Perceived fairness of disciplinary procedures in the public service sector: an exploratory study

LOUIS VAN DER BANK
AMOS S ENGELBRECHT
Department of Industrial Psychology
University of Stellenbosch
South Africa

JOHANITA STRÜMPHER
Department of Nursing Science
Nelson Mandela Metropolitan University
South Africa

Correspondence to: Amos Engelbrecht
e-mail: ase@sun.ac.za

ABSTRACT

The objective of this study was twofold: Firstly, to explore and describe the perceived fairness of a disciplinary procedure in the workplace and, secondly, to develop guidelines that could be used by managers to provide a fairer experience of the disciplinary procedure. A qualitative research design was employed. In-depth interviews were conducted with participants who were purposely divided into two groups (an employee participant group and an expert participant group). Results indicated that employees experienced the disciplinary procedure as traumatic, unfair and not reliable. Guidelines were formulated to manage employee discipline more effectively.

Keywords: Disciplinary procedure, procedural justice, fairness, employee discipline, public service sector

When justice is advocated as a core value of an organisation's management philosophy and enacted through a set of internally consistent management practices, it can build a culture of justice, a system-wide commitment that is valuable and unique in the eyes of the employees and customers and may ultimately lead to a competitive advantage (Cropanzano, Bowen and Gilliland, 2007). Procedurally fair treatment could result in positive organisational outcomes, such as organisational commitment, interpersonal trust, job satisfaction, organisational citizenship behaviour and job performance (Cropanzano *et al.*, 2007; Engelbrecht & Chamberlain, 2005; Mohyeldin & Suliman, 2007; Stecher & Rosse, 2005; Thompson & Heron, 2005).

A disciplinary procedure aims to promote fairness and procedural justice in dealing with employee discipline. The advantages for organisations of a consistent disciplinary procedure are threefold: first, it contributes to the stability of the workforce; second, labour turnover is minimised; and third, it promotes productivity (Nel, Van Dyk, Haasbroek, Schultz, Sono & Werner, 2007).

Just as organisations systematically use rewards to encourage desirable behaviour, they also use discipline to discourage counter-productive behaviour (e.g. absenteeism, lateness, theft and substance abuse) (Greenberg & Baron, 2007). With today's diverse workforce, managers may spend up to 20% of their time settling disputes among employees through conflict resolution (Goldman, 2003). To resolve the conflict, the manager will eventually need to impose a settlement on the disputants. Such arbitration may deter perceived distributive justice, because the settlement is imposed and not approved by both parties. However, if any component of procedural justice is present during arbitration, the overall appraisal of the situation will be improved (Goldman, 2003). Thus managers can make hard choices when imposing the final decision, but they should make them justly, preserving procedural justice.

While a disciplinary code is a necessary basis for establishing guidelines of fairness, an agreed procedure is required to ensure that discipline is administered in a consistent and procedurally fair way (Finnemore, 2006). The integration of literature on employee discipline and organisational justice indicates the theory of procedural justice as the most applicable theory for understanding disciplinary processes in organisations (Cole, 1996).

Organisational justice

The most commonly cited definition of organisational justice is the just and ethical treatment of individuals within an organisation (Cropanzano *et al.*, 2007; Latham, 2007). As defined here, organisational justice is a personal evaluation of the ethical and moral standing of managerial conduct.

Organisational justice can be divided into three dimensions, namely distributive justice, procedural justice and interactional justice. Procedural justice (i.e. how an allocation decision is made) is contrasted with distributive justice, which refers to the fairness of the decision (Saunders & Thornhill, 2004). Procedural justice then relates to the fairness of the formal procedures required by the organisation and its policy on the method of decision-making. A decision is fair if the outcomes are seen as balanced and correct, where balance refers to the fact that similar actions are taken in similar situations and correctness refers to the fact that the quality (i.e. accuracy, consistency, impartiality, clarity, procedural thoroughness, compatibility with ethical values) of the decision-making seems right (Pinder 1998; Stecher & Rosse, 2005; Thompson & Heron, 2005).

Procedural justice is important for employee behaviour in that they are more likely to accept responsibilities if the related procedures are fair (Thompson & Heron, 2005). These fair procedures also shape employee satisfaction with outcomes, in that they will more likely accept the outcomes if the procedures are fair than if they are not (Thompson & Heron, 2005).

According to Lind & Tyler (1988), objective procedural justice refers to actual or factual justice, and subjective procedural justice refers to perceptions of objective procedures or to the capacity of an objective procedure to enhance fairness in

judgements. Leventhal, Karnza and Fry (1980) define subjective perceptions of procedural justice by considering the cognitive, affective and behavioural components of the justice experience. The cognitive component refers to the calculations made by an individual regarding the objective fairness of a decision. Tyler (1994) advocates that positive or negative emotional reactions to actual objective events form part of the affective procedural justice component. The behavioural component refers to the consequences of perceptions of fairness, such as employee behaviour and attitudes.

Interactional justice can be defined as the perceived fairness of the interpersonal treatment used to determine outcomes (Stecher & Rosse, 2005). Interactional justice refers to the thoroughness of the information provided (i.e. informational justice) as well as the amount of dignity and respect (i.e. interpersonal justice) demonstrated when presenting an undesirable outcome (Cropanzano *et al.*, 2007; Greenberg & Baron, 2007). If negative outcomes are presented in this manner, employees are more likely to accept the decision. However, when actions are consequently seen as interactionally unfair, employees are more likely to develop negative attitudes towards their supervisors (Cohen-Charash & Spector, 2001).

