



## 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."* Peter Fisher, Executive HR Consultant (THCS)

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### Invest in high potential employees

If you want to maximise the contribution that employees make to the success of your organisation, identify and invest your training budget in the employees with the highest potential. The potential of an employee sets the upper limits of his or her development range. The higher an employee's potential, the more value you will get for your development spend.

Evidence shows that, in line with the Pareto principle, a small proportion of the workforce tends to drive a large proportion of organisational results; the top 20% of employees account for 80% of organisational output. The payoff from employing and investing in the development of top talent increases in tandem with increasing job complexity. Research has established that in senior leadership roles, the contribution of top performers is more than double that of the average performer. Also, financial performance is stronger in companies that make proportionally greater investments in identifying and developing top talent.

The implication for organisations is that they should focus on high potential (HiPo) identification. The authors, of the article on which this note is based, shed light on the key indicators that signal star potential. They advocate an emphasis on predicting who is likely to become a linchpin in organisational performance. They have identified three general markers of high potential. (See: Chamorro-Premuzic, Adler & Kaiser, 2017)

### (1) Ability

This refers to indications that an individual can do the job in question. The best indicator of this capacity is demonstrating the knowledge and skill it takes to perform the key tasks that make up the job. Ability can be reliably predicted by performance of a work sample (see the 4<sup>th</sup> note below).

In forecasting potential to excel in a bigger, more complex job at some point in the future, the single-best predictor is cognitive ability. Organisations can use psychometric tests to give insights into cognitive dimensions such as reasoning, perception, memory, verbal and mathematical ability, and problem solving. Early indicators of an employee's potential for senior organisational leadership include creativity and a knack for systems thinking.

### (2) Social Skills

Employees likely to succeed in bigger, more complex jobs can manage themselves — this includes handling increased pressure, dealing constructively with adversity, and acting with dignity and integrity. Also, they can establish and maintain cooperative working relationships, build a broad network of contacts and form alliances, and be influential and persuasive with a range of

different stakeholders. These are core components of emotional intelligence.

Emotional intelligence can be assessed by psychometric tests and be further refined through training and development.

### (3) Drive

This refers to work ethic and ambition. Drive is the accelerator that multiplies the potential influence of ability and social skills on future success. Drive causes individuals to apply their ability and social skills. Drive can be assessed by standardised tests and it can also be identified behaviourally. Willingness to take on extra duties and assignments, eagerness for more responsibility, and readiness to sacrifice are attributes of people with drive.

A talent strategy which involves identifying and investing in high potential employees should be the essence of an organisation's talent strategy. ■

### Fair procedure in disciplinary hearings

South African employment law sets procedural fairness as an independent requirement of fair disciplinary action. Procedural fairness refers to the steps or method a manager uses to take disciplinary action in the workplace. When the misconduct is of a serious nature and there is a possibility that the employee may lose his job because of the misconduct, a company should hold a disciplinary hearing before finalising any decision about the employee's employment. For less serious wrongdoing a less formal approach is usually appropriate.

The Code of Good Practice: Dismissal, the statutory guideline to apply in pre-dismissal procedures for misconduct, dispenses with complex technicalities which evolved through labour court jurisprudence prior to the Labour Relations Act in its current form. (Grogan, 2015) Employers should nonetheless adhere

to some straightforward steps to ensure the ultimate outcome of disciplinary action is procedurally fair:

1. Hold a disciplinary enquiry without undue delay.
2. Give an employee written notice of the hearing, which specifies in clear terms the alleged misconduct.
3. Give the employee reasonable time to prepare for the hearing. Two working days is a good rule to apply.
4. Ensure that the employee is present and allowed to participate in the hearing.
5. Allow an employee representation by a fellow employee or shop steward.
6. Provide an interpreter if the employee is not proficient in the hearing language.
7. Permit the employee to state her case, call witnesses and question company witnesses.
8. Appoint an impartial chairperson.
9. The chairperson must give reasons if she decides the employee has committed misconduct.
10. Consider mitigation before imposing a disciplinary measure.
11. The chairperson must advise the employee in writing of the disciplinary measure.
12. At the end of a hearing, inform the employee of her right to refer a case to the CCMA.

