

An Evaluation of the Implementation of Disciplinary Codes and Procedures at Nkhensani Hospital

by
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at Stellenbosch University*



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DECLARATION

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own original work, that I am the sole author thereof (safe to the extent explicitly or otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights, and that I have not previously in its entirety or in part, submitted it for obtaining any qualification.

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ABSTRACT

The purpose of this study was to explore, describe and evaluate the implementation processes and procedures of the disciplinary codes of conduct and applicable policies at Nkhensani Hospital in the Mopani District of Limpopo Province.

The study adopted a qualitative research design approach involving the usage of in-depth individual interviews to collect data from a purposively selected group of participants comprising nurses in various categories, senior executive management officials and human resources personnel at Nkhensani Hospital. Also included in the sample of 20 research participants were floor cleaners, nurse labour unions and Allied health personnel recruited by private labour brokers.

The principal findings of the study revealed that while harmonious employer-employee relations were desired by all stakeholders, it was in the realm of implementation evaluation of disciplinary codes of conduct and procedures, that problems and challenges were found. For this reason, the principal recommendation of the study is premised on the urgent need for hospital management and employee representatives to continuously engage in training and reskilling programmes on labour relations in order to prevent conflict and adversarial relations in the workplace.

Key words: implementation, disciplinary code, conflict, disciplinary procedures, collective bargaining

OPSOMMING

Die doel van die studie was om die uitvoering van die disziplinêre gedragskode en toepaslike beleid by die Nkhensani Hospitaal in die Mopani Distrik van Limpopo Provinsie te ondersoek.

Hierdie studie bestaan uit 'n kwalitatiewe navorsings-benadering wat gebruik gemaak het van in-diepte individuele onderhoude om inligting te versamel van 'n doelbewus verkose groep deelnemers bestaande uit; verpleeg personeel uit verskillende areas, uitvoerende bestuur en menslike hulpbron bestuur by die Nkhensani Hospitaal. Ook ingesluit by die groep van 20 deelnemers was skoonmaak personeel op die vloer, verpleeg arbeid unies en Allied mediese personeel gewerf deur privaat arbeidsmakelaars.

Die belangrikste bevinding van hierdie studie het openbaar dat, terwyl harmonieuse werkgewer-werknemer betrekkinge 'n wens van alle belanghebbendes was, die uitvoering van die disziplinêre gedragskode probleme en uitdagings bevat.

Vir hierdie rede is die hoof-aanbeveling van die studie gewortel in die dringende behoefte vir hospitaal bestuur en verteenwoordigers van werknemers om voortdurend betrokke te wees in opleiding en vaardigheidsontwikkelings-programme ten opsigte van arbeidsbetrekkinge om konflik en ongunstige betrekkinge in die werksplek te verhoed.

Sleutelwoorde: uitvoering, disziplinêre gedragskode, konflik, kollektiewe bedinging

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LIST OF ACRONYMS

BCEA	Basic Conditions of Employment Act
CCMA	Commission for Conciliation Mediation and Arbitration
DC & P	Disciplinary Codes and Procedures
DCPR	Code and Procedures Resolution
DPME	South African Department of Planning, Monitoring and Evaluation
DPSA	Department of Public Service and Administration
HRM	Human Resources Management
ILO	International Labour Organisation
LAC	Labour Appeal Court
LC	Labour Court
LRA	Labour Relations Act
NEHAWU	National Education, Health & Allied Workers' Union
NGOs	Non-Governmental Organisations
PAMA	Public Administration Management Act
PSA	Public Service Act
PSC	Public Service Commission
PSCBC	Public Service Coordinated Bargaining Council
PSR	Public Service Regulations
SANC	South African Nursing Council
SCA	Supreme Court of Appeal
SOPs	Standard Operating Procedures
USAID	United States Agency for International Development

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CHAPTER 1

OVERVIEW OF THE STUDY

1.1 Introduction

The management of discipline in South African public service departments continues to pose workplace-related challenges, notwithstanding the availability of disciplinary codes, procedures and other legislative mechanisms governing the maintenance of discipline and control in the workplace. The Public Service Commission/ PSC (2016: 35, 36, 39) emphasises that two of the foremost challenges facing public sector departments include non-adherence to prescripts regulating management of discipline, which results in delays concerning finalisation of disciplinary cases. The PSC's second area of concern is premised on the lack of concerted monitoring and evaluation processes focusing on the rates of non-adherence to provisions of workplace disciplinary codes and procedures.

Workplace discipline and its attendant rules and procedures constitute an integral part of the employment relationship between employers and their employees (Knight & Ukpere, 2015: 589). In essence, employer-employee relations is viewed as the study of regulating the nature and outcomes of individual and collective employment relationships between employers (as owners of the means of production and its entire value chain) and employees (as paid human enablers/facilitators of the production) (Kochan, 2000: 706-707). Furthermore, employee-employer relations determine substantive and procedural issues at industrial, organisational and workplace levels (Rose 2008, cited in Chidi & Okpala, 2012: 264). A productive and efficient employment relationship is reflective of acceptable human rights standards (Budd, 2004: 2), while also fostering a culture of collective bargaining to address conflict of interests in the work environment (Kochan, 2000: 706-707).

In both developed and developing countries, a range of legislative instruments or interventions are established to regulate the nature of employer-employee relations in the prevention of disruptive labour practices whose consequences could be harmful to socio-economic development (Aldashev, 2009: 257). For the South African context, the various legislative instruments are discussed in Chapter 2 of this study. These respective legislative interventions or regulatory frameworks are mainly intended to ensure that fair disciplinary processes are consistently implemented so that a conducive environment is established for sound labour relations and labour peace (Dixit, Milgrom & Milgrom, 2011: 283).

In South Africa, the Public Service Coordinated Bargaining Council (PSCBC) has concluded and signed an agreement on a disciplinary code and procedures for the public service, commonly known as Resolution 2 of 1999. Through its 2016 assessments, the Public Service Commission identified some implementation gaps in the public sector disciplinary codes of conduct and

procedures. Furthermore, a report by the Department of Public Service and Administration/ DPSA (2018: 12) indicates that some of the implementation challenges in the disciplinary code are located within the contradictory processes of finalizing disciplinary cases.

1.2 Background/ Context of the Research Problem

It is common cause that contentment and satisfaction within the workforce in any private or public organisation has the potential to make a major difference in the quality of services rendered by the particular organisation (Hanekom & Luiz, 2018: 1736). A disgruntled workforce can, amongst others, cause disharmony in the employer-employee relationship within the organisation. It is then incumbent on managers in public institutions (for purposes of this study) to ensure that professional and harmonious relations exist between and among all subordinate levels and units in the organisation and its respective departments or divisions (Horwitz, 2017: 212).

The requirement for, and obligation to certain standards of performance and behaviour constitutes one of the means by which the employee-employer relationship is developed and maintained. To a large extent, legislation, policies, rules, regulations, procedures and processes provide a framework for monitoring and evaluating the extent of adherence or non-adherence to institutional standards (Aldashev, 2009: 258). Failure by subordinates to comply with the regulatory prescripts, performances and behavioural standards renders such subordinates to disciplinary and corrective (as opposed to retributive) measures by management in order to ensure the organisationally determined relationship is sustained. In the event that employees and other subordinates are dissatisfied with management's disciplinary measures or improper implementation of the disciplinary code of conduct and procedures, it is most likely that disruptive consequences could follow; such as further insubordination, labour unrest, organisational instability and increased staff turnover (Park & Jones, 2010: 144).

As public institutions, South African hospitals have experienced copious instances of labour unrest emanating from disharmonious employer-employee relations (Magome, 2009: 6); Oosthuizen 2012: 51). The causal factors to such disharmony could be the result of disciplinary action taken by management for various forms of employee non-adherence to expected standards and behaviour; such as insubordination and misconduct – both of which could bring the particular organisation or institution into disrepute. In the nursing profession disciplinary action could be taken for acts of ill-discipline evinced by non-adherence to expected standards and behaviour, including verbal abuse, rudeness and neglect of patients by nursing personnel (Ghadirian, Salsali & Cheraghi, 2014: 3).

1.3 Statement of the Research Problem

A research problem refers to any situation or phenomenon observed, identified and acknowledged by the researcher as presenting difficulties that could be systematically and cogently resolved by means of evidence derived from the collected data (Kabir, 2016: 201; Yin, 2014: 19).

The analysis of the annual performance report by the Limpopo Provincial Government's Department of Health (Human Resources) and the Public Service Commission's findings report, in conjunction with complaints from local communities, prove that there is limited implementation of, and poor adherence to the disciplinary codes of conduct and procedures by hospitals and public institutions (DPSA, 2017: 12). As indicate earlier, the purpose of disciplinary codes of conduct and procedures is to improve service delivery and correction of unacceptable behaviour. Such an orientation coheres with the fundamental precepts of Batho Pele (People First), which are grounded on providing satisfactory services to the public and communities in all national, provincial and local government institutions and departments.

Despite the noble designs of regulatory mechanisms such as disciplinary codes of conduct and policies, as well as Batho Pele directives, Nkhensani Hospital has experienced all of the above-cited cases of patients being neglected by clinicians and negative staff attitude towards patients. Furthermore, the number of lawsuits or litigations arising from patient neglect or abuse (which are examples of dereliction of duty) have increased, which has caused irreparable financial losses to both the Limpopo Provincial Department of Health (as employer) and Nkhensani Hospital (on behalf of the employer). The case in point relates to the staggering number of 197 country-wide cases of misconduct presented to the South African Nursing Council/ SANC during the 2017/18 financial year alone (SANC, 2018: 17). Of these cases, 33 were reported by members of the public, 12 by nurse managers, 6 (six) by the media, and another 6 (six) by other sources (SANC, 2018: 17).

In the context of this study, the research problem is centrally located within the premise of non-compliance with the disciplinary codes of conduct and procedures. In this regard, the Nkhensani Hospital in the Greater Giyani Local Municipality of Mopani District has been selected as the site of investigating the non-compliance problem identified by the researcher.

The critical manifestation of this problem was observed in forms of ill-discipline such as: patient neglect and ill treatment, as well as negative staff attitudes towards patients and members of the public. The cumulative impact of these complaints by in-patients, out-patients and their families, as well as the larger Mopani community projected negatively on the public image of nursing in

general, and the reputation of Nkhensani Hospital in particular, especially during the 2016/2017 and 2017/2018 financial years (Limpopo Provincial Government, 2018: 2).

1.4 Rationale and Significance of the Study

Whereas the rationale of the study focuses mainly on the underlying reasons that justify or motivate the undertaking of the study (Polit & Beck, 2017: 114); the study's significance premises largely on its value or worth as determined by the extent of its contribution to the body of knowledge, organisations/ institutions directly impacted on, or involved in the study, and/or its socio-economic relevance to society or communities in which it was undertaken (Creswell, 2014: 67).

The researcher is an Allied Health Support Services Manager at Nkhensani Hospital for the past 15 years to date, during which she continues to supervise and manage teams of health professional nurses (e.g. Physiotherapists, Optometrists, Radiographers) in their respective units/ departments. In this capacity and context, the researcher observed and experienced the problem of non-adherence to the correct implementation of disciplinary codes of conduct and processes as prescribed in various regulatory frameworks of Nkhensani Hospital itself and the Department of Health as employer. It is against this backdrop that the researcher was propelled to undertake the study and investigate, amongst others, possible reasons for such a state of affairs.

The researcher anticipates that both the findings and recommendations accruing from the study will augment to the body of knowledge in the fields of human resources management (HRM), public service and administration, public sector collective bargaining, as well as nursing in its clinical and practice domains. In this regard, the study assumes a degree of uniqueness based on its eclectic (cross-disciplinary) themes (Jensenius, 2012: 1; SIANI, 2018: 1). For public service organisations (especially in the healthcare sector), the study will contribute to the effective implementation of policies pertaining to disciplinary codes of conduct and processes, based on the researcher's 'first-hand' familiarity with the complexity of challenges experienced by all stakeholders in the implementation of control and corrective conflict resolution measures in the workplace. To society (including the media), the study will be of value by contributing to the restoration of the public's confidence in nursing as a caring profession (Clark, 2008: 14; Polit & Beck, 2017: 114).

1.5 Research Aim or Purpose

The research aim or purpose is the overall or general intention or goal of the study, and underpins the fundamental reasons for the research-based investigation to be conducted (Brink, van der Walt & van Rensburg, 2018: 161). Accordingly, the aim/ purpose of the study is: *To evaluate the implementation processes of the disciplinary codes and procedures at Nkhensani Hospital in the Mopani District of Limpopo Province.*

1.6 Research Objectives

Unlike the generality of the research aim/ purpose or goal, the research objectives are distinguishable by the extent to which they are specific, measurable, achievable/ attainable, and time-bound or time-specific (Creswell, 2014: 67; Kumar, 2012: 37). Emanating from the reviewed literature, the identified research problem, the research question, as well as the research design and methodology, the research objectives were then articulated thus:

- To explore, identify and describe the disciplinary codes and procedures from the participants' perspectives in order to determine the purpose, principles and processes of the disciplinary codes and procedures in Nkhensani Hospital.
- To describe the disciplinary policy implementation process as applied in Nkhensani Hospital.
- To make appropriate recommendations regarding proper implementation of the disciplinary codes of conduct and procedures as originally intended in Nkhensani Hospital.

Collectively, all of the three above-cited research objectives are cohesively bound by the centrality of the disciplinary codes of conduct and their attendant processes and procedures as the most critical legal and policy imperative required in the establishment and maintenance of harmonious employer-employee relations in the public healthcare service delivery environment (DPSA, 2017: 12; Mzangwa, 2015).

1.6.1 Main Research Question

Research questions generally establish a continuum and link between and among the various units of analysis; in particular, the research problem, the research aim and objectives, and the data collection and analysis processes (Creswell, 2014: 67). In the case of this study, the main research question provided a seminal reference point for the construction of the above-mentioned research objectives (Kumar, 2012: 37). Accordingly, and in tandem with the specified research objectives, the below-mentioned main research question runs perennial to the study's inherent seminal units of analysis:

To what extent is the policy on disciplinary codes of conduct and procedures implemented at Nkhensani Hospital?

1.7 Research Design and Methods

The research design (discussed in more detail in Chapter 4) basically clarifies and specifies the overall execution and management of the entire research process, including the type and nature of data collection instruments opted for by the researcher (Kumar, 2012: 38). The plan itself covers steps from broad assumptions to detailed methods, including data collection, data analysis and interpretation. In addition, the design is in itself a strategy used to address the research problem in a logical and effective manner (Yin, 2014: 19). In essence, then, the design of a study

outlines the philosophically or conceptually determined means by which specific tasks and activities will be performed at various stages of the entire research process. Creswell and Creswell (2018: 146) further intimate that the main purpose of a research design is to provide and articulate a structure of the research process leading to the validation of a phenomenon (e.g. non-adherence to disciplinary codes) as a researchable problem.

For purposes of this study, a predominantly qualitative research design approach was opted for, in order to enhance a more empirically detailed exploration, description and evaluation of the identified research problem and the extent of its manifestation at the selected research site (Nkhensani Hospital). The qualitative research design is derived from the interpretivist research paradigm, in terms of which real-life experiences and situations are interpreted and analysed from an insider's perspective (Creswell & Creswell, 2018: 146; Matua & Van Der Wal, 2015: 22). In the context of this study, the qualitative design approach was found to be most suitable on the basis of its provision of the participants' own reality as the foundational tenets of the study's findings. It was important for the researcher to obtain the personal views of all the stakeholders consulted by means of the interview mode, which would not have been optimally achieved by utilising the impersonal and quantitatively inclined questionnaire method (Anderson, 2009: 49; Mouton, 2008: 53).

1.8 Data Collection and Analysis

The systematic search, review and analysis of pertinent sources of information was conducted by means of an integrative (eclectic) approach for obtaining both the secondary and primary data (Kumar, 2012: 119; Matua & Van Der Wal, 2015: 22). The approach primarily involved the review of relevant literature in the field of disciplinary codes of conduct and attendant procedures. This was augmented by interviewing selected participants to provide more information based on their knowledge, perceptions and experiences on the implementation of disciplinary codes of conduct in their workplace environment.

The reviewed literature provided mainly secondary and theoretical/ conceptual information that enhanced the researcher's understanding of current developments, trends, practices, and theoretical perspectives in the field explored by the research (Dempsy, Dawling, Larkin & Murphy, 2016: 480). This particular aspect was fulfilled by reviewing and comparing both international and local South African scholarship in the field of workplace-based disciplinary practices and approaches. The consulted and reviewed data sources in this regard included academic books, research papers from conference proceedings, research articles from accredited scientific journals, published and unpublished academic theses, as well as reputable search engines and databases such Google Scholar and Research Gate. However, the researcher ensured these sources were critically evaluated, given the preponderance of quasi academics and

intellectuals on the internet (Babbie & Mouton, 2010: 12; Bryman & Bell, 2015: 219). During the literature review stages, the researcher analysed the consulted documents and books according to the relevant categories of themes that emerged in order to construct a basis for comparison with the empirically emergent themes during the interview stages (Holloway & Wheeler, 2010: 23; Hussein, 2009: 11).

The study's primary data collection was achieved by means of the interviews with selected participants consisting of HRM personnel, labour union representatives, nursing personnel and floor cleaners. While the interview method is credited for its provision of the real-life experiences of the participants, the method is also discredited for inadequacy of objectivity, especially when considering that the participants' lived experiences could be communicated from their biased or subjective points of view (Brink et al., 2018: 161; Burrell, 2017: 12).

The sampling framework enabled the researcher's selection of a representative group of participants from the larger study population, which could not be wholly integrated to the study's empirical phase due to financial, infrastructural and other constraints (Saunders, Lewis & Thornhill, 2012: 14). As an aspect of data collection, the representative group of participants was finally selected on account of the homogeneity (similarity) of qualities or traits with those possessed by the larger study population. In this regard, the researcher's own pre-determined criteria (range of requirements) was the final arbiter in deciding the inclusion or exclusion of participants (Burrell, 2017: 17; Holloway & Wheeler, 2010).

1.9 Ethical Considerations

In any research study, the protection of human subjects through the application of appropriate ethical principles is important (Orb, Eistenhauer & Wynader, 2001 cited in Arifin, 2018: 30). Therefore, ethical considerations reflect the importance attached to the researcher's fair and humane treatment of the selected research participants (Holloway & Wheeler, 2010: 38). Prior to any engagement with the research participants, the researcher applied for ethical clearance from the relevant Stellenbosch University authorities and the Department of Health in Limpopo Province respectively. In addition, the researcher also formally requested for permission to conduct the interviews at Nkhensani Hospital. The letter of request to the hospital made a full disclosure on whose basis the informed consent of the participants would be required (Sierra, Iglesias, Markovic & Singh, 2017: 661).

Following the granting of approval by all of the above-mentioned institutions and authorities, the selected participants were informed of all their rights ensuing from their involvement in the study on the implementation of disciplinary codes of conduct and procedures at their workplace. The informed consent letters (which were later signed by both researcher and participants as an

indication of mutual consent) ensured the protection of the participants' right to privacy, confidentiality and anonymity (Wiles, 2013: 39). To this effect, no form of identification (e.g. names and addresses) was required from them. Also, their audio-recorded narrative statements were not disclosed to any other persons except the researcher and her academic supervisor. The participants were also informed that they could withdraw from any further participation in the study, should they perceive any violation of their human rights (Yin, 2014: 22). Furthermore, the participants were informed of their right to legal recourse for any occurring violation, and also reporting such violation to the relevant Stellenbosch University authorities. For transparency and building of trust, the researcher publicly provided her contact details and those of the University to the participants.

Ultimately, the researcher ensured that none of the participants were exposed to any form of harm, physically, emotionally or psychologically (Sierra et al., 2017: 661). The interviews were held in safe and secure venues that had been pre-arranged in Nkhensani Hospital. Additionally, the researcher ensured that the core interview questions and the secondary probing questions were posed such that no harmful or unpleasant memories were revived, particularly for those who may have been subjected to disciplinary measures (e.g. written warnings and suspensions).

1.10 Scope of the Study

The scope of any study is defined by both its conceptual or methodological boundaries, as well as its geographic reach or focus area (Babbie & Mouton, 2010: 12; Creswell, 2014: 68). However, the scope does not necessarily impose any limitations on the study. For its scope, the study was confined to only the Nkhensani Hospital in the Mopani District Municipality, and did not expand to other hospitals and healthcare facilities in other municipalities in Limpopo Province. Also, only a single qualitative research method was applied in the form of the interview method. The implication is that the region- or province-wide views and perspectives of other relevant stakeholders were not part of the eventual findings made by the researcher.

1.11 Outline of Chapters

The structure and logical coherence of the study is demarcated into 6 (six) sequential and thematically inter-related chapters.

Chapter 1: Overview of the Study

The chapter presents the introduction and background of the study, statement of the research problem, the rationale and significance of the study, the research aim or purpose and research objectives; as well as other pertinent units of analysis in the form of the main research question, the definition of key concepts and theoretical framework, the research design and methods, the applicable ethical issues, the scope of the study, as well as the layout of all chapters. The sequential arrangement of the different units of analysis also provide the logic and structure of

the entire study (Babbie & Mouton, 2010: 16). All of the synoptically presented core variables are discussed in more detail in the ensuing chapters.

Chapter 2: Literature Review

The chapter entails both the local and global perspectives on the implementation of disciplinary codes and procedures at public institutions. The international perspective enabled the comparative basis for evaluating the efficacy or otherwise (i.e. improper application) of the disciplinary codes (Bryman & Bell, 2015: 202). The chapter also presents the policy framework in which local practices are described in terms of the extent of adherence or otherwise in public institutions.

Chapter 3: The Legislative Framework of Disciplinary Codes and Practices

This chapter focuses entirely on the relevant laws that govern disciplinary codes of conduct in the country. The main purpose of this regulatory framework is to determine whether a culture of compliance exists or not, since the laws of the country are the final arbiter on any matters governing disciplinary codes and the attendant implementation processes (Grindle, 2017: 8).

Chapter 4: Research Design and Methods,

The chapter presents further details pertaining to the foundational principles and approaches adopted in the execution of this interpretivist qualitative study (Creswell & Creswell, 2018: 198; Saunders et al., 2012: 22). This interview based single-method research design is presented as the most preferred data collection instrument. The sampling domain is also presented and discussed, including the research setting, study population and sample size, sampling strategy, as well as the sampling criteria. This chapter concludes with the thematic data analysis and measures of validity and reliability taken to ensure the scientific integrity of the research process and its ultimate findings (Kumar, 2012: 119).

Chapter 5: Data Presentation and Discussion of Findings

This chapter is considered to be the most critical of the entire study, since it cogently and practically defines whether or not the qualitative data supports the research objectives in the pursuit of resolving the inherent difficulties presented by the research problem (Brink et al., 2018: 164). The most important aspect of the chapter is underpinned by the degree of analysis and interpretation allocated to the data collected from the participants. It is on the basis of this information that the sought evidence is established for purposes of establishing the relevance, credibility and reliability of the study and its findings (Burrell, 2017: 15).

Chapter 6: Main Conclusions, Recommendations and Study Limitations

This chapter concludes the entire study with a determination of the extent to which the study objectives were achieved, or not achieved (Polit & Beck, 2017: 114). The main conclusions were derived from the evidence obtained in Chapter 5, which also served as a context for the proposed recommendations. Possible limitations are referred to, concluding the chapter with the

researcher's own remarks pertaining to some salient aspects of the entire investigation on the evaluation of the implementation of disciplinary codes and procedures in publicly funded institutions and organisations.

