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**CONFLICT MANAGEMENT: A UNION'S APPROACH  
AT THE DURBAN UNIVERSITY OF TECHNOLOGY  
(DUT)**

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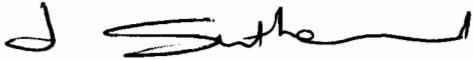
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**DECLARATION**

I, Maya Lakhranie Sutherland hereby declare that the work on which this dissertation is based, is original (except where acknowledgements indicate otherwise) and that neither the entire study nor any part of it has been or is being used at any other university or tertiary education institution or examining body.



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Maya L Sutherland

9 MARCH 2007

.....  
Date

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**“It is not easy being grateful all the time. But it is when you feel least thankful that you are most in need of what gratitude can give you”.**

**I wish to thank my husband Stewart, my children, Sandie, Pat & Andrew, my mum Doorpathi, Florence and all my dear friends for their unconditional love, endless support and encouragement.**

**I would also like to thank NUTESA (DUT) for their co-operation and willingness to participate in this research.**

**ABSTRACT**

*Conflict is inevitable in a rapidly changing society. The education sector represents a microcosm of this society and is thus as susceptible to conflict as any other sector. The purpose of this study is to explore how and by what means the National Union of Tertiary Employees of South Africa (NUTESA) manages conflict at the Durban University of Technology (DUT). This was explored by identifying some of the major sources, aggravators/moderators and conflict behaviour that exists at DUT as well as the process that NUTESA uses in addressing and resolving conflict. The study also identifies the conflict management styles and strategies that NUTESA uses in resolving union and management conflict.*

*This study uses a qualitative approach and semi-structured interviews to collect the data. Ten committee members of the National Union of Tertiary Employees of South Africa at DUT are interviewed. Data is analysed using descriptive and interpretive approaches. Analyses of the data indicates that NUTESA believes that conflict should be managed constructively and effectively to prevent conflict from escalating and leading to disputes. NUTESA has been pro-active and innovative in many ways at DUT which has promoted good relationships, especially with management, and has fostered open communication, understanding, trust and sensitivity.*

*The process that NUTESA uses in managing conflict is largely dictated by the grievance procedure document specified by DUT. This policy document affords the unions, employee and management the opportunity to communicate and discuss work related issues in a fair and objective manner. Beyond this, NUTESA is extremely committed and protective of its members in many ways, as this study shows. NUTESA are open to communication and believe that a participatory approach benefits all parties within DUT i.e. both management and its members. Being part of the collective bargaining and the labour consultative forums has certainly been a move in the right direction as these forums provide NUTESA with a perfect platform for open and honest discussion with management especially where the interests and the rights of employees are at stake.*

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**CONFLICT MANAGEMENT: A UNION'S APPROACH AT THE DURBAN UNIVERSITY OF  
TECHNOLOGY (DUT)**

**CHAPTER ONE**

**1.1 PRELUDE**

Conflict is an ever-present process in human relations (Loomis and Loomis 1965).

**1.2 INTRODUCTION AND BACKGROUND**

Conflict is an inevitable by-product of human interaction and serves a positive social purpose (Coser 1956: 31). According to Wall (1995: 517) a general definition holds that conflict is a process in which one party perceives that its interests are being opposed or negatively affected by another party. Deutsch (1987) identified two types of conflict. Constructive or functional conflict, which he maintains is healthy constructive disagreement between two or more individuals that can produce new ideas, learning, and growth and gives the impetus to creativity and innovation (Deutsch 1987). By contrast, he states, that destructive or dysfunctional conflict escalates and expands resulting in mutual attacks, misperceptions, misjudgments and violence (Deutsch 1987). The approach to conflict in the workplace is normally perceived as being negative and it is believed that disputes should be avoided at all costs. In analysing conflict in the workplace context, it is important not only to understand the various elements of conflict but also to understand what the effect of the workplace and the parties to the relationship are on the dynamics of conflict. Therefore a proper and thorough understanding of conflict and effectively dealing with the conflict as soon as possible is crucial as this would contribute to a more positive management and approach to conflict management.

Finnemore (2002) suggests that society is dynamic and ever-changing. This she asserts is as a result of tension, hostility, competition, and disagreement over goals and values. Change is one of the basic features of society. In general, change occurs because of inequality and the battle over scarce resources. Conflict occurs because people want power, wealth, and prestige that are in short supply. This relationship makes conflict inevitable. Conflict can therefore be considered as the motor which creates a climate for desirable change or can serve as a catalyst for dynamic change (Finnemore 2002).

Finnemore (2002) argues that higher education in South Africa has experienced a decade of turmoil and many conservative universities with their historical legacy, culture and values, had to be open to change

and challenges. They had to contend with rapid and imposing changes according to the Council of Higher Education (CHE) Research Report (2004). Finnemore (2002) suggests that as change promotes conflict, and in the absence of conflict regulation mechanisms or insufficient mechanisms to counteract the influence of aggravators, conflict will undoubtedly escalate in size and intensity.

The CHE Research Report (2004) suggests that the restructuring exercise in higher education is politically driven. Mergers and incorporations have been prescribed by the state as part of an explicit agenda of transformation, reshaping, redress and equity in the sector. A new institutional landscape that is better placed to meet the economic, social and educational goals of a democratic South Africa is part of the South African higher education policy (CHE Research Report 2004).

Pityana, as the keynote speaker at the Bill Venter/Altron Literary 2003 Awards (2004), signified the mood of the time by pointing out that, “universities would be where the new democracy’s idealism found expression, its leaders trained and its ideas formed. The “old” system was inherently unequal. In many respects its academic input is outdated and not in step with the emerging ideas in the democratic South Africa, its research culture incompatible with the progressive agenda of the “new” South Africa and the culture of the academic environment alienating a large majority of South Africans, changes had to take place”.

“In South Africa”, Pityana elaborated, “the policy approach had to strategically deal with the legacy of the past and yet shape and prepare South African universities to embrace the future in a global world” (Pityana, 2004).

It is within this context and environment that tertiary education unions appear to have become significant players in the transformation discourse and have focused on promoting and protecting the interest of their members within the Higher Education landscape. At the Durban University of Technology (DUT), the National Union of Tertiary Employees of South Africa (NUTESA), the largest member union, has been actively attempting to maintain the balance between “conflict of interest” and the “imbalance of power” which exists between employer and employees.

According to Anstey (1999) conflict and disputes are highly emotive issues and should not be seen as merely following a set of rules and guidelines as prescribed. Therefore he suggests that for successful resolution of conflict relating to individual employees required is:

- a proper understanding of conflict,
- a sound knowledge of the internal mechanisms ie. grievance and disciplinary procedures and

- an effective process and procedure for managing conflict.

This is of particular relevance to this study which explores the extent of NUTESA's involvement in these processes and procedures of conflict management. The mechanisms for dealing with conflict at DUT are primarily the grievance and disciplinary procedures (Appendix 1) which stipulates the steps that are to be followed.

### 1.3 **PROBLEM STATEMENT**

According to the CHE Research Report (2004), mergers within higher education, organisations, institutions and government alike have greatly contributed to the unpleasant and difficult situation by forcing drastic changes upon employees without proper planning, structures and time frames. One of the characteristics of mergers is the lack of understanding people's culture, diversity, where people come from i.e. their background, and "how things were done". These are crucial factors that need consideration by key decision-makers within organizations especially during restructuring, transformation and when attempting to create a new organisational culture.

The former Natal Technikon and M L Sultan Technikon merged in April 2002 to form the Durban Institute of Technology (DIT) that in 2006 changed its name to the Durban University of Technology (DUT). At this time members from the National Education, Health and Allied Workers Union (NEHAWU) from both institutions merged to form one united union whilst members from NUTESA from the two institutions, initially stood divided although they now had one employer. In March 2005, some NUTESA members, mainly from the ex M L Sultan Technikon decided to form their own union, which was registered as the Tertiary Education National Union of South Africa (TENUSA). This resulted in DUT having three active unions in operation, NUTESA, NEHAWU and TENUSA.

Although NUTESA is an apolitical national union, they are responsive to the political and economic climate in which they find themselves. They have been in existence at DUT since 1994 and are currently the majority member union at DUT with approximately 600 registered members.

For any organisation to be effective and efficient in achieving its goals, the stakeholders within the organisation need to have a shared vision of what they are striving to achieve, as well as clear objectives for each team/department and individual. Conflict management is a process of planning to avoid conflict where possible and strategically managing to resolve conflict when it does happen, as rapidly and

effectively as possible. Therefore it is essential that methods/techniques for recognizing and resolving conflict amongst people be developed in order to maximize co-operation and productivity. When conflict is managed with a focus on common interests rather than on blaming others or bringing up past situations, there is a better chance of working together to resolve the issues.

The mechanisms for dealing with conflict at DUT are primarily the grievance and disciplinary procedures which outlines the steps that have to be followed. Conflict and disputes are highly emotive issues and should not be seen as merely following a set of rules and guidelines as prescribed. Therefore for successful resolution of conflict relating to individual employees there is a need for a proper understanding of conflict, a sound knowledge of the internal mechanisms ie. grievance and disciplinary procedures and an effective process and procedure for managing conflict.

In considering the important role that unions play in the maintenance, support and management of conflict in the workplace, this exploratory study aims to gain a deeper understanding of NUTESA's approach and involvement in conflict management at DUT and to explore what processes it follows.

The research objectives therefore are:

- To explore what are the major sources of conflict, aggravators/moderators and conflict behaviour that exist at DUT.
- To investigate the processes that are used in addressing and resolving conflict and disputes and
- To investigate what conflict management styles and strategies are used by NUTESA

This study will cover the period from January – December 2006. The scope of this study does not allow for an in-depth study of conflict management or an in-depth study of NUTESA as a union.

#### **1.4 RATIONALE**

Coser (1956) argues that conflict is an inevitable by-product of human interaction and serves a positive social purpose. Constructive or functional conflict, Deutsch (1987) maintains, is healthy constructive disagreement between two or more individuals that can produce new ideas, learning, and growth and gives the impetus to creativity and innovation. Therefore it is said that there are many reasons why conflict is a necessary part of the growth and development of individuals, families, communities and society. Conflict can:

- help build communities

- define and balance people's needs as individuals with their needs as participants in larger systems
- help them face and address in a clear and conscious way, the many difficult choices that life brings to them and
- By working through a conflict, it can be an important bonding and growth producing experience.

The strength of social systems lies in how to prevent serious conflicts and, when conflicts do arise, how to address them in order to maintain social systems integrity and preserve the well-being of its members. By doing this, social organisations adapt to changes in their environment. Therefore understanding the dynamics of conflict provides conflict-resolvers and related professionals with a basic tool for addressing the essential forces that shape the development of individuals and social entities.

Lippitt, as cited in Brandt (1997: 183) said, "The rapid changes of the 20<sup>th</sup> century have increased human conflict to the point that our sensibilities toward each other are becoming numb. The human capacity for adaptation may be working against our social relationships as we passively accept conditions that are not conducive to the effective resolution of interpersonal differences. Just as we adapt to bad air, tasteless food, polluted water, congested cities and loud noise, we are also becoming callous and indifferent to the factors in our environment that are setting us at one another's throats".

Lippitt highlights the indifference that individuals display towards each other in a rapidly changing world and where relationships become affected by change.

In addition, labour legislation and union activities remain a reality in all organisations in South Africa. Organisations would have to realize that conflict plays an important role in a changing society; therefore the management of conflict and change has become of utmost importance in maintaining a stable and productive work environment. Employees are faced with continual and rapid change, economic uncertainty, unrealistic expectations and a general feeling of disempowerment, which could be a breeding-ground for conflict.

It is against this background that key questions intrigued, interested and promoted this study of unions within a higher education sector.

- Are unions strategically active, proactive or effective to manage some of the problems or issues that employees encounter at the workplace?
- Do they have the capacity to assist their members effectively and efficiently?
- With more than one union present in an institution, how do employees decide which union to join which will act in their best interest?

Although these questions are not the problem statements of this study it is hoped that the knowledge and answers of these questions together with key questions raised in this study will provide for future development of NUTESA. The perception is that NUTESA plays a crucial role at DUT with regards to managing conflict, therefore, it is also hoped that the knowledge gained in this study will reduce or help eliminate some of the sources and aggravators of conflict at DUT. Further, as there is no evidence of any formal study or research conducted on NUTESA at DUT, it is hoped that this study will be the building blocks for further studies or research. NUTESA's strategy is to create greater sustainability and target achievement and remain as the leading union at DUT, this study will assist in moving NUTESA in the right direction to achieve this.

### **1.5 LIMITATIONS OF THE STUDY**

Research and current news on unions is very limited especially within the higher education sector in South Africa. The important role and the contributions that unions make are not well documented. It was difficult to ascertain the following information with regards NUTESA:

- Readily available or composite information, statistics or data
- Articles or research written by NUTESA leaders, members or others,
- The history or background information on NUTESA
- Documentation of the different categories of cases dealt with by NUTESA
- Access to any archive material due to a lack of proper filing or collection of data system
- Continuous reporting and recording of new changes to legislation, institutions or within NUTESA itself
- Material on mergers and institutional changes and the role NUTESA played in this

As there is no evidence of any formal study or research conducted on NUTESA at DUT, it was difficult to know where to begin with such a study i.e. to build on to any prior research.

The term of office for NUTESA committee members is two years. This made it difficult to "piece" together background or important follow-up information as some members are now no longer active within NUTESA.

The system of recording, data capturing or information on NUTESA is not very user friendly. One had to rely on the administrative assistant to provide relevant information. As this office is fairly new, following

up on and trying to source possible articles that were written by NUTESA members who were active, was extremely difficult. There was also a lack of composite statistics and details which would have contributed towards a more meaningful and in-depth study.

## **1.6 STRUCTURE OF STUDY**

Chapter two focuses on the literature review which examines in detail relevant literature and theory on conflict, unions, NUTESA, DUT and the higher education environment.

Chapter three explains the research design and the methodology that was used and a discussion on qualitative research and semi-structured interviews.

Chapter four presents the data collected from the semi-structured interviews conducted with ten members of NUTESA.

Chapter five presents the findings, analyses and discusses the data collected, presents recommendations with implications for further research, discusses the limitations to the study, and draws conclusions.

## **1.7 CONCLUSION**

An introduction to conflict problem statement, the purpose of study and the objectives were introduced. The motivation for the current study was explored and the various limitations of this study were discussed.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 PRELUDE**

“We shall not cease from exploration  
and the end of all our exploring  
will be to arrive where we started  
and know the place for the first time” (T S Eliot, Little Gidding)

#### **2.2 INTRODUCTION**

Conflict is inherent in any relationship eg. employee and employer. Positive conflict provides for a problem-solving approach which triggers creativity and innovation, stimulates new ways of interacting and understanding. Whether conflict is functional or dysfunctional is not as important as how it is managed (Deutsch 1987). NUTESA as the majority member union at DUT plays an important role in negotiating, protecting, promoting and assisting employees at DUT. They maintain the balance between “conflict of interest” and the “imbalance of power” which exists between employer and employees.

Against the backdrop of a rapidly changing higher education sector, the unions actively engaged in, contributed and maintained their position in ensuring a new landscape for higher education. At DUT the conditions of service document (Appendix 1) dictates the framework within which employees function, exercise their rights and voice their dissatisfaction. The grievance procedure and disciplinary policy documents provide the guidelines for employees in terms of conflict management.