If employees feel as though they have been unfairly treated, they experience emotions such as anger and resentment (Pinder 1998). Procedurally unfair treatment has been found to result in retaliatory organisational behaviours (e.g. theft) (Pinder 1998; Skarlicki & Folger, 1997; Thompson & Heron, 2005). The results of unfair treatment of employees may also include lower production quantity and quality, greater absenteeism, greater turnover, less initiative, lower morale, lack of cooperation, spread of dissatisfaction to co-workers, fewer suggestions and less self-confidence (Schminke & Arnaud, 2005; Stecher & Rosse, 2005).

Employee discipline

Discipline can be defined as action or behaviour on the part of the authority in an organisation (usually management) aimed at restraining all employees from behaviour that threatens to disrupt the functioning of the organisation (Nel *et al.*, 2007). The primary objective of disciplinary action is to motivate an employee to comply with the company's performance standards. The failure to perform as expected could be directly related to the tasks performed by the employee or to the rules and regulations that define proper conduct at work. A second objective of discipline is to create or maintain mutual trust and respect between the supervisor and subordinate. Improperly administered discipline can create such problems as low morale and resentment between the supervisor and the subordinate. The proper administration of discipline will not only improve employee behaviour but will also minimise future disciplinary problems through a positive supervisor-subordinate relationship (Grobler, Warnich, Carrell, Elbert & Hatfield, 2006).

Disciplinary action is usually initiated by management in response to unsatisfactory work performance or unacceptable behaviour on the part of the workers. However, a proper procedure must be followed when exercising discipline. The Labour Relations Act's codification of unfair dismissal and Code of Good Practice relating to dismissal is regarded as the basis for policy statements on disciplinary procedures (Finnemore, 2006). It is evident in the context of current employment law that discipline is regarded as a corrective rather than punitive measure. A disciplinary code endorses the concept of corrective or progressive discipline, which regards the purpose of discipline as a means for employees to know and understand what standards are required of them. It empowers employers to seek to correct employees' behaviour by a system of graduated disciplinary measures such as counselling and warnings (Nel *et al.*, 2007).

The reinforcement theories of Skinner (Werner, 2007) provide a technical description and application of discipline. According to these theories, learning needs to take place before desired behaviour can occur. The terminology of instrumental learning refers to this type of learning. Instrumental learning can be described as a situation where behaviour is affected by the consequences thereof. Positive reinforcement, negative reinforcement and punishment are examples of this learning process (Werner, 2007). According to Kreitner and Kinicki (2007), positive reinforcement would constitute the consistent presentation of something desirable (e.g. recognition). Negative reinforcement can be described as the reinforcement of behaviour that reduces negative situations (e.g. shouting at someone where the shouting only stops after compliance). Punishment involves an undesirable action towards a person, for example stopping the salary of an absent worker.

Grossett (1999) advises South African managers to make use of different forms of discipline. Warnings (i.e. verbal, written and final written), suspensions (with or without remuneration), transfers, demotion and dismissal are some of the options mentioned. The principle of progressive discipline is applied when these options are chosen according to the seriousness of the offence. Gomez-Mejia, Balkin and Cardy (1995) describe positive discipline, where counselling sessions between the employee and supervisor replace punishment actions. Counselling skills would, however, be required for the successful implementation of this option.

Aim of study

Negative media coverage has questioned the discipline that exists in the South African public sector, and has highlighted the high number of departmental and criminal cases against public officials. The reasons for this high number of disciplinary cases against public officials needed to be investigated, especially considering that the disciplinary procedure of the public service values progressive and positive discipline, which has correction of behaviour in mind, and not punitive action (Grobler *et al.*, 2006). Furthermore, the high stress levels of police work (Pienaar & Rothmann, 2003) necessitated research into this phenomenon.

Many supervisors are indifferent towards their subordinates and do not adhere to the positive disciplinary values as intended by the Discipline Regulations of the public service. In addition to this, many employees who are departmentally charged do not receive remedial assistance in order to address the causes of the problems that lead to their misconduct.

On the basis of the problem statement and literature review, the aim of this study is twofold: Firstly, to explore and describe employees' experience of the disciplinary procedure in the public service sector; and secondly, to develop and provide guidelines to ensure a less traumatic experience of disciplinary procedures.

METHODOLOGY

Research design and method

A qualitative (Babbie & Mouton, 2001; Cresswell, 2003) research design was utilised during this research. This research design is suitable for generating data that would facilitate understanding of the experiences that employees have of disciplinary procedures. This understanding formed the basis of the guidelines that were formulated to make the experience of disciplinary procedures less traumatic.

The research was conducted in two phases. Phase one constituted the exploration and description of the employee's experience of disciplinary procedures, while phase two utilised the results obtained in phase one as a framework to develop

guidelines for a less traumatic experience of the disciplinary procedure.

Phase one: data gathering

Population and sampling: The participants in the study were purposely selected from two groups. The first group consisted of six employees who have experienced the disciplinary procedure practised in the public service (the employee participant group). The ages of the employee group varied from 28 to 42 years, and they also differed regarding gender (five men and one woman) and race (three black and three white).

The second group consisted of four participants who are deemed to be experts in the disciplinary procedures of the public service (the expert participant group). The expert group consisted of a representative of the labour union, an officer in the disciplinary section, a superintendent and a defending officer acting in departmental tribunals. As these groups constitute two populations, the analyses of their data were done separately. The results of the two groups were used to supplement each other.