1.12 Conclusion

In this chapter, the researcher presented synoptic discussions relating to the pivotal aspects of the study. It is worth mentioning that the issues concerning disciplinary codes of conduct and their implementation processes constitute the most central and perennial feature of the various units of analysis presented synoptically in this chapter (Van der Bank, Engelbrecht & Strumpher, 2008: 6). The following chapter presents the multiple scholarly perspectives obtained from the various sources of information relating to evaluation of implementation processes and procedures of disciplinary codes - especially in the public policy domain.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The previous chapter presented some aspects of the diverse range of sources that were systematically searched, identified and analysed in respect of their relevance and contribution to more insightful understanding regarding the implementation of disciplinary codes of conduct and their attendant processes and procedures. In contradistinction, the current chapter presents and further discusses, to a larger extent, the non-empirical literature-based (secondary) multiple scholarly perspectives concerning the central tenets of the phenomenon being investigated; that is, implementation of disciplinary codes of conduct, particularly in the public service departments in South Africa.

For purposes of this study, the main literature gaps observed are premised on the extent to which disciplinary codes effectively contributed (or did not contribute to) any significant behavioural and attitudinal changes on the part of those against whom disciplinary action has been taken. Furthermore, the reviewed literature yielded 5 (five) symbiotically linked macro-themes or critical focus areas, namely:

- the definition of key concepts as seminal or foundational tenet of the various theoretical perspectives identified as relevant to the study (Section 2.2);
- the sphere of employee relations (Section 2.3);
- models of workplace discipline (Section 2.4);
- the implementation domain (Section 2.5 to Section 2.8); and
- relevance/ applicability of the literature and theoretical perspectives to the study (Section 2.9).

In the context of this study, all of these global/ macro themes relate to various aspects of employee-employer relations, as well as the implementation of disciplinary codes of conduct and their processes and procedures. In addition, these global themes also served as a reference point on whose basis the above-mentioned literature gap was determined.

2.2 Definition of Key Terms/ Concepts

In research studies, conceptual models/ frameworks and theoretical paradigms or perspectives usually provide the context, scope and scientific boundaries for conducting meaningful investigations (LoBiondo-Wood & Haber, 2010: 117). In this regard, concepts are regarded as the philosophical 'building blocks' of theories (Ramenyi & Bannister, 2013: 17). To this effect, theories are cognate from concepts, and LoBiondo-Wood and Haber (2010: 118) confirm thus: "A theory is a set of interrelated concepts that structure a systematic view of phenomena for the purpose of explaining or predicting". In concurrence, Ramenyi and Bannister (2013: 17) and

Saunders et al., (2012: 23) illuminate further that in their construction and nature, theories fundamentally reflect a philosophically and systematically organised representation of paradigms or perspectives regarding the nature of phenomena, reality and ideas, reality, and phenomena. Furthermore, these authors contend that the prominence of theories and their associated concepts is also valuable in the collection, synthesis analysis of data.

Therefore, the definition of key terms/ concepts serves as both a logical and thematically organised linkage between the core variables of the research topic and the practice or application of disciplinary codes, processes and procedures in various institutional contexts (Burns & Bush, 2010: 232; Corti, Van den Eynden, Bishop & Woodlard, 2014: 27). To a large extent, the alphabetically sequenced key terms/ concepts below are a further indication of the various tenets of the broader field of employer-employee relations as a field of study. The alphabetic sequencing of the terms/ concepts below does not necessarily signify any prioritisation or transcendence of one concept over the others. It is also worth stating that the definitions below are more contextually and conceptually inclined, rather than denotative and literal. The latter (denotative) orientation may provide a contextually irrelevant meaning or interpretation (Barratt, Choi & Li, 2011: 329-330; Creswell, 2014: 70).

2.2.1 Collective Bargaining

Collective bargaining refers to management/ labour interaction based on conditions of employment and other related matters of mutual interest between employers and their employees (Nel et al., 2016: 258). Conflict is often managed through collective bargaining (Budd & Bhawe, 2010: 58). In many contexts, the key components of collective bargaining include conflict, representation and common ground between/ among the parties in the conflict (Nel et al., 2016: 259). Representation is central to the collective bargaining equation, as illustrated by employer and employee (trade unions) representatives negotiating on behalf of their constituencies. In South Africa, labour laws (the Constitution and the Labour Relations Act/ LRA in particular) provide for collective bargaining.

2.2.2 Conflict

In the workplace, conflict is inevitable due to different values and interests that exist between employers and employees, and even among employees themselves (Abbott, 2006: 193). Those who recognise the inevitability of workplace conflict also tend to regard conflict as necessary for the health of an enterprise as it brings workers' grievances to the surface (Abbott, 2006: 193). On the other hand, conflict could arise from a dissatisfied employer on account of an employee's conduct or non-performance. Abbott (2006: 193) contends further that the potential for conflict propels managers to explore innovative method for handling it in a way that will produce the best results, such as collective bargaining.

2.2.3 Disciplinary Code

A disciplinary code is a guide or means for employees to know and understand what behavioural or performance standards are required of them (Van der Bank et al., 2008: 2). For instance, the Disciplinary Codes and Procedures (DC&P) is reflective of a collective agreement between the employer and trade unions at the Public Service Co-ordinating Bargaining Council (PSCBC). The DC&P is to be implemented by government departments in order to improve employees' conduct and performance within a collective bargaining framework. The DC&P in the Labour Relations Act promotes mutual respect, as well as upholding common law and statutory rights of both the employer and employee in the workplace (Saundry et al., 2008, cited in Mzangwa, 2015: 169). The DC&P further outlines the principles and disciplinary procedures to be adhered to by managers and supervisors when executing disciplinary actions against employees who engaged in acts of misconduct and ill-discipline. In this study, both the study and definition of the phenomenon/ concept, 'disciplinary code' is of critical importance, since it provides a mechanism to determine or evaluate the extent and outcome of implementing corrective measures in the workplace.

2.2.4 Disciplinary Procedures

These are process frameworks that guide the initial treatment employees who are alleged or proved to have committed acts of misconduct in contravention of an organisation's values as encapsulated in its vision, mission, strategic objectives, rules and regulations (Van der Bank et al., 2008: 4). In the spirit of fairness and the maxim of presumption of innocence until found guilty, disciplinary procedures in both public and private organisations should be implemented fairly and embrace procedural justice (Van der Bank, 2008: 4). It is in such contexts that all parties require representation in any disciplinary hearing and collective bargaining forum. In the context of the current study, disciplinary procedures, in conjunction with disciplinary codes, are helpful for the evaluation of the right to fairness.

2.2.5 Implementation

According to Hill and Hupe (2014: 3-4), implementation premises on carrying out, accomplishing, fulfilling, producing and completing a plan, procedure or strategy as it was designed. Authors such as Jooste and Fourie (2009: 52) and Surju (2018: 7) agree that implementation/ execution premises on procedurally coordinated processes and activities intended for the enhancement of an organisation's mission and strategic objectives. In addition, the afore-cited authors also mention that the extent of implementation within an organisation is a critical determinant of the particular organisation's changeability; that is, the readiness to change in response to both internal and external institutional factors. In this study, implementation constitutes the most pivotal factor for determining the failure/ success or efficacy/ inefficacy of disciplinary codes and policies.

Particularly in the public/ government sector, implementation challenges have been noted as an impediment to the broader goal of socio-economic development. This was also noted by The Presidency (2014: 5-6), stating that the challenges to implementation of government policies were "... politically related, administrative, lack of management accountability, instability of administrative leadership, skills deficit, weakness in the organisational design and low staff morale".

2.3 The Sphere of Employee Relations

Employment relations, also known as industrial relations, is comprised of certain actors (e.g. managers and workers), certain contexts (e.g. technological characteristics and distribution of power in society), ideology (which binds the industrial relations system together), and a body of rules created to govern the workplace actors (work community) (Nel & Holtzhausen, 2008 as cited in Mzangwa, 2015: 168).

Knight and Ukpere (2015: 589) accentuate the pivotal role of discipline and its subsequent rules and procedures in the harmonisation of employer and employee relations. Rose (2008 cited in Chidi and Okpala, 2012: 264) further augment that employee-employer relations constitute a critical mechanism for regulating the conduct and attitudes of all internal organisational stakeholders at executive, managerial and operational workplace levels. Additionally, a productive and efficient employment relationship is viewed as fulfilling the basic standards of human rights (Budd, 2004: 2); and elevates collective bargaining as a viable mechanism to resolve conflicting interests (Kochan, 2000: 706-707).

Rollison et al. (1997: 284) argue that there is no single or unified theory underpinning workplace discipline as an integral aspect of employer-employee relations. Rather, strands from different bodies of knowledge are relied on as advanced sources of information. Different scholars have developed models of workplace discipline and these models help to construct the purpose, principles, processes and implementation of disciplinary code and procedures. There are three predominant conceptual orientations concerning employment relations: unitarism, pluralism and radicalism. Each of these approaches addresses workplace conflict resolution from different theoretical perspectives, assumptions and values (Abbott, 2006: 191).

2.3.1 The Unitarist Perspective

The unitarists view management and employees as having a common interest in the survival of an organisation, such that the occurrence of conflict is unlikely to manifest itself to a point that will render the particular organisation either insolvent or dysfunctional (Abbott, 2006: 192). Unitarism further expresses itself by ensuring that individuals who are prone to personality conflicts are either suppressed or dismissed, while also eliminating trade union movements from the workplace (Abbott, 2006: 192). For its shortcomings, unitarism fails to recognize that

conflicting interests do prevail in the workplace environment. However, the unitarist perspective could be credited for its emphasise on unity and integration, which integrates both the employees' and employers' common organisational objectives and interests.

2.3.2 The Pluralist Perspective

The pluralist perspective propounds that organisational conflicts and grievances should be managed appropriately and promptly to prevent them from causing further disruption (Mzangwa, 2015: 187). Unlike the unitarist orientation, the pluralist perspective develops strategies that address conflict within a collective bargaining framework. For its shortcomings, pluralism fails to address the issue of power adequately, and is not concerned with the outcome and impact of joint regulation on employees. The pluralists' inclination towards collective bargaining implies that there is a semblance of management/labour interaction on conditions of employment and other matters of mutual interest between employers and their employees (Nel et al., 2016: 259).

2.3.3 The Radical Perspective

The radical approach to employee-employer relations endorses the view that societies were characterised by perpetual class struggles caused by inequalities in the distribution of wealth and skewed ownership of the means of production (Abbott, 2006: 194). Accordingly, social conflict is viewed as a natural outcome of capitalism, the result of on-going struggles between the competing social classes that is reflected in the workplace. For its shortcomings, the radical approach places unwarranted emphasis on conflict and disorder in employment relations (Ackers & Wilson, 2003 and Hyman 1989, cited in Mzangwa, 2015: 189), rather than on common ground for resolving conflict.

2.4 Models of Workplace Discipline

For purpose of this study, three models of workplace discipline are discussed, notwithstanding the paucity of a unified theoretical orientation as argued by Rollison et al. (1997: 284). The models referred to are: Henry's model, Fenly's model and Rollison's model. These models are characteristically similar in some aspects, while also possessing dissimilar attributes as well.

2.4.1 The Henry Model

Henry's model of workplace discipline comprises of punitive-authoritarian, corrective-representative, accommodative-participative and celebrative-collective forms of discipline. The procedures for administering punitive-authoritarian discipline are simple, direct, and often hierarchical (Cooke, 2006: 690). Consultation with subordinates is virtually non-existent or very minimal. Sanctions accruing from disciplinary measures are aimed at retribution, public humiliation and deterrence. Furthermore, punishment is meted harshly, irregularly, and includes summary dismissals, severe reprimands and public shaming (Cooke, 2006: 690).

2.4.1.1 Corrective-representative discipline

This form of discipline depicts a more instrumental approach to discipline, and emphasises written procedures, an investigation of the case, a hearing with the right to fair representation, progressive sanctions, and the right to appeal (Cooke, 2006: 690).

2.4.1.2 Accommodative-participative discipline

In such a context, discipline is viewed as the result of negotiations between workers and employers (Cooke, 2006:690-691). Such a propensity for negotiations inevitably establishes an environment for harmonious conflict resolution.

2.4.1.3 Celebrative-collective discipline

In this mode of discipline, rules are largely based on unwritten shared values (Cooke, 2006: 691). In addition, sanctions are informal and aimed at pronouncing the individual's responsibility and loyalty to the group (Cooke, 2006: 691).

2.4.2 The Fenly Model

Fenley has identified the corrective, punitive and revisionist models of the disciplinary process. These models distinguish between the corrective and punitive approaches to discipline (Fenly, 1998: 351). The corrective approach upholds that disciplinary procedures should not be viewed as punitive means of imposing sanctions, but should seek to correct and improve individual conduct. The principles of natural justice are an important and integrated part of corrective model, which include fair hearing, the right to fair representation and appeal (Fenly, 1998: 351). Fenly's punitive model resembles Henry's punitive-authoritarian model, and is labelled as hard management due to its intention of deterring employees from committing offences; they are expected to obey rules unflinchingly because of the fear of punishment (Fenly, 1998: 351). Meanwhile, the revisionist model combines the strengths of both the corrective and punitive models into a progressive form of discipline (Fenley, 1998: 351-352).

2.4.3 The Rollison Model

Rollison et al. (1997) identified three approaches to discipline, namely: rehabilitation, retribution and deterrence. The aim of discipline should be to correct tendencies that incline on flouting organisational rules, rather than pursuing retributive steps for rule-breaking. The rehabilitative model represents a genuinely correctional approach that aims at using discipline as a form of correctional training. In such a situation, the manager's role involves persuasion, accurate diagnosis of employees' concerns, and non-threatening explanations of the need to observe organisational rules (Rollison et al., 1997: 285). To some extent, the retribution model represents 'an-eye-for-an-eye' attitude, and is characterised by pre-judgement of guilt in imposing a as a penalty for having done something wrong (Rollison et al., 1997: 285). On the other hand, the deterrence model highlights the adverse consequences of any future rule transgression.

Deterrence is viewed as both retributive and rehabilitative, depending on the manager's assumptions about cause and effect (Rollison et al., 1997: 285).

In terms of similarity of approaches, Henry's corrective-representative approach, Fenly's corrective approach, and Rollison et al.'s rehabilitation models all posit discipline as an instrument for correcting behaviour, and that employees should be trained, heard and represented (Rollison et al., 1997: 285; Fenly, 1998: 351 and Cooke, 2006: 690). However, Fenley (1998: 353) is critical of the corrective approach both for its cost factor and orientation to punishment. On the other hand, Henry's punitive-authoritarian approach, Fenly's punitive approach, and Rollison et al.'s retribution models represent a form of hard management that focus on punishment as a disciplinary tool (Rollison et al., 1997: 285; Fenly, 1998: 351 and Cooke, 2006: 690). Discipline that is considered harsh, hostile and humiliating, is most likely to engender considerable resentment and superficial compliance motivated by fear; all of which generate ineffective behavioural modification (Cooke, 2006: 692).

2.5 Purpose and Principles of Workplace Discipline

In view of the above three models of discipline, different scholars point that the substance of good employee relations is debatable. However, there are still reasonable claims of a positive contribution made by the disciplinary process to good industrial relations in an environment characterised by the following:

- When discipline aims at correcting wrong behaviour (Dzambiri, 2016: 41-42) and assist in achievement of organisational goals (Fenly, 1998: 350; Dzambiri, 2016: 41-42; Iheanacho, Edema & Ekpe, 2016: 16; Nel et al., 2008: 272).
- When discipline is perceived to be fair (Bendix, 2019: 259; Fenly, 1998: 350; Cooke, 2006: 692; Ball, Trevino and Sims Jr, 1994: 316).
- When discipline is consistently addressed in a progressive manner (Fenley, 1998: 353).
- When disagreement and conflict can be resolved without resorting to industrial action (Fenley, 1998: 350; Nel et al., 2016: 353).

2.5.1 Disciplinary Processes

It is important to ensure that disciplinary codes and procedures are effectively communicated to all employees in writing, and that such procedures are available for reference by all (Swanepoel & Slabbert, 2012; Knight & Ukpere, 2014; Nel et al., 2016). Communicating the disciplinary code should not be limited to written codes only, but should include regular trainings of all employees. This is to ensure that employees are aware of which actions are desirable in the organisation and which are not, so that they can adjust their behaviour to acceptable standards of conduct in the workplace (Knight & Ukpere, 2014: 591).

Forms of progressive disciplinary sanctions begin with verbal counselling, and proceed to written reprimands, suspensions (with or without remuneration), transfers, demotion and dismissal (Bendix, 2019: 267; Swanepoel & Slabbert, 2012: 591-592; Venter & Levy, 2014: 341). It is crucial for supervisors and managers to observe the principles of disciplinary codes and procedures in order to promote good employee relations. Supervisors are encouraged to work with human resources management departments and union representatives to take appropriate courses of action (Franklin & Pagan, 2006: 55). Employee representation in handling disciplinary matters promotes natural justice, fairness and consistency in an organisation (Edwards, 2000; Purcell, 1981 as cited in Saundry, Jones & Ant Cliff, 2011: 95; Franklin & Pagann, 2006: 55).

2.5.2 Implementation Processes

The concept, 'policy implementation' emerged in the 1960's and 1970's as the work of Pressman and Wildovsky that alerted scholars on the paucity of implementation literature and theory, and the consequences of such paucity (Burger, 2015: 14). As part of the policy process, ineffective implementation has negative impact on policy success. The work of Pressman and Wildavisky was criticised by different scholars for its lack of in-depth analysis of the implementation process (Burger, 2015: 14). Despite the criticism, Burger (2015: 15) notes that there is still an argument to be made in favour of Pressman and Wildovsky, that their work is reasonable and legitimate for consideration as the basis of implementation studies. From their proclamation, policy implementation studies evolved and became prominent. O'Toole (2000: 264) emphasises further that the proliferation of studies brought has resulted in an explosion in types of research designs, varieties of models, especially proposals for adding an array of variables as part of explaining the implementation process and its products.

2.5.2.1 *The concept of policy implementation*

Implementation is premised on carrying out basic decisions, usually incorporated in a statute, but which can also take the form of important executive orders or court decisions (Dye, 2017: 46). Ideally, such decisions identify problems to be addressed and stipulates the objectives, processes and structures for pursuing a disciplinary course of action (Mazmanian & Sabatier, 1983: 20-21 as cited in Hill & Hupe, 2014: 7). Dye (2017: 46) argue that implementation is the continuation of policies by other means. Implementation encompasses whatever is done to carry a law into effect, to apply it to the target population and to achieve its goals (Anderson, 2015: 225).

Policy implementation is a multi-faceted concept, attempted at various levels of government and pursued in conjunction with the private sector, civil society and non-governmental organisations/NGOs (Cloete, Winssik & De Coning, 2002: 180). There is often considerably uncertainty about the efficacy of a policy in terms of its goals (Anderson, 2015: 225). In most instance, the

implementing department in an organisation has a two-fold challenge in implementing the policy intentions; understanding the policy designers' initial intentions, and how to execute them (Smith & Larimer, 2013: 149).

2.5.2.2 Challenges of policy implementation

The field of implementation has undergone multiple conceptualisation strands (Carey et al., 2017: 2). In the public policy domain, especially in countries at implementation stages such as South Africa, there is persistent discussion pertaining to the disjuncture between policy intentions and actual performance to achieve those intentions or objectives (De Coning & Wissink, 2011; Mandue, 2008: 200, cited in Burger, 2015: 16). An unproductive policy results in service delivery gaps, a poignantly serious case in the South African public sector. Many factors are attributed to policy gaps, including: ill-defined policies, institutional voids and uncertainties, poor coordination, lack of anticipation of problems, different interpretation of policies, and poor communication (Anderson, 2015: 226; Carey et al., 2017: 2; Smith & Larimer, 2013: 130). In the same vein, different scholars believe that policy gap in South Africa is caused by unrealistic policy objectives, absence of people-driven processes, insufficient coordination, staffing and capacity (Brynard, 2005: 10, Khosa, 2003: 49, cited in Burger, 2015: 16).

2.6 Three Generations of Policy Implementation Studies

There are various approaches to the study of policy implementation, but the phenomenon is not yet understood in a coherent and definitive manner (Burger, 2015: 16). The success or failure of a policy is largely dependent on the agency and capacity of those on whose shoulders the implementation rests (Smith & Larimer, 2013: 151). Implementation studies have evolved through three generations of epistemological development, which are: top-down and bottom-up policy implementation, and a hybrid synthesis of both top-down and bottom-up policy implementation approaches.

2.6.1 First Generation: Top-Down Policy Implementation

The proponents of top-down implementation uphold that its administration is scientific, rational, predictable and ultimately machine-like (Brynard, 2005: 652). Policy designers are viewed as the central actors who concentrate their attention on factors that can be manipulated at national level (Brynard, 2005: 653). The focus of these actors was on the actions of top-level officials, factors affecting their behaviour, attainment of policy goals, and whether implementation was reformulated on the basis of experience (Anderson, 2015: 227). According to Smith and Larimer (2013: 158), top-down policy implementation is based mainly on the adaptation of lower-level officials and institutions to the shocks of their environment caused by higher levels introducing new policies and programmes.

2.6.1.1 *Challenges associated with top-down implementation*

According to Birkland (2011: 266), The top-down approach emphasises clear goals or objectives, with minimal consensus on what constitutes the programme goals. The weakness of the top-down implementation approach lies in its ignorance of political dynamics by accentuating the policy developer as key actors, instead of local actors (Cerma, 2013: 18). Also, there is an assumption of a single national government that can successfully structure policy implementation and provide for direct delivery of services (Birkland, 2011: 266). Scant regard is accorded to the fact that most policies may require considerable state intervention, but it is at local government level that cooperation and implementation work in tandem (Birkland, 2011: 266 -267).

2.6.2 Second Generation: Bottom-Up Policy Implementation

In response to the seeming dominance of the top-down approach, researchers began to view implementation from the perspective of ‘street level bureaucrats’ (Birkland, 2013: 268). This perspective was a reaction to their dissatisfaction with the ability of the top-down approach to explain many unsuccessful outcomes in its policy design. Bottom-up scholars have shown that the complexity of policy implementation nullifies the assumption that proclaiming a policy does not in itself necessarily translate into its implementability (Brynard, 2005: 652).

Bottom-up researchers have developed networks, theories and identified key role players as critical implementation components of policy or programme objectives, with the agency of local level administrators who are directly involved in implementation as a responsibility to accomplish the policy’s aims and objectives (Birkland 2005, cited in Khan, 2016: 6). Dye (2017: 48) justifies the importance of street-level implementers, indicating that bureaucracies compound the implementation process by micro-managing adjudication processes when deciding compliance or non-compliance of an individual, firm, corporation or any other institution, with the applicable laws and regulations; and any corrective measures necessary (Dye, 2017: 48).

2.6.2.1 *Challenges associated with the bottom-up approach to implementation*

Smith and Larimer (2013: 160) argue that ‘street level bureaucrats’ are actually the *de facto* primary shapers of policy delivery because of the simplicity with which they make on-the-spot decisions. The above authors mention further that in essence, implementers frequently face the ambiguity of policy and the nature of day-to-day reality. In this context, therefore, implementation could be viewed as a continuation of the conflicts and compromises that occur throughout the policy value chain, not only before it begins and at the point of enactment (Birkland, 2011: 268).

The bottom-up approach is criticised for its degree of flexibility and autonomy, which may be appropriate when the goals of policy formulation and implementation are the same (Matland, 1995: 150). Also, vastly different goals, flexibility and autonomy may lead to policies which result inadvertently produce low performance and achievability rates (Matland, 1995: 150).

2.6.3 Third Generation: Hybrid Approach to Policy Implementation

The hybrid approach is essentially a middle-ground fusion of the top-down and bottom-up approaches (Birkland, 2011: 279). To that effect, this approach takes negotiation, communication, and command into account as important features of policy design and implementation (Birkland, 2013: 271). This could be achieved by the identification of critical implementation variables, such as credible officials communicating clear messages that are received by sufficiently resourced implementers supported by affected groups (Anderson, 2015: 227; Birkland, 2011: 279). Such an approach to policy design could lead to improved policy implementation through innovation, learning and bargaining (Birkland, 2011: 279).

The hybrid approach is critical of both the top-down and bottom-up implementation approaches for their limited analytical frameworks in explaining the dynamics of implementation (Khan, 2016: 7). Notwithstanding the elusive lack of expansion in the field of implementation theory, this generation of scholarship has substantially enhanced society's understanding of the complexity of implementation variables (Brynard, 2005: 653).