All elements of procedural fairness lie within the direct control of management. An employer should expect managers entrusted with addressing workplace misconduct to get the procedure 100% correct every time. ■

### The plague of sexual harassment

A wave of high profile sexual harassment cases has been prominent in international news headlines in recent months. The entertainment, media and technology sectors have dominated the scandals. Lines of propriety which should be a core leadership attribute have been overstepped. The reported cases suggest that these have not been cases of minor errors of judgement but rather a wanton abuse of power and disregard for the rights and dignity of victims.

In South Africa, a thread of prohibition of sexual harassment runs from the Constitution through employment laws and is amplified by a Code of Good Practice which provides employers with clear guidelines as to how sexual harassment should be dealt with.

Our courts have consistently found that serious cases should be met with dismissal. The courts have also placed an onus on employers to be proactive in addressing sexual harassment.

The unequivocal stance of the courts is reflected in this pronouncement by the Labour Appeal Court. “By its nature [sexual] harassment creates an offensive and very often intimidating work environment that undermines the dignity, privacy and integrity of the victim and creates a barrier to substantive equality in the workplace. It is for this reason that this Court has characterised it as the most heinous misconduct that plagues a workplace.” (LAC, 2015).

In another case before the Labour Appeal Court, the court set out its expectation of how an employer should respond when it receives a complaint of sexual harassment. The employer must recognise the seriousness of the complaint; demonstrate commitment to resolving the complaint in accordance with statutory guidelines, consult with the affected parties, and make sure the conduct is stopped and the victim is protected. (LAC, 2017)

In a third case, the High Court ruled that when an employer appoints a person in a management position in authority over other employees, the employer has a responsibility to ensure that the manager is capable of trust. In the case before the court, a manager abused his authority and perpetrated serious sexual harassment against a junior employee. The Court found the employer and assailant were jointly and severally liable for damages suffered by the plaintiff in consequence of the sexual assault upon her. (HC, 2016)

Just as it is a duty on an employer to provide a safe working environment, so is it a duty on employers to create a working environment free of sexual harassment and other forms of unfair discrimination.

Some ways to achieve this include:

- Build an organisation culture based on respect and dignity and where any abuse of power is not tolerated;
- Ensure senior managers are role-models of appropriate behaviour;
- Improve gender diversity at senior levels;
- Develop and communicate a sexual harassment policy;
- Provide awareness training to managers and employees on compliance with the sexual harassment policy;
- Create easy access to communication channels where harassment complaints can be raised and promptly addressed; and
- Consistently impose serious consequences on any perpetrators of sexual harassment. ■

### Using a ‘work sample’ in employee selection

A work sample is a competency-based method of assessment that an employer can use in choosing a new employee. Usually, it is used in conjunction with other selection methods to enhance selection decision making.

The prospective employer gets job applicants to perform a small portion of the job for which they have applied such as requiring an artisan to measure, cut and weld a section of steel, or asking a bookkeeper to create an accounting record using Excel or accounting package. The task assigned to job applicants should be based on the job role and an understanding of the skills which are important to carry out the job competently.

The manager/s responsible for selecting a new employee must observe the candidate doing the task and ensure complete information gathering by asking oral questions related to the task such as relevant safety issues, problem solving and best process knowledge. Candidates should be rated on their completion of the task based on demonstration of the requisite competencies. Quality of the result, method of work, speed, and waste (right first time) may be factors which affect the candidate’s rating.

Work samples are suitable for assessment of technical and practical skills. Because of the direct link between the work sample and the job applied for, this assessment method is fair, favourably perceived by applicants and not prone to selector biases if properly administered.