In considering how and what role NUTESA plays at DUT in terms of conflict management, it is important to explore the relevant literature. Chapter two will examine, explain and outline:

- definitions
- relevant concepts, models and frameworks
- information on higher education, NUTESA and DUT and
- theories and perspectives of conflict management

## 2.3 DEFINITIONS

### 2.3.1 Definition of Trade Union

Finnemore (2002) cites Webb & Webb's 1920 definition of trade union, which she argues is still appropriate today. "A trade union, as we understand the term, is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives".

At DUT, NUTESA defines itself through its mission statement which states that "NUTESA is a united power base of higher education institution employees who:

- are committed to implementing and promoting fundamental rights
- believes in freedom of association, freedom of speech, academic freedom and other democratic principles and
- responsibly protects, supports and advances the rights of its members in the Higher Education sector" ([www.nutesa.co.za](http://www.nutesa.co.za)).

The 21<sup>st</sup> century sees unions going beyond wage negotiations, maintaining or improving conditions of working lives. After scrutinising NUTESA's documents, newsletters and leadership it is evident that NUTESA is committed, democratic, and responsible in its approach and believes in constructively managing conflict at DUT.

### 2.3.2 Definitions of Conflict

A general definition holds that conflict is a process in which one party perceives that its interests are being opposed or negatively affected by another party. A thorough perusal of the literature reveals that most definitions agree that conflict is a process involving two or more parties.

Coser's early definition of 1956, describes conflict as "... a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals". This definition sees conflict as a struggle over values and scarcity and goal directed in that the parties seek to neutralize or injure each other in their efforts to obtain their objectives.

Anstey (1999: 5) takes the contribution and insights of the various definitions including those of Hime's (1980), Kriesberg's (1973), Pruitt and Rubin's (1986) and offers his definition of conflict. He defines conflict as "existing in a relationship when parties believe that their aspirations cannot be achieved simultaneously, or perceive a divergence in their values, needs and interests (latent conflict) and purposefully employ their power in an effort to defeat, neutralize or eliminate each other to protect or further their interests in the interaction (manifest conflict)." The first part of this definition addresses the causes of conflict and the second its expression (Anstey 1999: 5).

The different definitions of social conflict highlight the debate in the literature concerning whether external 'objective' factors such as scarce resources or troubled economics are the primary cause of conflict, or whether 'subjective' factors are the predominant cause of conflict. Anstey (1999: 6) argues that both these factors play an important role in conflict. All conflict, he states, have a subjective component because people in relationships are interpreting events and attributing meaning to events. They also do this as individuals and through construing themselves as part of groups. He indicates that there is an inter-play between subjective, psychological factors and objective conflict of interest. Deery *et al* (1997) as cited by Bendeman (2003) contends that industrial conflict can only be understood by examining all its manifestations. The total range of behaviour and attitudes of employers and employees should be explored and considered as forms of conflict that should be dealt with.

### **2.3.3 Conflict Management**

The term conflict management has expanded to cover a variety of approaches, strategies, and programmes such as peacekeeping and conflict resolution. According to Girard and Koch (1996), conflict resolution is "a spectrum of processes that all utilize communication skills and creative thinking to develop voluntary solutions that are acceptable to those concerned in a dispute."

The term conflict management broadly refers to programmes that teach individuals the concepts and skills for preventing, managing, and peacefully resolving conflicts (Girard and Koch 1996). According to Girard and Koch (1996) conflict management can be defined as a process that productively controls the effects of opposing needs or wants to obtain a desired outcome. For example, conflict management programmes can teach problem-solving skills, negotiation strategies, and mediation skills. The term conflict management is used to describe an all-

encompassing set of programmes and strategies that strive for the peaceful settlement of differences. When conflict is managed with a focus on common interests rather than on blaming others or bringing up past situations, there is a better chance of working together to resolve the issues. Individuals should realize that all conflict might not be resolved. The goal of the conflict management strategies is to enable individuals to constructively manage differences in the hope of procuring a resolution. These strategies empower one to communicate effectively when disputes arise and promote positive approaches to handling conflict (Girard and Koch 1996).

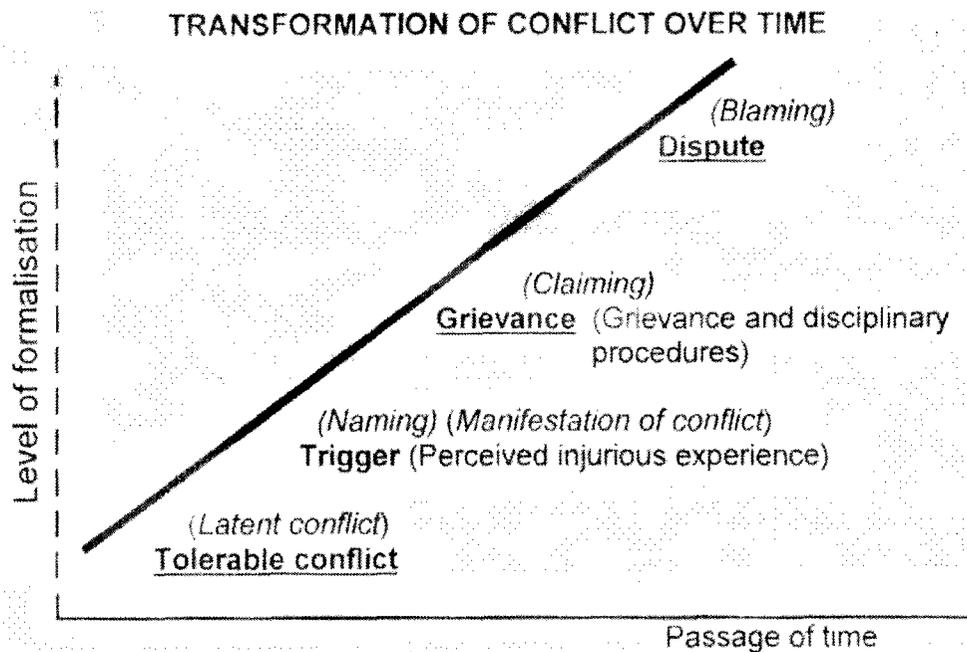
#### **2.3.4 Defining disputes**

Bendeman, (2003: 90) cites Barker and Holtzhausen (1996: 41) who defines a dispute in the context of labour as "a situation where one party ... has set a demand and the other party ... has either rejected the demand or has allowed an unreasonable time to elapse without dealing with it properly".

##### **2.3.4.1 The transformation of conflict into a dispute**

Brand *et al* (1997) suggests that while conflict cannot be eradicated, it needs to be effectively managed. He further suggests that the well-known and institutionalised procedures for the management of individualised conflict in many organisations are primarily the grievance and disciplinary procedures. In figure 1 below, he argues that conflict, is inherent but latent in all relationships even if the conflict has not manifested itself. A trigger factor is usually needed to transform latent conflict in the workplace to manifest conflict. If conflict is not dealt with properly at an early stage, it escalates and becomes more formalised over time. This results in specific and appropriate procedures and mechanisms having to be used to address the conflict. The grievance and disciplinary procedures are examples of such mechanisms.

**FIGURE 1: Transformation of Conflict over Time**



(Adapted from Brand et al 1997:10-13)

### 2.3.5 Definition of a Grievance

According to DUT's Condition of Service, Section 8, 2006, a grievance may be defined as "a complaint, other than demands formulated by a collective body, which is related to the employee's treatment or position within his/her daily working routine and which, because it may result in a dispute, warrants the formal attention of management".

The grievance procedure can be viewed as an instrument that employees can utilise to bring their grievances to the attention of the employer. In the same manner the disciplinary procedure can be seen as a mechanism for use by management to bring their grievances to the attention of employees (Appendix 1).

The use of the grievance and disciplinary procedures is an indication that the conflict has reached a more formalised level and that it should be dealt with in a formalised manner. At this point the

naming, blaming and claiming become relevant since the relevant party must be specific about the nature of the dispute.

### **2.3.6 Viewpoints of Conflict**

Two main viewpoints on the necessity or inevitability of conflict exist. One view suggests that conflict is not inevitable and can be eliminated by giving people involved in conflict what they need. This view further states that, conflict is always dysfunctional and disruptive because it does not facilitate the evolution or improvement of society and individuals (Bjorkqvist 1997).

The other view point suggests that conflict is an inevitable by-product of human interaction and serves a positive social purpose (Coser, 1956). The very nature of conflict demonstrates that the consequences of not always giving every person involved what they want, brings about conflict. Conflict integrates groups by helping to establish group identity, clarifying group boundaries and thus contributes to group cohesion. It also prevents stagnation, stimulates interest and curiosity and is the root of personal and social change and growth.

### **2.3.7 Constructive and Destructive Conflict**

Deutsch (1987) distinguishes between constructive (or functional) conflict and destructive (or dysfunctional) conflict and gives a perspective on the viewpoints expressed by other authors. Destructive conflicts, he argues, escalate and expand resulting in mutual attacks, misperceptions and misjudgments and violence. There is wastage of resources and thus group goals are thwarted and its survival threatened.

Constructive conflict, on the other hand, gives impetus to creativity and innovation. It promotes human relationships and fosters communications, understanding, trust and sensitivity. Anstey (1991: 10) cites Deutsch's argument emphasis that states "it is not the conflict *per se* that should be regarded as functional or dysfunctional, but the way it is handled by the parties".

The different viewpoints of conflict create platforms from which people operate. This affects their attitudes, behaviours and responses to conflict once confronted. Acknowledging that conflict is natural to organizations and to life in general, it can be argued that conflict can never be completely eliminated. According to Anstey (1999) conflict managed effectively and

constructively can stimulate innovation, creativity and change. Whether the conflict is constructive or not functional, if organisations were completely devoid of conflict, they would become apathetic, stagnant and unresponsive to change (Anstey, 1999). It can be claimed that “conflict is a fact of life”.

This study supports the view that conflict is a natural process common to all societies with predictable dynamics amenable to constructive regulations. NUTESA at DUT, render an important function maintaining the balance between employee job satisfaction, to a certain extent, and the smooth running of the organisation. This is done through negotiating for better work conditions and pay and providing assistance in interpreting and applying the grievance or disciplinary procedure policy documents (Appendix 1) to employees facing difficulties and encountering conflict at DUT. NUTESA manages all their conflict issues through constructive discussions and procedures.

## **2.4 FRAMEWORK/MODELS OF CONFLICT**

According to Finnemore (2002) at the centre of all conflicts are human needs arising from basic human instincts, the competition for resources and power, the structure of the societies and institutions people create and from the inevitable struggle between classes.

Even though there is something to be said for most theories, they are not always helpful to understanding conflict and its process. The literature reveals that definitions, models and theories of social conflict are diverse and can be found on both the macro and the micro level. They provide insights and perspectives for the analysis and understanding of conflict processes.

A model or framework is used for understanding conflict. The framework, using some of the best insights of different conflict theories and modes in a practical way, creates a map that guides one through the conflict process.

### **2.4.1 Process and Structural Model**

Thomas (1976) as cited by Anstey (1999) distinguishes between two models of conflict:

- (1) A process model that outlines the dynamics of conflict, ie it focuses on the internal dynamics of conflict episodes studying events and their effects on succeeding events in conflict episodes and
- (2) A structural model that considers underlying and environmental influences on conflict, ie it attempts to understand conflict phenomena by studying how underlining conditions shape events, which are relatively fixed or slow changing and are seen as structural in nature (Thomas 1976).

According to Anstey (1999) both these models and tactics are necessary for effective managing of conflict and fit in the larger view of conflict structure and process. A full understanding and managing of conflict must therefore give attention to both structural and process aspects of a working relationship in an organization and how they influence each other.

#### **2.4.2 Anstey's Conceptual Framework for Understanding Conflict**

Anstey (1999) proposes that the concept of conflict structure and conflict process outlined by Thomas, have to be integrated in order to develop a full understanding of conflict and uses Dressler's (1980) conceptual framework. This general conflict model, figure 2 looks at the sources of conflict, conflict behaviour; the perceptions and feelings of the parties involved, and includes both the structural and process aspects of conflict. These are:

- Conflict antecedents (sources) are classified into groupings such as scarce resources, differing goals, and drives for autonomy, power/authority imbalances, ambiguity and interdependence.
- Conflict behaviour can take a variety of forms such as competing, avoiding, accommodation, compromising or collaborating.
- Numerous aggravators/moderating influences determine how the conflict is perceived or felt and how the parties approach the issues and the form the conflict behaviour takes (Anstey 1999).

There are many sources of conflict but whether conflict will be repressed or not depends on the influence of intervening variables which can moderate or aggravate the actions of the conflicting parties. The form the conflict behaviour eventually assumes is the product of numerous

moderating influences that determine the extent to which the conflict is perceived or felt, and how the parties approach the issue in the context of their wider relationship.

#### 2.4.2.1 Sources of Conflict

According to Anstey (1999), conflicts are rarely uni-dimensional but are based on many different causes simultaneously. The dimensions of South African conflict under apartheid were complex and included racial domination, ethnicity, ideological beliefs, class stratification, inequitable wealth distribution, and authoritarian rule.

Anstey (1999) cites Moore's framework (1986) which distinguishes between major sources of conflict and states that most conflicts have multiple causes and are not easy to analyze because the cause are often obscure and clouded by the dynamics of the interaction. Anstey, (1999) however, proposes additional bases or sources of conflict, namely needs and change and ambiguity.