2.7 The '7C' Protocol: Critical Variables for Studying Policy Implementation

The '7C' protocols or key variables have been associated with successful policy implementation studies (Brynard, 2005: 657). These variables are premised on: Content, Context, Commitment, Capacity, Clients and Coalitions, Communication, and Coordination. The key variables have been widely accepted and acknowledged by different scholars as allocating better understanding and successful policy implementation (Brynard, 2005: 657). In addition, these inter-dependent variables inevitably become important causal factors for different scholars adhering to divergent perspectives (top-down and bottom-up), working on differing issues, in different political systems and in both developed and developing countries (Brynard, 2005: 657).

2.7.1 Content of Policy Implementation

Policies are either regulatory (concerned with the rules of conduct and sanctions for non-compliance); distributive (creating society's general welfare); or redistributive (changing the allocation of power or wealth of some groups at the expense of others) (Grindle, 2017: 8). The content of a policy entails the outlining of goals and objectives, as well as resolution of identified problems (Cloete et al., 2018: 207).

Three important implementation elements characterise “content” of policy. These elements refer to the aims of the project, the anticipated problems, and mechanisms or methods for addressing the perceived problem (Cloete et al., 2018: 207; Najam, 1995: 4). The nature of objectives stated in a policy or programme has a bearing on the efficacy of implementation (Grindle, 2017: 8). For instance, programmes designed for long-range objectives may be untenable, compared to those with immediate advantages to beneficiaries (Grindle 2017: 8).

2.7.2 Context of Policy Implementation

Implementation scholars concur that an ‘acceptable’ theory on implementation should pay attention to institutional contexts (Brynard, 2005: 659). In this regard, social, economic, political and legal effects of an institution play an important role for the effective implementation of policy (Brynard, 2005: 659). To facilitate a meaningful understanding of implementation, at least three related tasks concerning the institutional context need to be performed:

- (a) identifying key institutional actors influencing, or being influenced by the process;
- (b) tracing the interests and power relationships between and within the relevant institutions; and
- (c) recognising institutional characteristics as influenced by the overarching structure of the social, economic, political and legal setting in which they operate (Najam, 1995: 42).

Cloete et al. (2018: 206) add further that policy content (as implementation factor) could be determined by the nature of the institutional context, as well as the channels (e.g. Standard Operating Procedures/ SOPs) through which the policy will be implemented. The context of a policy or its operating procedure affects, and is affected by other variables (i.e. communication, clients and coalitions, commitment and capacity). In some instances, scholars have not agreed as to which variables belong to context or commitment, for instance. Grindle (1980, cited in Najam, 1995: 42) views context variable as: (a) power, interest and strategies of actors involved, (b) institutions and regime characteristics, and (c) compliance and responsiveness. However, Najam (1995: 42) disagrees on the issues of power, interests and strategies of actors as context variables, in preference of commitment and clients and coalition.

2.7.3 Commitment to Policy Implementation

Good policy does not necessarily translate into successful implementation if those responsible for implementing it are unwilling or incapacitated to do so (Brynard, 2005: 660). Discretionary power of front-line policy implementers is crucial as their behaviour (e.g. voluntary and unintentional compliance, intentional non-compliance and involuntary compliance) could impact on the success or failure of implementation (Khan & Khandator, 2016: 541). Commitment is viewed as another critical variable by both top-down and bottom-up policy implementation supporters. Their differences lies are based on top-down supporters’ belief that commitment is influenced by the content and capacity of the policy that is controlled by senior managers; whilst

bottom-up supporters view commitment as influenced by social, legal, political, clients and coalitions (Najam, 1995: 45).

2.7.4 Capacity for Policy Implementation

Administrative capacity is necessary for effective implementation (Brynard, 2005: 19; Najam, 1995: 48; Ali, 2018: 322). Brynard (2005: 660) conceptualises capacity of the public sector generally as structural, functional and cultural ability to implement government's policy objectives. Capacity entails all resources needed to ensure successful implementation, and availability of financial, material, infrastructural and technological resources. It also includes the intangible requirements of leadership, motivation, commitment, willingness, endurance and other attributes to transfer rhetoric in to action. Ali (2018: 322) adds further that all policy implementation requires adequate and qualified, well trained, responsible and motivated human resources as well as good infrastructure for service delivery.

The stronger, diligent, enthusiastic, adaption to new technology and optimistic behaviour for good management of an organisation is needed for successful implementation of a policy (Ali, 2018: 325; Najam, 1995: 49). Imparting proper training, monitoring and supervision to the frontline implementers can regenerate implementation processes and guard against unintentional non-compliance (Ali, 2008: 325).

2.7.5 Clients and Coalition in Policy Implementation

Implementation scholars agree that ultimate effectiveness on implementation depends equally upon target groups or clients to whom policy is being implemented (Brynard, 2005: 66; Najam, 1995: 51). Brynard (2005: 661) further mentions that local coalitions of individuals affected by the policy is one of the 'most robust' findings of implementation research. A report by the United States Agency for International Development/ USAID highlights that successful implementation relies on stakeholders' participation in the determination of feasible policy options, appropriate time frames and approaches for successful policy implementation (Ali, 2018: 326). It is also essential to determine and document the potentially influential clients and coalitions whose interests are relevant in influencing the policy implementation process (Mitchell, 2017: 453).

Najam (1995: 52-53) is of the view that policy implementers should consider all clients affected by the policy and those who are not, as they could disrupt the implementation process. However, Brynard (2005) disagrees, stating that concern with 'insignificant' actors is a futile exercise. This signifies that policy implementers should be cautious in considering the number of clients and the criteria for their inclusion in the team of clients.

2.7.6 Communication of Policy Implementation

Communication is an integral part of all protocol variables (Brynard, 2005: 662). Communication is regarded today as constituting the sixth 'C' of implementation (Burger, 2015: 29). Communication affects, and is affected by other variables. A culturally diverse and rich country such as South Africa and its eleven official languages, underscores the importance of communication as a critical variable for policy implementation (Cloete et al., 2018: 212).

Inter-governmental procedures such as communications and administrative complexity have an influence on bureaucratic structures, thereby influencing the functional procedures of policy implementation (Ali, 2018: 323). Better public policy communication contributes to transparency and good governance in terms of increasing stakeholder engagement, thus, directly enhancing organisational legitimacy (Cloete et al., 2018: 212).

2.7.7 Coordination of Policy Implementation

Effective coordination plays a critical role in policy implementation, whose success depends on management ensuring intra- and inter-organisational coordination and cooperation. Intra-organisational coordination refers to the working relationship among departments and agencies within the same organisation, whereas inter-organisational coordination refers to the external working relationship among various organisations (Cloete et al., 2018: 212).

A large number of agencies working in an implementation process would lead to complexity of joint action, hence, more implementation delays (Ali, 2018: 323). When many parties are involved in an intervention, there must be some contradictory criteria, inter-agency antipathies, differences of opinions, factions and antagonistic relationships among participants and stakeholders (Ali, 2018: 323). Therefore, it is imperative for management to mediate these complexities. Mintzberg (1979), cited in Cloete et al. (2018: 212) adds that when institutions graduate from simple to complex and from stable to dynamic, there is a need for different modes of coordination, which can be achieved through mutual adjustment, direct supervision, standardisation of work and outputs.

In the light of the '7Cs', all critical variables work together, often at the same time and synergistically to an extent that a change of one variable has impact on other variables. Brynard (2005: 662) intimates that the interconnectedness of the variables creates both opportunities and challenges. These variables may help to identify stumbling blocks to successful implementation, or facilitate success.

2.8 Implementation Evaluation

Implementation or process evaluation is a stage where evaluators (supervisors and managers) design standards with indicators in order to assess implementation process. Any deviation or unpredicted circumstances are detected at this stage and a remedial action is developed. In addition, implementation evaluation or process evaluation is a crucial part of effective programme management, and provides in-depth understanding of the quality of service being rendered (Moore et al., 2014: 10). An evaluation of policies or programmes contributes to improved service delivery in different countries, including South Africa. They aim to provide more detailed understanding needed to inform policy and practice (Moore et al., 2014: 10). It is against this backdrop that implementation evaluation is defined as the assessment of policy and programme project delivery, strategies, procedures and processes.

2.8.1 Benefits of Implementation Evaluation

With its focus on ways of improving implementation, the process of evaluation could help to distinguish between interventions that are inherently faulty and those that are poorly delivered (Oakley & Strange, 2006: 413). Such interventions help to determine if programmes, guidelines, policies and procedures have been executed as intended in the design. The questions to be answered during the evaluation of implementation are: *Was the programme, guidelines, procedures and policies actually carried out as planned?* If not, evaluators must answer the question: *How has the programme deviated from the original plan* (Stekler & Linnan, 2002: 6)? Implementation evaluation also ask questions: *Do the key actors have a clear understanding of what is required of them? Is there sufficient capacity and resources to implement key activities, and are the key activities being properly managed?* and, *Are all support systems working well* (Cloete, Rabie and De Coning, 2014: 178)?

2.9 Relevance/ Applicability of the Literature and Theoretical Perspectives to the Study

The relevance of the literature and the various theoretical perspectives discussed, is a manifestation of the link between theory and practice (Babbie & Mouton, 2010: 64). In addition to providing or allocating achievability of the study objectives, the combined effect of the reviewed literature and supplementing theoretical paradigms provided more detailed insights in terms of multiple perspectives on employer-employee relations, the nature of collective bargaining as a conflict resolution mechanisms, as well as implementation of disciplinary codes of conduct and their processes and procedures.

For the empirical domain, the relevance is a critical factor for the determination of the extent to which disciplinary practices at Nkhensani Hospital aligned to, or deviated from world best practices; and, whether or not these practices contributed to organisational productivity. In addition, both the literature and multiple scholarly perspectives were helpful in ensuring the interview guide's adherence to only discipline related questions.

2.10 Conclusion

This chapter mainly addressed the literature-based multiple scholarly perspectives regarding both the conceptual and practical domains of the implementation of disciplinary policies, programmes and procedures. The literature revealed that there are various challenges that impede policy implementation, including: policies that do not fully define objectives, poor coordination, lack of capacity, and not anticipating the problems that may be encountered by implementers. These challenges were explored from the various schools of thought, with implementation as the pivotal and perennial factor in the study and identification of critical variables. The literature also explored the role of management in the monitoring and evaluation of the implementation process.

From the point of view of the study, the foremost literature gap observed is in the sphere of implementation evaluation. It is the researcher's contention that the efficacy of implementation evaluation should necessarily translate into cogent measurement of the extent and outcomes of corrective measures taken against non-compliance. It is in the latter context that the study would propose recommendations for further study.

CHAPTER 3

LEGISLATIVE FRAMEWORK OF DISCIPLINARY CODES AND PROCEDURES

3.1 Introduction

The previous chapter focused on the study's theoretical framework and conceptual models as obtained from the consulted secondary literature sources. In a similar vein, the current chapter presents the legislative and contextual background of disciplinary codes and procedures as derived from the concerted review of relevant literature sources. Such a contextual background is imperative, considering that the adoption and implementation of various disciplinary codes and procedures by both private and public institutions or organisations functions within a constitutionally entrenched culture of human rights, especially in a nascent democracy such as South Africa (DPSA, 2016).

For purposes of this chapter, the following legislative and regulatory instruments were deemed important and pivotally linked to the research topic: the Constitution of the Republic of South Africa (Act No. 108 of 1996 as amended); the Public Service Act (1994 as amended); the White Paper on Human Resource Management in the Public Service, 1997; the Labour Relations Act (No. 66 of 1995 as amended); the Public Service Regulations (PSR), 2001 as amended; the Senior Management Services (SMS) Handbook; the Public Administration Management Act (PAMA, 2014 as amended); as well as the Disciplinary Code and Procedures/ DCPR, Resolution 1 of 2003. From the study's perspective, these regulatory mechanisms are also worth mentioning and discussing, particularly for their seminal value and contribution to the development and implementation of disciplinary codes and procedures in the South African workplace (Jooste and Fourie, 2009; Khan and Khandator, 2016).

3.2 The Constitution of the Republic of South Africa (Act No. 108 of 1996)

The Constitution was adopted on 10 May 1996 and came into effect on 04 February 1997 as supreme law of the country. In terms of the Constitution, any law or conduct that is inconsistent with it is invalid. In addition, the obligations imposed by the Constitution must be fulfilled by all (private and public) individuals and institutions or organisations. Furthermore, all spheres of government are required by the Constitution to provide effective, efficient, transparent, accountable and coherent government for the republic to secure the wellbeing of the people and the realisation of their constitutional rights.

Most importantly, Section 23(1) of the Constitution emphasises everyone's right to fair labour practice (including disciplinary action), while Section 23(3) emphasises the right of employees and employers to collective bargaining on matters pertaining to employment. Meanwhile, Section 33(1) reiterates everyone's right to lawful, reasonable and procedurally fair administrative action; while Section 33(2) articulates that everyone has the right to be provided

written reasons when adversely affected by administrative action. In terms of safeguarding these rights, Section 33(3) of the Constitution enjoins national government to give effect to enacted laws that:

- (a) promote the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
- (b) impose a duty on the State to give effect to the rights in Sub-sections (1) and (2); and;
- (c) promote efficient administration.

In order to actualise the provisions of Section 27 of the Constitution, the legislative sphere of national government has promulgated a range of laws to regulate the rights of all constituencies in the employer-employee equation, the examples of which include the Labour Relations Act (LRA) (Act No. 66 of 1995) and the Basic Conditions of Employment Act (BCEA, 1997).

3.3 The Basic Conditions of Employment Act (BCEA 1997 as amended)

The BCEA aims to give effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provisions for the regulation of basic conditions of employment. Smit (2010:98) highlights that Chapter 5 of the BCEA addresses termination of employment and regulates mainly the written notice periods that must be provided by the party terminating the employment contract. However, Section 37(6) of the BCEA indicates there is nothing in this section (37(6) affecting the right of a dismissed employee to dispute the lawfulness or fairness of the dismissal in terms of Chapter VIII of the LRA (1995 as amended).

Moreover, Section 37(6) of the BCEA relates to Section 188 (2) (1) in Schedule 8 of the LRA, which articulates an unfair dismissal on the grounds of unfair and unprocedural reasons, despite the compliance of the dismissal with any notice period in an employment contract, or legislation governing employment.

3.4 The Labour Relations Act/ LRA (Act No. 66 of 1995 as amended)

The Labour Relations Act (No. 66 of 1995 as amended) repealed the Labour Relations Act (No. 28 of 1956 and subsequent amendments) (Bendix, 2019: 69). The former Act (No. 66 of 1995) was then birthed in 1995 and came into effect on 11 November 1996. The latter Act is the main legislative framework regulating labour relations in South Africa (Bendix, 2019: 69). The Act also governs and regulates all relationships that exists between individual employees, trade unions, employers and their organisations, and matters relating to workplace discipline, employee conduct; as well as dismissals and all matters that are of mutual interest between parties (Phiri, 2015: 18).

3.4.1 The Purpose of the Labour Relations Act (No. 66 of 1995 as amended)

The purpose of Labour Relations Act (No. 66 of 1995), which was preceded by the Labour Relations Act (No. 28 of 1956) is to advance economic development, social justice, labour peace and democratisation of the workplace (Phiri, 2015: 18). This purpose is to be achieved by fulfilling the primary objectives of this Act by:

- Giving effect to the regulation of the fundamental rights conferred by Section 27 of the Constitution;
- Promoting a framework within which employees and their trade unions, employers and their organisations could bargain collectively for wages, terms and conditions of employment and other matters of mutual (South Africa, 1995).

3.4.2 Matters Relating to Fair Labour Practice

Section 23 of the Constitution states that everyone has a right to fair labour practice. The Constitution does not provide any guidance on the determination of fair or unfair labour practices. It is the Labour Relations Act that clarifies such ambiguity (Smit, 2010: 94). Section 185 of the LRA further clarifies that every employee has the right not to be unfairly dismissed and subjected to unfair labour practices.

Schedule 8 of the LRA's Code of Good Practice addresses some of the key aspects of dismissals related to conduct and capacity. Item 1(3) of schedule 8 indicates that employers and employees should treat one another with mutual respect. It also emphasises that a premium is placed on employment justice and the efficient operation of business. In order to achieve employment justice and efficient delivery of services, discipline should be procedural and substantively fair.

3.4.2.1 Fair reasons for dismissal

Item 2 (1) and (2) of Schedule 8 in the LRA states that a dismissal is unfair if it is not implemented fairly and in accordance with a fair procedure, and the grounds for dismissing an employee is legitimised by an employee's misconduct (South Africa, 1995). Furthermore, Item 2(4) emphasises that in cases where the dismissal is not automatically unfair, the employer must show that the reason for dismissal is a reason related to conduct.

3.4.2.2 Disciplinary procedures before dismissal

Item 3 (1) of Schedule 8 of LRA requires that all employers should adopt disciplinary rules that establish the standard of conduct required of their employees, and that standards of conduct are clear and available to employees in a manner that is easily understood. In addition, Item 3(2) of the schedule states that the courts have endorsed the concept of corrective or progressive discipline, implying that efforts should be made to correct employees' behaviour through a system of consequential disciplinary measures such as counselling and warnings (South Africa, 1995).

3.4.2.3 Dismissal for misconduct

Item 4 of Schedule 8 in the LRA stipulates the inappropriateness of dismissing an employee for a first offence, except if the misconduct is serious and of such seriousness that it makes continued employment undesirable. When deciding whether or not to impose the penalty of dismissal, the employer should, in addition to the gravity of the misconduct, consider factors such as employee's circumstances, the nature of job and the circumstances of the infringement itself (South Africa, 1995). Finally, Item 6 stipulates the employer's obligation to apply the penalty of dismissal consistently to all employees who have participated in the misconduct under consideration.

3.4.2.4 Fair procedure

Fair procedure entails that the supervisor of an employee needs to conduct an investigation to determine all facts around the alleged misconduct (South Africa, 1995). Item 4(1) of the LRA's Schedule 8 maintains that the employer should first conduct an investigation to determine whether there were grounds for dismissal. The employee should be allowed the opportunity to state a case in response to the allegations made (Grogan, 2014: 9). Furthermore, the employee should be entitled to a reasonable time to prepare a response to the allegations, and to seek assistance of a trade union representative or fellow employee. After the enquiry, the employer should communicate the verdict of the disciplinary hearing, and preferably furnish the employee with written notification of the verdict. In addition, Item 4(3) of Schedule 8 requires that if an employee is dismissed, the concerned employee should be provided with the reasons for dismissal, and be reminded of other rights to refer the matter to a council with jurisdiction (South Africa, 1995).

Furthermore, Schedule 8 of the LRA emphasises on substantive and procedural fairness. According to the Public Service Commission (2016:4), substantive fairness refers to plausible and impartial reasonableness for instituting disciplinary action, consistent and in compliance with departments' disciplinary codes, procedures, policies, and other relevant labour legislations. On the other hand, procedural fairness refers to the correct processes that need to be fully complied with to safeguard against violation of employee's rights during a disciplinary process.

3.4.3 Matters Relating to Collective Bargaining

The constitutional right to fair labour practices entrenched in Section 23(1) expand beyond unfair dismissal. The right to fair labour practices includes organisational rights of trade unions and employer organisations to collective bargaining (Smit, 2010:96). Section (1) (c) of the LRA makes provision for collective bargaining between employees and employers concerning conditions of employment (including management of discipline in workplace) and matters of mutual interest.

Section (1) (c) emphasises the right of employers and trade unions to collectively engage in disciplinary matters in the workplace. Trade unions are essential links between the employer and employee in their relationship and regulation of labour relations. Thus, collective bargaining play an important role in the preservation of labour peace (Mzangwa, 2015: 170). This implies that employees also have a right to be represented on matters of disciplinary management.

3.5 Disciplinary Code and Procedures in the Public Service (PSCBC Resolution 1 of 2003)

Both the Constitution and the LRA (No. 66 of 1995) provide for fair labour practice, lawful administration, as well as effective, efficient, economic, transparent and accountable government. Moreover, the Public Service Act of 1994 provides for the organisation and administration of the public service in South Africa, the regulation of the conditions of employment, discipline, discharge of members of the public service and other related matters. The LRA further provides for collective bargaining between an employer and employees on matters of mutual interest. Hence, the Disciplinary Code and Procedures, Resolution 2 of 1999, which was amended by Resolution 1 of 2003. Clause 2 of the amended Disciplinary Code and Procedures highlights a streamlined code by removing certain ambiguities and accepting certain technical changes.

The disciplinary codes and procedures for the public service are a collective agreement between the Department of Public Service and Administration, who is an employer, and recognised trade unions (employee representatives) for the public service (South Africa, 2003a). This collective agreement was concluded at the Public Service Co-ordinating Bargaining Council in order to ensure the uniform, fair and transparent handling of discipline in the public sector. In this regard, proper implementation of the disciplinary code and procedures should yield improved service delivery, sound labour relations and eliminate employees' exploitation by management (reference).

3.5.1 The Purpose of Disciplinary Codes and Procedures (Resolution 1 of 2003)

The purpose of the above-mentioned Disciplinary Code and Procedures is to ensure:

- Efficient delivery of services;
- Promotion and correction of acceptable behaviour;
- Prevention of discriminatory actions by managers towards employees; and
- Support of constructive labour relations in the public service (South Africa, 2003).

3.5.2 Principles of Disciplinary Codes and Procedures

Disciplinary Codes and Procedures require managers and supervisors to adhere to the following principles when applying disciplinary actions:

Item 2.1 of the Disciplinary Code and Procedures states that discipline is a corrective measure, and not a punitive one. Nel et al. (2016:353) share a similar view that discipline relates to rules, standards and order, and not all about rigid enforcement of detailed regulations through punitive measures. This implies that managers and supervisors should seek to correct the employee's behaviour instead of punishing them.

Item 2.2 of the Disciplinary Codes and Practices states that discipline must be applied in a prompt, fair, consistent and progressive manner. This implies that disciplinary actions against employees should not be delayed, to the detriment of positive and corrective influence (Mehta, 2017: 90). In addition, discipline should be seen as a fair process by employees, and the sanction imposed on an employee should be consistent with that imposed on other employees committing a similar transgression (Nel et al., 2016: 367). The clause on consistency replicates Item 3(6) of the code of good practice in the LRA, which stipulates the employer's requirement to apply the penalty of dismissal consistently with the way in which it has been applied to the same and other employees who participated in the particular misconduct under consideration.

Employers are urged to apply progressive discipline, which means employees should first be provided with written warnings before they are subject to dismissal, depending on the severity of the misconduct (Juma and Morongwe, 2015: 155). Progressive discipline is intended to assist employees to correct the behaviour and become effective performing members of their organisations (Putzier and Baker, 2011:198).

Item 2.4 Disciplinary Codes and Practices states that a disciplinary code is necessary for the efficient delivery of service and the fair treatment of public servants. In this manner, the code ensures that employees:

- a. Have a fair hearing in a formal or informal setting;
- b. Are timeously informed of allegations of misconduct made against them;
- c. Receive written reasons for a decision taken, and
- d. Have the right to appeal against any decision.

3.5.3 Disciplinary Procedures

Section 5 of the DC&P articulates disciplinary actions commensurate with less serious misconduct, which includes corrective counselling, verbal warning, written warning and final written warning. Section 6 states that if the alleged misconduct justifies a more serious form of disciplinary action than provided in Section 5, the employer may initiate a disciplinary enquiry. Schedule 8 of the code of good practice pronounce that the employer should notify the employee of allegation using a form, but does not prescribe the period of notification before the disciplinary enquiry. Item 7.1(a) of the DC&P prescribes that the employee must be given notice at least five

working days before the date of the hearing. Item 7.3 (a) further indicates that the disciplinary hearing must be held within ten working days after the notice referred to in paragraph 7.1(a) is delivered to the employee. In conducting the hearing, Item 7.3(d) states that if the employee wishes, s/he may be represented in the hearing by a fellow employee or a recognised trade union representative. Item 7.3 and 7.4 (a) state that the chairperson of a disciplinary committee must communicate the verdict of the hearing to the employee within five working days following the conclusion of the disciplinary enquiry.