Employers can consider applying paper and pencil tests (theoretical rather than practical) and 'in-basket exercises' as alternatives to work sample assessments. An in-basket exercise measures an applicant's ability to plan and organise and involves the applicant sorting through a typical inbox of the vacant position.

In deciding how to assess job candidates, an employer must incorporate selection methods which assess an applicant's competence as accurately as possible. A work sample is an effective assessment method that an employer can use to enhance an employee selection decision.

(Source: Saunders, 2002)



#### References:

1. Campbell Scientific Africa (Pty) Ltd v Simmers and Others (CA14/2014) [2015] ZALAC
2. Chamorro-Premuzic, T. Adler, S. & Kaiser, R. (2017) *What Science Says About Identifying High-Potential Employees* HBR.org [online] Available at: <https://hbr.org/2017/10/what-science-says-about->

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3. Grogan, J (2015) *Unfair Dismissal* Cape Town: Juta & Company pp 263 - 326
4. Ikea cartoon: [https://www.slideshare.net/pixna/example-of-hrm-strategy-ikea?next\\_slideshow=1](https://www.slideshare.net/pixna/example-of-hrm-strategy-ikea?next_slideshow=1) Accessed 21 October 2017
5. Liberty Group Limited v M (JA105/2015) [2017] ZALAC 19
6. P.E v Ikwezi Municipality & Xola Vincent Jack, High Court of South Africa Eastern Cape Division, Grahamstown, (828/2011) 31 March 2016
7. Saunders, E (2002) *Assessing Human Competence Practical Guidelines for South African Managers*. Randburg: Knowres Publishing. pp 66 - 77

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

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and **business performance.**

#### Contact

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## EMPLOYMENT EQUITY TRAINING

A one-day participative training experience packed with practical insights and information to ensure that you meet your employment equity obligations.

### Who should attend

Business owners and managers; HR practitioners; members of employment equity committee members.

### Facilitator

Peter Fisher, HR Consultant

BSocSc Hons, +25 years' experience as HR Consultant, HR Manager and HR Director

Advises employers and facilitates training on all aspects of employment equity implementation and compliance; advisor on content of employment equity analyses, plans and reports; facilitator of consultations with employment equity committees.

Some written feedback about Peter's training programmes: 'Peter is very clear and delivers lessons simply and understandably.' ▪ 'Peter encouraged participation from members of the class.' ▪ 'The manual is very useful – will keep this file safely for future referral.' ▪ 'The learning is very applicable.'

### Course details

**Date:** 22 November 2017 | **Time:** 9:00 – 16:30

**Venue:** Tennant Human Capital Solutions, 59 Woodlands Avenue, Hurlingham Office Park, Block A Suite 3, Cnr. Republic & William Nicol Drive, Hurlingham Manor, Sandton

**Cost:** R2'150 excluding VAT

### Course content

1. The Employment Equity Act
  - 1.1 The purpose and scope of the Employment Equity Act
  - 1.2 Fitting the Employment Equity Act within the constitutional and employment law framework
2. Prohibition of unfair discrimination
  - 2.1 Fair versus unfair discrimination
  - 2.2 Direct and indirect discrimination
  - 2.3 Special cases – medical testing, psychological testing, harassment (racial and sexual), people with disabilities, different working conditions between employees doing work of equal value
  - 2.4 Resolving unfair discrimination disputes
3. Affirmative action
  - 3.1 A designated employer's duties
  - 3.2 Employment equity barriers
  - 3.3 Qualitative affirmative action measures
  - 3.4 Numerical targets
  - 3.5 Link to workplace skills planning
4. Role players in employment equity
  - 4.1 CEO and Assigned senior manager
  - 4.2 The employment equity committee
  - 4.3 Human Resources
  - 4.4 Line Managers
5. Employment equity planning
  - 5.1 Equity analysis, the plan and report
  - 5.2 Content of a plan
  - 5.3 Consultation with employees
  - 5.4 Monitoring and evaluation of the plan