- Interest-based conflict
- Value conflicts
- Structural conflicts
- Data conflicts and
- Relationship conflict
- Needs
- Change and ambiguity

#### 2.4.2.2 Conflict Moderators and Aggravators

There are many sources of conflict but whether conflict will be represented or not depends on the influence of intervening variables which can moderate or aggravate the actions of the conflicting parties. Although figure 2 lists the aggravators and moderators, some common examples of aggravators are:

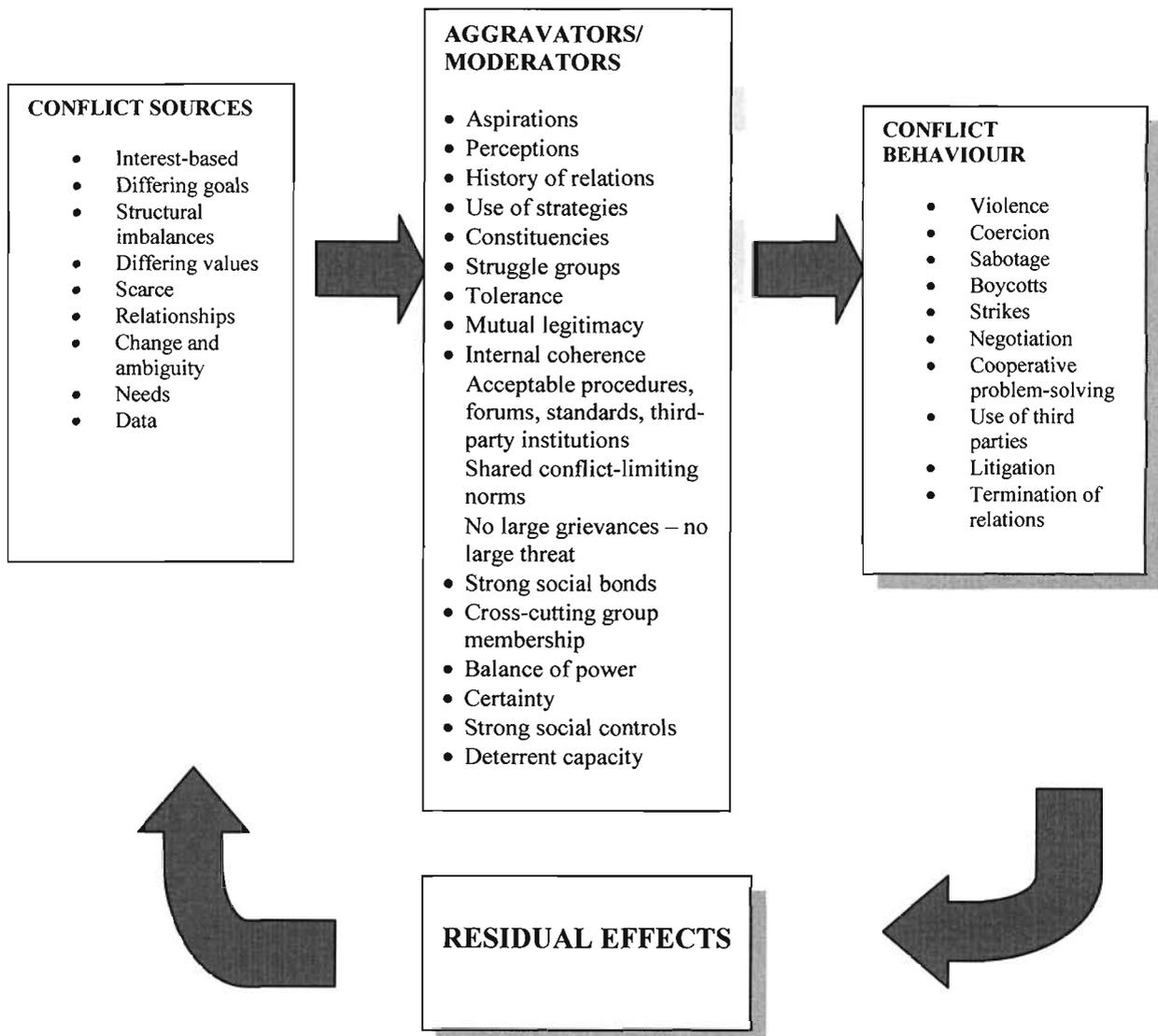
- lack of resources
- lack of money
- lack of transparencies especially from key stakeholders
- suspicion of management and their role
- the “we/they” perception

- creation of a festering environment through the merger
- past relationship
- perception

Some common examples of moderators are:

- effective conflict rules and regulations
- effective processes and procedures
- joint forums
- committees

**Fig 2: Anstey's Conceptual Framework for Understanding Conflict (Anstey 1999:13)**



### **2.4.3 Phase model of Conflict**

According to Kriesberg (1973) many scholars of social conflict share the view that conflict is primarily cyclical in its development and moves through a predictable sequence of stage. He describes the phase model of conflict as moving through a series of stages and states that although not every struggle goes through every stage, each stage significantly depends upon the earlier one. Expectations of the feedback from later stages also affect earlier stages. He suggests that a full cycle normally consists of seven stages:

- (1) The objective or underlying bases for a social conflict
- (2) The emergence of conflict when the parties believe they have incompatible goals
- (3) The initial way the adversaries pursue their contradictory aims and select ways of contending
- (4) The intensity and scope of the struggle escalates
- (5) De-escalates
- (6) Terminates
- (7) Outcomes which have in distributive or integrative dimensions.

This study in attempting to explore how and what role NUTESA plays in managing conflict at DUT, will be applying Anstey's conceptual framework in chapter five for a better understanding of conflict (Anstey 1999). The phase model of conflict proposed by Kriesberg (1973) together with the guidelines contained in DUT's grievance procedure document would assist in unpacking the steps taken by NUTESA in the attempt of resolving conflict.

### **2.5 CONFLICT LEVELS**

Hodgetts and Hegar (2005) as cited by Deutsch (1973) indicate that conflict occurs on five distinct levels:

- (1) Personal level, where the conflict is within the person. It might take the form of person-role conflict, whenever strong pressures from one's colleagues run counter to one's values or beliefs, or it can be of the inter-sender variety, whenever different demands in a role cannot be met concurrently, or, personal conflict can take the form of inter-role conflict. In this situation,

conflict arises because the individual occupies more than one role (e.g., principal and mother) and finds that some demands from each role cannot be met simultaneously.

- (2) At the interpersonal level, when an individual comes into conflict with others.
- (3) At an inter-group level, when conflict is between or among groups.
- (4) At an inter-organizational level, when conflict is between or among organisations.
- (5) At an international level, that is, conflict between or among nations.

Kriesberg, (1982); Mitchell, (1981); Pruitt and Rubin, (1986), explain that there is a wide range of conflict, differing in their complexities, importance, bases, duration, strategies, outcomes and consequences. Conflict occurring at any of the conflict levels mentioned above all have something in common and the same processes can be found at the various levels of conflict. This makes the timing of intervention as important as the methods used. This study will focus on the interpersonal, inter-group and inter-organisational levels.

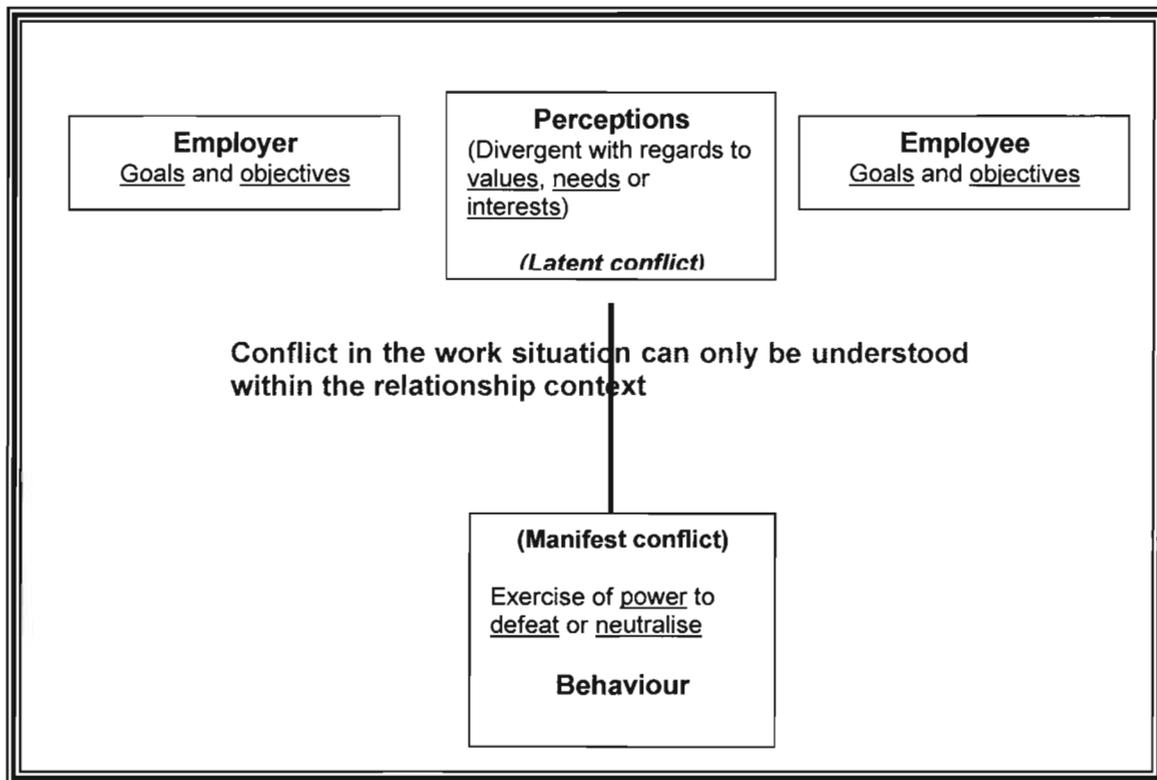
## **2.6 THE ELEMENTS OF CONFLICT**

In analysing conflict in the workplace context, it is important not only to understand the various elements of conflict but also to understand what the effect of the workplace and the parties to the relationship are on the dynamics of conflict.

Bendeman (2003) states that figure 3 below illustrate the elements of conflict as defined by Anstey (1999) and indicate that there is a relationship between the employer and the employee. “Their perceptions of a divergence between their own and the other party’s values, needs and interests create fertile soil for the existence of latent conflict” he explained. Figure 3 further explains that when these parties use their power in order to defeat or neutralise the other party to protect or further their own interests, then the conflict manifests in the behaviour of the parties. Therefore, he explains conflict in the work situation can only be understood within the context of relationships. Bendeman (2003) further states that:

- (a) For conflict to arise in a relationship means that the parties have to be in relative proximity to each other as a pre-requisite for a clash of beliefs or perceptions. Employers and employees operate in close proximity of this kind on a daily basis.

**FIGURE 3: The Elements of Conflict**



The characteristics of a conflict situation includes at least two parties, in some kind of interaction, with goals that are perceived to be mutually exclusive, and interaction designed to reduce or suppress the opponent by the use of power. With the increased emphasis on worker rights and continued regulation of the workplace, the goals of the employer (profit motive) and the goals of the employees (higher wages, job security) seem to be drifting further apart and the stage is set for conflict in the workplace. Filley (1975) as cited by (Bendeman 2003).

- (b) Conflict only arises when parties have different perceptions about the same thing. This means that there is a perceived clash of aspirations and that perspectives of the parties intersect at some point [Tustin & Geldenhuys (2000)], as cited by [Bendeman (2003)]. One method of changing perceptions is to provide the other party with facts and knowledge. In many workplaces, however, information is only made available at the dispute phase when the parties are forced to reveal certain information to each other.

- (c) When conflict reaches a point beyond what is perceived as tolerable, it becomes manifest conflict. This is visible conflict where a specific issue can usually be named and the aggrieved party usually claims something from the other party, who is often blamed for the conflict. It is sometimes easier to deal with manifest conflict than with latent conflict. This process of naming, claiming and blaming is, according to Brand *et al* (1997), a prerequisite for dealing with manifest conflict. It is also a prerequisite for successful dispute resolution and will be elaborated on later in the article.
- (d) Once the conflict has become visible (manifest conflict) certain mechanisms and procedures must be available to deal with conflict in a simple and expeditious manner. If these mechanisms and processes are used, and they are effective, this often means that the conflict can be resolved and the relationship can continue. Conflict at this stage becomes a grievance procedure, a disciplinary procedure or an interest dispute, because the parties can define their problem and claim whatever it would take to resolve the conflict. At this stage the parties consider availing themselves of the remedies open to them (which could include legal steps) to protect their interests.
- (e) If the conflict cannot be resolved through the available internal mechanisms and processes it must be referred to a third party, usually outside the organisation. Before conflict can be referred to an outside institution such as the CCMA, a private dispute resolution body or bargaining council, there are a number of prerequisites that have to be met. The dispute must be formulated properly according to the LRA and referred in the prescribed manner. It must be clearly stated who is responsible for the dispute (usually the employer), what the nature of the dispute is (defined in terms of the particular section of the Act), and what would be needed to resolve the dispute (claim).
- (f) These procedures usually take time and Brand *et al* (1997) make it clear that conflict becomes more formalised as time goes by and as the conflict is left unresolved. As conflict is transformed into a grievance and then into a dispute, the degree of formalisation of the issues, increases. A grievance is more formal than a mere complaint or a grudge. By the time the conflict becomes a dispute, aggravating factors according to Brand *et al* (1997), would have intensified it.
- (g) Power plays a pivotal role in transforming latent conflict into manifest conflict. The modern view of power is that it is not a possession, but something that can only be exercised. The relative

power between parties may be identified through conflictive situations. Coercion, control and suppression require clear superiority of power of one party over another whereas problem solving requires an equalisation of power among parties. A party wishing to avoid overt suppression of the opponent must take action to provide a favourable power balance. The notion of a dynamic power relationship between employer and employee has been well established. The power is not a consequence of the relationship but determines the very nature of that relationship. Not only does power transform latent conflict into manifest conflict, but conflict itself is rooted in an ever-changing power relationship. It can be deduced that power is conflict and conflict is power (Brand *et al* 1997), Bendeman (2003).

## 2.7 CONFLICT STYLES AND THEIR CONSEQUENCES

According to Thomas (1976) conflict is often best understood by examining the consequences of various behaviors at moments in time. These behaviors are usefully categorized according to conflict styles. Each style is a way to meet one's needs in a dispute but may impact other people in different ways. Thomas (1976) states that:

- Competing is a style in which one's own needs are advocated over the needs of others. It relies on an aggressive style of communication, low regard for future relationships, and the exercise of coercive power. Those using a competitive style tend to seek control over a discussion, in both substance and ground rules. They fear that loss of such control will result in solutions that fail to meet their needs. Competing tends to result in responses that increase the level of threat.
- Accommodating, also known as smoothing, is the opposite of competing. Persons using this style yield their needs to those of others, trying to be diplomatic. They tend to allow the needs of the group to overwhelm their own, which may not ever be stated, as preserving the relationship is seen as most important.
- Avoiding is a common response to the negative perception of conflict. "Perhaps if we don't bring it up, it will blow over," we say to ourselves. In the meanwhile all that happens is that feelings get pent up, views go unexpressed, and the conflict festers until it becomes too big to ignore. Like a cancer that may well have been cured if treated early, the conflict grows and spreads until it kills the relationship. When needs and concerns go unexpressed, people are often confused and wonder what went wrong in a relationship.
- Compromising is an approach to conflict in which people gain and give in a series of tradeoffs. While satisfactory, compromise is generally not satisfying. Each remains shaped by their

individual perceptions of their needs and do not necessarily understand the other side very well. Often retaining a lack of trust and avoid risk-taking involved in more collaborative behaviors.

- Collaborating is the pooling of individual needs and goals toward a common goal. Often called "win-win problem-solving," collaboration requires assertive communication and cooperation in order to achieve a better solution than either individual could have achieved alone. It offers the chance for consensus, the integration of needs, and the potential to exceed the "budget of possibilities" that previously limited our views of the conflict. It brings new time, energy, and ideas to resolve the dispute meaningfully

By understanding each style and its consequences, Thomas (1976) argues, behaviour patterns can be normalized according to various situations. This does not mean that one need to collaborate in anyway, but rather to indicate the expected consequences of each approach. He further argues that if the competing style is used, one might force the others to accept 'our' solution, but this acceptance may be accompanied by fear and resentment. If one takes the style to accommodate, the relationship may proceed smoothly, but may build up frustrations that one's needs are going unmet. With compromise, one may feel "okay" about the outcome, but still harbour resentments in the future. So to collaborate, one may not gain a better solution than a compromise might have yielded, but likelihood that one may feel better about one's chances for future understanding and goodwill. If discussing the conflict is avoided then both parties may remain clueless about the real underlying issues and concerns, which may come up again and dealt with in the future (Thomas 1976).

