems to suggest that the HR function in the organisation is allowing selectivity in disciplinary action to happen, with no action or preventative measures implemented to curb this practice. This would be a concern for the organisation, as HR are meant to guide line managers in the implementation of disciplinary action to ensure that it is carried out in an effective and fair manner.

In relation to the follow-up question of whether any distinguishing factors were present in disciplinary cases where inconsistencies did occur, the following responses emanated:

“There were no special characteristics in those cases (lack of objectivity). Coupled with the inconsistencies in certain areas, you will find that the decisions being made by the line manager is of a personal nature and there is no objectivity to it (ineffective
leadership), so that whoever is being charged or is perceived to be charged, that process can be done a bit differently and you will find that it is either the line manager involved in the bias towards the employee, and yet it is the same line manager that has to discipline that employee and I just find all of those things a bit unfair”. (RP2).

“No distinguishing factors were communicated to the trade union when we enquired; it was just that no action was taken against that employee (selectivity) although others have been disciplined for that in the past. I don’t think that was fair”. (RP6). (lack of objectivity)

“It was normal standard cases, no special features (lack of objectivity) which I was aware of. I am aware of a number of cases where employees were dismissed and it went to the CCMA and we had a number of reinstatements or settlements (reinstatements and settlements) as a result of such selectivity in disciplinary action”. (RP9). (selectivity)

RP9 brings up an interesting issue while responding on selectivity. He suggests that a consequence of selectivity is that the organisation loses litigation processes at external dispute resolution platforms, where dismissed employees are either incorporated back into the organisation or a monetary settlement is reached with that particular employee. Case law advocates that distinguishing factors such as the severity of the misconduct, years of service and a clean disciplinary record may justify inconsistencies in disciplinary action. However, these seem to be absent based on the responses from participants, leaving no objective reasons for inconsistencies and selectivity within the organisation.

RP10 states that a lack of leadership within the organisation may be the root cause of the selectivity, as outlined in his response below:

“Transparency is slowly falling away. So it is like an entire governance structure has been torn apart. I think the leadership should start leading by example and I think it is
time for a leadership change within the organisation”. (RP10). (ineffective leadership)

RP7 concurs on the lack of leadership as per her response below:

“I think it is leadership. The lack of leadership. You know you need to lead by example and if you don’t, you know it becomes free for all and everybody is doing what they think is the right thing to do”. (RP7). (ineffective leadership)

The last probing question focused on the organisational culture within the organisation and whether it plays a role in how discipline is implemented. This question elicited emotive responses from participants, as outlined below:

“I would not divorce the culture from the politics in the environment (organisational politics). They are intertwined and they are linked. Depending again on who you are, who you associate with (individual affinity), your level; the culture is such that you are likely to be disciplined when you commit misconduct if you are a junior employee. Secondly, you are likely to be disciplined if you are not a junior employee but a middle or senior employee and if you do not tow a particular line (selectivity), so the culture is that, my view is that there is a culture of, for the lack of a better word, fear, it depends on who you know. So the culture is not the culture where I would say that it is objective and professional”. (RP1). (poor organisational culture)

“For me to describe it to you in one word it will be ill-disciplined (poor organisational culture). I think within that there is no respect (lack of respect) within each other from management downwards or from employee level upwards and that undermines each other (poor organisational culture). And there is an absolute lack of respect and that in my opinion causes a lot of ill-discipline”. (RP7). (lack of respect)

“Yes, I think the culture of the organization, especially if you talk to a number of people who have been with this organisation for years; they will tell you the same mistakes being repeated every year. It is almost like a revolving cycle (ineffective leadership).
Research participants seem to align the inconsistencies and selectivity in disciplinary action with the highly political environment which they suggest exists within the organisation. They suggest that, as previously mentioned in responses relating to research question two, that it depends which group of individuals you are associated with in the organisation, and that will determine how an employee is disciplined or not.

In addition to the above, the following was mentioned by research participants:

“Unfortunately the company we find ourselves in, politics is high on the rise where you get a mandate (organisational politics) from senior management which you know is not the right way to go, but you just have to follow the mandate that you would have received and that is how we end up having a lot of inconsistencies”. (RP8). (ineffective leadership)

“Selectivity, there are many cases like that (selectivity). Looking for something to get rid of someone (poor organisational culture). It is more the politics, the internal politics of this organisation (organisational politics). It is that way and it has always been like that. This company is not different from 25 years ago”. (RP9).

RP8 and 9 agree that there is a high level of politics and self-serving behaviour present in the organisation. RP9 further goes on to say that since he has been with the organisation, it is the culture that he has become accustomed to and that the organisation will always have that element to it.

In addition to the perceived high level of politics, ineffective leadership was once again highlighted as per the responses below:
"Organisational culture plays a very big role. If you have, for example, exemplary leadership, this is what is lacking (ineffective leadership). If you have exemplary leadership that is cheerful, that is happy, that respects the laws that treat everyone with respect and that is not insecure – but we have a lot of insecure people in high places and that is the problem (poor organisational culture). So that compromises the whole implementation of be it disciplinary measures and even affects the levels of productivity itself". (RP4). (selectivity)

“Our culture is reactive and lastly our culture is a culture of destruction and breaking each other down instead of building each other up (poor organisational culture). We’ve got a culture of management that are afraid to make decisions (poor organisational culture). They are not managers who lead by example and like I said that the culture of a company is like that because it stems from the executive level”. (RP6). (ineffective leadership)

“I must say when you are looking at the culture, depending on which level, which clique, which department you belong to you know (individual affinity); you can have your whole disciplinary situation dealt with differently (selectivity). It is just because of poor leadership”. (RP8). (ineffective leadership)

The emergent themes which emanated from the data with regards to perceived selectivity in disciplinary action are outlined below:

- Selectivity;
- Individual affinity;
- Lack of objectivity;
- Lack of action from HR;
- Ineffective leadership;
- Reinstatements and settlements;
- Organisational politics
- Poor organisational culture;
- Lack of respect
The frequency with respect to how these themes that emanated from the data is reflected as per table 4.5 below:

Table 4.5

*Frequency and ranking of emergent themes for possible selectivity in disciplinary action*

<table>
<thead>
<tr>
<th>Emergent themes</th>
<th>Frequency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selectivity</td>
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<td>9</td>
</tr>
<tr>
<td>Ineffective leadership</td>
<td>xxxxxxxxx</td>
<td>8</td>
</tr>
<tr>
<td>Poor organisational culture</td>
<td>xxxxxxxx</td>
<td>7</td>
</tr>
<tr>
<td>Organisational politics</td>
<td>xxxxxxx</td>
<td>4</td>
</tr>
<tr>
<td>Individual affinity</td>
<td>xxxxx</td>
<td>4</td>
</tr>
<tr>
<td>Lack of objectivity</td>
<td>xxxxx</td>
<td>4</td>
</tr>
<tr>
<td>Lack of action from HR</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Lack of respect</td>
<td>xx</td>
<td>2</td>
</tr>
<tr>
<td>Reinstatements and settlements</td>
<td>x</td>
<td>1</td>
</tr>
</tbody>
</table>

*Source*
Author’s fieldwork