



Human Resources Notes

"The aim of Human Resources Notes is to provide concise information on topical human resource management issues to guide effective people management practices."

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Reflection

Good quotes capture important life lessons. They inspire, amuse or warn. So, as you reflect on your achievements of the last twelve months and plan for the year to come, I share with you several thought-provoking quotes grouped in four life themes.

1. Leadership

"The highest level of leadership enables people to claim they did it themselves... True leaders also make sure that those others get credit for their achievements." Pat McLagan & Christo Nel

"A leader does not need a podium, she can be sitting quietly on the edge of any chair, listening passionately and with commitment, fully prepared to take up the baton." Rosalind & Benjamin Zander

"Ultimately, the only sustainable form of leadership is thought leadership – championing an extraordinary set of ideas, not just good enough products and services." William C Taylor

"Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which

have the potential to turn a life around." Leo Buscaglia

"How you make others feel about themselves says a lot about you." Dale Partridge

"We build great people, who then build great products and services." Jack Welch

"You can't order people to change. That's not how the brain works. So, I decided I was going to focus on one thing. If I could start disrupting habits around one thing, it would speed through the entire company." Paul O'Neill

"We will not participate in the recession." Brian Joffe – a motivating sign he put up when he started Bidvest in economically challenging times.

2. Business success

"Turnover is vanity, profit is sanity and cash flow is reality." Accountants' saying

"Numbers and money follow, they do not lead." One of nineteen philosophy statements of Quicken Loans.

"If you don't have a simple, differentiating idea to drive your company or brand, you'd better have a great price." J Trout & S Rivkin

"Anyone can put together a budget or strategy document, but the real work needs to be done with people. For all the technology advances in the last fifty years, business is still about people. On both sides of every business transaction you find people. And people are the toughest part of any business." Richard Koch

"Add more value for your customers... Don't drop your product or service at the customer's door. Go through the door, see what the customer does next, and do it for him." Michael Hammer

"I learned about the value of process in every aspect of business, of not just getting the right outcome but doing it the right way so that you could achieve the

right outcome again and again.” Philip Delves Broughton

“Effective negotiators listen far more than they talk.” William Ury

“Success lies in action, not knowledge.” EH Matthews

“Small wins fuel transformative changes by leveraging tiny advantages into patterns that convince people that bigger achievements are in reach.” Charles Duhigg

3. Personal success

“I urge you to dream. I did, and one day I found myself standing on the surface of the moon.” Gene Cernan (Apollo 17 astronaut)

“We always think of failure as the antithesis of success, but it isn’t. Success often lies just the other side of failure.” Leo Buscaglia

“It is preferable to have mentors and advisors who you know well and whom you trust. Go to them when you need advice. But take that advice for what it is – just advice. You have to decide what direction you want to take and then implement it yourself.” Michael Cooper and Tim Goodenough

“There were six major lessons I needed to learn from Buck [a ranch horse]:

Lesson 1: Carry a non-confrontational attitude

Lesson 2: Plan ahead

Lesson 3: Be patient

Lesson 4: Be persistent

Lesson 5: Be consistent

Lesson 6: Fix a setback and move on.” Mark Rashid

“Start with where you are. Use what you have. Do what you can.” Arthur Ashe

“Far and away the best prize that life offers, is the chance to work hard at work worth doing.” President Theodore Roosevelt

“Don’t settle for a life that is less than you are capable of.” Anonymous

4. Work-life balance

“If people concentrated on the really important things in life, there’d be a shortage of fishing rods.” Doug Larsen

“*Stop doing* lists are more important than *to do* lists.” Jim Collins

“Writing a task on a *to do* list when it is already done, then crossing it out is one of life’s great pleasures.” Alice Jones (Is your life ruled by ever growing ‘to do lists’?)

“Nothing is really work unless you would rather be doing something else.” JM Barrie

“Few people if asked on their deathbed about their regrets would respond: *I’m sorry I didn’t spend more time at the office.*” Ricardo Semler

“A bad day at the beach is better than a good day at the office.” Brazilian bumper sticker

Email me at Peter.Fisher@tennant.co.za and share your favourite quote, or if you would like the source details of these quotes. ■

4 Employment equity obligations

Designated employers, i.e. those who employ more than 50 people or who employ less than 50 people but have a total annual turnover equal or exceeding that of a small business in terms of schedule 4 of the Employment Equity Act have four primary statutory compliance obligations:

1. Consult with employee representatives reflective of all levels of the organisation, black people, women, people with disabilities and white people regarding the conduct of employment equity analyses, plans and reports.
2. Conduct an analysis to identify employment barriers, which adversely affect black people, women and people with disabilities and to identify underrepresentation of these groups of people in each occupational level.
3. Prepare and implement a one to five-year equity plan to overcome employment barriers and correct underrepresentation of black people, women and people with disabilities.
4. Submit annual reports to the Department of Labour on the employment equity plan and

progress against it as well as an income differential report.

These are the primary requirements. There are additional statutory employment equity obligations. With 15 January, the due date for electronic submission of employment equity reports to the Department of Labour drawing near, employers must make sure that they are compliant in all respects.