## **2.8 CONFLICT MANAGEMENT STRATEGIES**

Anstey (1999) identified four conflict management strategies, namely, decision making; problem solving; negotiation; and mediation. Anstey (1999) states that:

- (1) Decision-making is the ability to identify and choose alternatives by using logical and sound judgment based on available information. The decision-making process implies that many choices can become evident after an information gathering function has occurred thereby reducing the amount of uncertainty and doubt regarding alternatives so that a reasonable choice can be made. Making group decisions may be referred to as consensus decision making.
- (2) Problem solving is a process that follows a logical sequence in examining issues and improving the quality of decisions to make effective interventions. This process which, can either be

completed independently or within a group, which is referred to as *joint problem solving*, also helps to identify tools and techniques to apply to current and future situations.

The use of decision-making and problem-solving skills, individually or with a group, provide the foundation for negotiation, which is a decision-making process in which two or more parties who have shared opposing interests communicate directly with each other and work together to resolve their conflict as a peaceful agreement.

- (3) Negotiation is a collaborative process in which both parties must be willing to find common ground and brainstorm alternatives to satisfy interests. In some instances, parties are unable to come to a settlement and need the assistance of a mediator.
- (4) Mediation is a voluntary procedure conducted by a neutral third party that usually maintains confidentiality. The mediator facilitates communication between pre-service administrators, which can assist parties in resolving a dispute or enable them to reach an agreement. Mediation is assisted negotiation or an extension of the negotiation process in which the mediator listens to both arguments and assists the disputants in reaching a consensus” (Anstey, 1999).

## **2.9 THEORETICAL PERSPECTIVE**

According to Finnemore (2002), theories provide different perspectives with which to view the world whilst sociological theories help explain and predict the social world. Finnemore (2002: 1) states that “a theory is a set of interrelated propositions or principles designed to answer a question or explain a particular phenomenon and it provides us with a perspective”.

For the purpose of this study, exploring and understanding the different theories presented, provides a wider and clearer perspective in understanding conflict, its process and how it is managed.

### **2.9.1 Management responses**

Finnemore (2002) claims that management, during the early 1900s, was concerned with theories that focused on management efficiency and organization rather than with the theories relating to trade unions. Finnemore (2002) citing Mayo (nd), on whose theories the human relations movement was founded, stressed the necessity of providing a satisfactory social environment as

a basic requirement for a motivated workforce. Workers' goals, he argued, were not seen to conflict fundamentally with those of management. The human relations approach sought rather to encourage co-operation from workers and their acceptance of management policies and actions (Finnemore 2002).

Literature shows that managers usually have conflict management as a major priority and they may adopt leadership styles that serve this goal. They structure organisations so as to avoid or minimize conflict. Once conflict does develop, the managers attempt to manage it by addressing the causes. Quite often the managerial approach involves participative tack and problem-solving methods. The participation approach has drawn some support from academics, for example, Karambayya & Brett 1989, Karambayya, Brett & Lytle 1992, as well as from managers. NUTESA too is in favour of this approach and uses the participative management approach with management. This approach, according to NUTESA's chairperson, contributes to a positive and co-operative relationship between the union and management. Leader-directed participation helps to resolve conflict because it concomitantly solves a problem and strengthens interpersonal relationships.

Deutsch (1990) suggests that a stronger bridge, between managerial conflict management and mediation, be built to avoid any pitfalls. Without designating who the third party is Deutsch (1990) further suggests he/she attain substantive knowledge of the conflict issues, establish a working relationship with the disputants; instill a cooperative, problem-solving attitude between the disputants, and facilitate creative group processes.

### **2.9.2 Pluralist Perspective**

The pluralist perspective, according to Rollinson, (2002), accepts that conflict is a natural occurrence but emphasizes the need for conflict to be contained in a structured manner, so as not to disrupt the smooth running of the organization. It promotes collective bargaining between employers and organized labour within a basic framework of rules and structures provided by the state (Finnemore, 2002).

Pluralism is very prone to strikes. Finnemore (2002) explains that strikes become a huge cost factor in terms of labour loss and for competing organisations in the global market. Pluralist principles, he elaborates, promote collective bargaining between employers and organized labour

within a basic framework of rules and structures provided by the state. In broad political terms, pluralism accepts that society is composed of diverse competing interest groups, and extends to each of these the right to free association. Trade unions and employer organisations are seen as legitimate and functional organization through which workers and employers protect and further their interests, within the framework of rules provided by the state (Finnemore 2002).

### **2.9.3 Interactionist Perspective**

Robins & de Cenzo, (1998), argues that the Interactionist view is the current theoretical perspective. This perspective, they maintain, encourages conflict on the basis that a harmonious, peaceful and cooperative organization is prone to become static, apathetic and non-responsive towards change and innovation. Rollinson, (2002), adds that challenging the status quo can have a positive outcome and if the optimum level can be identified, organizational performance is likely to improve. He states that the challenge lies in identifying an optimal level of conflict, an area in research which is poorly lacking. If conflict is seen and accepted as inevitable, Rollinson (2002) argues, learning how to effectively manage conflict becomes crucial.

### **2.9.4 Open Systems Model**

Finnemore (2002) cites Craig (1975) who suggests an open system framework based on an open systems model. This labour relations model, he states traces the linkage between the environmental factors that impinge upon the labour relations actors and their goals and power bases, as well as the structures and procedures that have been developed to institutionalize and control conflict". The possible outcomes of these processes are also incorporated in the model, and these in turn feed back into the environment, creating a continuous dynamic system.

There is much in the South African environment that fosters conflict and as stated previously, not only do the goals of employers and unions differ but the values of management and workers frequently diverge. Finnemore (2002) argues that the open systems model encompasses parties and processes involved in micro-disputes such as the timing of a tea break in a small factory, to macro-disputes over industrial strategy which in turn affect the whole country.

## **2.10 HIGHER EDUCATION**

According to Ferreira (2003), “Universities and technikons have been undergoing dramatic reorganization along the principles that converge largely around economic costs, inclusion of the disadvantaged sector of South Africa, redistribution and sharing of resources through mergers and benefits of higher education for all”. The paradigm of the market and principles from the world of business, states Ferreira (2003), are seen as key to the transformation of higher education in the direction of greater responsiveness. Literature on the higher education suggests that:

- One of the key and enduring characteristics of higher education institutions throughout the centuries of their existence has been the ability to adapt to changing demands and contexts. This has enabled many higher education institutions to retain much of their distinguishing central features as institutions of knowledge and learning.
- There is consensus that higher education institutions subscribe to the highest principles of academic excellence. They hold academic standards and values in high esteem, including academic freedom, the pursuit of knowledge and scholarship. Their core activities are academic endeavours that are manifested in teaching and research initiatives.
- The higher education restructuring systems has also shown that a number of common trends, converging into a new accepted view about the value of higher education and how it should be managed. Like many times in the past, higher education institutions now face a number of critical challenges and only if they are able to adapt to these challenges, will they be able to maintain a relevant place and role in society (Ferreira 2003).

## **2.11 DURBAN UNIVERSITY OF TECHNOLOGY (DUT)**

According to DUT’s Annual Report (2004), the Durban University of Technology (DUT) was created through the successful merger of KwaZulu Natal’s renowned educational centres, M L Sultan Technikon and Technikon Natal on 1 April 2002. The Annual Report (2004) describes DUT as a prestigious university of technology and states that it is the first of its kind in South Africa with currently approximately 20 000 students enrolled. DUT is considered as an innovative institution at the forefront of higher education, technological training and research and aims to provide students with a dynamic, multicultural learning environment.

DUT is a multi-campus university of technology, offering students the convenience of attending one of seven campuses located throughout KwaZulu Natal. They are the:

- Steve Biko,
- M L Sultan,
- City,
- Brickfield,
- Ritson,
- Indumiso and
- Pietermaritzburg campuses.

The two main campuses, the Steve Biko and the M L Sultan campus, are situated on the Berea in Durban, providing state-of-the-art facilities and a superb learning environment.

DUT is open to all students and offers an exciting range of undergraduate and postgraduate programmes from the faculties of Arts, Commerce, Engineering, Science and the Built Environment and Health Sciences.

The 2003 Annual Report states that DUT has approximately 600 dedicated academic staff members, who are at the cutting-edge of research in their field. The Annual Report further states that these dedicated academics prepare students with entrepreneurial leadership skills and a valuable lifelong education, ensuring they achieve their full potential. DUT is committed to providing students with a positive learning environment, offering support and guidance wherever possible through a number of services and facilities.

DUT's vision is to be a leading university that nurtures holistic education and the advancement of knowledge. Their mission is to serve the needs of developing societies within a dynamic global context and to enable quality teaching and community engagement by:

- providing quality, career-focused education and
- promoting a value-driven ethos, sustainable partnership with industry, community and society and excellence in applied and relevant research.
- Empowering staff and students to succeed and
- ensuring institutional sustainability. (DUT Annual Report 2004).

## 2.12 NATIONAL UNION OF TERTIARY EMPLOYEES OF SOUTH AFRICA (NUTESA)

### 2.12.1 Background information on NUTESA at the national level

According to NUTESA's website ([www.nutesa.ac.za](http://www.nutesa.ac.za)) NUTESA is a trade union that grew out of the old staff associations that were found in the former technikons. The original name of the trade union was "The National Union for Technikon Employees in South Africa", but the union had the foresight to change the word "technikon" to "tertiary" which means that universities could also form NUTESA branches. This change in name was made long before certain technikons and universities merged or those that did not merge became universities of technology.

Trade unions were not permitted in technikons under the old dispensation, but the Labour Relations Act changed that, making it possible for technikon employees to form and join a trade union. NUTESA was established in 1994.

The growth of the trade union was quite phenomenal in the early days and presently the numbers have stabilized at the 5500 level. NUTESA recognized from early on the need to have a strategic plan with the necessary vision, mission and values, which are provided below.

NUTESA's Vision is: To become the leading trade union in the higher education sector.

NUTESA's mission is:

- To serve and empower members.
- To protect and promote the rights and interests of members
- To actively promote and embrace all aspects of transformation in the workplace
- To continue growing through excellence and professionalism
- To remain the leading union in the HE Sector and strive toward transformation
- To transform and improve labour relations in the HE Sector by being the leading union in this sector

The core values of NUTESA are:

- Ubuntu

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- Honesty
- Honour
- Integrity
- Transparency
- Accountability
- Transformation

It is clear from the above that NUTESA is working toward becoming the leading trade union in the field of higher education and in order to do so, NUTESA needs a positive growth in membership numbers. This NUTESA is confident will be achieved through the improved service it renders to its members. As the President of NUTESA said, “any trade union is only as strong as its members”. One of NUTESA’s strategic priorities is to possibly merge with other trade unions in the higher education market and to grow in that manner.

Also flowing from the mission statement is the imperative for transformation which NUTESA recognizes and embraces. It was also decided a number of years ago that NUTESA would gain a strategic advantage by joining a confederation of trade unions. The Confederation of South African Workers’ Unions (CONSAWU) was chosen as they are non-aligned politically. This has proven to be a good move as CONSAWU offers a range of services such as training in labour relations issues, legal advice and workshops. “We can learn a lot from other trade unions as well and welcome the networking opportunities”, the President of NUTESA reported.

An annual congress provides the opportunity for NUTESA members to get together to share lessons learnt and plan for the future. Useful workshops on matters pertaining to trade unions and fair labour practices are also held at the annual congress to enhance and develop the skills of the members.

NUTESA’s achievement for 2006 at a National level was:

- Representation on the medical aid funds and pension schemes ensuring members’ interests
- Acknowledgment from employers’ representatives of the important role that NUTESA representatives play in improving the benefits of members.

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- NUTESA has fought for the protection of its members' rights and has had many success stories of protecting people from unfair dismissals, retrenchments, demotions and discipline.
- Although this has meant spending many hours in the CCMA and at times in the Labour Court, fighting for fairness in the workplace was of utmost importance.

**2.12.2 NUTESA - DUT Branch**

At DUT, NUTESA is the majority union on campus with 600 members presently registered. ([www.nutesa.ac.za](http://www.nutesa.ac.za))

On a broad level NUTESA:

- Provide advice on conditions of service, for example medical aid, pension on campus
- Attempt to solve work related issues
- Represent members at grievance and disciplinary hearings.
- Represent members at the CCMA
- Take issues to the labour court
- Represent members on all committees on campus

NUTESA's mission statement at DUT is:

- NUTESA is a united power base of Higher Education Institution employees which:
  - is committed to implementing and promoting fundamental rights
  - believes in freedom of association, freedom of speech, academic freedom and other democratic principles,
  - responsibly protects supports and advances the rights of its members in the Higher Education sector.

Aims and Objective of NUTESA are:

- To protect workers rights
- To better working conditions
- To ensure that agreed working conditions are implemented
- To ensure that any new conditions of employment are negotiated fairly through constructive engagement with management

- To negotiate annual salary increases

## **2.13 THE GRIEVANCE AND DISCIPLINARY PROCEDURE DOCUMENT**

The grievance and disciplinary procedure document are the official guidelines which affords employees at DUT the opportunity to voice their dissatisfaction about their work related circumstances without fear of victimisation. Section 7 and 8 of DUT's Employee Condition of Service Document contains the said documents. Both these documents provide the official guidelines which all employees and the unions have to refer to when experiencing conflict or wish to take up issues with the management at DUT. As the focus of this study explores the management of conflict by NUTESA at DUT and as both these documents are lengthy, only the steps to be applied in a grievance procedure will be presented as part of the literature. The full grievance and disciplinary procedure documents have been attached as Appendix 1 of this study and can be referred to for detailed information.

### **2.13.1 Steps in the grievance procedure**

According to 8.5, section 8 of DUT's Condition of Service Document:

#### **8.5.1 Step One (Informal grievance) (Guideline 2 working days)**

- (i) The employee must verbally raise a complaint with his/her immediate superior.
- (ii) The superior must investigate the complaint and also furnish the employee with his/her opinion and suggestion.
- (iii) It is not at this stage necessary to involve a representative.
- (iv) The employee must also indicate his/her desired solution to the grievance.

#### **8.5.2 Step Two (Formal written grievance) (Guideline 5 working days)**

- (i) Should the aggrieved employee find the immediate superior's suggestion unacceptable, he/she must lodge (with or without the assistance of a representative) a formal written grievance for the attention of the superior or the next levy of Management.
- (ii) If the immediate superior dealt with the original verbal grievance and is again required to handle the written version of the same grievance, he/she must re-investigate the matter and record his/her findings and recommendations.

#### **8.5.3 Step Three (5 days)**

- (i) If at this stage the employee remains dissatisfied, the written grievance together with the report of the immediate superior must be forwarded to the Head of

Department who must study the written documents, interview the aggrieved employee as well as gather all relevant information.

- (ii) The Head of Department must present his/her recommendations or proposed solution to the employee and his/her representative, if applicable.
- (iii) The Head of Department is obliged to report in writing on his/her investigation, recommendations and the outcome.

**8.5.4 Step Four (5 days)**

- (i) If the aggrieved employee is dissatisfied with the proposed solution by the Head of Department, the grievance must be referred to the relevant Director/Executive Dean.
- (ii) Since at this stage the danger of a dispute being declared is imminent, the executive director of Human Resources Department or Executive Dean as well as the employee representative body must be invited to sit in discussions with a view to finding a solution.
- (iii) The Executive Director of HR or Executive Dean/Director must provide his/her report in writing.