The employee may appeal the sanctions imposed to him/ her by the employer. Item 8.2 provides that the employee must, within five working days of receiving notice of the final outcome of a hearing or other disciplinary procedure, submit the appeal form to the executing authority. Meanwhile, Item 8.8 prescribes that departments must finalise appeals within 30 working days, failing which, in cases where the employee is on precautionary suspension, he/she must resume duties immediately and await the outcome of the appeal while on duty.

3.6 Other Legislations Supporting Discipline Management

The following legislations also support management of discipline in the public sector the Public Service Act (No. 103 of 1994, as amended), the Public Service Regulations, 2001 as amended, the White Paper on Human Resources Management (HRM) in the Public Sector, 1997, and the Senior Management Services Handbook.

3.6.1 The Public Service Act (No. 103 of 1994 as amended)

Amongst others, the Public Service Act (PSA) aims to provide for the organisation and administration of the public service in the country, the regulation of the conditions of employment, terms of office, discipline and other functions. section 7(3)(b) emphasises that a Head of Department shall be responsible for the efficient management and administration of his/ her department; including the effective utilisation and training of staff, maintenance of discipline, the promotion of sound labour relations and other related functions. Section 17(2)(d) states that an employee of a department other than a member of the services, an educator or a member of the intelligence services, may be dismissed on account of misconduct.

3.6.2 Public Service Regulations 2001, as amended

The afore-cited regulations state that Heads of Departments (HoDs), by virtue of their responsibility in terms of Section 7(3)(b) of the Public Service Act of 1994, for the efficient management and administration of their departments and management of discipline, are enjoined to ensure that the conduct of their employees conform to basic values and principles governing public administration (DPSA, 2017).

Clause B3 of the public service regulations prescribes that an employee shall be guilty of misconduct, and may be reprimanded in accordance with the relevant collective agreement if he/she contravenes any provisions of the code of conduct or fails to comply with any of its provisions.

3.6.3 White Paper on Human Resources Management in the Public Service, 1997

Section 5.11 of the White paper on Human Resources Management in the Public Service, states that every employee should be provided with a personal copy of the code of conduct for public servants upon assumption of their duties. When cases of misconduct occur, they should be identified and procedurally attended to in a swift, fair, equitable and effective manner, irrespective of the nature of the breach of conduct. The following principles should be adhered to:

- The breach of conduct should be objectively substantiated;
- The employee should be informed of the charges against him/ her and be accorded adequate opportunity to respond, and
- Swift action arising from misconduct should be appropriate and implemented accordingly.

3.6.4 The Senior Management Services Handbook, 2003

Section 1(1.1) of Chapter 7 in the SMS Handbook outlines the procedure to be applied in cases of misconduct, incapacity due to poor performance and incapacity due to ill health of members of the Senior Management Services. Resolution 1 of 2003 envisages the issuing of a directive by the Minister of Public Service and Administration to cover disciplinary matters of SMS members.

3.7 Conclusion

The chapter focused entirely on the legislative domain of employer-employee relations. In this regard, the Constitution and its human rights orientation serves as the supreme reference point for both government departments and business organisations as a whole. Both employees and employers have a regime of rights which have to be observed in matters requiring disciplinary measures. However, discipline should be meted out procedurally, substantively and fairly. Specific legal instruments and policy embedded directives were cited. On the one hand, the regulatory provisions give effect to the right of the employer to demand satisfactory conduct and efficient performance. On the other, these regulatory instruments and their attendant policy imperatives ensure that employees are protected against any form of employers' unprocedural and illegal conduct, such as unfair labour practices.

From the perspective of the study, both the Constitution (Act 108 of 1996) and the Labour Relations Act (No. 66 of 1995) have provided critical guidelines in the harmonisation of employer-employee relations, which is critical for the long-term stability of the national economy (Tayler, 2010). The Constitution is of particular importance insofar as it functions as the supreme guarantor and protector of all rights pertaining to both employers and employees in a labour environment. Meanwhile, the Labour Relations Act (No. 66 of 1995) and its subsequent amendments ensure that fair labour practices are administered in a manner that is consistent with the principle of non-violation of rights. Accordingly, discipline should be applied in a consistent and progressive manner, such that the emphasis is on corrective, rather than on the punitive orientation.

The following chapter focuses on the research methodology adopted in this study.

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Introduction

The aim of this study, as articulated in Chapter One, is to evaluate the implementation processes of the disciplinary codes and procedures at Nkhensani Hospital in the Mopani District of Limpopo Province. The previous chapter (Chapter Three) focused mainly on the legislative framework or environment by means of which disciplinary codes and procedures are regulated. Such a legislative premise was mostly derived from various literature-based perspectives. The current chapter, on the other hand, presents the research methodology adopted in this study in order to provide the appropriate context of the findings. This logical concatenation of chapters is intended to portray the research problem, the objectives of the study, the research design and methodology, as well as the data collection and analysis methods as perennial and inextricable domains of the whole research study (Babbie & Mouton, 2010: 18; Corti, et al., 2014: 46). In essence, the research design and methodology adopted in this study provides an interstitially connected framework according to which the various (mainly theoretic and secondary) literature perspectives connect with the primary and empirical data collection methods. Accordingly, in its construction, the current chapter is demarcated into five predominant areas, namely: research design and methodology; data collection and its procedures; the sampling framework; data management and analysis; as well as the trustworthiness domain.

4.2 Research Design

For a study to respond successfully and comprehensively to the research problem, as well as the research questions and objectives, the researcher also needs to adopt a relevant research design in accordance with the nature of the study being undertaken (Burger, 2015: 48). Many definitions and descriptions have been ascribed to the concept/ term, 'research design'. At the heart of the term is the paradigmatic orientation or philosophically rooted principles adopted by the researcher to guide the type and nature of the data collection instruments preferred in the study (Babbie & Mouton, 2018: 72). Other research perspectives and traditions present 'research design' and 'methodology' as two synonymous (i.e. similar) and interchangeable terms, while others view these two concepts as separate/ different (not synonymous and not interchangeable), but complementary (Kent, 2007:11; Rani, 2016: 1-2). In this study, the former perspective (i.e. similarity/ synonimity/ interchangeability) has been adopted. According to authors such as Babbie and Mouton (2018: 75) and Creswell (2014: 67) research design entails the planning and management of a scientific research-based enquiry or strategy in terms of a logically structured and coherent research process, and the type of tools and procedures that were utilised to guide the process in finding answers or solutions to problems.

4.2.1 Research Philosophy

There are basically two types of research designs, empirical and non-empirical, and the choice of their applicability to research is principally directed by both the research philosophy and approach preferred by the researcher. Kumar (2012: 116) and Walliman (2015: 69) are both in agreement that the research philosophy relates to the philosophical parameters or principles on which the data collection and its instruments are founded. There are principally three research philosophical traditions, namely: positivism, interpretivism and post-modernism. In the current study, the interpretivist research paradigm was adopted. It is also referred to as an ethnographic, naturalistic or ecological research design tradition (Kumar, 2012: 118).

4.2.2 Research Approach/ Paradigm

In tandem with its interpretivist inclination, the qualitative research design approach was adopted by the researcher. Whereas the positivist tradition (and its attendant quantitative research design approaches) focus on reality (world view) from an objectively inspired perspective, the qualitatively-oriented interpretivist paradigm also entails descriptive and analytic elements, which are influenced by the involvement of research participants to provide the requisite evidence from their naturalistic environment. Against this background, the participants' social experiences and world view are regarded as 'subjective', due to the 'partisan' involvement or closeness/ proximity to their own environment (Creswell and Creswell, 2018: 107). It is mainly for this reason that the researcher's objectivity (self-monitoring and evaluation) is required when undertaking a qualitative study such that her/ his prejudices or preconceived ideas or world view does not interfere with that of her/ his research participants who are the primary data and information (evidence) sources in this research study. Than and Than (2018: 26) add further that researchers opting for the qualitative interpretivist paradigm often seek individual experiences and perceptions for their data, rather than rely on statistically or numerically generated information engendered by quantitative means.

4.2.1.1 Motivation for the qualitative research approach

A qualitative empirical research design was deemed as relevant to answer the main research question (see sub-section 1.6.1 in this study). Notwithstanding its selection, the qualitative research design has its both strengths (advantages) and limitations (disadvantages/ weaknesses), all of which are highlighted in order to devise strategies to manage, especially the weaknesses. Given the nature of the study, one of the main advantages of the qualitative approach rested on its facilitation of multiple or diverse stakeholders/ participants and their diverse perspectives to be thematically analysed and interpreted as integral aspects of the same study (Lee & Saunders, 2017: 31). In this regard, this predominantly qualitative research study does not seek statistical means and frequencies to determine the prevalence rates of disciplinary codes and practices. Instead, the focus is on the magnitude and implications of the wrongful or incorrect

implementation/ application of disciplinary codes and procedures. In addition, qualitatively inclined research studies are not wholly reliant on the numerical strength of the sampled participants, but more on the representative strength or qualities of the self-same 'subjective' participants (Dye, 2017: 48; Khan, 2016: 6).

One of the observed challenges regarding qualitative studies involves researcher bias, which may occur in the descriptive and analytic stages during the course of the study process of (Lee & Saunders, 2017: 33; Li-Chen 2009: 133).

4.2.3 Research Methods

As mentioned earlier, the study has adopted a perspective according to which research design and methodology are viewed as synonymous and interchangeable. *Ergo*, research methods are viewed as applying to the nature and types of instrumentation (methods) used in the collection of relevant data and information (Howell, 2013:6; Rani, 2016: 2). Research methods are not peripheral research variables, but are relevant in determining the exploration and construction of researchable problems, as well as making logical connections between the researched problem, the attendant data generation, its analysis, and resultant conclusion (Jackson et al., 2007: 23).

In response to the resolution of the research problem and achievement of the research objectives, the review of literature and official policy reports and Acts constituted the main (theoretic/ abstract/ secondary) research methods framework, which was followed by the one-on-one (individual) interviews that provided the primary/ empirical perspective to the study's findings (Hussein, 2009: 9). It is the researcher's considered view that the combined effect of these research methods was sufficient to allocate a degree of credibility and relevance to this study.

4.3 Data Gathering and Procedures

Data gathering refers to the process of systematically collecting and synthesising both secondary (literature-based) and primary (participant-specific) information and data on variables of interest, such that the process eventually enables the researcher's valid and credible response to the identified research questions and objectives (Kabir, 2016: 202). The data gathering process could occur concurrently with its analysis (De Vos, Strydom, Fouche' & Delport, 2012: 115). For instance, during the very process of reviewing literature, the researcher identified, selected and synthesised only sources of information that were relevant to the study from the corpus of published and unpublished books and reports in the field of Human Resources Management. Therefore, the data gathering process premised on the review of relevant documents and literature and individual (one-on-one) interviews for the empirical data.

4.3.1 Review of Literature

The literature review was greatly beneficial for providing epistemologically valuable background information pertaining to both the theoretical and empirical perspectives on local and global trends and practice in the field of disciplinary codes and procedures (Dixit et al., 2011: 284). It was on account of the literature review that the researcher was exposed to current debates, contestations and dominant themes (e.g. employee relations, implementation and implementation evaluation) against which veracity of the empirical data (in Chapter Five of this study) could be affirmed or negated (De Vos et al., 2012: 115). The researcher's literature review strategy entailed both electronic and hard copy materials, which was useful for identifying that implementation constraints presented a huge gap in the field.

4.3.2 Document Review

Document review is a systematic procedure for reviewing or evaluating documents-both printed and electronic material in order to respond to the research problem and study objectives (Bowen, 2009: 27). Documents reviewed and analysed for relevance in this study included applicable laws or Acts, the DC&P (Resolution 1 of 2003), the Limpopo Provincial Department of Health workplace discipline training documents, the minutes of various meetings, and statistical information and or reports. This form of secondary data was reviewed and analysed against the 7-C Protocols to draw substantive conclusions with regard to their successful implementation or otherwise (see Section 2.7 of Chapter Two). Burger (2015: 51) contends that these variables can be used to analyse textual data on implementation as they provide a cross-cutting approach to understanding the complexities associated with policy implementation due to the fact that it is informed by practical findings of policy scholars. Most importantly, textual and document review and analysis acquainted the researcher to the barriers that obviate successful implementation of disciplinary codes and procedures. In this regard, the researcher was able to analyse official operational plans and reports informed by the guidelines of the South African Department of Planning, Monitoring and Evaluation (DPME). The guidelines include:

- Document implementation, that is: *What is happening?*
- Assessing implementation, that is: *Is it implemented as planned?*
- Improving implementation, that is: *How can implementation improve?*
- Anticipating achievement of outcomes (or enriching impact evaluation).

Regarding the review of relevant official reports and policy documents, as well as the applicable HRM laws on employee relations and disciplinary codes and procedures, it is worth noting that the process was complementary to the review of literature.

4.3.3 Individual In-depth Interviews

Interviews are a form of conversations or dialogue with the selected participants (De Vos et al., 2012:116). For the purpose of this qualitative study, in-depth individual interviews were held with the selected research participants in their heterogeneous categories. Lee and Saunders (2017: 106) propound that in-depth individual interviews are a valuable data collection mechanism for case studies as well. In the context of this study, Nkhensani Hospital is the primary setting, together with all the interviewed participants. In this regard, the research site serves as a case study to determine or test the extent of implementation evaluation of disciplinary codes and procedures.

4.3.3.1 Applicability of the in-depth interviews in the research study

Conducting qualitative interviews involved entering into the participants' life, and therefore, the researcher needed to exercise optimum care to minimise participants' discomfort and perceptions of invasion of their personal lives (Elmir et al., 2016: 14). Each interview was held at scheduled times at the research site, for a duration of about 40 minutes. The researcher ensured that participants' anonymity, confidentiality and security were protected. All protocols pertaining to informed consent were made known to the interviewees. With the assistance of the Interview Guide (see Addendum 5), the researcher further utilised probing questions until the point of saturation when the researcher was satisfied that the most critical aspects of the research topic were addressed. The interviewees were also afforded time to ask their own questions during the audio-recorded sessions with their permission (Elmir et al., 2016: 14).

The researcher ensured that she did not deviate from the questions in the Interview Guide, whose main focus was on the following three aspects of disciplinary codes and procedures:

Knowledge concerning disciplinary codes of conduct

The main focus was on assessing the participants' knowledge on the type of conduct expected from employees, and their definition of misconduct and its consequences. The objective was to determine whether employees were adequately informed and trained in this regard.

Knowledge concerning disciplinary procedures

This relates to knowledge on the actions taken after an employee's transgression. The question/s sought to determine whether hospital management and their subordinates had a common understanding on procedures to be followed after an employee has committed a punishable act. The rationale was to assess hospital management's capacity and commitment to the successful implementation of disciplinary codes and procedures.

Knowledge concerning implementation process

This aspect of the questions sought to establish the extent of hospital management's promptness, consistency, and procedural and substantive fairness in implementing disciplinary codes and procedures, especially in the context of the DC&P and its objectives.

4.4 The Sampling Framework

Sampling relates to the selection of cases (individuals or groups) on account of their representative qualities in order to make inferences about the larger population from the smaller sample (Jawale, 2012: 183; Showkat & Parveen, 2017). Practicalities involving travel logistics and financial constraints usually pose difficulties to consult all members of a specific population of interest to the researcher. For this reason, certain members or cases are selected for participation in the study due to the homogeneity (similarity) of their representative traits or characteristics with the study population.

4.4.1 The Study Population

In order to answer the interview questions, it is impractical for the researcher to collect data from all cases or the entire population (Taherdoost, 2016:18). In order to answer the research question, the researcher needs to gather data from individuals or participants. These participants belong to the research population, which is the bigger set, unit or group of individuals having one or more characteristics specified according to the researcher's own objective criteria (Alvi, 2016: 10; Asimiah, Mensah & Oteng-Abayie, 2017: 1607).

For the purpose of this study the study population consisted of various categories of personnel at Nkhensani Hospital, namely: Senior Executive Management, nursing personnel, labour unions, a pharmacist, Allied health personnel, human resources personnel, as well as clinical and cleaning personnel.

4.4.2 The Study Setting/ Research Site

The study setting or research site relates to the physical location or place at which the researcher personally engaged with the sampled participants for purposes of conducting the one-on-one in-depth interviews. The study was conducted at Nkhensani Hospital, a large district hospital situated in Greater Giyani Local Municipality of the Mopani District in Limpopo Province. The hospital supports twenty-six clinics, two health centres, and four mobile clinics through its health care outreach services. The hospital provides comprehensive health services, outpatient services (e.g. Speech and Hearing, Dietetics, and Dental), in-patient services (e.g. Medical, and Surgical wards), and vertical programmes (e.g. HIV, TB, Oncology, Infection Control and Victim Empowerment). Specialised cases are referred to Letaba, Mankweng, Pietersburg, George Mukhari and Steve Biko hospitals.

Nkensani Hospital's main challenges include human resource shortages that has resulted in a high number of patients, insufficient budget allocations and increased workload on its personnel. The situation is compounded by the fact that the hospital is situated some ninety kilometres from its nearest referral hospital (Letaba). The hospital also serves ninety one mostly rural villages and one informal settlement that is predominantly populated by Mozambican and Zimbabwean immigrants.

4.4.3 Sample Size and Sampling Strategy/ Method

Emanating from the domains of both the sampling processes and procedures, the sample size particularly relates to the actual number of individuals selected for participation in the study according to the criteria (norms or standards) that were determined by the researcher herself (Etikan & Bala, 2017: 2). For the purpose of this study, the researcher sampled 20 participants constituted as follows:

- Four Executive Management staff, as implementers and evaluators of the implementation of DC&P, and for the purpose of obtaining their understanding of DC&P and their implementation of it.
- Two Human Resources officers, for their expert knowledge and experience in DC&P. They are responsible for monitoring and evaluation of the implementation process.
- Two Labour Union employees' representatives, as stakeholders in DC&P implementation, selected to obtain their understanding on the hospital's policy implementation.
- Seven Supervisors (2 (two) nursing operational managers, 1 (one) supervisor professional nurses, 1 (one) supervisor/ speech therapist, 1 (one) supervisor/ radiographer, 1 (one) supervisor/ dentist and 1 (one) supervisor/ logistics), sampled as DC&P implementers and evaluators, and for getting to know their understanding of DC&P and how they implemented it
- 1 (One) pharmacist, 1 (one) social worker, 1 (one) professional nurse, and 2 (two) cleaning staff are providers of health service and are expected to have understanding of DC&P. They were sampled in order to determine their knowledge experiences concerning the policy.

4.4.3.1 Sampling Strategy/ Method

The sampling strategy/ method/ technique defines the type of method to select the research participants for inclusion in the study according to the homogeneity of their in relation to the study population (Etikan, Musa & Alkassim, 2016: 1).

The researcher has opted for the non-probability purposive/ judgement sampling method. This is a sampling technique where the samples are gathered in a process that does not give all participants or units in the population equal chances of inclusion in the study sample (Kumar 2012: 181). In the purposive sampling mode, the researcher deliberately selected the informants

based on her own knowledge and experience (Taherhoost, 2016:23), as synoptically articulated in Section 1.4 of this study.

4.4.4 Sampling Criteria

Sampling criteria defines the standard or set of requirements that the researcher has determined for the inclusion of selected participants in the study's empirical processes through the in-depth individual interviews held on the Nkhensani Hospital premises (De Vos et al., 2011: 118; Kumar, 2011: 181). The most salient aspect of the sampling criteria was its specific reference to the extent of the selected participants' possession of the representative attributes in relation to the study population.

4.3.2.1 Inclusion criteria

The following sampling criteria were applied:

- Only (male and female) participants employed at Nkhensani Hospital for more than 3 (three) years;
- Senior executive members with DC&P experience of more than 3 (three) years;
- HR officers with DC&P experience of more than 3 (three) years;
- Employee representatives with DC&P experience of more than 2 (two) years;
- Multi-professional nurse supervisors with more than 2 (two) years of work experience in their respective professional fields; and
- Cleaners employed for more than 1 (one) year of employment.

All of the above-cited participant categories are employees of Nkhensani Hospital. And anyone who did not comply with the selection criteria was not considered for inclusion in the interviews.

4.3.2.2 Exclusion criteria

In contradistinction with the inclusion criteria (which establishes eligibility standards), the exclusion criteria specifically defines the range of considerations that render prospective participants ineligible for, or excluded from any involvement in the in-depth individual interviews ((De Vos et al., 2011: 118; Kumar, 2011: 181). As such, the following stakeholder groups were excluded from empirical participation.

- Employees from any other hospital other than Nkhensani Hospital;
- Nkhensani Hospital employees in Infrastructure management, Finance, and Information management and Communication.

All of the above employee categories were excluded since they were not directly involved in providing patient care and receiving complaints from the community was not linked to their area of responsibilities.

4.5 Data Management and Analysis

Data management refers a process of organizing, storing, protecting and sharing research data that has been generated by a researcher (Braun & Clarke, 2006: 79; De Vos et al., 2011: 249). Prior to its thematic analysis, the researcher applied data storage, protection and transcription procedures to ensure that it was efficiently retrievable and duplicable at any stage during the interpretation phase and beyond; that is, at least 5 (five) years prior to its complete disposal.

4.5.1 Data Storage and Protection

Weller and Romney (2011: 2) illuminate that data gathering constituted only the first step in the process of generating knowledge and interpreting evidence for better understanding of the phenomenon being investigated. Subsequently, data ought to be analysed and interpreted in conjunction with the reviewed literature for the purpose of drawing conclusions that reflect on the researcher' interests, participants' ideas and available theories for testing their veracity or applicability in real-life contexts (Babbie & Mouton, 2018: 100). Following this stage, the researcher transformed data into a retrievable form as soon as possible to prevent its loss (Linchem, 2009: 135). This was achieved with the usage of an audio recorder used with the participants' consent, after which the self-same recordings were digitally stored in compact discs and for safekeeping in a lockable fire-proof safe and password protected files.. Furthermore, the researcher took the responsibility of protecting participants' privacy and confidentiality by preparing data in a manner to conceal the possibility of identifying individual participants (Linchem, 2009: 134-135).

4.5.2 Data Transcription

This process included recording of all data collected either in a form of writing, audio recording and/or videotaping upon approval (Bailey, 2008: 127). Audio and video recording has ethical implications, hence, it was important to formally and openly request participants' permission. For this purpose, participants completed an informed consent form after full disclosure of the study. For the purpose of this study, the researcher collected data in writing on paper and the audio recordings, which were transcribed into written form so that they can be studied in detail, linked with analytical notes and/ or coded (Bailey, 2008:127). Transcriptions were detailed and included features such as speech intonations (i.e. emphasis, speed, tone of voice, timing and pauses (Bailey, 2008: 128).

4.5.3 Analysis of Collected Data

Thematic analysis was utilised to analyse the interview-based data collected at the research site. Thematic analysis is the widely used process of organizing, synthesizing and classifying qualitative data according to patterns and individual or groups of frequently recurring themes from the audio-recorded and transcribed statements of the participants (Lazarides, Wassenaar

& Sekhesa, 2019: 150; Maguire & Delahunt, 2017: 352). There are basically six steps of data analysis recommended by Maguire and Delahunt (2017:3354), which are:

- Familiarisation with the data;
- Generating initial codes for classification and identification;
- Search for common individual and group themes;
- Reviewing the identified themes;
- Defining the themes in relation to the reviewed literature, research problem and objectives;
- Writing up the preliminary and final research reports.

The most important aspect of the thematic data analysis process was that it established a credible context on whose basis the study's evidence was generated (Babbie & Mouton, 2018: 100; Bailey, 2008: 128).

4.6 Trustworthiness of the Research Instrument

The worth and value of research is determined by the extent to which the researcher has subjected such research to rigorous and systematic application of scientific methods in order to establish trustworthiness in the entire process (Creswell, 2014: 26). In this regard, validity and reliability of the research instrumentation provided the means by which trustworthiness and scientific rigour were achieved.