Ethical considerations: In conducting the study, the following ethical considerations (De Vos, 1998) were followed: Firstly, informed consent was obtained from the participants by means of a letter communicating the essential information pertaining to the research. Secondly, time was allocated for debriefing at the end of each research interview. This was done to minimise any harmful effects of their participation in the study. Thirdly, confidentiality was maintained at all times and participants were informed of the rationale and recording and the safekeeping of the audio taped interviews and transcriptions. It should be noted that participation was voluntary.

In-depth interviews: The phenomenological interview as explained by Kvale (1996) was used as interview method. The interviewer asked one central question to each participating group. The participants in the employee participant group were asked the following question: *"I was informed that you were departmentally charged in the past and that you attended a departmental tribunal. Tell me how you experienced the disciplinary procedures of the organisation."* The expert participant group was asked the following question: *"Due to your work function, you have acquired knowledge of the organisation's disciplinary procedure and the application thereof with regard to employees. What is your opinion of the disciplinary procedure and the application thereof?"* The interviews were audio-taped and transcribed verbatim once saturation level of the data was obtained.

Field notes: Field notes were taken during the research interviews in order to capture non-verbal cues that could not be recorded.

Data analysis

The data analysis of the study was conducted using a method described by Tesch (Cresswell 2003). The transcribed interviews had to be read to get a sense of the whole. Consequently, ideas were jotted down in the margin as they came to mind. The most interesting interview was selected and scrutinised to determine what it was about, as well as to determine underlying meaning. Ideas were then written down in the margin. The ideas were converted into topics that reflected their meaning. The same process was followed for all the interviews. A list was then compiled of all the topics, and similar topics were clustered together. These topics were grouped into three major columns as major topics, unique topics and leftovers. This list was compared to the data and topics were abbreviated by codes. This was done to ensure that all topics were represented on the list and that they were in the correct cluster. The topics were defined and grouped into categories.

Triangulation or the use of multiple methods is a plan of action that will raise qualitative researchers above the personal biases that stem from single methodologies (Babbie & Mouton, 2001). Triangulation of the data took place by consulting an independent coder who analysed the interviews independently from the researcher. The independent coder was provided with a protocol describing the method of data analysis as described by Tesch (Cresswell, 2003). After the interviews had been analysed, the researcher and the independent coder met for a consensus discussion.

Ensuring reliable data

The researcher employed certain strategies to ensure trustworthiness of data. In this regard, Guba's (Babbie & Mouton, 2001) method was applied in order to achieve credibility, transferability, dependability and confirmability. Trustworthiness was achieved by prolonged engagement, triangulation, peer debriefing, purposive sampling, reflection, phenomenological interviews, structural congruence, authority of the researcher, compact description, and by the coding-recoding procedure (Babbie & Mouton 2001; Cresswell, 2003).

RESULTS AND DISCUSSION

Employer participant group

One major theme that was divided into four categories was identified in the employee participant group. This theme, categories and sub-categories are reflected in Table 1.

The major theme identified is as follows: Employees who were departmentally charged experienced the process as traumatic and unfair, and felt exposed to a process in which they had no trust. The four categories of the above-mentioned theme will now be discussed, supported by direct quotes from the participants.

Category 1: Perceived discrimination

During the in-depth interviews some of the participants mentioned that they experienced racial discrimination in the application of discipline. *"How many people have been dismissed? Statistics, white, brown, black. The majority black. The majority black, why?"*

The existing Discipline Regulations are impartial as far as the suggested procedures for the application of discipline are concerned. The expert participant group confirmed this, but they also mentioned that racial prejudice might exist in the application of the disciplinary procedure.

Several of the participants mentioned that friendships and other interpersonal relations hinder impartiality. *"And another thing which I discovered here, there are people that are more privileged than others."* The expert participant group confirmed this, as mention was made of "the blue-eyed boys of the Commander". The Discipline Regulations make provision for commanders to use discretion in their actions concerning discipline. This could lead to perceived discrimination between members with regard to disciplinary action.

Some of the participants mentioned that not all members involved in misconduct are charged for it. *"But I feel this is a big negative aspect, that certain people receive advantage above others. I mean all of us should be dealt with in the same way."*

Several of the participants mentioned experiencing unfair treatment. *"...but deep inside me, where I am sitting now, I know, that no matter what other people say, I know that I was found guilty in an unfair manner."* The expert group confirmed this theme, as they also mentioned that *"there are those who are hated by the commanders, they are the victims of the commander."*

Lower levels of distributive justice are experienced when people compare the outcomes of actions and when their outcomes

TABLE 1
An overview of themes, categories and sub-categories of the experience of the employee participant group of the disciplinary procedure