**8.5.5 Step Five (5 days)**

- (i) If a mutually acceptable solution cannot be found the matter must be referred to the Management.
- (ii) The aggrieved employee together with his/her representative must be given a hearing by the Management.
- (iii) The Management must take a final decision on the matter and advise the employee of such.
- (iv) The Management must furnish the aggrieved employee with the reasons for their decision in writing.
- (v) If the employee is not happy with the decision of the Management, a dispute may be declared.

**2.14 THE DUT STUDY IN CONTEXT**

This study supports the view that for any organization to be effective and efficient in achieving its goals, the stakeholders within the organisation need to have a shared vision of what they are striving to achieve, as well as clear objectives for each team/department and individual. It is essential that effective methods or techniques for recognizing and resolving conflict amongst people be developed in order to maximize

co-operation and productivity. Conflict management is a process of planning to avoid conflict where possible and organising to resolve conflict where it does happen, as rapidly and smoothly as possible.

The unions play a crucial role as far as management of conflict between employees and employers or between individuals, are concerned. With specific reference to NUTESA, the literature survey was unable to find any prior research on NUTESA either at DUT or nationally. It is hoped that the findings of this study will add to existing information and be placed at the next development level of academic debate within higher education.

Until recently, the activities of the unions in conflict management strategies were not viewed as an integral part of an institution's management function but rather as regrettably necessary secondary adjuncts. Management in higher education, have now realized all too well how messy and time-consuming conflicts can be as there has been increasing interest on the part of management to recognise and accept the presence of unions in an institution in addressing conflict more effectively and proactively..

In considering the important role that unions play in responsibly protecting, supporting and advancing the rights of its members, evaluation and research can be considered one of the ethical responsibilities of a competent union and related stakeholders. The responsibility to evaluate, research and refine current conflict management practices and assist other institutions and programs through reporting or publishing, is crucial. Evaluation and research however, is often not a high priority for management at some institutions, thereby placing the responsibility more prominently on the shoulders of the unions to ensure some form of survey, evaluation and research is conducted to sustain and develop further. New initiatives too are frequently rejected on introduction and it takes time before it is acceptance and made part of a wider institutional system. Therefore within the rapidly changing environment and the search for a new identify for both unions and institutions, will only truly mature to the extent that studies and research such as this are conducted and the evaluation and assessment findings are shared.

## **2.15 CONCLUSION**

Within the different definitions of conflict, which may seem simple, there exists complex set of issues that needs to be interpreted and addressed accordingly. Therefore, it is not surprising that satisfactory resolution of most conflicts can prove so challenging and time consuming to address. Conflicts occur when people, or other parties, perceive that, as a consequence of a disagreement, there is a threat to their

needs, interests or concerns. Although conflict is a normal part of organizational life, providing numerous opportunities for growth through improved understanding and insight, could improve and discourage conflict. There is a tendency to view conflict as a negative experience caused by abnormally difficult circumstances. This issue too needs to be addressed. Disputants tend to perceive limited options and finite resources available in seeking solutions, rather than multiple possibilities that may exist 'outside the box' in which we are problem-solving.

One of the major roles of the unions is to protect workers rights and to uphold the Constitution of South Africa. As the aim of this study is to explore how NUTESA as a union at DUT manages conflict through appropriate processes and procedure this study supports the view that conflict is a natural process common to all societies with predictable dynamics and amenable to constructive regulation.

On a broad level, South Africa has been trying to deal with the legacies of the past on all levels, ie politically, economically, socially and legally. Transitional changes require new systems thinking, procedures, policies, processes and application in order for it to be successful. Major changes had to be enforced bringing about tensions and conflict. So although South Africa has looked to theoretical frameworks or model on which to base its system, with the rapid and uncertain changes taking place, this has been a challenge. Perspectives have been drawn from various models and with the influences of the economic and political climate South Africa's system will emerge. Finnemore (2002) suggests that in the meanwhile, it is the strategic choice of the major players, namely, the unions, employers, organisations and the state, with their power, to influence decisions that will determine the nature of the system that will evolve.

As the focus of this study explores conflict management within a higher education framework which is highly influence by the external environment, namely the political and economic environment, this sector too would have to shape and reshape accordingly.

The unions have been very actively involved in the processes and implication of policies and procedures within the higher education institutions. Pertinent to this study is the extent to which the union has been monitoring and ensuring that as one of the key stakeholders, they would commit to abiding by the rules and ensure that the rules are abided by other stakeholders. In this regard this study would certainly contribute to further development of unions within the higher education sector.

Chapter three will discuss the research methodology that attempted to obtain valid and reliable information to answer the critical questions posed by this study. The qualitative approach using semi-structured interview will be used to gather information.

## **CHAPTER THREE**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3.1 PRELUDE**

A research design is the logic that links the data to be collected to the initial questions of a study (Yin, 1989:27).

#### **3.2 INTRODUCTION**

The research problem emphasises the necessity to know how NUTESA manages conflict at DUT. The objectives therefore are:

- To explore what are some of the major sources of conflict, aggravators/moderators and conflict behaviour that exist at DUT.
- To investigate the processes that are used in addressing and resolving conflict and disputes and
- To investigate what conflict management styles and strategies are used by NUTESA

A research strategy and research designs are created to address the research questions. A qualitative approach using face-to-face interviews in the form of semi-structured interviews will be selected as the data collection method. Careful attention will be paid to reliability and validity which is discussed in this chapter.

#### **3.3 RESEARCH PARADIGM/PHILOSOPHY**

According to Saunders *et al* (2003), linking research and philosophical traditions help to illustrate different research orientations. “The research philosophy depends on the way that you think about the development of knowledge and the way you think about the development of knowledge affects the way you go about doing research” (Saunders *et al* (2003: 248)). He identifies and distinguishes between three basic forms of research, namely, positivism, interpretivism and realism (Saunders *et al* 2003). Saunders *et al* (2003) argues that although each of the basic forms of research is different, all three philosophies have an important part to play in business and management research.

Saunders *et al* (2003: 83) cites Reminyi *et al* (1998) who argues, that positivism has the assumption that the researcher is independent of and neither affects nor is affected by the subject of the research. This, he further argues, is not the case as knowledge gained in positivist research is objective and quantifiable.

Realistic research shows that reality exists independent of human thoughts and beliefs whilst the interpretive paradigm is concerned with understanding the world as it is, viewing the world from subjective experiences of individuals. In the interpretive approach the research does not stand above or outside, but is a participant observer seeking to discern the meanings of actions as they are expressed within specific social context (Saunders *et al* 2003). The purpose of interpretive social science is not to provide casual explanations of human life, but rather to deepen and extend the knowledge of why social life is perceived and experienced in the way that it is (Saunders *et al* 2003).

Although each of these approaches is suited for particular studies, it has been known that a mixture of these approaches is often applied to studies. It is found that this study is situated in the interpretivist paradigm.

### **3.4 RESEARCH APPROACH**

#### **3.4.1 Qualitative approach**

A qualitative research will be conducted because the aim of this study is to study events in their natural setting in an attempt to interpret phenomena in terms of the meaning people bring to them. Norman, Denzin and Lincoln (in Gall, Borg & Gall, 1996) concur that qualitative research is multi-method in its focus, and it involves an interpretive and naturalistic approach in its subject matter. This approach was derived from the humanities with an emphasis on holistic information and interpretive approaches to understand something in its context. Therefore this approach will be applicable to this study as exploring and analyzing the members of NUTESA in a natural setting, in order to arrive at an understanding and interpretations of how NUTESA create and maintain their social world, will be carried out.

Qualitative research is an umbrella-concept covering several forms of inquiry that helps one understand and explain the meaning of social phenomena. Other terms often used interchangeably with qualitative research are naturalistic inquiry, interpretive research, field

study, participant observation, inductive research, case study research and ethnography (Merriam 1998).

Qualitative research is included to work in a naturalistic setting rather than under experimental conditions. The approach is holistic rather than controlling, and it relies on the researcher rather than on precise measurement instruments as a means of gathering data. It emphasises qualitative rather than quantitative measurement where the approach emerges according to opportunity. Qualitative research has many elements of insightful observation, and, in its best manifestations, it is grounded in theory.

Qualitative research is based on various assumptions. In respect of the assumptions about the world, qualitative research is based more on “construction”, which assumes that multiple realities are socially constructed through individual and collective perceptions or views of the same situation. When addressing the assumption of qualitative research regarding research purpose, this research method is more concerned with understanding the social phenomenon from the participants’ perspectives.

#### **3.4.2 Characteristics of qualitative research**

Miles and Huberman (1994: 5-7) describes the characteristics of qualitative research as follows:

- Qualitative research is conducted through an intense and/or prolonged contact with the ‘field’ or life situation. These situations are typically ‘banal’ or normal ones, reflective of the everyday life of individuals, groups, societies and organisations.
- The researcher’s role is to gain a “holistic” (systematic, encompassing, integrated) overview of the context under study; its logic, its arrangement, its explicit and its implicit rules.
- Data are captured on the perceptions of local actors “from the inside” through the process of deep attentiveness, of empathetic understanding and of suspending or “bracketing” preconceptions about the topic under discussion.
- Reading through materials of qualitative research enables the researcher to isolate certain themes and expressions that can be viewed with informant, but materials should be maintained in their original forms throughout the study.

- A main task in this research method is to explicate the ways people in particular settings come to understand, account for, take action and otherwise manage their day-to-day situations.
- Many interpretations of research materials/documents are possible, but some are more compelling for theoretical reasons or on the grounds of internal consistency.
- From the outset, relatively little standardised instrumentation is used. The researcher is essentially the main “measurement device” in the study.

### 3.4.3 The value of qualitative research

The value of qualitative research, as classified by De Vos (2000: 242), are as follows:-

- The research enables the researcher to develop concepts, insights and understanding from patterns in the data, because it uses an inductive form of reasoning.
- Qualitative research permits the researcher to derive meaning from the subject’s perspective because it uses an epic perspective of inquiry.
- Qualitative research is ideographic, thus it aims to understand the meaning that people attach to everyday life.
- The research question often starts with a *how* or *what* as in the case of the study.
- The topic needs to be explored.

### 3.4.4 Deductive and Inductive Approach

Two approaches, deductive and inductive, proposed by Saunders *et al* (2003) assist in clarifying the theory contained in a study which raises important questions concerning the design of the research.

Deductive approach allows for the development of a theory and hypothesis as well as a design for research strategy to test the hypothesis (Saunders *et al* 2003).

Inductive approach which applies to this study emphasise the following: (Saunders *et al* 2003).

- It allows for the development of theory based on the analysis of data captured (Saunders *et al* 2003).
- Gaining an understanding of the meaning participants attach to the events.

- There was a close understanding of the research context and there was a rich collection of qualitative data.
- A realization that the researcher was part of the research process
- Less concern for the need to generalize

Taking the above into consideration and reflecting on the research question, it will be appropriate to use the qualitative approach for this study as it will focus on the subjective experiences of the individual and will be sensitive to the context in which people interact with each other (Mouton 2001).

### **3.5 RESEARCH STRATEGY**

“A research strategy is the general plan of how you will go about answering the research question(s)”, (Saunders *et al* 2003: 90). Choosing the research strategy will depend largely on the research question(s) and objective set out. According to Robson (2002) cited by Saunders *et al* (2003: 96-97) “the exploratory study is a valuable means of finding out what is happening; to seek new insights; to ask questions and to assess phenomena in a new light”. As this study aims to explore how NUTESA manages conflict at DUT, through semi-structured interviews, the exploratory study which is flexible and adaptable to change, will be most suited.

### **3.6 RESEARCH DESIGN**

The research design is the action plan to get from here to there. ‘Here’ is specified by an initial set of questions. ‘There’ is specified as answers to the questions. In the gap between ‘here’ and ‘there’ a number of major steps may be found, such as the collection and analysis of relevant data. The logical sequence of the research design assists the researcher to ensure that the evidence addresses the initial questions (Yin 1989). The summary of the research design consist of

- data collection method,
- data collection instruments,
- data source

### 3.7 THE SAMPLE

Sampling techniques according to Saunders *et al* (2003) can be divided into two types, probability or representative sampling or non-probability or judgmental sampling. The advantage of this type of sampling is:

- it allows for the collection of data that describes and explains the key themes that can be observed
- homogeneous sampling focuses on one particular subgroup in which all the members are similar which in turn allows for in-depth study
- it is a typical sample as it reflected the average person and situation of the phenomenon of interest. (Saunders *et al* 2003: 175)

For the purpose of this study, in order to answer the research question(s) and to meet the objectives, an in-depth study will focus on a small sampling purposively selected. Non-probability sampling according to Sanders *et al* (2003) provides for information rich exploration of the research question(s).

NUTESA's working committee consists of six executive committee members, four co-opted branch executive members and fifteen officials and shop stewards. A total of twenty five members make up the whole of NUTESA's official committee who are suppose to be involved. According to the chairperson of NUTESA, "although twenty five members belong to this committee, not all members are actively involved in NUTESA for various reasons. Some are extremely busy with work related projects or the workload does not afford them a lot of time. They can be, in an emergency or when necessary, be called upon to assist. Others are far more involved and active and contribute in many ways on an ongoing basis. As this is a voluntary service to the union, this is accepted as any assistance rendered to NUTESA is appreciated." This study will therefore, purposively choose, only committee members that are actively involved and available to be interviewed. With the assistance of the chairperson these members will be identified and interviewed for the study. For the purpose of this study the participants will not be identified (see 3.8.3) but will be referred to as Respondents 1, 2, 3, 4 etc.

### 3.8 DATA COLLECTION METHODS AND DATA COLLECTION INSTRUMENTS

#### 3.8.1 Interviews

Semi-structured interviews are used in qualitative research to conduct exploratory discussions to be able to understand the ‘how’ and ‘what’ (Saunders *et al* 2003) of things. Semi-structured interviews are also used for the collection of data to answer the critical questions posed. For the purpose of this study the semi-structured will be used to explore *how* and *what* role NUTESA plays at DUT with regards to the management of conflict. Literature shows that the qualitative technique involves more open-ended, free-response questions which the interviews make provision for.

#### 3.8.2 Semi-structured interviews

Since the qualitative approach will be the method used to explore and analyse the process used by NUTESA in managing conflict, a semi-structured interview will be used to gather the necessary information. Semi-structured interviews, according to Saunders *et al* (2003), consist of lists of themes and questions and may vary from interview to interview.

Although a set of standard questions and themes are listed in order to gain insight and answers to the research question, semi-structured interviews allows for the addition or exclusion of questions and the order of questions to be changed. This will be dependent on the flow of the conversation and the amount of information received. Characteristic of unions, not all members handle all aspects of union work. It has been known that certain active unionists are “specialist” as certain issues eg medical aid issues, salary negotiations, therefore the advantage of using semi-structured will allow for key questions to be asked to certain participants only. If necessary further probing or questioning may be required to explore the research question and objectives further.

The semi-structured interview will also allow the participants to reflect on the questions and the situation carefully before answering. Therefore the questions will be interpretative by design and ideal positions questions will also be asked (Merriam 1989). Using interpretative questions have the advantage of checking your understanding of the situation, gaining more information about a situation and revealing options and feeling about certain incidents.

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Literature shows that the qualitative technique involves more open-ended, free-response questions which the interviews made provision for.