4.6.1 Validity

Validity is pivotal to ensuring that the research study and its findings are accurate and dependable (trustworthy). Essentially, validity refers to the degree of consistency between empirical evidence and theoretical rationales in support the adequacy and appropriateness of interpretations and actions derived from the available evidence (De Vos et al., 2011: 203). Validity was useful also for enabling the researcher's objective authentication of data by means of member checking; instead of relying on only a single source and its potential for subjective reflection of a particular perspective of the truth or reality (Creswell, 2014: 26). In this study, validity was achieved by means of regular consultations with participants to ensure that the analysed data reflected their own perspectives, rather than those that may have been by the researcher's bias and preconceived ideas (De Vos et al., 2011: 203; Kumar 2012: 144).

4.6.2 Reliability

Reliability refers to the extent of the study's replication under similar circumstances as those that prevailed at the original research site (Bashir, Afzal & Azeem, 2008: 37). A reliable test or measure of behavior can measure the same state of affairs more than once, and should result in the same result (Bashir et al., 2008: 37). The implication is that the study's value, accuracy, and consistency, the researcher utilised method triangulation by engaging multiple methods, such as

observation, documents analysis, interviews and recordings in order to achieve more valid, reliable and diverse construction and perspectives of reality (Saunders et al., 2009: 19). This was achieved in this study by asking the same core questions to all participants during the in-depth individual sessions.

4.7 Conclusion

This chapter focused on the research design/ methodology and research methods adopted in this study, which presented the framework against which the actual domain and evidence of the study are detailed in Chapter Five. The research design and methods are characteristically abstract, and served also to differentiate the various aspects of the entire study in terms of its empirical orientation and processes that were enhanced by the individual in-depth interviews in particular.

The following chapter presents and discusses the outcome of the data collection process, rather than the data collection process itself, since the latter was established in the current chapter (Chapter Four).

CHAPTER 5

DATA PRESENTATION AND DISCUSSION OF FINDINGS

5.1 INTRODUCTION

The previous chapter presented discussions on the research design and methods adopted in this study, which are the essential and indispensable explanatory tools for the manner in which evidence was to be gathered from the heterogeneous group of the twenty selected participants at Nkhensani Hospital. Therefore, while the previous chapter provided the pre-investigative conceptual or abstract parameters of the data collection instrument (structured individual interviews) and procedures, the current chapter focuses entirely on presenting the empirical data gathered during the actual investigative phase of this research study. Not only does the chapter present the qualitative data from the perspectives of the selected research participants, the chapter further presents the researcher's own analytic perspectives in relation to the problem that necessitated the study in the first place, the research questions to be answered (by the researcher), as well as the objectives to be achieved at the conclusion of the research processes as a whole (De Vos et al., 2012: 118).

The chapter is demarcated into two main areas, namely: the demographic characteristics of the participants, and the thematic categorisation and discussion of the participants. The latter aspect of the chapter also integrates perspectives from the reviewed literature in order to legitimate or disprove the views that emerged from the interviews (Bowen, 2009: 29).

5.2 Participants' Demographic Characteristics

The demographic characteristics of the participants incorporated their gender, age and employment background. It should be noted that the participants' demographic information is mainly for the researcher's analytic purposes, and unrelated to the information usually required by employers through their human resource management departments for employment related purposes. In terms of employee equity requirements, the participants' characteristics would be of more relevance for recruitment purposes, amongst others. However, in the context of this study, the importance of the participants' demographic characteristics was more of a factor determined by the researcher's purposive sampling method (Ehrlich & Joubert 2014: 491).

5.2.1 Gender Distribution of Participants

Gender was of particular relevance to the researcher. Amongst other considerations, the gender factor served the purpose of revealing the extent to which women in particular, showed interest in issues concerning employer-employee relations. Furthermore, gender-based abuse and discriminatory practices against women in the workplace is commonplace in our society (Makgoka, 2016: 77). In this regard, the 'voices' of the purposively selected female employees

was of interest to the researcher insofar as workplace gender representativity is concerned. Table 5.1 below depicts the gender distribution of participants in the study.

Table 5.1: Gender distribution of participants

Gender	Number of Participants	Percentage (%)
Males	10	50
Females	10	50
Total	20	100

Coincidentally, there was an equal number of female and male participants in the study, (50%, n=5) each gender category. ‘Coincidental’ because it was not the outcome of the researcher’s preconceived plan, but the result of some participants’ cancellation of their involvement in the study on the eleventh hour. In the real-life employment patterns at the research site, there were more female than male employees at the research site. In terms of participation in the study, the equal number of females enhanced the equality and representation of ‘voices’ rather than gender.

5.2.2 Age Distribution of Participants

Age was an important demographic variable to the researcher. Amongst other considerations, it enabled the researcher’s determination of the extent of association (if any) between age and work experience. Also, age, especially among the youth, was an important determinant of a country’s employment trends and state of both the national economy and educational system (International Labour Organisation/ ILO, 2013: 6). However, the correlation of age and other demographic variables was not established in this study. Table 5.2 below is a depiction of the age distribution of the selected participants.

Table 5.2: Age distribution of participants

Age (Years)	Number of Participants	Percentage (%)
18-24	1	5
25-34	1	5
35-60	18	90
Total	20	100

In terms of Table 5.2 above, the majority of participants (90%, n=18) were in the 35-60 years age category, and 5% (n=1) each in the 18-24 years and 25-34 years age groups respectively. Such a distribution of age also reflects the real-life Nkhensani Hospital trends in terms of which there are more older employees than the youthful employees in different employment categories. According to the ILO (2013: 6), such trends were undesirable because they contributed to high youth unemployment trends worldwide, especially in developing economies.

5.2.3 Employment Background of Participants

Given the current deteriorating employment trends in the country, especially in rural areas, it was important for the study to establish the employment background of participants. Table 5.3 below shows the employment background of the research participants.

Table 5.3: Employment background of participants

Occupational Category	Number of Participants	Percentage (%)
Lower/ Semi-skilled	3	15
Higher/Skilled/Professional	5	25
Supervisory	8	40
Executive Management	4	20
Total	20	100

The majority of participants (40%, n=8) were in supervisory positions, followed by higher skilled professionals (25%, n=5); then executive management (20%, n=4), and lower or skilled employees (15%, n=3). It was encouraging for the study that even senior level employees were represented. The representativity of employees according to their job categories was absolutely important for the study, given the main focus of the study on employer-employee relations and the implementation of disciplinary codes of conduct and their processes and procedures. Therefore, such a diverse employee-employer representation augured well for the study's overall purposes.

5.3 Main Themes and Categories Emerging from Participants' Responses

During the data analysis stage, the participants' audio-recorded statements were transcribed in order to convert them from raw data into "knowledge" organised, arranged and categorised according to individual themes (common statements) that emerged frequently during the individual interviews (Corti et al., 2014: 27). Meanwhile, Aneshensel, 2015: 2) illuminates that until it is converted and analysed into intelligible themes and categories consonant with the study's objectives, raw data does not yet constitute "knowledge". Accordingly, the thematically generated statements of the participants yielded important "knowledge" that served as a credible basis for the findings/evidence of the study (Aneshel, 2015: 2; Lee & Saunders, 2017: 106).

Four main themes and their associated main categories emerged from the researcher's interaction with the participants during the individual interviews with the participants. These themes and categories provide a framework on the implementation of disciplinary codes and procedures at Nkhensani Hospital. The superordinate themes and supporting themes, categories and sub-categories are attached as Addendum 6. In Table 5.4 below, the main themes and their supporting categories are presented as integral components of the disciplinary codes and procedures. These

participant-focused themes and categories are derived from the oral statements of the participants themselves, and analysed as representing various aspects of the study's results or findings (Creswell, 2014: 31). Both the participants' statements and the researcher's analytic perspectives are also supported by relevant aspects of the reviewed literature. Table 5.4 below encapsulates the main themes and corresponding categories as emanating from the individual interviews with the participants, who are identified by pseudonyms to protect their identity in compliance with ethical protocol (Etikan et al., 2016: 3).

Table 5.4: Main themes and their categorisation

Main Theme	Main Categories
1. Knowledge of disciplinary codes and procedures	<p><u>Discordant understanding of:</u></p> <ul style="list-style-type: none"> • definition of misconduct and disciplinary processes and procedures. <p>Consequences of violation of rules:</p> <ul style="list-style-type: none"> • verbal warning, written warning, final written warning, dismissal and financial deprivation (no work, no pay); and • employees' right to representation.
2. Employee Capacitation	<p><u>Need for trainings and re-trainings:</u></p> <ul style="list-style-type: none"> • during orientation/ inductions; • regular, rather than occasional; • in-service, workshops; and • behaviour modification as part of training.
3. Inconsistency and Unfairness	<p><u>Implementation challenges:</u></p> <ul style="list-style-type: none"> • unfairness; • inconsistencies; • lack of confidentiality of disciplinary cases/ hearings; • unequal treatment by management/ favouritism.
4. Poor Coordination and Context of DC&P implementation	<p><u>Senior management indecisiveness:</u></p> <ul style="list-style-type: none"> • transfer of decision-making authority to middle management subordinates; • management distrust

5.3.1 Theme 1: Knowledge of Disciplinary Codes and Procedures

The theme relating to employees' knowledge of disciplinary codes and procedures premises on determining whether or not hospital managers, supervisors and employee have some general knowledge of misconduct and its attendant definitions, application and consequences or implications. This theme is further supported by various categories as depicted in the following excerpts, each of which is sequentially represented according to theme numbers. For instance, 'Participant A1', represents the participant in the context of the particular theme being addressed:

Participant A1: (Nurse, Operations Manager)

Absenteeism eeh assault, gross negligence in terms of handling patients, abscondment, absenteeism, insubordination, insolent behavior.

Participant B1: (Nurse, Operational Manager)

Counselling, Verbal warning, written warning, final written warning, dismissal.

Participant C1: (Supervisor, Dietician)

Employee has a right to be represented by labour, the employer has the right to inform or invite labour union, what do they call it, so they can be available and then he or she also has a right to be given time to state his case like you don't just take what happen you should also hear from him what type of hear his view then yeah.

Participant D1: (Human Resources Manager)

Already there is processes and procedures when an employee when he or she absent himself without permission eehm eehm that right away it is no work no pay, that one stats if the employee absent himself without permission, the principle of no work no pay apply, so but still that one is a consequence for not coming to work but still disciplinary measures must be taken disciplinary measure must be imposed to her.

Participant E1: (Cleaner)

If they have deducted my money why should they also give me another sanction because already they have made me feel the pain by deducting my salary, It is not appropriate because if they do both they are just destroying me and killing me.

5.3.1.1 Overview of Theme 1

In essence, the foremost reason for determining the participants knowledge, perceptions and experiences regarding disciplinary codes, was to assess the nature of employer-employee relations at Nkhensani Hospital. In this regard, the interviews revealed there was a general sense of knowledge of disciplinary codes. However, it was the definition of “misconduct” and application of disciplinary processes that showed different levels of understanding of the applicable processes in the event of a violation of the workplace rules and regulations.

This theme then highlights that, despite their general understanding of the disciplinary code, managers, supervisors, trade union representatives (shop stewards) and rank-and-file employees at the research site, there was no common understanding on the application of disciplinary processes and procedures for acts such as absenteeism and misconduct in accordance with the DPSA's regulations. There is evidence that managers and supervisors (who are expected to implement the DC&P, lacked the requisite skills and knowledge. On the other hand, managers, supervisors, human resources management, trade unions and employees do not have a common understanding on *which* types of disciplinary actions are suitable for *which* types or forms of misconduct.

On the whole, the participants' responses indicate that there is unanimity on the need for disciplinary measures to be applied when an employee has transgressed on the rules and regulations of the institution. *How* to implement the available rules, was the problem. According to Annexure A of DC&P Resolution 1 of 2003, an employee will be guilty of misconduct if he or she contravenes an Act, regulation or legal obligation. According to Ramodike (2019), an employee charged with absenteeism should be corrected by means of counselling, warnings, and the 'no work no pay' principle should be applied. Most of the participants held the view that absenteeism (being absent from work for 1 to 29 days without authorisation) should be punishable by leave without pay and another sanction. Some disagreed, and believed that the principle of 'no work no pay' and other sanctions depended on other circumstances. On the other hand, some participants believed the 'no work no pay' principle and another sanction was a 'double' punishment for an employee. The proponents of workers' rights (labour unions) unequivocally pronounced that employees had the right to be represented in a fair hearing, notwithstanding the nature of the transgression.

5.3.2 Theme 2: Employee Capacitation

In terms of the employer-employee relations aspect of the study, it was important for the individual interviews to reveal the extent of employees' state of awareness, readiness or preparation to function as knowledgeable and productive members in the workplace, especially in the sphere of discipline (Khan & Khandator, 2016; Matland, 1995). In fact, some supervisors do not have confidence, and rely on labour unions to obtain information on disciplinary matters. In this regard, employee capacitation also emerged as an important theme, as expressed in the following excerpts:

Participant A2: (Supervisor, Logistics)

I think it's important for every employee to be 'workshopped' on disciplinary procedures, conduct because the purpose of discipline is to correct and then therefore people must be taught before you start now and try to give sanctions you need to correct this people maybe actually to teach them to train them so that tomorrow if they continue to do it you will say remember I told you about this thing so there won't be any excuse why you are not complying because you will know you have been taught.

Participant B2: (Supervisor, Occupational Therapy)

They should conduct these trainings once in six months or once in a year because I think once in five years ahhh that is not right because we have so many misconduct cases at work.

Participant C2: (Supervisor, Professional Nurse)

It is that when I am at fault with management I go to the union and ask them how to handle issues and also ask that which I am doing is it right or not.

Participant D2: (NEHAWU Representative)

Every employee should first be trained and taught what type of behaviour is expected of him and what behaviour is not accepted.

Participant E2: (Supervisor, Dietetics)

For newly appointed it should be done during orientation they should know from the start that this is how we are supposed to work.

5.3.2.1 Overview of theme 2

The need for training was irrefutable stated during the individual interviews. The participants believed that most of the misconduct cases that were happening at the hospital were caused by lack of knowledge of disciplinary codes by the employees. Most of the participants expressed the need for management to ensure regular in-service training and workshops were conducted in order to enhance all employees' knowledge of the disciplinary codes and procedures. Executive management, supervisors, trade unions and employees strongly believed that in-service training of all employees should be conducted on a regular basis. Bendix (2019: 259) argues that the capacitation of employees on disciplinary codes of conduct will ensure that employees will have certainty regarding the type of treatment they receive, and management representatives obtain certainty about their actions and decisions.

Supervisors lambasted managers for poor programmes that teach/educate employees on a regular basis, which would instil corrective behaviour and attitudes, instead of just implementing disciplinary sanctions. It also emerged that training sessions conducted at the hospital were insufficient and mostly occurred during orientation.

The employee capacitation theme also implies that management, supervisors as implementors of DC&P and trade unions are not capacitated on implementation of DC&P. From the perspective of the study, a thematic correlation was established between all themes. For instance, theme 1 (knowledge of disciplinary codes and procedures, theme 2 (employee capacitation), and theme 3 (coalitions). In theme 1, it was established that some supervisors were not knowledgeable on application of the disciplinary codes and procedures relating to absenteeism, for instance. In theme 2, it was established that some supervisors were not trained on disciplinary codes and procedures. Hence, so many misconduct cases in the hospital.

In theme 5, a participant indicated that she relies on labour for information, whereas she is expected to implement the disciplinary codes and procedures on employees reporting to her. This implies that supervisors do not have capacity to carry DC&P, therefore, this has negative impact on implementation of DC&P.

5.3.3 Theme 3: Inconsistency and Unfairness

“I doubt if there is fairness, its’ not consistent, it’s not fair”. This statement by one of the participants during the interview sessions addresses the above theme most comprehensively. It is apparent that inconsistency, injustice and unfairness are all workplace practices that are not consistent with both the Constitution and the Labour Relations Act (1995 as amended). Compared to other themes, theme 3 is arguably one that revealed the greatest level of dissatisfaction among employees. The following statements reflect on the participants’ experiences and views in the latter regard:

Participant A3: (Supervisor, Professional Nurse)

Managers should appreciate when employees have performed and also to treat us equally and treat us the same, they should not choose that these ones belong this side then we will treat them this way and these other ones belong to these side then lets not oppress them, they should treat us the same.

Participant B3: (Executive Management)

I think Nkhensani hospital they deal with the person depending on who they don’t deal with the same thing to people, it depends who you are then when you are someone that they don’t like that much then they process something fast but I had several cases for other people it was processed fast but for other ones it was not processed that fast. Then I cannot say there is consistency.

Participant C3: (Nurse, Operations Manager)

There is a lot of unfairness lack of confidence which could be caused by lack of knowledge because they don’t understand that they are supervisors and they need to instil discipline and they are afraid.

Participant D3: (Supervisor, Operations Manager)

I won’t say it is very much fair and consistent yeah working in the rural hospital where most of the people are relatives so usually there is a lot of unfairness when it comes to discipline.

Participant E3: (Supervisor, Logistics)

In a hospital the way it is being conducted because at times even the information is not confidential, you hear the issues of people who are being subjected to a disciplinary hearing you also hear the evidence, the information that is coming out yet this is supposed to be confidential yet the people that you hear are supposed to be conducting this thing.

Participant F3: (Supervisor, Logistics)

No it’s a problem the way we handle things, because really if we respect, I know I know we make mistakes im a person if you handle my things with respect I know you are not doing it for yourself you are doing it for the institution, but if you in the meantime im listening and you are subjecting me to the hearing and on the other side you are leaking the information its not right.

5.3.3.1 Overview of theme 3

From the researcher's perspective, the variables entailed in this theme are centrally located within the implementation process of DC&P at the research site. The disciplinary process and its implementers is fraught with allegations (by supervisors) of unfairness and inconsistency in the implementation of the DC&P. The supervisors also reflected that executive managers did not treat employees equally, favouring some employees over others. Such practices implied that discipline was implemented inconsistently in the hospital.

Some executive managers also felt that discipline is not consistently applied in the hospital, their view was that human resources management unit did not implement 'no work no pay' documents equally as others were delayed. Most participants raised concerns with the unfair and unethical manner in which of the DC&P was being implemented at the research site. For instance, there was no confidentiality of disciplinary hearings and their outcomes and some employees were being oppressed instead of being disciplined. Supervisors viewed executive management as unfair because some of them did not apply disciplinary measures against their subordinates because they are related.

5.3.4 Theme 4: Poor Coordination in the Context of DC&P Implementation

The theme of poor coordination derives from the need to further establish the extent of the DC&P's implementation processes. The need is even greater, considering that there was no unanimity on the knowledge and understanding of disciplinary processes. Amidst accusations of unequal treatment of transgressors, poor coordination is therefore an essential factor for investigation. Furthermore, authors such as Burger (2015: 16) intimate that any disjuncture in any policy implementation process leads to failure in the system. Therefore, senior management's dependence on middle managers is not only a manifestation of the top-down approach, but also a potential threat and cause for a possible breakdown and confidence in the system. The following statements reflect on the participants' views regarding the nature or level of coordination in the implementation of the DC&P in particular:

Participant A4: (Supervisor, Clinical)

[Senior] management depends so much on these middle managers to go and sort issues with employees.

Participant B4: (Supervisor, Clinical)

That our management are pushing into the throat of managers issues of the hospital and letting managers to go and sort themselves out, rarely do you see them calling mass meetings whereby management interact directly with employees in issues so if employees are taken on board on broader basis and not heads of sections being pushed so much to go and send resolutions.

Participant C4: (Professional Nurse)

They conduct meetings it is just that we don't know what they are discussing. We just hear that management and unions had meetings.

Participant D4: (Executive Management)

Involving labour organisations in other words workplace forums so that relevant and right information can be disseminated to the employees.

Participant E4: (Supervisor, Logistics)

So far I think there is a good working relationship although I am in there but I know that once there is workplace peace ehh grievances are handled properly without embarking on strike go slow or something it tells you that there is a relationship the leadership of the hospital and the leadership of the union they understand each other.

Participant F4: (Supervisor, Operations Manager)

When you try to correct that person, he or she will say you will do that but management will protect me so sometimes is difficult.

5.3.4.1 Overview of theme 4

Some of the participants held the view that there is mutual respect between managers and lower-level employees, whilst others held a contrary view. Those who believed in the existence of mutual respect (therefore, cooperation) believed that applying disciplinary procedures towards offenders ensured mutual respect. Some of the participants (supervisors) felt they were coerced to implement decision on their subordinates. Other supervisors felt executive management were not receptive to any decision by supervisors that opposed their (management) decisions taken to discipline an employee. Lack of mutual respect is inimical to managers' core responsibility of ensuring feedback on employee performance, acting with integrity and consistency, and keeping employees content within the framework of the organisation's policy and contractual obligations (Nel et al., 2008: 272).

The level of poor interaction between executive management and employees was again shown by executive managers' reliance on labour unions to disseminate information. Information entrusted to supervisors and unions for the benefit of employees, did not always reach them (employees). Some participants indicated that they did not even know about some of the issues being discussed in the workplace forum. The state of poor coordination between management, supervisors and employees shows they are not speaking in one voice, to the extent that supervisors felt the need for workplace 'mass meetings' where executive management communicates new developments with all employees. The supervisors also felt that management was not committed to instilling discipline in the hospital (workplace).

5.4 Findings

From the interviews conducted at the research site with a heterogeneous sample of employees in various organisational levels, it is evident that the implementation process of the disciplinary codes and procedures are highly questionable. There are areas in which participants agreed, but even more areas in which there were vastly polarised views on any number of issues, depending on DC&P is not implemented as designed. Based on this critical realisation, the following findings were made:

5.4.1 Finding 1: Insufficient Knowledge of Disciplinary Codes and the DC&P

While there were some areas of agreement in some workplace-related issues, there were even more other issues in which participants held vastly polarised views, depending on their rank and level in the organisation. However, there was very little disagreement regarding knowledge of disciplinary codes, processes, procedures and implementation. This has resulted in many other problems, such as accusations of favouritism. Policy implementation requires adequately qualified, well trained, responsible and motivated personnel; all of which provide the necessary architecture for effective service delivery (Ali, 2018: 322). It is therefore concluded that untrained managers and supervisors do not have the required capacity to carry out DC&P as it was designed.

5.4.2 Finding 2: Poor Coordination and Collaboration

Effective coordination plays a critical in implementation (Park & Jones, 2010: 144). At the research site, a considerable degree of poor communication, coordination and collaboration was found to exist at all organisational levels; leading to unethical and counter-productive practices such as working relationship among departments and agencies within the same organization (Cloete et al.,2018: 212). The lack of coordination between executive management and the employees is a cause for concern because of the practice of ‘delegated authority’ by executive management to middle managers and trade unions. Poor communication has ‘radicalised’ employees to the point of calling for ‘mass meetings’ as compensatory means for being left clueless about workplace developments, even on issues affecting them directly.

Better public policy communication contributes to transparency and good governance in terms of increasing stakeholder engagement which could directly enhance organizational legitimacy and mutual respect (Cloete et al., 2018: 212). From the point of view of the study, the contradictory nature of collaborations at the research site may produce unintended consequences. On the one hand, there is a conducive working relationship between management and labour unions, which is positive. On the other, the very same management has a poor record of communicating with its own employees. As such, fertile grounds for conspiratorial beliefs could fuel the anger of the workforce; whether or not such beliefs have been proved to be correct.

5.4.3 Inconsistent and Unfair DC&P Implementation

Inconsistent and unfair implementation of the DC&P appears to be a reality for most employees at the research site. Employees found guilty for the same offence were treated differently by management. Inconsistent application of disciplinary actions creates lack of trust between managers and employees, which is counterproductive to an organisation. Cole (2006, cited in Dzambiri, 2016: 41), states that the advantages of a consistent disciplinary procedure is that it stabilises the workforce, minimizes labour turnover, and promotes productivity.