THEME	CATEGORIES AND SUB-CATEGORIES
Employees that were departmentally charged experienced the process as traumatic and unfair, and felt exposed to a process in which they had no trust	**1. Perceived discrimination** 1.1 There is a distinction between members, as more non-white members are charged than white members. 1.2 Employees experience nepotism, as friends of supervisors are not charged. 1.3 Employees experience that only some members who are guilty of misconduct, are charged. 1.4 Employees experience that some members are dealt with unfairly. **2. The emotional experience of the process is traumatic** 2.1 Employees who are charged experience emotions such as anxiety, depression, suicidal thoughts and negativity. They mention that personal problems are sometimes related to the misconduct for which they are charged. 2.2 Employees who are charged experience it as stressful and frustrating. 2.3 Employees who are charged learn from their mistakes and regret their misconduct. They take responsibility for what they did. **3. The disciplinary process is experienced as unnecessarily complicated and does not distinguish between major and petty complaints** 3.1 The disciplinary procedure is experienced as unnecessarily difficult and that consistency is not maintained in its application. Many charges are perceived as unnecessary because it could have been solved at unit level. 3.2 The experience is that employees' job exposes them to many possible charges. 3.3 Employees experience certain charges as unnecessary, for example formal investigations into all damage and collisions of state vehicles. 3.4 It is experienced that warnings are given inconsistently. Some members receive written warnings while others receive only verbal warnings for even more serious misconduct. 3.5 Employees experience that personal interviews are not conducted with them, or that they are not personally informed of the nature and seriousness of the disciplinary charges or actions against them. 3.6 It is experienced that not much counselling or support is provided for members that are being charged. 3.7 The process is experienced as time consuming, as most cases are delayed. This leads to a waste of time. 3.8 Employees experience departmental charges that result from criminal charges (even if found not guilty) as harsh. **4. The different role players in the disciplinary procedure do not act consistently** 4.1 Employees who are charged experience an attitude change on the part of their colleagues, and that they are treated differently. 4.2 It is experienced that supervisors and managers treat members differently. Some are supportive, while others ignore them. Some even behave autocratically. 4.3 Employees experience that the disciplinary officials engage in actions aimed at finding them guilty and that it is advisable to maintain good relations with them. 4.4 The anti-corruption unit's methods of investigation and questioning are experienced as traumatic. 4.5 Employees experience the prosecutors' actions differently. Some prosecutors will not proceed with low merit cases or will try to compromise, while other prosecutors engage in actions aimed at ensuring guilty findings. 4.6 Employees experience that the presiding officer at departmental tribunals is not consistently neutral. The sanctions given by them are not consistently neutral, are often not effective and are sometimes very harsh. 4.7 It is experienced that the organisation is more inclined towards punishment than concern or support for their members. This leads to impressions of unfair treatment. 4.8 Employees who are charged experience that complaints from the public often lead to steps against them. The media also use negative reports that focus on public officials and which are to their disadvantage. 4.9 Employees experience that the Helping Professions of the organisation such as social workers and psychologists are often involved when help is offered to them. They are also referred to other specialists.

are less favourable than others in similar circumstances. (Cropanzano *et al.*, 2007; Mohyeldin & Suliman, 2007). From the above quotes, comments and literature control it can be derived that enough evidence exists of discrimination in the application of discipline.

Category 2: Employees experience the process as emotionally traumatic

The participants in the study indicated that they experienced the disciplinary procedure of the organisation as traumatic *"and I was very nervous, cried the whole time, and when I had to go in, I felt I was going to faint...it is an experience that I would not want to be repeated."* The expert group verify this as they also found that employees often experience an emotional response when being disciplined. These findings are supported by previous research conducted by Stecher & Rosse (2005) that found that subordinates responded emotionally when they were disciplined.

The participant group of the study indicated that they experienced the disciplinary procedure as stressful and frustrating. **"***It's damaging to your nerves. It is unnecessary. You know that you are innocent, but still, you get a reputation, as a troublemaker.***"** The expert group confirmed this theme by saying: **"***there are some that even get to like having stress.***"**

Category 3: The disciplinary process is experienced as unnecessarily complicated and does not discriminate between major and petty complaints

Participants said that the charges against them could have been dealt with differently. *"Whereas you phoned someone, when you ask for the tape, for the time which you work, they refuse, and you are being charged."* The expert participant group confirmed

this theme as they also said that branch managers are inclined to forward charges to the Discipline section without proper investigation. The Discipline Regulations stipulate that managers or any other employee from a relevant unit should engage in an interview with the offender, in order to determine the cause of the misconduct.

The employee participant group said that interviews that could have determined the nature or seriousness of the complaints were sometimes not conducted. *"No, not at station level. I do not know how it works at the other stations, but on (censored) station it is like this. If someone complains, the commander says, give a statement. Charge the person. He does not call you in to listen to your version of the events."* The expert participant group also verified this theme.

Some members of the employee participant group mentioned that certain decisions lead to compulsory charges and investigations. **"***Another case is for example damage to state vehicles. It is a big hassle. I mean something that was not your fault, but it is delayed, delayed and delayed.***"** It seems that the most serious problem of damage to state vehicles is that all damage is officially investigated, while it is felt that minor damage could be dealt with differently. The delays in the investigation appeared to create a lot of frustration.

Category 4: The different role players in the disciplinary procedure do not act consistently

The employee participant group said that supervisors were not consistent in their actions towards their subordinates. Several were supportive, while others just ignored them. There are even those who behave in an autocratic manner towards subordinates.

The participants experienced that the disciplinary officials engaged in actions to implicate them and that it was advisable to maintain good relationships with them. *"And if I am not personally known to the disciplinary official then he will say no, the case is still outstanding, there is not yet a date set for the tribunal."* Some of the field notes taken by the researcher revealed negative reactions from participants when they discussed the manner in which disciplinary officials dealt with employees.

Some participants of the employee group mentioned that they experienced the anti-corruption unit's investigation and questioning methods as traumatic. The researcher got the impression that the participants were upset that "their own people" had to investigate them and that their intention to punish was unacceptable.