The following questions (with themes) will be used during the interviews:

1. As an executive member of NUTESA are you actively involved in resolving conflicts at DUT and at what level?
2. What is your perception of conflict and how it should be managed?
3. How often are you approached to assist or advise by members of your union?
4. Who makes decisions on issues, do you work as a team or individually?
5. Do you have any special area that you deal with eg. Pension or medical aid issues?
6. What would you say is your area of expertise?
7. At DUT all employees are governed by the Condition of Service policy document which contains the grievance or disciplinary procedures, do you find this document useful and is this being utilized as it should be?
8. Other than the above guideline documents, are there set steps that NUTESA follows when assisting members and what are these steps?
9. What would you say is your conflict management style (accommodating, avoiding, compromising, competing, and collaborating)?
10. What strategies do you use and does NUTESA have any set strategies?
11. How successful are you in finding solutions or resolving conflicts issues at DUT?
12. Are members satisfied with the process or assistance given to them and what would you say NUTESA's relationship is with the members?
13. Do members of the executive committee get any training in how to deal with conflict management or any other related areas?
14. Do you feel that you are well equipped or qualified to assist members?
15. In considering that unions are normally viewed negatively as initiators or instigators at the workplace, how and by what means does NUTESA approach and manage this?
16. Do you or NUTESA keep statistics and information on the nature of queries, assistance offered to members and the outcome?
17. What changes would you like to see NUTESA implementing or initiating?

### 3.8.3 Interview structure

The Chairman of NUTESA will be approached for permission to interview members of his committee. For ethical reasons, a letter of consent will be given to each participant to be signed. The participants will be contacted telephonically to make and confirm appointments for the interviews. The following steps will be taken to ensure that correct procedure is followed for ethical reasons:

- Each interview will begin with an introduction of the researcher and the purpose of the study.
- The identity of the institution, school and supervisor will be stated.
- Confirmation will be sort to ensure that the interview is purely on a voluntarily basis and that the participants may withdraw at any point of the study without any negative consequences to themselves.
- That all participants and responses will be treated in a confidential manner including any limits on confidentiality which may apply.
- A brief background and a briefing of the research topic.
- An explanation of the type of interview i.e. a semi-structured interview so that participants will feel free to elaborate, expand, reflect and describe depending on the question to be asked.
- Participants will be assured that there are no wrong or right answers.
- That any information they impart with regarding their role as a union member will be valuable.
- That any sensitive information will be treated confidentially.

Every attempt will be made to foster a good relationship with the participants. All interviews will conducted at the offices of the participants as this will be a comfortable and familiar place for the participants. This will also help create a friendly and comfortable environment. Another reason for conducting the interview at the participant's office will be in case any notes or information that is needed can be referred to during the interview. Sufficient time, approximately 2 hours per interview will be allocated so that the interviews will be conducted in a stress-free environment.

Appreciation and the value that the participants will be imparting with will be expressed to the participants so that participants will respond in a positive manner. The participants will be considered as co-researchers, since the participants possess the expertise necessary for the expansion of knowledge, and this will further create a positive and co-operative atmosphere. It is

important to ensure that the participants are acknowledged for their willingness to share their knowledge and information in an attempt to add to the body of knowledge on conflict management. This will also contribute to the richness and depth of the study.

Permission will be sort from the participants whether their identity can be revealed and if the interviews can be recorded. Often participants are reluctant and uncomfortable having their identity revealed and/or the interview recorded. Also some may be reluctant disclosing information of a sensitive or confidential nature. In this case the requests of the participants will have to be respected as this may prevent them from speaking openly.

The data or information obtained from the semi-structured interviews will be organised and classified into themes. These themes or classification will be valuable and important factors in the interpretation of the information.

#### **3.8.4 Advantage of using semi-structured interviews**

The advantage of using semi-structured interviews, as a data collection method for this study are summarised as follows: (Saunders *et al* 2003)

- Obtain the full range and depth of information
- Gather rich data through the words of the participants (interviewee)
- Develop a relationship with the participants
- Provide the participant with the opportunity to think or rethink about issues he/she may be familiar with, in other words, to perhaps think about things they did not think of before.
- Explore meanings, understanding and perceptions
- Discover subjective meanings
- Allow new understandings to be developed during the research process
- Participants generally find experience rewarding
- Opportunity to observe non-verbal communication and behaviour

### 3.9 RELIABILITY

Bell (2002) refer to reliability as the extent to which a test or procedure produces similar results under constant conditions on all occasions. Anderson and Arsenalult (2000) refer to reliability as consistency in measurement. In common terms, the reliability of a test is the extent to which subsequent administrations would give similar results.

The extent to which data relate to objective criteria will improve reliability. When data are based on personal impressions, these tend not to be so reliable. However, when data relate to counts or physical measurements or the number of correct responses, data are generally reliable. The data used in research must be reliable for the analysis to have any meaning. If researchers do not have reliable measurement tools, people cannot have much confidence in research results.

Qualitative researchers apply various measures such as internal and external reliability. Internal reliability refers to reliability during the research, and is achieved by:-

- Triangulation, including the use of more than one method of data collection; the use of one or more theoretical perspective to interpret data; the use of more than one researcher or observer in the investigation and the use of two or more kinds of data sources (such as interviews or literature).
- Cross-examination: a method used to determine whether casual misinterpretations infiltrated the findings of the research.
- Member checks: the method by which contradictions in findings are referred back to the persons studied for an explanation.
- Consensus: a way in which consensus regarding the findings is researched through open discussion between the research and participants.
- Auditing: the presentation of all information regarding the research as well as data, surveys and notes so that the findings can be verified by independent persons.
- Mechanization: the use of audio-tapes and video recordings to store information, and computers for the processing of data (Niemann *et al* 2000).

External reliability refers to the verification of the findings of the research when the same research is conducted by independent researchers under the same circumstances and using the same participants (Miles and Huberman 1994, Niemann *et al* 2000).

### 3.10 VALIDITY

Validity suggests truthfulness and refers to the match between a construct or the way a researcher conceptualises the idea in a conceptual definition, and a measure. It refers to how well an idea about reliability “fits” with actual reality.

Validity like reliability is applied differently in quantitative and qualitative research. Validity in its broadest sense refers to the degree to which the research conclusions are sound.

Neuman (2003) states that qualitative researchers classify validity into internal and external factors:

- Internal validity. Internal validity means there are no errors internal to the design of the research project. It is used primarily in experimental research to talk about possible errors or alternative explanations of results that arise despite attempts to institute controls. High internal validity means there are few such errors. Low internal validity means that such errors are likely.
- External validity. External validity is used primarily in experimental research. It is the ability to generalize findings from a specific setting and small group to a broad range of settings and people. It addresses the question: If something happens in a laboratory or among a particular group of subjects (eg. College students), can the findings be generalized to the “real” (non-laboratory) world or to the general public (non-students)? High external validity means that the results can be generalized to many situations and many groups of people. Low external validity means that the results apply only to a very specific setting.

#### 3.10.1 The Relationship between Reliability and Validity

Reliability and validity are central issues in all measurement. Both concern how concrete measures are connected to constructs. Reliability and validity are salient because constructs in social theory are often ambiguous, diffuse, and not directly observable. Perfect reliability and validity are virtually impossible to achieve. Rather, they are ideals researchers strive for.

All social researchers want their measures to be reliable and valid. Both ideas are important in establishing the truthfulness, credibility, or believability of findings. Both terms also have multiple meanings. Here, they refer to related, desirable aspects of measurement.

Reliability is necessary for validity and is easier to achieve than validity. Although reliability is necessary in order to have a valid measure of a concept, it does not guarantee that a measure will be valid. It is not a sufficient condition for validity. A measure can produce the same result over and over (that is has reliability), but what it measures may not match the definition of the construct validity.

Validity and reliability are usually complementary concepts, but in some special situations they conflict with each other. Sometimes, as validity increases, reliability is more difficult to attain, and vice versa. This occurs when the construct has a highly abstract and not easily observable definition. Reliability is easiest to achieve when the measure is precise and observable. Thus, there is a strain between the true essence of the highly abstract construct and measuring it in a concrete manner. For example, “alienation” is a very abstract, highly subject construct, often defined as a deep inner sense of loss of one’s humanity that diffuses across many aspects of one’s life (eg. Social relations, sense of self, orientation toward nature). Highly precise questions in a questionnaire give reliable measures, but there is a danger of losing the subjective essence of the concept.

Some strongly positivist researchers argue that this means that alienation and constructs based on personal feelings and experiences are bad concepts and should be avoided. Others, who accept a more interpretive or critical approach to science, argue that these concepts should be retained. They say that measurement must be more flexible and less precise, using qualitative methods. Measurement issues ultimately return to assumptions about how to conduct and how the concepts are defined (Newman 2003).

### 3.11 CONCLUSION

A qualitative research approach will be conducted because the aim of this study is to study events in their natural setting in an attempt to interpret phenomena in terms of the meaning people bring to them. This approach will allow for the exploring and analyzing, in a natural setting, in order to arrive at an understanding and interpretations of how NUTESA create and maintain their social world.

The use of face-to-face interviews in the form of semi-structured interviews will be selected as data collection method. An in-depth study that focuses on small sampling purposively selected will be used. Committee members, purposively chosen, will be interviewed and will be referred to as Respondents

1,2,3,4, etc in the study. A set of questions, consisting of themes and questions, will be valuable and important factors in the interpretation of the information. Careful attention will be paid to reliability and validity.

The following chapter will present the data collected from the semi-structured interviews with member from NUTESA.

**CHAPTER FOUR**

**DATA COLLECTION**

**4.1 PRELUDE**

“Conversion with a purpose” (Merriam 1989).

**4.2 INTRODUCTION**

Qualitative studies seek to make sense of personal stories and the ways in which they intersect. The data collected explores that which is rich in description of people, places, events and conversations. The use of semi-structured interviews allow for the story to unfold exactly how it happens within a particular setting or environment ie in its natural setting. With a broad idea of the direction to take in seeking information and answers, the rest is concerned with understanding behaviour from the participant's own frame of reference.

The purpose of this study is to explore how and by what means NUTESA manages conflict at DUT. Given the purpose of the study the objectives were to:

- To explore what are some of the major sources of conflict, aggravators/moderators and conflict behaviour that exist at DUT.
- To investigate the processes that are used in addressing and resolving conflict and disputes and
- To investigate what conflict management styles and strategies are used by NUTESA

All participants are adult academics and non-academics, with ages ranging from 35 to 52 and who work full time at DUT. The gender mix of the members is:

<b>MALES</b>	<b>FEMALES</b>
2 X White	5 x white
2 x African	
1 x Indian	

Although a set of standard questions and themes are listed and will be used in order to gain insight and answers to the research question, semi-structured interviews allows for the addition or exclusion of questions and the order of questions to be asked. This will dependent on the flow of the conversation and

the amount of information received. Not all union members handle all aspects of union work. It has been known that certain active unionists are “specialist” in certain issues eg medical aid issues, salary negotiations, therefore the advantage of using semi-structured will allow for key questions to be asked to certain participants only. If necessary further probing or questioning will be applied to explore the research question and objectives further.

Qualitative technique involves more open-ended, free-response questions which the following questions made provision for.

1. As an executive member of NUTESA are you actively involved in resolving conflicts at DUT and at what level?
2. What is your perception of conflict and how it should be managed?
3. How often are you approached to assist or advise by members of your union?
4. Who makes decisions on issues, do you work as a team or individually?
5. Do you have any special area that you deal with eg. Pension or medical aid issues?
6. What would you say is your area of expertise?
7. At DUT all employees are governed by the Condition of Service policy document which contains the grievance or disciplinary procedures, do you find this document useful and is this being utilized as it should be?
8. Other than the above guideline documents, are there set steps that NUTESA follows when assisting members and what are these steps?
9. What would you say is your conflict management style (accommodating, avoiding, compromising, competing, and collaborating)?
10. What strategies do you use and does NUTESA have any set strategies?
11. How successful are you in finding solutions or resolving conflicts issues at DUT?
12. Are members satisfied with the process or assistance given to them and what would you say NUTESA’s relationship is with the members?
13. Do members of the executive committee get any training in how to deal with conflict management or any other related areas?
14. Do you feel that you are well equipped or qualified to assist members?
15. In considering that unions are normally viewed negatively as initiators or instigators at the workplace, how and by what means does NUTESA approach and manage this?
16. Do you or NUTESA keep statistics and information on the nature of queries, assistance offered to members and the outcome?
17. What changes would you like to see NUTESA implementing or initiating?

This chapter presents the data collection of the semi-structured interviews conducted with the ten committee members of NUTESA at DUT. Taking the above into consideration, key themes, trends and processes relevant to the above questions raised and in an attempt to find the answers, will be presented below. As indicated in points 3.7 and 3.8.3 of the previous chapter, the respondents in this study will not be identified but referred to as Respondents 1,2,3,4 etc.

### **4.3 SOURCES OF CONFLICT**

Anstey (1999) identified several sources of conflict and classified these into groupings which are presented below.

#### **4.3.1 Interest-based conflicts**

**Respondents 1 to 10:** Data shows that all ten respondents were concerned with conflict emanating from the interest-based conflict as this has one of the major sources of conflict at DUT. As stated by the respondents, “scarce resources such as money, jobs and powerful positions are common at DUT especially since the merger in 2002.”

**Respondent 1:** “Salary negotiations, is a never end task with NUTESA, although we are a part of the bargaining committee and has an agreement with management, this is still a contentious issue”.

“The other difficulty we face is how to maintain the balance between “conflict of interest” and the “imbalance of power” which exists between employer and employees”.

“Job restructuring has been another huge problem and since the merger this has been an on going battle with management” lamented the chairman.”

**Respondent 2:** “I was very involved in the merger issues. A short while ago management introduced the AIMS programme which was aimed at a number of departments becoming redundant. There were going to be at least 230 job lost and a few departments closing down. NUTESA took management to task over this and we fought until the whole AIMS programme was scrapped. This programme was not the right programme to be implemented, this is unacceptable that we as the union were not consulted, but in the end we saved every single job and department”.

**Respondents 1 to 10:** All respondents commented on the salary issue at DUT as a huge source of conflict. Salaries are interest-based conflict and without a doubt close to the hearts of many.

**Respondent 2:** “NUTESA is committed to ensuring that staff gets the best deal where salaries are concerned. When the two technikons merged, the salaries of certain positions were not adjusted and this seems to be an ongoing dispute with management. Managers resist these demands and argue that they do not have the finances for salaries and yet they give themselves high increases. NUTESA is totally aware of this and have taken drastic measure in finding out what the finances of the university are, you might have read about this in the newspapers?”

**Respondent 4:** As I hold the portfolio of finance person for the union I know that salaries are a contentious issue. Employees are motivated to increase in salaries so that they can improve their standard of living. I am sure they will be committed to their jobs and will want to come to work. These days so many staff, when you meet them, complain how unhappy they are and how things have changed for the worse. Staff is certainly demoralised.

**Respondent 1:** Another common issue is conflict and differing goals between parties especially when the relationship is characterised by interdependence due to scarce resources. At DUT since the merger, some of the departments offer their services to other departments and often this leads to conflict. This is something that needs to re-look at as the problem is becoming intolerable.

#### 4.3.2 Value-based conflicts

Value-based conflicts have their origins in the fact that different people hold different values. These values are based on ideas, customs and beliefs that are characteristic of particular social groupings.