While the need for disciplinary measures and implementation of DC&P was acknowledged, it is the manner of its unfair application that employees found to be irksome, including: lack of confidentiality and privacy in handling disciplinary matters, favouritism, and inadequate employee awareness programmes on expected standards of behaviour before issuing sanctions. All of these concerns are not consistent with substantive and procedurally fair employer-employee practices (Knight & Ukpere, 2014: 590).

5.5 Conclusion

Implementation of disciplinary measures is an important responsibility for those entrusted with its effective outcomes (Knight & Ukpere, 2014: 595). Unless such responsibility is taken seriously, the image of the hospital could suffer irreparable image in the eyes of the public and society as a whole. Collectively, the main findings emanating from the interviews with the hospital's various stakeholders have established that the implementation of the DC&P is hindered by a variety of factors, key of which are: lack of knowledge, poor or unavailable training opportunities, as well as poor collaboration and communication. Internal and external measures of improvement plans should not focus on implementation only, but foster and inculcate the culture of mutual respect, which should serve as a form of intrinsically generated discipline.

CHAPTER 6

MAIN CONCLUSIONS, RECOMMENDATIONS AND STUDY LIMITATIONS

6.1 Introduction

The previous chapter provided and discussed details of the collected data (from the participants' perspectives) and its thematically analysed outcomes (from the researcher's perspective), from which the evidentiary framework, conclusions and recommendations of the study were established (Corti et al., 2014: 29; Lewin, 2011: 220). As explained in Section 1.11 (outline of chapters), the current chapter predominantly presents the main conclusion and recommendations based on the findings that emanated from the previous chapter. The chapter also takes account of any possible limitations of the study that may have occurred during the entire research process. Therefore, the structure of the current chapter is a logical representation of the conceptual linkages of the core units of analysis in this study; namely, the research problem, the research question and objectives, including the data collection and its consequent analysis methods and processes (Creswell, 2014: 67); Kumar, 2012: 120).

6.2 Main Conclusions

The study drew its conclusions principally from both its findings, main purpose and specific objectives. Whereas the purpose and objectives of the study highlight the varying degrees of the eventual intentions of the researcher in undertaking this study, the findings are fundamentally the ultimate outcome of those intentions (De Vos et al., 2012:205). The overall aim/ intention of this study was to explore, describe and evaluate the extent of implementation of disciplinary codes of conduct and procedures at Nkhensani Hospital. In this regard, the ultimate findings became the product of the researcher's review of relevant literature and documents (for theoretical/ abstract policy-related data and information), culminating in the empirical data collection with selected research participants.

The review of literature from multiple sources and perspectives was profoundly instrumental in providing, amongst others, the requisite background pertaining to world best practices in the application and implementation of workplace disciplinary measures in the context of country-specific legislative framework. In the case of South African employer-employee relations, such legislative framework derives from the Constitution and the Labour Relations Act (No. 66 of 1995 as amended) as two of the foremost pillars from which the DC&P derives its strength and support. It was on the basis of the empirical orientation of the study's research methods (through in-depth individual interviews), that the ensuing results/ evidence from which the conclusions entailed in this chapter were based.

6.2.1 Main Conclusions Concerning the Key Findings

In tandem with both its main purpose of exploring, describing and evaluating *implementation* of disciplinary measures (in the context of the DC&P) at Nkhensani Hospital and the resultant findings, this study's overall conclusion rests on the apparent lack, or inadequate implementation of the broad DC&P measures together with the available organisational (Nkhensani Hospital) rules and regulations. Therefore, the implementation factor constitutes the pivotal premise on which the main conclusion of the key findings were arrived at in this study. The 'implication factor' is of particular importance to the study. The improper application or implementation of disciplinary codes (i.e. implementation gaps) have the potential to result in organisational paralysis (Bryman & Bell, 2015: 202; Park & Jones, 2010: 144); especially in the legally prescribed policy environment of the DC&P. Against this background, the main evidence-based conclusion concerning implementation (or non-implementation) of disciplinary codes at Nkhensani Hospital, permeated to the main conclusions derived from the study purpose and objectives as articulated in the next session.

6.2.2 Main Conclusions Concerning the Study Purpose and Objectives

As articulated respectively in Sections 1 and 6 (pp. 4-5) in this study, both the research aim/purpose and objectives are cohesively bound to 'the implication factor' of disciplinary codes and procedures at Nkhensani Hospital. In this regard, Table 5.4 (p. 50) in this study encapsulates the key findings from which the main conclusions on the study's objectives were thematically generated and articulated. In addition, Addendum 6 the framework of superordinate themes on whose account the themes in Table 5 were generated. Accordingly, the three study objectives constitute the indispensable points of reference in their respective orientation to various aspects of the study.

6.2.2.1 Conclusions on Objective 1

The first objective of the study was: To explore, identify and describe the disciplinary codes and procedures from the participants' perspectives in order to determine the purpose, principles and processes of the disciplinary codes and procedures in Nkhensani Hospital.

With particular reference to Table 5.4 and Addendum 6, the attainment and realisation of of the above objective has been fully achieved. The utilisation of the in-depth interview mode has provided a participant perspective of all the findings established in this study. Authors such as Donley and Graueholz (2012: 39) and Eriksson and Kovalainen (2008: 156) support the perspective of ethnographic qualitative studies as the more reliable methods of obtaining participant's views regarding their experiences of the investigated phenomenon. Hence, the participant orientedness of the study's data collection methods was also central to all the study objectives and conclusion derived from Table 5.4 apply to the second objective of the study.

In the context of the first objective, several thematically derived perspectives yielded important findings as follows:

- **Insufficient knowledge and skills relating to disciplinary codes and procedures**

The very incumbents (supervisors and managers) on whose shoulders rested the responsibility of implementing disciplinary codes and procedures, were found to lack proper knowledge and understanding. Consequently, other problems flowed from this main challenge. Hospital employees also showed lack of understanding of the consequences of the acts of misconduct.

- **Mutual respect between managers and employees**

Flowing from the lack of proper and sufficient knowledge, various forms of malpractices were observed (e.g. favouritism), resulting in scant mutual respect between management of the hospital and the employees.

- **Inconsistency and unfairness**

Flowing from both the lack of sufficient knowledge and deterioration in inter-personal and professional relations among the workforce, the unfair and inconsistent application of disciplinary measures were perceived as oppressive to others, and of no consequence to others found guilty of committing the same offence/s.

- **Poor communication**

After the lack of relevant or sufficient knowledge, poor communication was arguably the most serious ‘indictment’ against the institution. As indicated earlier the (predominantly top-down) communication was only conducted through supervisors and trade unions, with the ever-present risk of information being distorted. Communication is an integral aspect of the implementation process as it affects capacity, coordination, commitment, content, context and clients and coalition. Better public policy communication contributes to transparency and good governance in terms of increasing stakeholder engagement; thus, directly enhancing organisational legitimacy (Cloete et al., 2018: 212). Poor implementation process of DC&P at the research site is also directly linked to poor communication. The centrality of communication in the implementation process is captured most succinctly in the next objective’s extent of accomplishment.

6.2.2.2 *Conclusions on Objective 2*

The second objective of the study was: To describe the disciplinary policy implementation process as applied in Nkhensani Hospital. Based on its focus on the implementation factor, this objective is also considered as optimally achieved in the study. Implementation of the DC&P at the research site was analysed and determined in the context of the ‘7C protocols’ as described by Brynard (2005: 657), and described in more detail in Section 2.7 (pp. 21-24) in this study. These critical variables, cogently associated with successful policy implementation, are: content; context; commitment; capacity; clients and coalitions; communication; and coordination.

As applying to the institution/ hospital, the “content” of the DC&P clearly articulates its aim and objectives. However, it does not outline anticipated problems and methods to address those problems during implementation. This could perhaps account for the conspicuous lack of knowledge by incumbents (managers and supervisors). The aspect of “capacity” at the hospital clearly shows that there is insufficient capacity for implementation of the DC&P as supervisors did not have sufficient knowledge of disciplinary procedures to be applied and were not trained on DC&P. Administrative capacity is necessary for effective implementation (Brynard, 2005: 19; Najam, 1995: 48; Ali, 2018: 322). Failure in implementation of DC&P as it was intended is directly linked to insufficient capacity of supervisors in the hospital. The aspect of “commitment” at the hospital was indicative of human resources management’s lack of, or below-par commitment on capacitating supervisors and other employees in the sphere of employer-employee relations, particularly on issues of misconduct and discipline. It is not possible to successfully implement policies and procedures if those entrusted with the responsibility are not willing to carry out their responsibility.

As applying to the institution/ hospital, the aspect of capacity, lined to commitment and all other implementation variables, is important for successful implementation in terms of all resources needed to ensure delivery of services (Ali, 2018: 322). Clearly, the hospital is not fully capacitated, given the range and levels of dissatisfaction arising from the participants’ perspectives. In the context of “clients and coalitions”, has been found that there is a good working relationship between management of the hospital and the leadership of the trade unions. The study considers such a coalition as ‘fragile’ as the very “good working relationship” is partisan and not enjoyed by all other employees. Meanwhile, the aspect of “coordination” was found to be superlatively poor, largely induced by factors such as unfairness, inconsistencies, and mutual respect between executive management, supervisors and employees.

The organisational integrity of the hospital could be exposed to severe reputational harm as a direct result of that the executive management ‘outsourcing’ their delegated authority further to middle managers, who, in turn, have a ‘good working relationship’ with trade union leaders (who may inadvertently become *de facto* ‘managers’ or ‘executives’ of the institution. This form of exclusionary coordination translates itself to policy incoherence. These trusted supervisors and labour union representatives entrusted with coordination functions, do not have the required knowledge and capacity to fully carry out the decisions.

In relation to “context”, employer-employee relations exist in a legally protected environment in which both constituencies have rights that may be contradictory at times (e.g. the right to fire and hire, and the employee’s right to appeal decisions taken against them at a discipline hearing). The study is not oblivious to both the social, historical, political and economic contexts of labour

relations in a country whose chequered history is a central tenet of post-apartheid South Africa. Labour unions are viewed by some as the only means by which employees could effectively institute equity and redress, especially by those who were systematically excluded from opportunities and amenities through the orchestration of laws perpetuating racial discrimination. On the other hand, others view the labour movement as anarchist, therefore, organisationally unproductive. The latter perspective could promote discipline as retributive, rather than corrective (Cooke, 2006: 690).

6.2.2.3 Conclusions on Objective 3

The third and last objective of the study was: To make appropriate recommendations regarding proper implementation of the disciplinary codes of conduct and procedures as originally intended in Nkhensani Hospital. The recommendations section below are a depiction of the comprehensive attainment of this objective in terms of the centrality of the 'implementation factor' that is in fact resonant throughout the study.

6.3 Recommendations

This section seeks to provide recommendations on factors that could contribute to the successful implementation of DC&P at Nkhensani Hospital. By, in themselves, recommendations are propositions made by the researcher to improve the organisational performance of the institution used as a case study, in this case, Nkhensani Hospital (Yin, 2014: 21). Having considered the different themes discussed in Chapter 5, the following recommendations are proposed

6.3.1 Recommendation 1: Capacity Building/ Employee Capacitation

Imparting proper training, manuals, monitoring and supervision to the frontline implementers can revitalise implementation processes and guard against unintentional non-compliance (Ali, 2008: 325). It is recommended that training of all hospital employees, supervisors, trade union representatives and executive managers on disciplinary code and procedures be conducted at least twice a year.

6.3.2 Recommendation 2: Coordination Improvement

It is recommended that there should be regular contact, cooperation and discussion between workers, trade unions and management in order to determine the boundaries of discipline and its consistent application.

6.3.3 Recommendation 3: Consistent Implementation of Disciplinary Procedures

It is recommended that managers should apply the same rules to all employees that committed similar transgressions. It means that a manager of a particular department should apply similar disciplinary procedures, and that managers of different departments in the same hospital should

use the same procedures for similar transgressions. This can be strengthened through monitoring the DC&P implementation process.

6.3.4 Recommendation 4: Fair Application of Disciplinary Measures

In order to ensure the fair implementation of disciplinary action, supervisors, managers and human resources management should protect employees' confidentiality and privacy. Managers should ensure that employees are aware of disciplinary protocols, and that there is proof of awareness of the rule and the consequences of the breach of the specific rules.

The supervisor should ensure that the balance of probability principle is applied before disciplinary action is taken against any transgressing employee. Furthermore, supervisors should follow step-by-step disciplinary procedures to ensure that employees rights' are not violated.

6.3.5 Recommendation 5: Improved Communication

The Chief Executive Officer of the hospital should ensure that mass meetings are held between executive managers, supervisors, trade unions and employees to ensure proper coordination and communication. Executive managers should also support middle managers in handling difficult misconduct cases. Managers and/ or supervisors should clearly communicate disciplinary codes and procedures to the employees.

6.3.6 Recommendation 6: Applying DC&P Implementation Evaluation

Executive managers should conduct regular implementation evaluation of DC&P in order to identify barriers to implementation in order to determine whether or not disciplinary procedures have been carried out as intended, and to also improve the implementation process.

6.3.7 Recommendation 7: Review of DC&P and Development of Hospital Standard Operating Procedure (SOP) for Discipline Management

It is recommended that DC&P be reviewed at PBCS in order to ensure that its content outlines the anticipated problems and strategies to address such problems. Executive managers should develop institutional standard operating procedures that will address internal hospital challenges.

6.4 Study Limitations

There were no limitations on the scope of the investigation encountered by the researcher. Also, there were no obvious limitations on methods, only that participants could not be accessible easily as some worked even during the lunch hour.

6.5 Future Research/ Further Study

Hospitals are places for the provision of essential health care services. The current socio-economic context of health care provision is almost volatile, with health care workers and practitioners in places such as Limpopo Province uncertain of future employment due to resource

constraints experienced by both provincial and national health care authorities. Labour action is most likely to occur in such situations, to the detriment of patients and society in general. It would be highly beneficial to further investigate the training of labour representatives such that their roles are immunised from politicisation. The role of hospital executives and managers in dispute resolution is also an area for further study. This is based on the growing litigation cases against hospital management in the country arising from ‘unfair dismissals’.

6.6 Conclusion

The study has achieved its originally stated intentions. This was achieved through the literature review and analysis of legislative frameworks supporting DC&P. Data collection was conducted through individual interviews of hospital management, supervisors, labour unions and employees as an instrument of data collection.

Based on its findings, main conclusions and recommendations, the study is then considered as having made a contribution to the body of knowledge in policy development and implementation, as well as health care human resources management, and collective bargaining. From the researcher’s point of view, such eclectically (trans-disciplinarily) derived knowledge perspectives render the study useful for further postgraduate study in the development and functioning of health care institutions in particular.

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Addendum 1: Stellenbosch University Ethical Clearance



APPROVED WITH STIPULATIONS

REC: Social, Behavioural and Education Research (SBER) - Initial Application Form

30 October 2019

Project number: REC-2019-9125

Project title: An evaluation of implementation of disciplinary code and procedure policy

Dear Miss Ruth Shihumani

Your REC: Social, Behavioural and Education Research (SBER) - Initial Application Form submitted on 23 October 2019 was reviewed by the REC: Humanities and approved with stipulations.

Ethics approval period:

Protocol approval date (Humanities)	Protocol expiration date (Humanities)
30 October 2019	29 October 2022

PLEASE RESPOND TO THE FOLLOWING STIPULATIONS:

The researcher may proceed with the envisaged research provided that the following stipulations, relevant to the approval of the project are adhered to or addressed:

1) The researcher has not responded to point nr. 7 about the informed consent form: References to “moderate risk” in the informed consent form should be amended to reflect either a low or medium risk level (depending on the researcher’s responses to the issues raised by the REC earlier). [RESPONSE AND ACTION REQUIRED]

HOW TO RESPOND:

Some of these stipulations may require your response. Where a response is required, you must respond to the REC within **three (3) months** of the date of this letter. Your provisional approval will be withdrawn automatically should your response not be received by the REC within 3 months of the date of this letter.

For instructions on how to respond to these stipulations, please download the FAQ on how to edit your application and follow the steps carefully: [HOW TO RESPOND TO REC FEEDBACK](#).

Where revision to supporting documents is required, please ensure that you replace all outdated documents on your application form with the revised versions.

Please take note of the General Investigator Responsibilities attached to this letter. You may commence with your research after complying fully with these guidelines.

If the researcher deviates in any way from the proposal approved by the REC: Humanities, the researcher must notify the REC of these changes.

Please use your SU project number (9125) on any documents or correspondence with the REC concerning your project.

Please note that the REC has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

FOR CONTINUATION OF PROJECTS AFTER REC APPROVAL PERIOD

Please note that a progress report should be submitted to the Research Ethics Committee: Humanities before the approval period has expired if a continuation of ethics approval is required. The Committee will then consider the continuation of the project for a further year (if necessary)

Included Documents:

Document Type	File Name	Date	Version
Request for permission	Request to conduct interviews	12/08/2019	pdf
Informed Consent Form	R. Shihumani informed Consent form	04/09/2019	Word
Recruitment material	Recruitment material R. Shihumani	05/10/2019	Word
Request for permission	Request to conduct interviews	05/10/2019	PDF
Default	Shihumani R.request for interviews	05/10/2019	PDF
Data collection tool	R. Shihumani interview guide revised	07/10/2019	Word
Research Protocol/Proposal	R. Shihumani 15561550 proposal 2019 final	23/10/2019	Word
Default	TEMPLATE FOR RESPONSE LETTER	23/10/2019	Word

If you have any questions or need further help, please contact the REC office at cgraham@sun.ac.za.

Sincerely,

Clarissa Graham

REC Coordinator: Research Ethics Committee: Human Research (Humanities)

*National Health Research Ethics Committee (NHREC) registration number: REC-050411-032.
The Research Ethics Committee: Humanities complies with the SA National Health Act No.61 2003 as it pertains to health research. In addition, this committee abides by the ethical norms and principles for research established by the Declaration of Helsinki (2013) and the Department of Health Guidelines for Ethical Research: Principles Structures and Processes (2nd Ed.) 2015. Annually a number of projects may be selected randomly for an external audit.*

REC Coordinator: Research Ethics Committee: Human Research (Humanities)

*National Health Research Ethics Committee (NHREC) registration number: REC-050411-032.
The Research Ethics Committee: Humanities complies with the SA National Health Act No.61 2003 as it pertains to health research. In addition, this committee abides by the ethical norms and principles for research established by the Declaration of Helsinki (2013) and the Department of Health Guidelines for Ethical Research: Principles Structures and Processes (2nd Ed.) 2015. Annually a number of projects may be selected randomly for an external audit.*

Investigator Responsibilities

Protection of Human Research Participants

Some of the general responsibilities investigators have when conducting research involving human participants are listed below.

1. Conducting the Research. You are responsible for making sure that the research is conducted according to the REC approved research protocol. You are also responsible for the actions of all your co-investigators and research staff involved with this research. You must also ensure that the research is conducted within the standards of your field of research.

2. Participant Enrollment. You may not recruit or enrol participants prior to the REC approval date or after the expiration date of REC approval. All recruitment materials for any form of media must be approved by the REC prior to their use.

3. Informed Consent. You are responsible for obtaining and documenting effective informed consent using **only** the REC-approved consent documents/process, and for ensuring that no human participants are involved in research prior to obtaining their informed consent. Please give all participants copies of the signed informed consent documents. Keep the originals in your secured research files for at least five (5) years.

4. Continuing Review. The REC must review and approve all REC-approved research proposals at intervals appropriate to the degree of risk but not less than once per year. There is **no grace period**. Prior to the date on which the REC approval of the research expires, it is **your responsibility to submit the progress report in a timely fashion to ensure a lapse in REC approval does not occur**. If REC approval of your research lapses, you must stop new participant enrollment, and contact the REC office immediately.

5. Amendments and Changes. If you wish to amend or change any aspect of your research (such as research design, interventions or procedures, participant population, informed consent document, instruments, surveys or recruiting material), you must submit the amendment to the REC for review using the current Amendment Form. You **may not initiate** any amendments or changes to your research without first obtaining written REC review and approval. The **only exception** is when it is necessary to eliminate apparent immediate hazards to participants and the REC should be immediately informed of this necessity.

6. Adverse or Unanticipated Events. Any serious adverse events, participant complaints, and all unanticipated problems that involve risks to participants or others, as well as any research-related injuries, occurring at this institution or at other performance sites must be reported to Malene Fouche within **five (5) days** of discovery of the incident. You must also report any instances of serious or continuing problems, or non-compliance with the REC's requirements for protecting human research participants. The only exception to this policy is that the death of a research participant must be reported in accordance with the Stellenbosch University Research Ethics Committee Standard Operating Procedures. All reportable events should be submitted to the REC using the Serious Adverse Event Report Form.

7. Research Record Keeping. You must keep the following research-related records, at a minimum, in a secure location for a minimum of five years: the REC approved research proposal and all amendments; all informed consent documents; recruiting materials; continuing review reports; adverse or unanticipated events; and

contact the REC office immediately.

5. Amendments and Changes. If you wish to amend or change any aspect of your research (such as research design, interventions or procedures, participant population, informed consent document, instruments, surveys or recruiting material), you must submit the amendment to the REC for review using the current Amendment Form. You **may not initiate** any amendments or changes to your research without first obtaining written REC review and approval. The **only exception** is when it is necessary to eliminate apparent immediate hazards to participants and the REC should be immediately informed of this necessity.

6. Adverse or Unanticipated Events. Any serious adverse events, participant complaints, and all unanticipated problems that involve risks to participants or others, as well as any research-related injuries, occurring at this institution or at other performance sites must be reported to Malene Fouche within **five (5) days** of discovery of the incident. You must also report any instances of serious or continuing problems, or non-compliance with the REC's requirements for protecting human research participants. The only exception to this policy is that the death of a research participant must be reported in accordance with the Stellenbosch University Research Ethics Committee Standard Operating Procedures. All reportable events should be submitted to the REC using the Serious Adverse Event Report Form.

7. Research Record Keeping. You must keep the following research-related records, at a minimum, in a secure location for a minimum of five years: the REC approved research proposal and all amendments; all informed consent documents; recruiting materials; continuing review reports; adverse or unanticipated events; and all correspondence from the REC

8. Provision of Counselling or emergency support. When a dedicated counsellor or psychologist provides support to a participant without prior REC review and approval, to the extent permitted by law, such activities will not be recognised as research nor the data used in support of research. Such cases should be indicated in the progress report or final report.

9. Final reports. When you have completed (no further participant enrollment, interactions or interventions) or stopped work on your research, you must submit a Final Report to the REC.

10. On-Site Evaluations, Inspections, or Audits. If you are notified that your research will be reviewed or audited by the sponsor or any other external agency or any internal group, you must inform the REC immediately of the impending audit/evaluation.

Addendum 2: Request to Conduct Study at Nkhensani Hospital

Copy to
services
25/11/2019

P. O Box 1799
Giyani
0826
18 November 2019

To: The Chief Executive Officer
Nkhensani Hospital
Private Bag x 9581
Giyani
0826


Subject: Request for permission to conduct a research study at Nkhensani hospital

In partial fulfilment of the requirements for the degree of Master of Public Administration, I Ruth Shilumani am conducting a research on the topic: An evaluation of the implementation of Disciplinary code and procedures at Nkhensani hospital. I am a student at Stellenbosch University and am in the process of gathering data through individual interviews.

Regarding this issue I would like to ask for permission to conduct interviews at Nkhensani hospital. All interviews will be conducted during lunch hour and the researcher will observe all ethical requirements and will not interfere with the hospital activities. Ethical clearance has been sought from Stellenbosch University and Limpopo Province Department of Health (see attachments).

Your consideration will be highly appreciated

Regards


Ms. R. Shilumani

25/11/2019
Date

Addendum 3: Permission Request to Limpopo Provincial Department of Health



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

Department of Health

Ref : LP-201911 - 001
Enquires : Ms PF Mahlokwane
Tel : 015-293 6028
Email : Kurhula.Hlomane@dhsd.limpopo.gov.za

Ruth Shilumanl

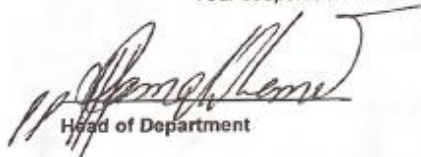
PERMISSION TO CONDUCT RESEARCH IN DEPARTMENTAL FACILITIES

Your Study Topic as indicated below;

An evaluation of implementation of disciplinary code of conduct and procedure policy at Nkhensani hospital.


