

Labour Conversations: Quick Tips 2

Arrest, 12 hours in a cell and a court case against a manager

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Case Study: The importance of the Grievance Procedure

Cooks working in a kitchen developed a habit of dropping stainless steel containers on the floor. This made a loud noise and led to loud laughter amongst all in the kitchen. This action irritated the manager who decided he would teach the staff a lesson. On CCTV footage, the manager is seen grabbing one of the containers and dropping it behind the staff, attempting to give them a fright.

On dropping the container it bumped against one of the employees who continued working as if nothing happened. A few hours later, the Police arrived, arrested the manager who was in a cell for 12 hours before release, which he found traumatic. He also faced an assault charge and was required to defend himself in a Court case a week later. The senior manager on duty at the time of the incident was not advised of this matter or the arrival of the Police.

How could the Company have protected itself from such a situation?

1. Ensure management acts professionally at all times. Ensure management understands how to deal with conduct related matters. The incidents of employees dropping the stainless steel containers should have been investigated and appropriate action taken, in line with procedure. If necessary, the disciplinary action should have been applied to correct employee conduct.
2. Employees must be made aware that they are required to seek resolution of any problems / concerns via the Grievance Procedure. We find that some employers are reluctant to publicise the Grievance Procedure, as they believe they can handle problems without having to use a formal process. This was a weakness in this case.
3. Another interesting point is that many Contracts of Employment and Grievance Procedures are not sufficiently explicit in requiring / obligating employees to resolve matters internally before taking the matter to any external party, authority or person. Whilst an employer may not be in a position to stop an employee from reporting a matter to the SA Police Contracts and Policies should strongly encourage internal resolution.
4. Advice: Employers should ensure clear induction training / regular briefings to ensure all staff understands their Contracts and Procedures. Ensure all employees sign a Declaration acknowledging exposure to and understanding of key aspects of Human Resource Policy and Procedure. Seek specific advice regarding the wording of the Grievance Procedure and Contracts of Employment to ensure that employees are contractually required to resolve any grievances internally.

Practical guidelines to facilitate employee engagement

Kind regards

Andrew Pons
Pons Process Consulting
Tel: (011) 706-4107
Fax: (011) 463-7923
E-mail: ponsproc@icon.co.za
Website: www.ponsconsulting.co.za