**Respondent 5:** Oh NUTESA is very sensitive about different groups of people. We know that the whites and black and the Indians too are all different - we say this and we embraced this in our mission statement. Our unions have all types of members – it’s for all groups of people.

**Respondent 6:** DUT is characterised by multi-ethnic and multicultural employees like the rest of South Africa’s workforce. DUT is addressing this issue eg equity and affirmative action but the

challenge lies in how people with different value systems can develop positive attitudes to one another. NUTESA too is supporting what other groups are saying what is good for DUT.

**Respondent 2:** The workplace situation is unique, a workplace I mean like DUT, is unique because individual from so many different background of different colour, our freedom is dictated by the law I mean policies and rules of the organization, we have to work so we all have to make contact with each other, we cannot avoid people at work, so we have no choice but at home or when we are not at work we can choose who we want to be with – this is our own private space.

**Respondent 1:** Competition for scarce resources such as promotions is another cause of conflict, which has led to a number of employees being unmotivated. Actually just before the merger, some of the whites at the ex Technikon Natal, felt that they did not have a chance when the merger took place cause of their colour, so they took the packages that the institution offered. Now key posts are being filled by Africans so getting any position now is difficult. Actually what made things worse – many departments had 2 heads or deans so it had to be decided who gets the post – this issue too was very sensitive and many people were unhappy with the outcome.

I have a personal problem with another department who service our department and I don't know what to do about this. Their service is so poor and we are always arguing about something. We are interdependent we have to rely on them for help so there is not much we can do.

#### **4.3.3 Structural conflict**

Structural conflict is caused by the unequal control, ownership or distribution of wealth, power or authority. In South Africa, the imbalances in the distribution of wealth in our society, unequal access to education, business, health and welfare and the removal of political rights such as freedom of movement, association and expression and access to justice (Anstey, 1991:18-30).

**Respondent 1:** DUT had to adapt to change through the merger and restructuring process and this without a doubt has caused major conflict amongst staff. Talk of retrenchments was another crisis, which NUTESA was involved in.

Cultural diversity issues were also high on the agenda of NUTESA.

**Respondent 3:** Management had to change how they did things. They tried to run things their own way with very little consultation from others especially the unions. They were not transparent and lied about things like finances. NUTESA was very active in many ways with regards to this. We even wrote to the Department of Education and requested for an audit and stated that DUT was not being managed as it should. We now have Professor Jansen sent by the department to run DUT until everything is sorted out. NUTESA believes that this really changed things with management. We now have a participatory management system – we all ie the unions, management, student bodies and other stakeholders are now part of a decisions-making committee.

**Respondent 1:** This has been good for the unions as well as other stakeholders. We, the union, management and other parties discuss issues and in this way we all contribute towards one goal for DUT, decisions are no longer be centralized at the top.

#### 4.3.4 Data-based conflict

**Respondent 2:** Management at DUT was not transparent especially with regards to the finances. There was a lack of information, which led to mistrust and suspicion amongst the employees. Speculation and rumour was also going around and staff felt that this was not fair.

#### 4.3.5 Relationship conflicts

**Respondent 1:** I must say that apartheid really messed up things in South Africa, but now I being a white I get blamed. I get called a racist by students, by other members if I seem not to be helping an African or someone of colour I am defined by my colour – I am sick and tired of this – of getting blamed and for being called a racist. Because I am in leadership with the union I also get seen as a racist and our union has been labeled as a “white only” union. I am sorry for this but there is very little I can do. I am sorry that people were kept physically, socially and psychologically apart, and it continues even here at DUT to this day.

NUTESA as a union has been criticized many times for being “racist”. Recently such a matter went to court where the court ordered a group of students to pay a fine. NUTESA has also been accused of being a “white” union, only looking out for and serving the interests of white employees at DUT. This has created a negative impression and a strained relationship between

and among some staff members and the other unions at DUT. The legacy of apartheid has resulted in a lack of trust, understanding and empathy among cultural groups.

**Respondent 2:** I know that NUTESA is called a racist union. I even know that because I am Indian I get called names that I am support the whites and that I am on the executive team cause “they” need to balance the colour. But this is not true at all – we all work and get on well – I don’t see colour I see people.

Staff at DUT when they don’t know something they like just saying horrible and nasty things. Eg the new union that was formed by mainly actually I think all of them are Indians – they say that NUTESA does not serve the needs of the Indians in they way they want to be served and they talk about the old culture and so on. We must learn to move on and not stick with old methods and old ways. Anyway it’s their choice.

Another thing at DUT there is poor communication, strong emotions, misperceptions and lots of negative behaviour. This causes so many relationship problems.

#### **4.3.6 Change and ambiguity**

**Respondents 1 to 10:** According to the respondents, change though the merger within DUT, has played a crucial role as a source of conflict. It is in times of uncertainty that staff may not know how to behave and this may lead to the testing of new boundaries and undesirable behaviour. Thus behaviour is not only the consequence but also the cause of conflict.

**Respondent 8:** When the merger took place, some staff felt that patterns of behaviour used before were no longer acceptable. I was affected by this. M L Sultan did thing in a certain way what they call traditional methods of procedures and exercising authority while we at Technikon Natal did things totally differently. So something were rejected but not before an argument or something happening. This brings a lot of tension and pressure. What was worse now people were unwilling to relate in a subservient way. Some don’t even respect a head of department anymore. I suppose coming from different background they had no idea what to do.

#### **4.4 CONFLICT MANAGEMENT STYLES**

**Respondent 1:** I use different conflict management styles. It just depends on the issue at hand. I can give you an example. I had a case recently where one of the unions was bad mouthing NUTESA. I

decided not to do anything. So I can say that I chose to avoid getting into any discussion or responding to them in any way. When I deal with management eg salary negotiations and when I am negotiation and I know for sure that what the bottom line is then I am very assertive and I don't compromise. But generally I am a calm person who cares about others and try and help as many people as possible.

**Respondent 2:** Well I would say that each situation demands a different style – and I have learnt that you can't please people all the time. Although I try and assist everyone as much as I can I am also very objective – I am all for fairness. Sometimes you have to be hard. I am very approachable though.

**Respondent 3:** I can say that my style is more assertive in its approach. I know what I want and go get it especially if I know that I am right.

**Respondent 4:** I believe that we need to allow things to take its course and only when necessary we intervene. So I would say my conflict management style is one of accommodation – I like to think that we can find a solution which would be the main thing here ie to solve the problem or conflict.

**Respondent 5:** My style is accommodating but I am also very assertive.

**Respondent 6:** Collaborative and sometime assertive.

**Respondent 7:** I consider myself to be a balanced and proactive person. I am not confrontational and listen to what others have to say. I have a lot of patience and believe in understanding what is being said so that the actions that I take would be the right one. I maintain confidentiality and interact quite widely with other staff members. my conflict management style I would say is accommodating.

**Respondent 8:** Accommodating and assertive when necessary.

**Respondent 9:** Assertive when necessary but I learn to listen and understand so I would say accommodation.

**Respondent 10:** I am not sure as I have not had too much dealing with any conflict issues. But I am understanding and feel that if we NUTESA can help anyone then they must. I would say I would like to accommodate other people.

#### **4.5 STEPS, PROCESS AND PROCEDURES USED IN MANAGING CONFLICT**

**Respondent 1:** There are no set steps that we follow. The first step in any conflict is to recognize first that there is a problem because often it is not. I believe in talking and listening –so we talk and discuss the issues.

I like to understand what it's all about. Also members that come with the problem I like to know what they want to do about the problem. This then puts the ball in their court because members – some members expect unions to do the work – this is especially with regards to staff problem.

I ask the staff member to write out all the facts – and to prepare a response – I read this and then react. I make sure that the details are correct and it has the right words etc. I believe that the member should do the work. I say it's your grievance you must do the work. You must stand up for yourself.

Then if there is need to act I certainly do. – I believe that it must be 90% communication and 5% management of problems.

I use different stance for staff or members and a different stance when I am dealing with the management – then its very different.

**Respondent 2:** Oh I assist so many members, they come automatically to me. I suppose I would first analyse the conflict and see if the matter can be resolved quickly. Sometimes this does happen where we assist by talking to the other party.

I also look at the best way forward and sometimes if I am not sure I call one of the other executive members and run the issue by them before proceeding. But bottom line for me we need to reach some kind of compromise so that both parties can come away feeling as if they did not lose. We recently had a case where both members were NUTESA members.

Well in this case, there will be separate NUTESA representatives – ie each person will be represented. We have to separate the conflict from the person. So we treat it like any other conflict.

But if it is a senior member of staff then the university would represent this person and not the union (even though the person may be a NUTESA member) and the union would represent the junior member of staff. We need to be diplomatic here.

**Respondent 3:** when members approach me, most of the time it's about advice. As I look after or advise NUTESA on the legal matters I often get queries of this nature. I am very busy with this – advising.

Everyone knows that they call me at any time, even if I am busy I help others. With procedures and policies this all is in the conditions of service document. This is an agreement between the union and the institution which both parties signed. The purpose of this document for the unions is to ensure that what is contained in the documents is applied fairly. So the unions are sometimes like a watch dog. We also have a “collective agreement” and a “recognition agreement” document signed by both management and the NUTESA. We are the only union on campus to have such a document with management.

We also have a “labour consultative forum” where all three unions sit with management and discuss matters constructively. These agreement documents ie the collective agreement document is different from the condition of service document.

**Respondent 4:** As an academic I really don't have the time to help on this level. Academics spend so much time with students and we are so busy. So I don't know how to answer your question.

**Respondent 5:** For me when a member approaches me to assist I firstly listen to what the grievance is about, ask the necessary questions and then decide on the way forward. I often found that members are not clear on what it is they want, sometimes it's just about interpretation or seeing things from a different angle. I offer advice and if necessary refer them to other members of the committee, ie if I cannot help. But once NUTESA decides that they are going to take up a matter on behalf of the member, then things move very quickly, ie from HR to a hearing and so on. Talking to the aggrieved parties is also very important. Sometimes just approaching the HOD or someone higher up helps the member. I believe in trying to solve the matter outside of a grievance hearing – its better this way and we often get what we want ie we do resolve the matter.

The Condition of Service (COS) which all employees are guided by including NUTESA, is the official document on conflict management in terms of procedure at DUT. The grievance and disciplinary procedure documents, which is part of the COS document, contains the guidelines and procedures. This we have to follow and NUTESA sticks to the rules.

**Respondent 6:** I first listen very carefully to what the member is saying. I always assess the situation and try and get all the pieces together as there is nothing worse than going to talk to another person and not having all the information or you don't understand everything. I then go to the other person in an attempt to hear his or her side of the story. After listening I then try to resolve the matter. Often, it's just perceptions or something that was said that was not meant in that way or something. In other words it might have been a small thing that was misunderstood. Sometimes I take the matter higher up with the

co-opted Board Executive committee meetings or at our meeting we discuss the matter. As a committee sometimes matters have to be decided. But on a general note each one of us has decision-making power. We don't have to get the chairs or some else's permission unless it a big problem.

**Respondent 7:** I have not really assisted anyone so it's hard for me to say. I suppose I would assess what the situation is and if I do not know the answer I refer them to someone higher or I try and find out the answer for the person eg if it is a grievance issue.

**4.6 IF ALL EMPLOYEES HAVE TO FOLLOW THE GRIEVANCE PROCEDURE PROVIDED FOR BY DUT THEN WHEN AND WHAT ROLE DO YOU PLAY IN THIS PROCEDURE?**

**Respondent 1:** The process begins ie my involvement begins once a member approach me – I begin to assist from this point – as I stated earlier on I do 90% communication and 5% management of problems. I guide and advise the member all the way. We also trying talking to the other party before the matter get worse. Sometimes this helps and the matter gets resolved quickly. Other times the matter goes to a hearing that the union really gets involved. The members know that if necessary we will get our legal team to assist in the matter. We have a signed agreement with a group of labour experts and for all our members too that we can seek help from them. NUTESA pays for this and it's available to the members.

We also get involved cause sometimes members do not understand how to interpret the grievance document because they are emotionally involved so there is a lot of feelings involved.

**Respondent 2:** Members do not go straight to the grievance procedure document when they need assistance. Normally they first come to the union for advice and help. So we begin to help them right from the start. So we play an important role where members are concerned. We are a serious union and we believe in helping wherever and whenever we can. Often I go to the head of department of a supervisor and talk to them once we are aware that there is a problem – this helps and the matter may not go forward. But there are other times where it goes right into a hearing and do on – so I can say we are involved all the way.

**Respondent 3:** The grievance procedure document is just a guideline which employees need to be aware of ie mainly looking time frames. But nothing happens the way it says on paper. Most of the time, it is about the interpretation of things. As a legal person I get so many calls from staff asking if this is okay or

correct or where gaps can be found. Sometimes staffs don't even know if it's a grievance or not. I suppose they look for support and want you to say I will help you making their problems less of a burden. I suppose that is why the unions are there to make staff know that they can get help from someone. So the union plays an important role where staff well-being is concerned. Conflict is such an emotional and upsetting thing that often staff are so confused and don't know what to do.

**Respondent 4:** I don't get very involved with grievance procedures so its difficult for me to answer but I know that the union especially NUTESA is there to help staff so we have an important role do play in advising, guiding and providing support.

**Respondent 5:** Oh NUTESA is very active in grievance procedures. We get involved right from the start. Although we send the member to HR and they fill out the form and so on – we are there to help. We play a very important role at DUT ask our members. I think also unless you have a problem the grievance procedure document is not something that everyone knows. They feel that the union knows it off by heart now so it's easier to just come to us. I suppose it's how you look at the document too. Not every one has the legal or labour knowledge and I suppose that is why we are here for the members.

**Respondent 6:** Our role at DUT is extremely important. I have been with DUT now for over 20 years and I know. We have helped so many people and done and brought about so many changes it's unbelievable. So yes we play a very crucial role in helping staff and so on. I mainly advise and give information to the lower paid earners and they don't know anything about labour issues and so on. All they know is that they are not happy about something and that the union will fix their problem. I must say these guys know what they want but they don't know how to say it. The union listens to them and we speak to them on their level so there is a sense of trust and the fact that we will try to help. So I can say I know the rules and procedure of the grievance procedure document and just tell the staff in simple terms what to do.

**Respondent 7:** I must say I have not had any opportunity yet to get involved in the grievance procedure and so on so I am not sure. But I suppose the grievance procedure form looks easy enough to follow and of course the union committee is here to help them – so we play an important role for our members.

**Respondent 8:** No I have not had any dealings with grievance procedures.

**Respondent 9:** The grievance procedure document is easy to follow which we all know the steps involved. We advise our members and begin to assist them as soon as we can. We are here for our members. so I can say we are like watch dogs for the staff and yes we play an important role here at DUT.

**Respondent 10:** No I have no dealing with grievance procedures.

#### **4.7 WHAT WOULD YOU SAY ARE SOME OF THE AGGRAVATORS AND MODERATORS AT DUT?**

**Respondent 1:** I would say definitely depends on the background of where the person comes from and what they bring with it eg its reputation. This is important because people build up perceptions. We are experience the same thing at the moment. When the merger took place, staff simple identified themselves according to where they were coming from. “I am from Technikon Natal” or “I am from M L Sultan Technikon”. Without a doubt the history and its influences had a huge impact on staff from the different institutions. I mean the ex Technikon Natal was a “white” university, so automatically people saw this as a “better” institutions and the opposite for M L Sultan Technikon. Oh course this is all perception but it has affected how staff still view other staff depending where you came from. We have had many cases of conflict when staff was moved into different departments which allowed for the “mixing” of staff. Some felt that they were being treated differently and so on. Even the unions from each of the campuses have problem accepting the history and background of each other.