1. Permission to conduct research study as per your research proposal is hereby Granted.
2. Kindly note the following:
 - a. Present this letter of permission to the institution supervisor/s a week before the study is conducted.
 - b. In the course of your study, there should be no action that disrupts the routine services, or incur any cost on the Department.
 - c. After completion of study, it is mandatory that the findings should be submitted to the Department to serve as a resource.
 - d. The researcher should be prepared to assist in the interpretation and implementation of the study recommendation where possible.
 - e. The approval is only valid for a 1-year period.
 - f. If the proposal has been amended, a new approval should be sought from the Department of Health
 - g. Kindly note that, the Department can withdraw the approval at any time.

Your cooperation will be highly appreciated


Head of Department


Date

Addendum 4: Permission to Conduct Study at Nkhensani Hospital

**LIMPOPO**
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

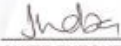
DEPARTMENT OF HEALTH
NKHENSANI DISTRICT HOSPITAL
Private Bag X9581
Giyani, 0826
Tel: (015) 811 7300
Fax: (015) 812 2461

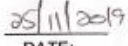
Ref: S5/16/2
Enq: Mathebula K.D
Date: 25 November 2019

TO: Ms Ruth Shilumani

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH ON AN EVALUATION OF IMPLEMENTATION OF DISCIPLINARY CODE OF CONDUCT AND PROCEDURE POLICY AT NKHENSANI HOSPITAL

1. It is with pleasure to inform you that your request for the aforementioned study has been approved at Nkhensani District Hospital.
2. The approval of your research study is subject to the following conditions:
 - a. During the course of your research study, there should be no action that disrupt the routine services, or incur any cost on the hospital.
 - b. Upon completion of your study, you should be prepared to assist in the interpretation and implementation of the study recommendation where possible.
 - c. After completion of study, it is mandatory that the findings should be submitted to the Department of Health to serve as a resource.
3. You should liaise with the Office of the Chief Executive Officer (CEO) as and when you intend to start research study.
4. Your cooperation is always appreciated


CHIEF EXECUTIVE OFFICER


DATE:

Addendum 5: Interview Guide



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
jou kennisvenoot • your knowledge partner

STELLENBOSCH UNIVERSITY

INTERVIEW GUIDE/PROTOCOL, OR AIDE-MEMOIRE

My name is Ruth Shilumani, a student at the Stellenbosch University, and would like to thank you once again for your willingness to participate in the interview aspect of my study. As I have mentioned to you before, my study seeks to understand how disciplinary codes of conduct and procedures are implemented at Nkhensani Hospital. The aim of this research is to determine whether the Disciplinary code and procedures is implemented as designed. Our interview today will last approximately one hour during which I will be asking you about your knowledge and understanding of the Disciplinary code and procedures, how it is implemented and how you critique its implementation at Nkhensani Hospital.

RIGHTS OF RESEARCH PARTICIPANTS:

You have the right to decline answering any questions and you can exit the survey at any time without giving a reason. Any information shared during this interview that could possibly identify you as a participant will be protected. This will be done by ensuring that all your responses will remain anonymous and confidential. Are you still ok with me recording (or not) our conversation today? ___Yes ___No

If yes: Thank you! Please let me know if at any point you want me to turn off the recorder or keep something you said off the record.

If no: Thank you for letting me know. I will only take notes of our conversation.

Before we begin the interview, do you have any questions? If any questions (or other questions) arise at any point in this study, you can feel free to ask them at any time. I would be more than happy to answer your questions. Please note there are no right or wrong answers.

Interview Questions

SECTION A: KNOWLEDGE ABOUT DISCIPLINARY CODE

- 1.1 In your own understanding what is misconduct?
- 1.2 What are other acts of misconducts?
- 1.3 What is the difference between minor offences and major offences?
- 1.4 Is assaulting your colleague outside work an act of misconduct?
- 1.5 Follow-up question: May you elaborate further, when is an assault an act of misconduct?
- 1.6 Have you been trained on Disciplinary code and procedures?
- 1.7 When were you trained on Disciplinary code and procedures, during orientation or during probation period or after full time employment?
- 1.8 How often do you receive training on Disciplinary code and procedures? In your own understanding, what other measures can be used to apply Disciplinary code and procedures in a fair and equitable way?
- 1.9 What will be your recommendation on Disciplinary code and procedures awareness?

2. SECTION B: KNOWLEDGE ABOUT DISCIPLINARY PROCEDURES

- 2.1 In your own understanding what corrective measures should be applied when an employee has been absent without authority?
- 2.2 Is it correct to charge an employee with no work no pay and other sanctions for absenteeism? Motivate your answer.
- 2.3 Does precautionary suspension include suspension without pay?
- 2.4 In a disciplinary hearing, what are the rights of an employee?
- 2.5 In your own words, what are disciplinary procedures?
- 2.6 What type of misconducts qualifies for verbal warning?
- 2.7 What type of misconducts qualifies for dismissal?

3. SECTION C: KNOWLEDGE ABOUT IMPLEMENTATION PROCESSES

- 3.1 What measures does Nkhensani hospital management apply to ensure that:
 - 3.1.1 The implementation and enforcement of disciplinary process is prompt, fair and consistent?
 - 3.1.2 The implementation of the disciplinary process is in a manner that promote mutual respect between employees and employer (management)?
 - 3.1.3 The implementation of the disciplinary process is in a manner that promote efficient service delivery in the hospital?
 - 3.1.4 The implementation of the disciplinary process is in a manner that correct unacceptable behaviour?
- 3.2 How do trade unions participate in management of disciplinary issues in the hospital?
- 3.3 How is management interacting with trade unions in the hospital to realise sound labour relations?

ADDENDUM 6: SUPERORDINATE THEMES AND CATEGORIES

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>1.omission or commission by an employee who is employed. 2. come late to work. 3.dishonesty in government 4.they are not loyal to the prescript 5.sick leave they abuse to counsel that particular employee talk with him or her escalate that to written warning 6.if she perhaps does not change you can escalate it to final written warning until where it can reach formal disciplinary hearing 7.employee beat another employee or steal that one right away is a dismissal that one is a formal hearing 8.Yeah yeah that one is a misconduct because a public employee wherever he or she is represent the employer so you are bringing the name or dignity of the department in to disrepute if you go out or go to taverns and beat people you are a public employee 9.Yes I have attended lots of workshop</p>	<p>1.Come to work late 2. if she perhaps does not change you can escalate it to final written warning until where it can reach formal disciplinary hearing. 3. Yeah yeah that one is a misconduct because a public employee wherever he or she is represent the employer so you are bringing the name or dignity of the department in to disrepute if you go out or go to taverns and beat people you are a public employee. 4. act in a way a ntirhweni (at work) that is not within the prescribed norms and standards ta department (of the department) or of the section. 5. disobeying authority I will give an example isn't that Prayer is not at work she is on leave and she is allocated at Paeds. 6. I think if people fight and you find that it is something that was work related and you held a grudge that I will find him or her at this particular place). 7. minor misconduct may eeh a person comes to work late repeatedly even after communicating with him or her then he or she continues. 8.Major misconduct it can be someone does not do their job, you find the person is at work but does</p>	<p>1. a violation of the rules or procedures that must be adhered to in the workplace. 2. unacceptable behavior in the workplace 3. a verbal warning, a written warning final written warning dismissal financial deprivation. 4. No work no pay 5. if they have deducted my money why should they also give me another sanction because already they have made me feel the pain by deducting my salary, It is not appropriate because if they do both they are just destroying me and killing me</p>	<p>1.Knowledge on code of conduct</p>

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>10.probation they just oriented us on government spheres</p> <p>11.during the cause of my employment of my employment I have been attending to different kinds of workshops for disciplinary hearing employees they need more training or workshop on this policy.</p> <p>12.they must come on people must be reminded, actually perhaps they can be scheduled after three months or six months something like that.</p> <p>13.training should be regular actually there should be a program for all employees, that is where, that's the gap the employer misses yeah yeah.</p> <p>14.act in a way a ntirhwani (at work) that is not within the prescribed norms and standards ta department (of the department) or of the section</p> <p>15.is when u acta against milawu ya mfumo (you againg the regulations of government).</p>	<p>not do his or her job but the services that he or she is rendering cannot be seen that could be a major misconduct.</p> <p>9. unacceptable behavior in the workplace .</p> <p>10. it would be denting the image of the hospital.</p> <p>11. some do not need verbal warning some are fit for dismissal and some maybe a final written warning.</p> <p>12. a violation of the rules or procedures that must be adhered to in the workplace.</p> <p>13. employee decides to stop coming to work without giving reason or alerting their supervisor.</p> <p>14. is an action by an employee which is against the related legislation of that job as well as violating the public service delivery and administration.</p> <p>15. If it is serious like stabbing or using objects those are serious misconduct it is regarded as bodily harm it can be treated as a criminal offence it should be reported to the police.</p> <p>16. disrespecting the supervisor and disrespecting colleagues.</p> <p>17. they say there is a dress code and they say that you have to wear uniform when you come to work and then you decide to wear your own things then it is a misconduct.</p>		

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>16.disobeying authority I will give an example isn't that Prayer is not at work she is on leave and she is allocated at Paeds.</p> <p>17.there are misconducts that can be corrected easily through communication,.</p> <p>18.minor misconduct may eeh a person comes to work late repeatedly even after communicating with him or her then he or she continues.</p> <p>19.Major misconduct ku ng ava ku munhu a nga endli ntirho wa yens, ti service leti a ti renderaku a ti le ku vonakeni (it can be someone does not do their job, you find the person is at work but does not do his or her job but the services that he or she is rendering cannot be seen that could be a major misconduct).</p> <p>20.I think if people fight and you find that it is something that was work related and you held a grudge that I will find him or her at this particular place)</p> <p>21.Yes, I've been trained in the workplace</p> <p>22. person was trained years back but it is not regular, but</p>	<p>18. assault this are serious misconducts with a minimum sanction of dismissal assaults can be physical or sexual and also eehh the serious one and also gross negligence in terms of handling patients the misconducts results into death that is considered a serious misconduct, so the minimum sanction is dismissal.</p> <p>19. Sexual harrassment is just three months without pay.</p> <p>20. fighting at work.</p> <p>21. if it becomes a norm but that I go on lunch I always take 30 minutes extra ehh is no longer a minor now it becomes a major dismissable offence ehh it could be like fraud assaulting your clients, assaulting colleagues stealing falsifying documents intimidate your collegues.</p> <p>22. Written warning, final written warning then dismissal.</p> <p>23. it is not correct for him not be paid, isn't that you placed that person somewhere else and gets there to work it is only done for the purposes of ensuring that he or she does not interfere with the disciplinary processes.</p> <p>24. a verbal warning, a written warning final written warning dismissal financial deprivation.</p> <p>25. No work no pay</p> <p>26. if they have deducted my money why should they also give me</p>		

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>this year we recently had a training but it is something lexi nga nga ri ku (that is not) on an ongoing basis but I myself I think I have been exposed for more than twice to trainings on disciplinary code</p> <p>23.it should be done maybe once a year or once in two years for those who have been in the system, maybe once in two years it should be done because sometimes people tend to forget or relax</p> <p>24.for newly appointed it should be done during orientation they should know from the start that this is how we are supposed to work.</p> <p>25.unacceptable behavior in the workplace .</p> <p>26.major maybe insulting a patient you are still a public servant it is whether you are at work or outside working environment you are still a I think is still the same thing because it affects the image of the institution or the public place.</p> <p>27.It was during full time employment</p>	<p>another sanction because already they have made me feel the pain by deducting my salary, It is not appropriate because if they do both they are just destroying me and killing me</p>		<p>2.Capacity building.</p>

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>they conduct these trainings once in six months or once in a year because I think once in five years ahhh that is not right because we have so many misconduct cases at work.</p> <p>28.a person behaves in a way that is not eeh appropriate and eeh in relation to your work its out of line</p> <p>29.misconduct in my profession maybe I will say forgetting to explain something to a patient major one is not assessing a patient according to the protocol of assessment</p> <p>30.Yes it is because whether it is inside or outside that person the relationship between the two or us is being colleagues.</p> <p>31.it would be denting the image of the hospital</p> <p>32. first time was orientation and later</p> <p>33.when you break the rules of a particular organization or some act.</p> <p>34. people are not coming first you just go for lunch without provisions that when you are on lunch who will be remaining with the patients.</p>		<p>3. they must come on people must be reminded, perhaps they can be scheduled after three months or six months something like that.</p> <p>4. for newly appointed it should be done during orientation they should know from the start that this is how we are supposed to work.</p> <p>5. It was during full time employment</p> <p>they conduct these trainings once in six months or once in a year because I think once in five years ahhh that is not right because we have so many misconduct cases at work.</p>	

2nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>35. major offences like eeh making a falsifying documents , stealing is a major offence.</p> <p>36.Minor offences is just like come back late from lunch.</p> <p>37.Yes it a very serious misconduct as long as we are colleagues eeh no matter where we may be.</p> <p>38.yes we did receive training</p> <p>39.after I have been working</p> <p>40.each and every employee need to be aware of disciplinary procedures</p> <p>41.lack knowledge</p> <p>42.training staff.</p> <p>43.digression from the established way of conduct</p> <p>44. It affecting our working relationship wheter we go to the law we will still drag each other to court and we are colleagues and it is going to affect our performance in the same system that we serve.</p> <p>45.No.</p> <p>46.annual general training where it involves not only managers but the employees</p> <p>47.some do not need verbal warning some are fit for dismissal and some maybe a final written warning</p>		<p>6. Each employee need to be aware of disciplinary procedures</p> <p>7. every employee should first be trained and taught what type of behaviour is expected of him and what behaviour is not accepted.</p> <p>8. workshops or awareness they should be done more often because most people even us professionals sometimes we are ignorant we do not know that this is a misconduct.</p> <p>9. There is a lot of unfairness lack of confidence which could be caused by lack of knowledge because they don't understand that they are supervisors and they need to instil discipline and they are afraid.</p> <p>10.In a hospital the way it is being conducted because at times even the information is not confidential, you hear the issues of people who are being subjected to a disciplinary hearing you also hear the evidence, the information that is coming out yet this is supposed to be</p>	<p>3.Inconsistency & Injustice</p>

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>48.if it is a colleague and you fight outside it draws attention that that issue did not start outside but it is an inside job.</p> <p>49.No, we only taught each other in the ward</p> <p>50.workshop is important</p> <p>51.a violation of the rules or procedures that must be adhered to in the workplace</p> <p>52.late coming</p> <p>53.if I move out earlier than that without having a permission or without applying for eeh part partly day it means you are not following the rules that's misconduct. person can be warned verbally</p> <p>54.the major ones in the workplace eeh sexual harassment</p> <p>55.it cant fall under I don't think it should fall under eeh a misconduct in a workplace it should fall under outside.</p> <p>56.If it happens outside it means you need police to be involved</p> <p>57.I have not been trained but I have done it with UNISA</p> <p>58.people must be taught before you start now</p>	<p>27.that our management are pushing into the throat of managers issues of the hospital and letting managers to go and sort themselves out, rarely do you see them calling mass meetings whereby management interact directly with employees in issues so if employees are taken on board on broader basis and not heads of sections being pushed so much to go and send resolutions.</p> <p>28.management depends so much on this middle managers to go and sort issues with employees</p> <p>29.management shoud sort to get buy in from employees in total and probably as such engage the unions</p> <p>30.working environment sometimes gives employees frustrations</p>	<p>confidential yet the people that you hear are supposed to be conducting this thing.</p> <p>11.I think the way things are being done there is no privacy, there is no confidentiality of information the way is done.</p> <p>12.you cannot say disciplinary processes were free and fair when you have been leaking the information.</p> <p>13.process must be seen to be transparent must be seen to be reliable there must not been questionable</p> <p>14. that our management are pushing into the throat of managers issues of the hospital and letting managers to go and sort themselves out, rarely do you see them calling mass meetings whereby management interact directly with employees in issues so if employees are taken on board on broader basis and not heads of sections being pushed so much to go and send resolutions.</p> <p>15.management depends so much on this middle managers to go and sort issues with employees.</p>	<p>4.Poor engagement between management & employees (subordinates)</p>

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>workshop on the conduct of workers should be compulsory for everybody so that tomorrow should not give excuses that I did not know.</p> <p>59.Every year we should have one or two.</p> <p>60.when a person deviates from the normal conduct that they are expected to behave</p> <p>61.employee decides to stop coming to work without giving reason or alerting their supervisor.</p> <p>62.if they assault each other about their personal lives I wouldn't say it's a misconduct because when you talk about misconduct, we talk about the behaviour that you encounter in the workplace.</p> <p>63.I've never been trained</p> <p>64.I have little information I've read about it from the books when I was studying.</p> <p>65.they must involve all or both parties....</p> <p>66.they must educate them about disciplinary procedures so that if anyone deviates from them, then they will know what are the consequences.</p>		<p>16.workplace forum where the management and unions meet to discuss some things.</p> <p>17. involving labour organisations in other words workplace forums so that relevant and right information can be disseminated to the employees.</p>	<p>5.Coalition</p>