Participants of the employee group referred to differing attitudes and actions of prosecutors. Some would not proceed with low merit cases, while others tried to obtain guilty findings, wherever possible. **"He did me in, because he said that I must take my discharge and according to the other people at negative discipline, they could not believe that he said that to me."** The participants also mentioned cases of prosecutors not wanting to prosecute, because they thought that there was not enough evidence for the complaints. In these cases there was a neutral or even positive feeling towards the prosecutors.

The employees stated that the presiding officers at departmental tribunals are not consistently experienced as neutral. Mention was also made of the sanctions given by the presiding officer which are not consistently effective, and sometimes too harsh: **"**…*but provide a person with another chance. Because there are some guys that on their first hearing, on their first hearing, they are dismissed. Give them a second chance to see if they can improve on their mistakes."*

The employee participant group said that the organisation is more inclined towards punishment than supporting or helping their employees: The non-verbal behaviour of the participants indicated that they were upset about the way in which the organisation dealt with them.

Expert participant group

The expert participant group identified one major theme i.e. the experts' experience of the disciplinary procedure of the organisation and the effect thereof on employees. This theme was divided into two categories, which will now be discussed briefly.

The first category clusters data that describes the disciplinary procedure as a structured process which is guided by many departmental regulations, but with certain shortcomings in its application: Mention is made of inconsistent disciplinary actions, *"...there are the blue-eyed boys of the commander…"*, and of victimisation and/or racial prejudice, *"...and there are those commanders who abuse the system, the disciplinary procedure..."*. The expansive size of the organisation hampers the application of uniform disciplinary measures, *"...every station's problems are different…"* and the new system for tribunals could lead to problems, *"Captains come unprepared...presiding officers are ill-equipped."* Cases take too long and are unnecessarily delayed, *"Many of the cases are the station commissioner's 'dragging of feet'..."* Mention is made that employees respond emotionally after a tribunal, *"Most members feel the pain of being dismissed. They feel like, think like, taking their lives".*

The second category clusters data that describes the influence of role players (including different individuals) on the application of the disciplinary procedures: Station Commissioners are not always interested in the proper investigation of cases, *"Most commanders are lazy, ... then they just pass the buck."* It seems that the social environment of offenders leads to problems with discipline, *"And there are those members that use alcohol a lot, they absent themselves from work."* Members themselves are often uninformed about the seriousness of their offences, *"... it is very, very few members that you find realise the seriousness of the misconduct".* Referrals to the helping professions of the organisation or other service providers are not always made, *"They are even charging members that have a problem, which is not his mistake only that he can not, realised that he is wrong."* Offenders often do not co-operate in the keeping of appointments, honesty or attendance of counselling sessions, *"The members themselves sometimes refuse assistance."*

This theme, with its categories and sub-categories, is reflected in Table 2.

Phase two: the formulation of guidelines to increase the perceived fairness of the disciplinary procedure

Having considered the different themes discussed in this study, the following guidelines were developed in order to provide a less traumatic experience of the disciplinary procedure:

Discrimination must be eliminated

When discipline is applied impersonally, the supervisor focuses on the act of unsatisfactory behaviour, not the employee as a bad person. The most effective way to achieve this goal is to employ corrective counselling. With tact and maturity, the supervisor applies discipline in a supportive environment, emphasising the improvement of performance rather than the infliction of punishment (Grobler *et al.*, 2006; Stecher & Rosse, 2005).

TABLE 2
An overview of themes, categories and sub-categories of the experience of the expert participant group of the disciplinary procedure

THEME	CATEGORIES & SUB-CATEGORIES
The experience of experts of the disciplinary procedure and the effect thereof on employees	**1. Experts identified some shortcomings in the application of the disciplinary procedure and described it as a structured process guided by many different departmental regulations.** 1.1 Regulations and steps that must be taken exist for the disciplinary procedure. 1.2 There is no consistency in the actions in the application of the process. Certain individuals are targeted in order to get rid of them. There is also mention of racial prejudice. 1.3 What most members are charged with are cases such as: being under the influence of alcohol while on duty, misuse of sick leave and absenteeism. 1.4 The size of the organisation creates problems for a uniform schedule of punishment. Cases remain unique and are evaluated on merit. 1.5 An opinion exists that cases take too long before they are settled and should be speeded up. 1.6 It was noticed that employees often respond emotionally to the application of the disciplinary procedure. **2. Experts observed that the roles of several individuals impact on the application of the disciplinary procedure.** 2.1 The opinion exists that unit managers are not interested in proper investigation of cases. They would rather forward it to the Area Managers' Office for a decision. This delays cases even more. 2.2 It seems that the social environment of charged employees is a factor in the disciplinary steps against them. 2.3 The opinion exists that members are often not knowledgeable about the seriousness of their misconduct and that they consider suicide when they are dismissed. 2.4 It is observed that there are few references to the helping professions of the organisation or other service providers and that reports are used negatively against members where it is being done. 2.5 The opinion exists that guilty individuals will not always give their cooperation concerning the keeping of appointments, honesty or the attendance of counselling sessions.

Supervisors should be aware of the fact that factors such as rank, age, gender, culture or the race of employees should not influence them when they discipline employees (Finnemore, 2006). The Discipline Regulations of the organisation appear to be impartial with regard to the said factors.

