DISCIPLINE MANAGEMENT IN THE PUBLIC SERVICE-
“towards effective discipline management for improved service delivery”
30-31 October 2006

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Background:

- Discipline regulated in terms of PSCBC Resolution 1/2003
- Procedure for Discipline contained in clause 5 of the Code
- Procedure for Serious Misconduct contained in clause 6 of the Code
- The Code specifically provides for two different processes/stages of application of Discipline
The purpose of this Code and Procedures is:

- to support constructive labour relations in the public service;
- to ensure that managers and employees share a common understanding of misconduct and discipline;
- to provide employees and the employer with a quick and easy reference for the application of discipline;
- to avert and correct unacceptable conduct; and
- to prevent arbitrary or discriminatory actions by managers toward employees.
INFORMAL DISCIPLINE: FACT OR FICTION?

PRINCIPLES

The following principles inform the Code and Procedure and must inform any decision to discipline an employee.

- **Discipline is a corrective measure** and not a punitive one.

- **Discipline must be applied in a prompt, fair, consistent and progressive manner.**

- **Discipline is a management function.**
A disciplinary code is necessary for the efficient delivery of service and the fair treatment of public servants, and ensures that employees:

- have a fair hearing in a formal or informal setting;
- receive written reasons for a decision taken;

The Disciplinary Code and Procedures constitutes a framework within which departmental policies may be developed to address appropriate circumstances, provided such policies do not deviate from the provisions of the framework.
INFORMAL DISCIPLINE: FACT OR FICTION?

Methodology:

- Personal Interviews (43)
  - Managers Labour Relations/ Employee Relations
  - Labour Relations Practitioners
  - Union Officials
  - Shop stewards

- Survey
  - 450 distributed
  - 120 responses

- Statistics
  - GPSSBC –Case Management System-
  - Departments
Focus Area:

- General awareness of informal process/ PSCBC Resolution 1/2003
- Is the informal process utilized to correct behavior
- Co-operation- Employee’s, Supervisors, Shopstewards
- Impact of corrective action
- Appeal process and effect of such on informal discipline
- Alternatives to the current model (if applicable)
INFORMAL DISCIPLINE: FACT OR FICTION?

- Preliminary Findings:
  - 45% - not aware of PSCBC Resolution 1/2003
  - 97% - aware of the informal process
  - 4% - keeps records of informal action up to 5 years
  - 45% - of disciplinary action is informal- estimate-
  - 72% - takes informal action “outside” the provisions/scope of PSCBC Resolution 1/2003 and/or Departmental Policy
Preliminary Findings (continue):

- 62% believes that informal discipline should remain on the record of the employee
- 63% Managers believes Unions are “disruptive” in the informal process
- 89% Shopstewards believe Supervisors are not committed to the informal process
- 93% believes that employees do not change behavior from informal discipline
INFORMAL DISCIPLINE: FACT OR FICTION?

Preliminary Findings (continue):

- 0.7% of Disputes referred to the Bargaining Council relates to informal discipline
- 43% of Disputes referred to Bargaining Council relates to formal disciplinary action
- 78% believes that the appeal process should be abandoned from the informal process
- 93% believes the appeal process is not clear within the PSCBC Resolution and/or Departmental Policies
- 88% believes that informal discipline can be an effective tool in achieving the purpose and principles of the Disciplinary code
Informal Discipline: Fact or Fiction?

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**Preliminary findings (continue):**

- **Informal Discipline**
  - Is viewed as punitive, rather than corrective-
  - Selective application of informal discipline
  - Shopstewards follow an approach of intimidation towards Supervisors/ Junior/ Middle Management
  - Supervisors prefer Employee Relations/ Labour Relations to manage all forms of discipline
  - Shopstewards believe Supervisors manipulate informal process by addition of words such as “gross” to the charge sheet to make such formal discipline
Preliminary Findings (Continue):

- The appeal process is an administrative rump slump and results in unnecessary delays in finalizing informal discipline.

- Supervisors / Junior/ Middle management is concerned that appeal process on informal discipline will expose what they view as personal incapacity.

- The delays result in discipline becoming an ineffective tool.

- Proper record of verbal warnings is needed as employees deny verbal warnings/ counseling.

- Disciplinary action- informal/formal- should remain on the file similar to a criminal record.
INFORMAL DISCIPLINE: FACT OR FICTION?

Analysis:
- Informal discipline in the Public Service is factual
- Doubt exist on the effectiveness of the process
- The informal process maybe manipulated
- Trust relationship between Shopstewards/ Supervisors doubtful
- Need to train role players on the informal process
INFORMAL DISCIPLINE: FACT OR FICTION?

Preliminary proposals:

- There is a need to review the informal process
- Informal process may be restricted to Verbal warnings/Counseling
- Appeal process to be reviewed to support the principle of effective and corrective disciplinary action
- Training on discipline management to be presented by third party
Conclusion:

Informal discipline in the Public Service is used as disciplinary tool, however the current shortfalls result in the manipulation of the process.
Thank You !!!!!

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