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>67.is an action by an employee which is against the related legislation of that particular job as well as violating the public service delivery and administration.</p> <p>68.minor offences like coming late</p> <p>69. where you beat a patient, it is a major offence.</p> <p>70.Its not a misconduct, it's a criminal offence.</p> <p>71.I don't remember, not really.</p> <p>72.it should start with when an employee is appointed during the induction period that is where the person should be taken through the disciplinary codes and procedures, and on-going sessions for those who are on duty.</p> <p>73.at least yearly a person should have attended once a year.</p> <p>74. when you deviate from eeh right way of doing things it can be ethical or an agreement between an employer and an employee.</p> <p>75.not doing the job that Im supposed to do</p> <p>76.my conduct does not end at the institution, even outside</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>my behaviour outside also counts I think is misconduct.</p> <p>77.During induction and during when I was employed, it was when that workshop</p> <p>78.twice</p> <p>79.we need to have such trainings yearly every year because each and every year we have new employees so I think that yearly workshops are needed.</p> <p>80.anything that is contrary to a conduct of an employee within a prescribe work situation</p> <p>81.assault can be verbal can be physical</p> <p>82.shouting each other in front of a patient</p> <p>83.an assault is a dismissable offence but a due to nature of the way the person was provoked until a person behaves in a misconduct way we look at it through the mitigating factors of the... what causes them to offend that way.</p> <p>84. If it is serious like stabbing or using objects those are serious misconduct it is regarded as bodily harm it can be treated as a criminal</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>offence it should be reported to the police</p> <p>85.where a person loose anger when a person is provoked we try to equate the way the probabilities.</p> <p>86.recommend that no because eeh discipline is a management function so as a manager and eeh the supervisees we need to be engaged fully on the training of this discipline but the I had a session</p> <p>87. a bad behavior form an employer that works in contrary to the vision of the organization</p> <p>88. disrespecting the supervisor and disrespecting colleagues</p> <p>89.There are some that you cannot take action but you can communicate and there are some that you cannot ignore but you need to take an action</p> <p>90.it is still an act of misconduct because it is possible that that which you are assaulting your colleague for might have started at work.</p> <p>91.every employee should first be trained and taught</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>what type of behaviour is expected of him and what behaviour is not accepted</p> <p>92.if I don't show up at work until a month it means that I have dismissed myself.</p> <p>93.it wrong outside and it falls outside so I should be charged outside, but if we fight inside the workplace it is a misconduct and you can be dismissed from work.</p> <p>94.No I have never attended a training, but sometimes there are trainings.</p> <p>95.I have observed to be a challenge is labour relations officer, infact for an institution to be complete there must be a labour relations officer.</p> <p>96.You find that the employer overlooks the rights of the employees so it needs a labour relations officer so he can advice the employer.</p> <p>97.when you refuse to take instructions from your supervisor it's a misconduct</p> <p>98.when you steal is a major misconduct</p> <p>99.minor one it can be something to do something like you dispense something to a patient that you were not</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>supposed to dispense with a full information.</p> <p>100.when you steal or refuse to take instruction is a major one .</p> <p>101. if it is something to do with at home I don't think it can be related to work.</p> <p>102.We were trained during my community service</p> <p>103.as part of continuous training they took us a certain place to a certain place.</p> <p>104.In a workplace they should do in service training on a regular basis to all the staff members.</p> <p>105.In a workplace they should do in service training on a regular basis to all the staff members.</p> <p>106.I have never been taught</p> <p>107.if I did not behave well, you the executive of the hospital, you must invite me to come and sit down with me and communicate with me</p> <p>108.I should also humble myself so that I can be given a reduced sanction but if I behave like a thunder even management will see that yeah this person.</p> <p>109.is a conduct that is not supposed to be practiced in a</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>particular area, in the environment that you are.</p> <p>110. they say there is a dress code and they say that you have to wear uniform when you come to work and then you decide to wear your own things then it is a misconduct.</p> <p>111.The ones that can cause a huge damage or reputation of what you are practicing,</p> <p>112.the minor ones it is something that can be solved internally person to person not like something that everyone can see immediately I think those are minor ones.</p> <p>113.No, I just had a course when I was still at school it was part of our lessons.</p> <p>114.is we need to remind each other on regular basis about misconduct.</p> <p>115.It depends on what are they fighting about if they fight for work purposes it is a workplace misconduct.</p> <p>116.One training is not sufficient, we were supposed to be trained more often.</p> <p>117.absenteeism ehh assault, gross negligence in terms of handling patients ,abscondment, absenteeism,</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>insubordination, insolent behavior.</p> <p>118.assault this are serious misconducts with a minimum sanction of dismissal assaults can be physical or sexual and also ehhh the serious one and also gross negligence in terms of handling patients the misconducts results into death that is considered a serious misconduct, so the minimum sanction is dismissal.</p> <p>119.it can constitute isn't that we are as public servants we are expected to be on duty for 365 days even when they pay us bonuses it is calculated at that period of 365 days.</p> <p>120.We must also behave in a manner that will project the department we also make sure that we don't damage the reputation of the department.</p> <p>121.training on disciplinary code and procedures will benefit both the institution and the employees.</p> <p>122.sometimes you find that employees conduct these types of misconduct not knowing the transgressing, so it is very important to share with them.</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>123.Quarterly trainings can work especially that in a hospital we are having employees shift services whereby some staff are on night duty some are on day duty.</p> <p>124.It is when someone has made a mistake or when people have fought in the workplace because that is not allowed at the workplace.</p> <p>125.it no longer affects the hospital, it is only a misconduct when we are here, when we are outside it is no longer an act of misconduct.</p> <p>126.if the fight started here, that would be an act of misconduct because that is a matter that started here.</p> <p>127.no work no pay</p> <p>128.the principle of no work no pay apply</p> <p>129.employee has got a right to present him or herself or to have a colleague to represent him in a disciplinary hearing</p> <p>130.has got a right to an interpreter</p> <p>131.has a right to the union to represent him to the disciplinary hearing</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>132.Sexual harrassment is just three months without pay.</p> <p>133.fighting at work.</p> <p>134.if someone is absent from work, the supervisor should try to find out what is happening before any action can be taken, the supervisor can try to find out eeh by calling and sometimes even going to the family to go and check what is happening then that is when you will know what to do next and talk to the employee.</p> <p>135.if it is first offence no work no pay can be applied but if is continuous then it swi ta ti komba kuri munhu loyi wo ti endlisa (obvious that this person is deliberate in his or her actions)</p> <p>136.suspension with pay hi ku twisisa ka mina (in my own understanding) I am not sure.</p> <p>137.the employer has the right to inform or invite labour union,</p> <p>138.given verbal warnings some can be final written warning</p> <p>139.disciplinary hearing can be instituted where there will</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>be those who are supposed to be part in a hearing and then investigations are conducted and then he or she is taken to a hearing.</p> <p>140.disappearing during office hours</p> <p>141.being corrupt in the workplace that person did not report work he must he must va fane va teka mali (they must take money money must be deducted for that day from his salary</p> <p>142.Definitely, I don't think just to take money from that salary its enough its not worth the type of misconduct that person has conducted</p> <p>143.If you are still investigating the case I think you can suspend the person with a pay then after you have judgement that's when you can make it to be suspension with pay right to ask questions.</p> <p>144.sexual harassment</p> <p>145.leave without pay for that day</p> <p>146.That's too harsh</p> <p>147.Suspension no you need to be paid you are suspended</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>and you are being investigated</p> <p>148.it should be explained eeh why there are being disciplined.</p> <p>149 if it is a first offence that person need to be given a written</p> <p>150.for the sake of the litigation reason, the person must get a salary because if I don't receive a salary what about if the person win the case then after winning the case then you sue the department for the damages</p> <p>151.to call another employee to come and represent him yeah it could be a union rep or another person</p> <p>152.right to fair hearing</p> <p>153.written warning</p> <p>154.disciplinary hearing.</p> <p>155.Coming back from lunch late</p> <p>156.if it becomes a norm but that I go on lunch I always take 30 minutes extra ehh is no longer a minor now it becomes a major dismissable offence ehh it could be like fraud assaulting your clients, assaulting</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>colleagues stealing falsifying documents</p> <p>intimidate your colleagues</p> <p>157.if there is no convincing reason for that then it is blantant disregard of the code of conduct or of the rules of the institution then a disciplinary action.</p> <p>158.employee has a right to present his or her side of the story whether by him or herself or through representation by calling upon organised labour or any other fellow like an employee</p> <p>159.a verbal warning, a written warning final written warning dismissal financial deprivation</p> <p>160.absenteeism, lack of punctuality</p> <p>161.dismissal, physical assault, theft , mainly theft, financial misappropriation corruption</p> <p>162.coming to work being drunk its dismissal</p> <p>163.we will go visit that employee to check on the problems and also deliver letter when we don't find him.</p> <p>164.during that process they are trying to solve the</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>problem so it found might that they don't have enough information , who is wrong on the matter so if they are still investigating it means that the person who is in suspension will continue to be paid if they haven't reach a decision that he is the one who was wrong so he must continue getting paid.</p> <p>165.employee has the right to have a representative .</p> <p>166.the right to appeal for another disciplinary if the decision taken is not satisfying.</p> <p>167.Disciplinary procedures, ok, eeh the one that I know is CCMA...</p> <p>168.verbal warning</p> <p>169.when it occurs like maybe a person is doing the same thing for the third time .</p> <p>170.Absentism means you have to talk to employee first and then hear his or her side of the story from there if that person is absent from duty with no attachment or proof, that suffices that person from being absent its leave without pay and written warning</p> <p>171.if this person repeats the same mistake, now the</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>sanction will be leave without pay and final written warnings.</p> <p>172. precautionary is with full pay because that person has not been found guilty.</p> <p>173. disciplinary procedures in a workplace is that when a manager is aware of the misconduct in whatever way, this manager should conduct disciplinary investigation preliminary in fact.</p> <p>174. If its less serious, a manager should implement the warnings</p> <p>175. the employee has got the right to appeal in five working days</p> <p>176. if the preliminary says it's a very serious offence , now formal inquiry should be employed.</p> <p>177. Dismissals. Gross insubordination, giving wrong treatment to the patient, assaulting a patient, absenteeism after being corrected.</p> <p>178. supervisor of an employee need to find out why the employee did not fill or leave or absent and then you take it from there but then if it persists you need</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>to... the employee need to be disciplined like you start with verbal warning then forward</p> <p>179.to start with verbal warning</p> <p>180.Yeah it is without pay</p> <p>181.To have someone to present him or her like unions</p> <p>182.Written warning, final written warning then dismissal</p> <p>183.Coming late at first you can just talk to the employee this is wrong, then if it persist then you escalate.</p> <p>184.if you do something to a patient like a harm maybe rape or assault, sexual harassment to a patient</p> <p>185.It depends on the attitude of an employee</p> <p>186.I don't agree, a precautionary suspension is a suspension which you are being send away from the workplace so we can investigate because you are going to disturb the investigation.</p> <p>187.it depends on the number of days an employee has been absent from work. If an employee has been absent from work for one day, only no work no pay should apply</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>188.if it is more days it should be no work no pay and a disciplinary hearing).</p> <p>189.if the employee is found not guilty then the department will have to pay him or her later but if he or she is guilty the employer would have won.</p> <p>190.if the employee has not been charged yet he or she should be paid.</p> <p>191.improper communication with colleagues.</p> <p>192.when that employee comes back from leave the supervisor must sit down with the employee and get to understand what is causing the employee to be absent without authority</p> <p>193.the supervisor must not just discipline but must thoroughly at the matter then he or she correct that person.</p> <p>194.He or she may counsel that employee he would have heard that person's problem and state</p> <p>195.Yes it is correct because when he is given sanctions it does not mean he is being killed but it is the whip that corrects him or her after these procedures have been looked</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>at but if he or she has to be punished</p> <p>196.he or she must be punished</p> <p>197.depending on how he or she should be punished and no work no pay principle be applied.</p> <p>198.it is not correct for him not be paid, isn't that you placed that person somewhere else and gets there to work it is only done for the purposes of ensuring that he or she does not interfere with the disciplinary processes.</p> <p>199.employee's rights are that he or she should be treated well</p> <p>200.employee also has the right not to give statement.</p> <p>201.he or she should be informed of everything including the processes.</p> <p>202.sometimes an employee can be suspended for three months or two months without a salary or dismissal or being transferred or gets the rank taken according to the type of the misconduct</p> <p>203.not adhering to the dress code at work</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>204.Theft and physical assault are dismissable offences</p> <p>205.if you can be absent no sickness that means that will be regarded as no work no pay</p> <p>206.Its correct if you absent from your duty and provided you didn't report even part of your leave plan, you are creating a shortage in an institution .</p> <p>207.If you absent yourself from work for 30 days you already dismissed yourself without a manager being doing something .</p> <p>208.It depends what kind of misconduct you committed.</p> <p>209.if you are working let's say you are a pharmacist and you are working at pharmacy and you decided to take something without prescription and you decided like stealing the medication then you can have a precautionary suspension so you can be moved from pharmacy and go and be placed somewhere and while we are investigating because if you are still there at</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>pharmacy you can temper with the evidence</p> <p>210.if you are charged it will be stealing you can be caught with stolen things you can be suspended without salary but maybe for a short period of time without evidence</p> <p>211.Rights the employee is like you can come with the representative</p> <p>212.Disciplinary procedures I can say sometimes you can have a verbal warning depending on the type of misconduct</p> <p>213.refusal of taking lawful instruction like the other one you can have a written</p> <p>214.if it is stealing you can have a final one and then from there you can procede with the one like the hearing.</p> <p>215. if you argue with another one in front of a patient.</p> <p>216.if they have deducted my money why should they also give me another sanction because already they have made me feel the pain by deducting my salary, It is not appropriate because if they do both they are just destroying me and killing me.</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>217.His or her rights are to humble himself or herself.</p> <p>218.just like when you have verbally assaulted or you have stolen that is what they will call you.</p> <p>219.if you keep on repeating there isn't much that they can do and you decide you are not going to listen to their nonsense</p> <p>220.I was gonna call the person first because you might not know what are the challenges that happened for the person t be not at work.</p> <p>221.you counsel the person and it happens again I think you can go ahead with that corrective measure but the act of no work no pay is a labour act.</p> <p>222.I think that person should be paid.</p> <p>223.to bring witnesses, to have someone to stand for you, right to appeal, right to plead guilty or not guilty.</p> <p>224.Disciplinary procedures are steps that are taken in order to discipline an employee if he or she is conducting a misconduct</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>225.run away from work, instead of knocking off at 16h30 I run away at 13h00 I think that one qualifies (giggling) for verbal warning</p> <p>226. verbal warning</p> <p>227.Like theft I think it qualifies for dismissal, yeah even assault it does</p> <p>228.Negligence</p> <p>229.He or she should be corrected according to the rules that should be applied when someone has been absent without authority,</p> <p>230.If it is the first incidence we only complete the leave form, then we deduct money from that particular period</p> <p>231.we also issue the written warning to that particular employee and say should you repeat this, then we will take this matter further and conduct a disciplinary hearing .</p> <p>232.the principle of no work no pay it should apply irrespective of whether it is the first incidence or it is the second offence</p> <p>233.when the employees are in the course of precautionary suspensions ehh remember when you investigate it is</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>based on allegations so the employer doesn't have the right to stop paying the employee</p> <p>234.employee must be given the notice on time,</p> <p>235.all evidence all documents to be used during disciplinary hearing must be handed to the employee for the preparations.</p> <p>236.formal disciplinary hearing,</p> <p>237.give counselling to the employee, the sanction is too light.</p> <p>238.suspension, demotion, dismissal.</p> <p>239. relocating the particular employee.</p> <p>240.it is for the employee to look for his or her own representative</p> <p>241.I only know that a person can be suspended and I don't know much</p> <p>242.when a nurse has shouted at the patient.</p> <p>243.It is physically assaulting a patient</p> <p>244.they take them head on yeah for example the employee who misuse the government vehicle so now he is paying.</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>245.continuous trainings</p> <p>246.discipline is a management function</p> <p>247.yes (there is mutual respect)</p> <p>248.there is no delay, immediately they discover that there is a misconduct by this particular employee it is promptly dealt with</p> <p>249.trade unions are invited to observe whether the process is implemented correctly there is no biasness no favouritism</p> <p>250.Every month there is workplace meetings between trade unions and management and executive that is where issues affecting employees issues which are perhaps they can cause strike or whatever they are discussed in the meeting</p> <p>251.more refresher courses</p> <p>252.I think I need because is not up there and I am not sure of how things are happening, I think these a person need to know the general hospital as to what is happening</p> <p>253. according to my knowledge there are disciplinary hearings in the hospital they are being conducted, Im just not that is</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>it done for everyone as we do or is depended on relation between the supervisor and employee in other sections, I am not sure if are we not biased</p> <p>254here in Allied I think it is something that is fair, it is not just done, if it is there, it must be a serious offence so I will say they are being done when there is a need.</p> <p>255.at Nkhensani we communicate the first thing that we do is communicate between the supervisor and employee, where there is a need higher management in that section we try to communicate</p> <p>256.the major obstacle when it comes to discipline in relation to efficiency is staff attitude.</p> <p>257.staff at Nkhensani have reached that point that people feel that they can do as they wish and once you are called to order it is as if someone is insulting you.</p> <p>258.major problem is our attitude the whole of from the lowest im not sure if I should say to the highest but it cuts across.</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>259.I will talk according to Allied, I think it is being corrected</p> <p>260.They do.... participate because obviously the employees will involve them and they participate</p> <p>261.workshops or awareness they should be done more often because most people even us professionals sometimes we are ignorant we do not know that this is a misconduct</p> <p>262.if someone comes late I should correct that I should not correct it if it is done by a certain individual it should be consistent</p> <p>263.I have not seen anything so far, May be consistency is not there, it is fair (reluctantly) and prompt (reluctantly) That one I am not sure exactly how they are doing it, not sure</p> <p>264.it is not having serious impact don't the disciplinary process is being hundred percent conducted or done</p> <p>265.Those ones I don't I don't really see exactly what they are doing there the problem is</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>with them they are protecting the employees and they forget about ehh the protecting the public protecting the hospital they are more on the side of the employee than the public service so much nothing much that they are doing that is bringing change or much change in that regard.</p> <p>266.because they are more concerned about the employees they are not concerned about public status or state</p> <p>267.Their relationship is not helping much in terms of what they were supposed to be doing like disciplinary or misconduct cases. People are just working .</p> <p>268.strengthen those procedures doubt if there is fairness, its not consistent, its not fair</p> <p>269.its not there its pretended to be there its not there</p> <p>270.People are given warnings</p> <p>271.They participate maybe by protecting the employees remember in the face of trade unions the employees are always correct</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>272. Attending people should write an exam so that you know that you are at par with other people and you understand what is expected of you the behaviour that is expected of you by the department</p> <p>273.wont say it is very much fair and consistent</p> <p>274. there is a lot of unfairness lack of confidence which could be caused by lack of knowledge because they don't understand that they are supervisors and they need to instill discipline and they are afraid</p> <p>275.it does promote mutual respect once you discipline somebody if that person was misbehaving you will see that person will start to respect the job, respect the client respect the supervisors</p> <p>276.we even call their union rep to come and witness we talk to the union and ask that can you you talk to you member because this person is misbehaving just try to talk because this thing will lead to trouble</p> <p>277.there is a regular meetings</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>278.workplace forum where the management and unions meet to discuss some things</p> <p>279.constant workshops and imbizos</p> <p>280.supervisors need to be empowered</p> <p>281.one the meetings that we hold where managers are managerial, consistently reminding workers or employees that they need to keep to the code of conduct and they should carry their dutoes according to what is expected the ethical</p> <p>282. I am not convinced whether they are doing it very very well that one I think I am not very convinced, but something is happening.</p> <p>283. Somehow there is mutual respect</p> <p>284.they tend to be reactive to management</p> <p>most cases when something comes to a head that's when we hear trade unions are engaging management or management are engaging trade unions.</p> <p>285.when I first came to this institution I used to see in every meeting including management meetings trade</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>unions will be invited as an entity but these days I only see management and heads of sections invited</p> <p>286.that our management are pushing into the throat of managers issues of the hospital and letting managers to go and sort themselves out, rarely do you see them calling mass meetings whereby management interact directly with employees in issues so if employees are taken on board on broader basis and not heads of sections being pushed so much to go and send resolutions.</p> <p>287.management depends so much on this middle managers to go and sort issues with employees</p> <p>288.management should sort to get buy in from employees in total and probably as such engage the unions</p> <p>289.working environment sometimes gives employees frustrations</p> <p>290.it looks like people who are supposed to head the procedure they are too kind Sometimes you do not even know that by the time he or she comes here (at Executive</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>management) what has happened but the tone the way the person talks you will tell that there is something wrong because when you have communicated with this person and bring that person to Executives</p> <p>291.Like nowadays it looks like we are getting there because you find that they identify challenges that we have in the ward and after identification they call us and show us the gap and seek our view as to how can we improve this and see how to move forward.</p> <p>292.the change will come as they have discussed with us, we think that now that they have discussed with us we leave it like that</p> <p>293.I am not close to unions I do not want to lie.</p> <p>294.Whenever there challenges and even when they want to communicate with the employees they consult unions and explain to them that there are these things so we need to meet with employees so that even when they have communicated with</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>employees there should be no problems arising.</p> <p>295.there should be implementation according to labour act.</p> <p>296.Let all employees receive similar disciplinary actions.</p> <p>297.In a hospital the way it is being conducted because at times even the information is not confidential eeh you hear the issues of people who are being subjected to a disciplinary hearing you also hear the evidence, the information that is coming out yet this is supposed to be confidential yet the people that you hear are supposed to be conducting this thing.</p> <p>298.I think the way things are being done there is no privacy, there is no confidentiality of information the way is done.</p> <p>299.you cannot say disciplinary processes were free and fair when you have been leaking the information.</p> <p>300.process must be seen to be transparent must be seen to be reliable there must not been questionable</p> <p>301.Their participation I think is very minimal because</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>you only find them when somebody has committed something and has started with disciplinary in their own meetings they talk about this things</p> <p>302.there is a good working relationship although I am in there but I know that once there is workplace peace ehh grievances are handled properly without embarking on strike go slow</p> <p>303.management they should also be workshoped they should understand the issues the purpose of discipline is to correct not punitive</p> <p>304.if you respect them Im telling you they are going to listen they are going to follow you but if you don't respect them they will do the same they will not respect you</p> <p>305.When there are allegations of misconduct, team for investigating is appointed so that the hospital can take an informed decision without being bias</p> <p>306.we've got complaints committee that deals with complaints and check if the complaint is very serious then</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>is discussed under adverse events meetings</p> <p>307.being discussed for further intervention so that things are fair</p> <p>308.employing the workplace discipline that serves as a strategy for us to have mutual respect</p> <p>309.involving labour organisations in other words workplace forums so that relevant and right information can be disseminated to the employees</p> <p>310. if the employees are not aware of what is going on in the hospital, then the manager can or management can expect employees to be parallel in terms of the goals</p> <p>311.we have performance reviews, we are promoting efficiency.</p> <p>312.We have workplace forums; we are promoting efficiency.</p> <p>313.allowing labour to have their own meetings with the staff</p> <p>314.issue of attending to their grievances in time and complaints in time and also informing the employees through circulars and</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>meetings when there are changes or new strategies to be implemented by the department that in its own is promoting efficiency in the workplace.</p> <p>315.through investigations and taking decisions whether the offences of serious or less serious, then acting appropriately then otherwise if the misconduct is of less serious nature then sanctions are given without actually investigating and being informed of what transpired it means the manager will not be implementing the disciplinary procedures fairly.</p> <p>316.the trade union are informed to say we are in the position to charge so and so, so that they are informed.</p> <p>317.In-servicing all the employees by the management so that they can implement it fairly</p> <p>318.means all employees should be taken through the disciplinary codes and procedures.</p> <p>319.when we talk of management, we don't mean executive management, we mean managers across all</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>levels so they are not equally implementing that.</p> <p>320.communication we get okay for example you do spread it to your section</p> <p>321.Disciplinary, yes it does promote. If I am disciplined for coming late for work then there is improvement</p> <p>322.if there is disciplinary they will make sure it is more lenient, like if an employee were to be dismissed they will ensure that the sanction becomes more lenient that there is no dismissal.</p> <p>323.every decision taken even unions are part of it.</p> <p>324.if someone did something wrong let it be challenged at that time it should not be more prolonged but it should talked at the same time.</p> <p>325.usually we get the outside people the employer rep is the initiator, then the presiding officer through the district office because the district is the one that gives support so in the disciplinary hearing we cascade it that way so it becomes so easy, quick and consistent</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>326.Usually what they do immm internal workshops to conscioutise the workers to have respect each other, like information sharing.</p> <p>327.unions are so aggressive union in the workplace were not supposed to be the members of staff because a member of staff will have interest to his or her terrain forgetting that being.</p> <p>328.Shopsteward you must be fair irrespective of he or she is your friend you must be guided by the policy</p> <p>329.workplace forum which invites all these unions to avert problems before they come out</p> <p>330.regional chairpersons must come and workshop shopstewards fully in the workplace as well as their members to understand that what is the role of the union.</p> <p>331.there is not much that is being done when I look at how people come to work and how issues are handled when employees are late or absent without authority.</p> <p>332.It looks like the hospital is not disciplining employees)</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>333.there is respect between employers and employees because we have not heard of fights between supervisors and subordinates,so there is respect</p> <p>334.Not much</p> <p>335.its just that in meetings between employers and employees; discussions are only operational but not much about disciplinary code of conduct).</p> <p>336.lhmm unions usually participate on disciplinary issues when the hospital applies disciplinary measures against an employee after he has committed a misconduct</p> <p>337.they do not call a meeting to inform them of bad behaviour will lead to this consequences</p> <p>338.they only come out when an employee has committed a misconduct but do not engage members before to tell them that let us behave in this manner so that we work in harmony with the employer.</p> <p>339.What need to be done every employee should understand that for an employee to go for a disciplinary hearing is</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>because he or she has broken a rule and that should be done before an employee commits a misconduct.</p> <p>340.I don't know because im not appearing that much in shopstewards meetings</p> <p>341.I am not sure.</p> <p>342.there is mutual respect between employees and management</p> <p>343.Discipline needs to be implemented well and it also makes things to be well at work so that employees can work.</p> <p>344.I have just seen now an employee was corrected.</p> <p>345.I am not sure if they are doing something</p> <p>346.labour relations officer and management should be the ones to meet and discuss this issues that is why I indicated that for an institution to function well if there is no labour relations officer it creates a gap</p> <p>347.he is the one that will make this people to unite and ensure that there is discipline and there is proper procedure</p> <p>348.if he or she finds that some issues were not dealt</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>with properly he or she is the one who can fix this.</p> <p>349.Nkhensani hospital Im not sure that much ihmm because I had some that I submitted from my staff ihmm was absent from work and I had done all the paper work but it seems like processing those leave without pay takes time,</p> <p>350.I don't know what's delaying everything</p> <p>351.when you come to relevant people who are supposed to implement they just delay the system.</p> <p>352.I think Nkhensani hospital they deal with the person depending on who they don't deal with the same thing to people.</p> <p>353.it depends who you are then when you are someone that they don't like that much then they process something fast</p> <p>354.I had several cases for other people it was processed fast but for other ones it was not processed that fast. Then I cannot say there is consistency.</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>355.So far I cannot say there is any measure that Nkhensani hospital has done</p> <p>356.at Nkhensani hospital I can say people do whatever they think its right for them and then I don't think management are implementing anything</p> <p>357.I had to assess them that they didn't meet the standard like 3 they didn't qualify for 3 because they were not punctual for work then when the process went at PMDS then when the top management wanted to sign they started to quiry me why did I rate someone who did not meet the standard with punctuality while everyone knows Pharmacy staff did not come to work on time then they stared to quiry me as if I have done something wrong that means even though you have not come to work on time you are supposed to get 3 which is not fair for those that are punctual.</p> <p>358.The trade unions participate because they are supposed to be there to represent the staff member</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>359.for Nkhensani I never had any experience that trade unions participate except in Pharmacy the one they thought that as a manager at Pharmacy I was wrong while they did not know information because I gave the employee written warning.</p> <p>360.employee refused to take lawful instructions and according to the code is written warning but according to the union they said you cannot start with the written warning you can start with verbal warning even when the misconduct deserves to start maybe at final written warning or written warning.</p> <p>361.Then I don't think the union representative they know every thing about the disciplinary procedure they don't even know how to represent the staff</p> <p>362.they gave the staff wrongful information in my case because they came and accuse me as a manager that whatever I did was wrong</p> <p>363.I think they are interacting by having the meeting with them, that is how they are interacting</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>364.we can start from management that they treat the staff equally</p> <p>365.when documents are submitted they are supposed to treat the document fairly and equally to all the staff members</p> <p>366.the Executive is doing well in the sense that upon the appointment of new employees they conduct the orientation whereby all sections are represented all acts of misconducts are presented .</p> <p>367.allegations of misconducts, the allegations are submitted to Risk for investigations the unit manager with the assistant of corporate services they look at the recommendations,</p> <p>368.investigator recommended the disciplinary hearing then the formulate charges and they after formulating of charges they serve the employee on time with the notice for disciplinary hearing listing the rights of an employee also giving the employee the investigating reports with its attachment</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>369.disciplinary hearing is held.</p> <p>370.management of the hospital ehh established the workplace forum where the employees are represented by their respective union.</p> <p>371.the unions during their mass meetings they cascade this information to their members and we also have mass meetings where we sometimes share with subordinates.</p> <p>372.normally during the opening remarks of each meeting between management and the employees the chairperson reminds the participants to respect each other and also that the views of other persons must be respected as such.</p> <p>373.Upon issuing of the sanction it changes the behaviour of an employee and also the behaviour of his colleagues in the unit.</p> <p>374.they are given the opportunity to represent their members during disciplinary hearing.</p> <p>375.consistency in the sense that if same offence is</p>			

2 nd LEVEL CODES	SUB-CATEGORIES	CATEGORIES	THEMES
<p>committed lets make sure that eeh similar applications of this disciplinary is done.</p> <p>376.that all cases of misconduct must be referred to the corporate services for coordination of disciplinary hearing because for chances of ehh for cases to be handled differently is when each unit handle it by their own.</p> <p>377.corporate will advice in terms of handling of appointing the chairperson and initiator and how they formulate the charges</p> <p>378.It is that managers should not take side, they should treat people equally</p> <p>379.They conduct meetings it is just that we don't know what they are discussing.</p> <p>380.We just hear that management and unions had meetings.</p> <p>381.they must call us all so that we may understand.</p>			