Deciding: guilty or not guilty in a disciplinary enquiry

A disciplinary enquiry is different from a criminal case. In a criminal court the presiding official must be certain beyond reasonable doubt that an accused person is guilty. However, in disciplinary enquiries, the applicable test, is called a balance of probabilities. This means is that the chairperson must be satisfied that the proved facts indicate that it is more probable that the employee is guilty than not guilty of committing the misconduct.

In a CCMA arbitration, a commissioner shed light on the concept of a balance of probabilities:

- The burden of proof applicable in all disciplinary enquiries is a balance of probabilities. This is the case even when dealing with misconduct that constitutes a criminal offence, such as theft.
- It is sufficient to conclude guilt if the version of the employer is more probable than that of the employee.
- The metaphor of a scale when considering the *balance* of probabilities must be treated with caution. What is being weighed in the *balance* is not quantities of evidence but the probabilities arising from that evidence and all the circumstances of the case. So, the person with the most witnesses will not necessarily win the case. The quality of evidence is determinative.
- A chairperson must first consider the version of the employer and decide whether the version is probable. If the employer's version is probable the chairperson must thereafter decide whether the employee's version is probable. If the employee's version is also probable, then the evidence of both sides must be compared and

the chairperson must decide which of the conflicting versions is the more probable.

- Evaluation of evidence must involve an overall assessment of: the probabilities, the reliability and opportunity for observation of the respective witnesses, the absence of interest or bias, the intrinsic merits or demerits of the respective testimony itself, any inconsistencies or contradictions, corroboration and all other relevant factors.
- Corroboration of a version must, as a rule, come from a source which is independent of the witness whose evidence needs to be corroborated.

Mbhele & another v Stange Cleaning Services CC (2001) 22 ILJ 2746 (CCMA) ■

Modify driver behaviour to lower fleet costs (and save lives)

Whether your business is a 'one bakkie' operation or operates a multimillion Rand fleet of vehicles there is a financial benefit of lower fleet operating costs if you ensure that your drivers apply good driving habits. There is also the priceless benefit making roads a safer place in a country with terrible road accident fatality and injury rates.

Requiring that drivers of company vehicles comply with the rules of the road is the minimum standard an employer should impose. Thereafter, insisting on the following five driver behaviours will develop a habit of fuel efficient and safe driving practices:

1. Save fuel by accelerating gently and gradually.
2. Maintain a steady speed. Unintentional dips in speed and sudden bursts of acceleration can add up to 20% to a vehicle's fuel bill. Being aware of your surroundings and anticipating traffic actions so you can plan your manoeuvres contributes to this skill.
3. Avoid high speeds. Most light motor vehicle engines operate efficiently in the band between 50km/h to 80km/h.

4. Coast to slow down. By anticipating the need to slow down well in advance, a driver can avoid hard braking. This is fuel efficient and saves brake and tyre wear.
5. Require drivers to monitor their driving practices and fuel consumption. Hard acceleration, excessive idling, speeding, inconsistent speeds, and hard braking are bad driver habits which can be detected and managed using vehicle tracking technology. Fuel consumption reports are generated by fuel card reports or can be manually calculated.

Application of these skills requires continuous driver focus, which will translate into saved costs and safer roads for all users.

Your HR practitioner can assist entrench these efficient and safe driving behaviours in your organisation by:

- Being part of the management team to develop a company strategy to save fuel costs and improve safety;
- Writing policies which establish the rules applicable to drivers of company vehicles;
- Incorporating driver responsibilities in employment contracts;
- Including required driver behaviours in induction programmes;
- Adding driver training and education to the organisation's training and development curriculum;
- Developing measures and reports which can be included in performance management processes;
- Reporting on driver conduct at management meetings;
- Developing incentives and recognition methods which motivate good driving habits; and
- Supporting managers in implementing disciplinary measures against bad drivers.

<https://www.nrcan.gc.ca/energy/efficiency/transportation/cars-light-trucks/fuel-efficient-driving-techniques/7507> accessed 1 December 2016

Hatfield, G & Christensen, J. March 2014. *10 Ways to reduce fuel costs.* (Internet)

<http://www.fleetfinancials.com/article/story/2014/02/10-ways-to-reduce-fleet-costs/page/1.aspx> accessed 1 December 2016 ■

The contents of Human Resources Notes do not constitute legal advice. For specific professional assistance tailored to your needs, always consult an expert.



Effective Misconduct Investigation Skills

A one-day participative training programme packed with practical insights and information to master essential investigation skills.

During this course, you will learn:

- The value to a business of effective misconduct investigations
- Crucial questions to answer in an investigation
- Requirements of substantive fairness
- How to interpret evidence
- Skills of interviewing witnesses and taking statements
- Factors which determine whether you have a case
- How to compile an investigation dossier
- How to formulate misconduct charges

Date: 25 January 2017

Time: 09:00 – 16:30

Venue: Hurlingham Office Park, Sandton

Cost: R2'200 excluding VAT

Facilitator: Peter Fisher

Who should attend

- Supervisors
- Line managers
- HR and employment relations specialists
- Anyone responsible for initiating disciplinary action

Contact Marinda Piek
for course details and a booking form
Tel: (011) 100 8100