Supervisors should have a clear idea of the standards of discipline for their work units. The different supervisors from a specific unit should reach consensus regarding the application of discipline towards members under their command. Supervisors should also take time to listen to what subordinates have to say, and not be influenced by verbal inputs from other employees. They should also accept that their subordinates are diverse with different ways of thinking and doing. The strict application of measures consequently will not always have the desired effect of changing unacceptable behaviour.

It is the supervisor's task and responsibility to manage his/her subordinates and to see to it that counter-productive behaviour is addressed in the hope that it will change. This task is demanding in terms of energy and time, but will be worthwhile if it leads to improved behaviour at work.

Knowledge and understanding of emotional reactions

Discipline is more likely to be accepted without resentment if the employee has prior knowledge that defiant behaviour will result in disciplinary action (Grobler *et al.*, 2006).

Similar to Pienaar and Rothmann (2003), this study also found that security employees experience emotional reactions such as anxiety, depression, suicidal thoughts, and negativity. They also experienced the disciplinary process as stressful and frustrating. These feelings increased when the process was delayed.

Managers and supervisors should be aware of the fact that the emotional responses of their members are exhibited in different ways, for example through absenteeism, negativity, lack of motivation and rebelliousness (Pinder, 1998; Thompson & Heron, 2005). These emotional responses could elicit further charges or problems, which is counter-productive to the changing of behaviour to an acceptable standard (Schminke & Arnaud, 2005).

Wherever possible, managers and supervisors should, therefore, engage in supportive actions towards members who are being disciplined. Regular conversations with them could motivate them to change undesirable behaviour, and interest in the progress of their cases could have a positive effect on members' state of mind.

Distinguish between serious and less serious charges

Many organisations give the supervisor authority to administer less severe forms of discipline and more severe cases are handled by an upper-level line manager or HR executive (Grobler *et al.*, 2006). With this type of approach, consistency in the application of discipline can be achieved while the supervisor retains authority and control over employee behaviour.

Participants from the employee group indicated that many cases could have been solved at unit level. Managers may use discretion in the application of discipline concerning less serious charges. There is no prescribed schedule to guide disciplinary actions (e.g. a verbal warning if an employee arrives an hour late for duty and a written warning if the employee arrives three hours late). Instead, managers can determine how serious the offence is and then act accordingly. Managers are compelled to act when misconduct comes to their attention. They often do this by tasking another employee to take a statement from the member under suspicion and send it to the Discipline Section to decide if further steps should be taken. Instead, they could arrange a personal interview with the member under

suspicion to get clarity on lesser issues and avoid pressing unnecessary charges against their employees. This could also result in less exposure to the formal disciplinary process of the organisation.

Managers are often confronted with misconduct by employees for which they have no choice but to act according to regulations and send cases to the Discipline Section. They must, however, be aware that they could still grant a personal interview to determine the cause of the misconduct and to assist the employees, if possible.

Managers should be aware that several factors are involved in conducting an effective interview. For example, the atmosphere in which the interview is conducted, as well as trust in the manager are of importance. It would be to the managers' advantage to receive training in the conducting of personal interviews.

Knowledge of the different role players and the avoidance of inconsistency

To minimise feelings of unfairness, management must administer discipline consistently, without bias or favouritism (Finnemore, 2006; Greenberg & Baron, 2007; Pinder, 1998; Thompson & Heron, 2005).

The employee participant group mentioned that different role players affected their experience of the disciplinary procedure. They said that the attitude of their colleagues and their managers towards them was different. In general, they experienced that colleagues did not support them during their ordeal and that some even enjoyed their predicament. Managers reacted differently; some being supportive, while others behaved in a more autocratic and unsympathetic manner.

The officials investigating discipline (including the Anti-Corruption Unit) were generally experienced as punitive and as aspiring towards guilty findings. Prosecutors were experienced differently. Some would not proceed with low merit cases, while others would proceed and try to obtain guilty findings. Sometimes presiding officers were not experienced as being neutral and as passing judgements that were too harsh.

The organisation was also experienced as being more concerned with administering discipline than being supportive or trying to help their employees. The public also plays an important role as they often instigate investigations against public officials. The media were mostly negative in their coverage of public officials, which causes unnecessary stress.

Mention was made that the helping professions (social workers, psychologists and chaplains) were often involved when support was needed. The expert participant group, however, said that these services were not always used appropriately or that reports from these services were used to the members' disadvantage.

Managers and supervisors should be aware of the influence of these role players on employees who are charged with misconduct. This insight could lead to better understanding, support and encouragement of employees exposed to the disciplinary procedure. Managers may then be more motivated to influence some of these role players to facilitate the speedy settlement of cases. Insight into the effect of the different role players on their employees may also encourage managers or supervisors to invest more time and effort in personal interviews and in resolving minor issues at unit level.

Awareness of shortcomings in the application of the disciplinary procedure

Management should define behaviour that is expected from employees. Disciplining an employee for unsatisfactory

performance is imprudent unless management has clearly defined good performance (Grobler *et al.*, 2006).

The use of discretion and the absence of a schedule of discipline may be a shortcoming in the application of the disciplinary procedure. Some employees may get off easily, while others are punished for similar mistakes. The size of the organisation and the distribution of employees throughout the country could also hamper the application of a uniform schedule of discipline. The unique circumstances and needs of the different work environments of units call for the use of discretion in the administering of discipline. Senior management should take notice of the discretionary decisions of managers and supervisors and caution them towards thoroughly considered actions.

The lack of consistency of actions can also be considered as a shortcoming. This causes victimisation as some employees are targeted in order to get rid of them. Managers and supervisors should be cautious that factors like race, age and social standing do not cause them to be inconsistent in their actions towards employees (Thompson & Heron, 2005).

The lagging of disciplinary cases was another shortcoming that was identified by both participant groups. Managers should be aware of old and outstanding cases at their units and attempt to speed up procedures.

The speedy completion of cases

Disciplinary action must commence within a reasonable time after the offence has been committed (Finnemore, 2006; Greenberg & Baron, 2007). The greater the time-lag between the offence and the application of discipline, the less likely it is that the employee will see a direct cause and effect relationship between unsatisfactory performance and the discipline (Grobler *et al.*, 2006).

The Discipline Regulations also stipulate the immediate investigation of misconduct. They do not specify a time limit for the duration of the investigation, but encourage the speedy handling of cases. Both participant groups mentioned that cases take too long to be settled. This has a negative effect on stress and frustration levels, as well as on promotion opportunities as promotion can only be granted after departmental charges against employees have been settled.

Some practices at unit level include the accumulation of cases against a member before the case is sent to the Discipline Section. The purpose of this might be to build a stronger case against a member, but in reality it prolongs the time before misconduct behaviour is addressed. This makes it much more difficult to rectify inappropriate behaviour, or to offer timely remedial support. Personal interviews with the offender could be used to investigate the causes of inappropriate behaviour before bad habits start to crystallise.

Managers should manage the speedy investigation and settlement of cases against their subordinates. A few phone calls or written requests could speed up the process.

Personal interviews with members

The manager or supervisor should clearly communicate discipline policy, procedures and rules to employees. There must be no doubt that unsatisfactory performance has taken place, and the collection of information clearly indicating an employees' wrongdoing makes discipline more effective and easier to administer. Concrete, indisputable records of unsatisfactory performance are important because the burden of proof lies with the employer (Grobler *et al.*, 2006).

The employee participant group mentioned that managers seldom conducted personal interviews with them. The manager mostly appointed someone else to deal with the disciplinary investigations and interviews and made a decision based on that official's opinion and case presentation about whether to press charges or not. This practice seems fair, bearing in mind that the manager or supervisor is often absent or engaged in other work roles and functions. This does, however, create a situation where personal contact between the manager and his/her subordinates is lost, and his/her influence during this personal interview cannot be experienced.

Conducting an effective personal interview involves many factors, for example the setting of the interview, privacy, the atmosphere, as well as trust in the manager (Nel *et al.*, 2007). Employees often confide in their commanders and this could be an opportunity to address personal problems that may lead to inappropriate behaviour. Early intervention and referrals to professionals would then be possible. It would be to the manager's advantage to receive training in the conducting of personal interviews if he/she seems to be incompetent in the execution of this important function (Finnemore, 2006).

Referral for counselling if needed

Positive discipline comprises the administering of corrective counselling techniques. For corrective counselling to be effective, a supervisor must be genuinely interested in helping an employee overcome problems and must offer support, encouragement and assistance. With greater problem-solving participation by the employee, the chances for a long-lasting improvement in behaviour are greatly increased (Grobler *et al.*, 2006).

One distinction between progressive discipline and positive discipline entails the provision of counselling where positive discipline is practised. Managers who are not trained in counselling skills, or who do not have the time to provide counselling themselves, should still refer members to other professionals for counselling. Managers could make use of the helping professions (i.e. social workers, chaplains and psychologists) in the organisation for referral and counselling, if needed.

Preventive discipline

Of all the approaches to discipline, preventive discipline is the most desirable. Preventive discipline means that people are managed in a way that prevents behaviour that needs to be disciplined (Grobler *et al.*, 2006). Managers and supervisors who practise preventive discipline create an organisational climate conducive to high levels of job satisfaction and employee productivity. To create a working environment that supports a preventive discipline approach, the organisation must use effective selection procedures, properly orient the employee to the job, provide any necessary training, clarify proper employee behaviour, provide frequent and constructive feedback to employees on their performance, and apply an open-door policy and management-employee group meetings to enable employees to address their problems to management (Grobler *et al.*, 2006).

CONCLUSION

Three components are necessary for the effective maintenance of a disciplinary procedure in an organisation: consultation or negotiation, communication with everybody concerned regarding the exact way in which the system operates, and training of the individuals involved in a disciplinary process (Nel *et al.*, 2007). The application of discipline should be immediate, with warning, consistent and impersonal (Grobler *et al.*, 2006).

The results of this exploratory study could be used as a basis to develop a theoretical model and measure of the fairness of

disciplinary procedures. Sophisticated statistical techniques (e.g. structural equation modelling) could then be used to test the construct validity of the model in different organisations in both the private and public sectors in the South African economy. The measure of fairness of disciplinary procedures could be used as an important tool to manage discipline in organisations.

This study has shown that employees experience the disciplinary procedure of the organisation as traumatic and emotionally exhausting. It can also be concluded that employees experience the disciplinary procedure as unfair. It is the manner in which discipline is applied and the different role players that are involved in the disciplinary procedure, in particular, that make it a lengthy and time-consuming process. The disciplinary procedure causes unnecessary strain and pressure on employees, mostly due to delays in finalising cases. Employees also indicated that personal problems lead to misconduct or inappropriate behaviour. Managers and supervisors should therefore be responsible for the investigation of counter-productive behaviour, preferably by conducting personal interviews with offenders in order to determine the causes of their misconduct and to address personal problems, if necessary. Managers should support individuals under emotional pressure, identify possible warning signs, and attempt to ease the pressure wherever possible.

Human resource management could utilise the recommended guidelines for more effective application of discipline in organisations. These guidelines encompass the process of positive discipline. Positive discipline corrects defiant employee behaviour through support, respect and people-oriented leadership (Greenberg & Baron, 2007; Grobler *et al.*, 2006). Positive discipline is a management philosophy that assumes that improved employee behaviour is most likely to be long-lived when discipline is administered without revenge, abuse or nastiness.

REFERENCES

Babbie, E. & Mouton, J. (2001). *The practice of social research*. Cape Town: Oxford.

Cole, N.D. (1996). *The effects of training in procedural justice on perceptions of disciplinary fairness by employees and discipline experts.* Unpublished Ph.D. dissertation, University of Toronto, Canada.

Cohen-Charash, Y. & Spector, P.E. (2001). The role of justice in organizations: a meta-analysis. *Organizational Behavior and Human Decision Processes*, 86(2), 278-321.

Cresswell, J.W. (2003). *Research design: qualitative, quantitative and mixed methods approaches*. Thousand Oaks, CA: Sage.

Cropanzano, R., Bowen, D.E. & Gilliland, S.W. (2007). The management of organisational justice. *Academy of Management Perspectives*. November, 34-48.

De Vos, A. (1998). *Research at grassroots. A primer for the caring professions*. Pretoria: Van Schaik.

Engelbrecht, A.S. & Chamberlain L. (2005). The influence of transformational leadership on organisational citizenship behaviour through justice and trust. *Management Dynamics*, 14(1), 2-13.

Finnemore, M. (2006). *Introduction to labour relations in South Africa*. Cape Town: Butterworths.

Goldman, B.M. (2003). The application of reference cognitions theory to legal-claiming by terminated workers. The role of organizational justice and anger. *Journal of Management*, 29(5), 705-728.

Gómez-Mejia, L.R., Balkin, D.B. & Cardy, R.L. (1995). *Managing Human Resources*. Englewood Cliffs, N.J: Prentice Hall.

Greenberg, J. & Baron, R.A. (2007). *Behavior in organizations*. Upper Saddle River, NJ: Pearson Education, Inc.

Grobler, P., Warnich, S., Carrell, M.R., Elbert, N.F. & Hatfield, R.D. (2006). *Human resource management in South Africa*. London: Thomson.

Grossett, M. (1999). *Discipline and dismissal. A practical guide for South African managers* (2nd Ed.). Johannesburg: Thomson.

Kreitner, R. & Kinicki, A. (2007). *Organizational behavior* (7th Ed.). New York: McGraw-Hill.

Kvale, S. (1996). *An introduction in qualitative research interviewing*. Thousand Oaks, CA: Sage Publications.

Latham, G.P. (2007). *Work motivation: history, research, theory and practice*. California: Sage Publications.

Leventhal, G.S., Karuza, J. & Fry, W.R. (1980). Beyond fairness: a theory of allocation preferences. In Mikula, G. (Ed.). *Justice and Social Interaction*. New York: Springer-Verlag.

Lind, E.A. & Taylor, T.R. (1988). *The Social Psychology of Procedural Justice*. New York: Plenum Press.

Mohyeldin, A. & Suliman, T. (2007). Links between justice, satisfaction and work performance in the workplace. *Journal of Management Development*, 29(4), 294-311.

Nel, P.S., Van Dyk, P.S., Haasbroek, G.D., Schultz, H.B., Sono T. & Werner A. (2007). *Human Resources Management*. Cape Town: Oxford University Press.

Pienaar, J. & Rothmann, S. (2003). Coping strategies in the South African Police Service. *SA Journal of Industrial Psychology*, 29(4), 81-90.

Pinder, C.C. (1998). *Work motivation in organizational behavior*. Upper Saddle River, NJ: Prentice Hall.

Saunders, M.N.K. & Thornhill, A. (2004). Trust and mistrust in organizations: an exploration using an organizational justice framework. *European Journal of Work and Organizational Psychology*, 13(4), 493-515.

Schminke, M. & Arnaud, A. (2005). Organizational justice. In G.R. Goethals, G.J. Sorenson & J.M. Burns (Eds.). *Encyclopaedia of Leadership*. New York: Sage Publications, Vol. 3, pp. 1124-1129.

Skarlicki, D.P. & Folger, R. (1997). Retaliation in the workplace: the roles of distributive, procedural, and interactional justice. *Journal of Applied Psychology*, 82(3), 434- 443.

Stecher, M.D. & Rosse, J.G. (2005). The distributive side of interactional justice: the effects of interpersonal treatment on emotional arousal. *Journal of Managerial Issues*, 17, 229-246.

Thompson, M. & Heron, P. (2005). The difference a manager can make: organizational justice and knowledge worker commitment. *International Journal of Human Resource Management*, 16(3), 383-404.

Tyler, T.R. (1994). Psychological models of the justice motive. Antecedents of distributive and procedural justice. *Journal of Personality and Social Psychology*, 67(5), 850- 863.

Werner, A. (2007). *Organisational behaviour: a contemporary South African perspective*. Pretoria: Van Schaik Publishers.