**Respondent 2:** Well this is a difficult one as there are so many factors that can influence which way the conflict can or should go. For me it depends on whether the two parties want to find a resolution or not. Often we come across cases where we could see that the supervisor or head of department is victimising the staff member and become difficult to deal with. Everything or anything the staff members does they complain about this and recently we had such a case where the head of department took a disciplinary hearing against the staff member. Fortunately the union was aware of the problem and was able to assist the member and we won the case. In this case the relationship between the head of department and the staff member was not good and we wonder now that she won the case if the relationship will get worse.

**Respondent 3:** Oh I am not sure as there are so many factors that contribute to this. For me maybe strategies people use could be a problem. Once they are set their on minds on bringing down someone’s name nothing seem to stop them. We had a case where one of the other unions was bad-mouthing

NUTESA and went to great extremes to discredit us. I think them wanting to make us look bad in the eyes of management, the student bodies and the staff in general. Perceptions can also be a dangerous thing. With the merger we have seen so much of this. Even though we merged in 2002 we are still trying to find a new identify ie without any past or history.

**Respondent 4:** Perceptions, aspirations and expectations, power play, background and tolerance are some of the factors that influence how conflict is managed or whether it get worse or not. Being the finance person for NUTESA I can say that many staff expect and feel that what they do and what they earn is not balanced. Especially since the merger, staff from both campuses ie the ex campuses earned and still earn different salaries even though they fill the same or similar positions eg head of department. This has been and the matter has still not been sorted out, a huge problem. How can DUT expect staff to do the work and not get paid for it. This is unfair but the matter is taking so long to get finalised even though we merged in 2002.

**Respondent 5:** I would say the threat of our union to other unions is a problem. They see us as a threat as we have the most number of members and we are the largest union at DUT. We have also achieved so much and won many cases and brought about many major changes at DUT. I know some staff and some unions see us as a “white” union and they perceive us to be serving a selected group of staff. This is not true. Oh the history and background also is a problem. Oh you come from there and we come from the elite technikon and so on has also built up strong feelings. So they use all sorts of strategies to bring us down. They can try it does not matter as management know what we stand for and who we are. We have been working well with them and sometimes they the management comes to us for advice.

**Respondent 6:** For me this is big it's a huge problem. Staff are wrong when they see us they way they do. They see us as a union that is segregated. We are not that way. We have all race groups in our union. Also maybe they feel that we have more power as we are the most active union on campus. Even when it comes to salary negotiations we were the ones the got the best deal. Oh the history of who we are and where we come from is big. I mean the different technikons and the unions which tried to merge. Did I tell you that the two NUTESA unions from the two different technikons and NEHAWU wanted to merge to form one big union at DUT? But this did not work out. NEHAWU decided to stand alone and most of the M L Sultan NUTESA staff formed a new union.

**Respondent 7:** I am not sure. Perceptions, how others see us is important to me. I wish NUTESA would do something to put the rumours right. Others have a bad perception of us and this upsets me.

I would say salaries are also a big problem, some staff is not earning what they should be earning and this is not fair. DUT must sort this matter out soon as it is demoralising staff.

**Respondent 8:** I would say that relationships – people not getting on with each other. A lot of this is to do with the fact that people feel threatened or they feel that they deserve certain jobs or promotion. The history of where staff came from is also a factor. Having three unions on campus is another factor.

**Respondent 9:** Tolerance of other people is weak. Staff needs to embrace all groups of people. Now many whites and Indians are feeling threatened by the number of blacks getting key positions at DUT. This has caused a problem. I know that DUT is exercising the affirmative action and equity programmes but staff should be employed on merit. We the unions are also in favour of the affirmative action and so on. The history of who staff are and where or which campus they came from is still a problem at DUT.

**Respondent 10:** I would say that it's the relationship that you have with the person that is important and what other people think of us, is a problem.

#### 4.8 CONCLUSION

In order to answer the critical questions posed in this study semi-structured was used to gather the information. Although a set of standard questions and themes were listed in order to gain insight and answers to the research question, semi-structured interviews allowed for the addition or exclusion of questions and the order of questions to be changed. This depended on the flow of the conversation and the rapport that was created during the interview. With NUTESA, not all members handle all aspects of union work as some members are “specialist” in certain issues eg. medical aid issues, salary negotiations. Therefore only key questions were asked to certain participants only. Further probing and questioning was required in order to further explore the research questions. Participants were given enough time to reflect on the questions and the situation carefully before answering.

Chapter five will present the findings as extrapolated from the data of the semi-structured interviews conducted with the ten committee members of NUTESA at DUT. The data analysis and discussions of the results will be presented with recommendations for further research.

## **CHAPTER FIVE**

### **FINDINGS, DATA ANALYSIS, RECOMMENDATIONS AND CONCLUSION**

#### **5.1 PRELUDE**

To be “matter of fact” about the world is to blunder into fantasy---and dull fantasy at that, as the real world is strange and wonderful (Robert A Heinlein n/d).

#### **5.2 INTRODUCTION**

The purpose of this study was to explore how and by what means NUTESA manages conflict at DUT. Given the purpose of the study the objectives were to:

- To identify and explore the major sources of conflict, aggravators/moderators and conflict behaviour that exist at DUT.
- To investigate the processes that are used in addressing and resolving conflict and disputes at DUT
- To investigate what conflict management styles and strategies are used by NUTESA in conflict resolution at DUT

This chapter will present the findings as extrapolated from the data of the semi-structured interviews conducted with the ten committee members of NUTESA at DUT. Presentation of the data will be discussed under the frameworks identified below in 5.3. The frameworks provides for a full understanding of conflict and its process.

The data assembled enabled the identification of broad themes, processes, strategies, roles and other relevant information. Conclusions and a summary will be drawn from the study and recommendations will be suggested for future research for the further development, progress and sustainability of NUTESA as a union at DUT.

#### **5.3 THEORETICAL FRAMEWORK**

This study, in attempting to explore how and what role NUTESA plays in managing conflict at DUT, applies Anstey’s conceptual framework as discussed in chapter two, to gain a better understanding of

conflict (Anstey 1999). In addition, one of the objectives of this study is to explore the conflict path i.e. the process of escalation of conflict from one stage to the next. The phase model of conflict proposed by Kriesberg (1973), as discussed in chapter two, would assist in unpacking the steps taken by NUTESA in the attempt of resolving conflict.

Anstey's conceptual framework (Figure 1) identifies the source of conflict, conflict moderators or aggravators and conflict behaviour as a conflict model in order to develop a full understanding of conflict. This framework includes both the structural and process aspects of conflict. Structural aspects consider underlying and environmental influences on conflict, that shape events and process aspects outline the dynamics of conflict, i.e. focusing on the internal dynamics of conflict episodes studying events and their effects on succeeding events in conflict episodes. This framework also illustrates the crucial and interdependent relationship that exists between the three factors, which defines conflict as cyclical in nature. Such a conflict cycle takes place within a context (environment) and the cycle will flow through numerous iterations. Therefore the data presented will be discussed within this framework under the said categories.

## **5.4 FINDINGS, DATA ANALYSIS AND DISCUSSION OF DATA**

### **5.4.1 SOURCES OF CONFLICT**

#### **Answer to Objective 1**

NUTESA agrees that conflict is inevitable, but how it is managed, is the key to a better working environment. The ten respondents interviewed, identified a number of sources of conflict which they say both the employees and NUTESA encounter at DUT. Although the study identified numerous sources of conflict which are listed below, many of them are inter-related conflict due to the fact that they stem from an individual's frame of reference, background, perception, knowledge, fear and insecurities. Therefore, important or key sources of conflict, which have greater impact at DUT, identified by the majority of the respondents, will be focused on.

Some of the sources of conflict identified by NUTESA in this study are:

- Merger of two institutions
- Change
- Scarce resources such as poor salaries

- Salaries not adjusted according to job since the merger in 2002
- Positions and promotions
- Job threat and job losses
- Re-structuring of jobs
- Re-structuring of job descriptions which changes titles
- Job placement still not finalized
- Annual salary increases
- Job securities
- Department securities
- Relationship between and among staff
- Uncertainty of how things should be done
- Poor morale, de-motivated staff
- Introduction of new structures without consultation eg. the AIMS programme
- Sharing of resource
- Inter-department service providers
- Racial issues
- Management styles of HODs
- Lack of transparency from management
- Lack of consultation
- Perceptions

#### 5.4.1.1 The merger as a source of conflict

The ex Natal Technikon and ex M L Sultan Technikon, now DUT, were the first institutions to merge within the higher education system in 2002. Whilst DUT had to contend with rapid and imposing changes, this in turn became a major trigger to many conflictual situations at DUT. Finnemore (2002: 1) argues that “society is dynamic and ever-changing and as a result tension, hostility, competition, and disagreement over goals and values must occur”. DUT has not been excluded from such changes and had to and continues to encounter many challenges. The findings indicate that change was because of inequality and the battle over scarce resources. As the respondents indicated, there has been a number of issues which arose prior to, during and after the merger, which acted as a source of conflict at DUT which required the union to

intervene and challenge management on. Although a number of issues have been dealt with, there are unfortunately a number of issues that are still under discussion or being negotiated.

More specific to the unions, before the merger, NUTESA members from both institutions discussed the feasibility of merging to create a dominant union at the new merged institutions. After many meetings and discussions, members mainly from the ex M L Sultan Technikon decided to form a new union, called TENUA. Interestingly, according to many of the respondents this was due to the fact that NUTESA members from the ex Natal Technikon were seen as not being culturally sensitive and that they did not satisfy the needs of the ex M L Sultan members. As is known the ex M L Sultan Technikon catered mainly for black students, the majority of them being Indian students. Even the staff was predominantly Indian. So, already within DUT there existed deep-rooted conflict within the unions which divided key stakeholders. This is important as unions should be seen as “working together” and standing together as one voice. Without a doubt this has made it more difficult for NUTESA in terms of negotiating and acting on behalf of the employees. Nonetheless, NUTESA has seen this as a challenge and strategically positioned itself to work and co-operate with management for the good of the institutions as well as for their members. The signed “recognition agreement” and their participation in the “collective agreement” and the “labour consultative forum” are proof of their commitment. According to the respondents, this has been a favourable step in the right direction and thus far, NUTESA has contributed and continues to contribute in a positive way.

There have been many other sources of conflict emanating from the merger. All respondents stated that although NUTESA was involved since the beginning in the entire merger process, the process has not been an easy one as many issues had to be negotiated, discussed and often a stand had to be taken. Issues such as restructuring and moving of various departments, was a major change for DUT. With the existence of sometimes two departments running the same courses, meant that there were two heads of departments and too many staff. NUTESA played a crucial role in this regards, where they had to save jobs of many of the staff and save some departments from closing down. As respondents one and two stated, “this was really a feather in NUTESA’s cap when we fought management on this issue and won. We saved 230 jobs and a number of departments from closing down”.

NUTESA are currently busy negotiating with management to ensure that all employees are paid according to the positions they fill. This involves the re-grading of many of the posts and

readjustments of salaries. As this is an “interest-based” conflict, many of the employees find this to be a contentious issue which needs to be dealt with urgently. NUTESA has been actively involved in this issue and hope to bring closure to this matter soon.

#### 5.4.1.2 Interest-based conflict

The major factor identified here, was the issue of salaries. All of the respondents stated that NUTESA has been extremely involved in negotiating the best deal for their members and over the past years have settled on very satisfactory increases. They are confident to continue with this strategy and hope future negotiations are favourable. Since changes have also taken place with regards to the structure or functioning at management level at DUT, NUTESA feels that they are in a better position to ensure a fair agreement.

#### 5.4.1.3 The Role of Perceptions in Conflict

Throughout the study the role of perception has been an underlining factor and very evident in many ways. This was indeed one of the major factors contributing towards conflict, which faced NUTESA. The basic definition of conflict is “a disagreement through which the parties involved *perceive* a threat to their needs, interests or concerns”. A key element of this definition is the idea that each party may have a different perception of any given situation. One can anticipate having such differences due to a number of factors that create "perceptual filters" that influence one's responses to the situation. The study identified the following factors that NUTESA perceives as most common:

- Previous background
- Culture of group eg. NUTESA
- Culture, race, and ethnicity
- Have and have-nots
- Gender and sexuality
- Knowledge (general and situational)
- Impressions of the Messenger
- Previous experiences
- Uncertainty
- Lack of communication

- Jealousy

These and other factors conspire to form the perceptual filters through which one experiences conflict. As a result, the reactions to the threat and dilemma posed by conflict should be anticipated to include varying understandings of the situation. This was very evident where NUTESA was concerned. Both in experiencing this first hand and then through issues brought to their notice by their members.

This also means that one can anticipate that in many conflicts there will be significant misunderstanding of each other's perceptions, needs and feelings. These challenges contribute to one's emerging sense, during conflict, that the situation is overwhelming and unsolvable. As such, these become critical sources of potential understanding, insight and possibility.

#### 5.4.1.4 Interdependence

One of the main factors that need to be addressed at DUT is that employees, management and the union are all mutually interdependent and that attitudes and negative behaviour has to change. Although change in this area has been noted, where autocratic and rigid management styles changed to one of a participatory management style, by management of DUT, it is still a long way before this filters down to departments and individuals. At DUT interdependence between departments too has been identified as a source of conflict. As one of the strategies of the higher education is for the sharing of resources, it is unlikely that this situation would change. Therefore a constructive way of dealing with this issue would have to be identified and implemented to avoid further conflict.

From NUTESA's point of view, the move towards participatory management has been positive. As respondent 1 stated, "the union, management and other parties discuss important issues and in this way we all contribute towards one goal for DUT. Power can no longer be centralized at the top."

#### 5.4.1.5 Data-base conflict

Data-based conflict was identified as another serious cause of conflict which affected everyone at DUT. "When there is mistrust, especially where management is concerned, people do not understand the position of others and they misinterpret and misread the circumstances and power

realities. This is why it is so important to ensure that management is transparent in whatever they do” emphasised respondent 1. “Because the conflicting parties did not share valuable data and information, conflicts revolved around positions and principals based on guesswork” said respondent 1.

The study shows that NUTESA was in the midst of this struggle on behalf of its members and managed to succeed in changing the situation. NUTESA wrote to the Department of Education (DoE) requesting for an audit and stated that DUT was not being managed as it should. Professor Jansen was sent by DoE to manage DUT until they were satisfied of the outcome of the investigation.

This action brought about major changes at DUT with regards to by whom and how DUT is managed.

- A participatory management style was adopted where management, the unions, student bodies and other stakeholders are now part of a decisions-making committee.
- NUTESA has a signed “recognition agreement” and “collective agreement” with management. It was noted with pride that NUTESA was the only union on campus to have such a signed document with management.
- NUTESA is also part of the “labour consultative forum” where all three unions sit with management and discuss labour issues and matters constructively.

#### 5.4.1.6 Relationship conflicts

All respondents echoed the fact that relationship conflict in South Africa has been and continues to be a major problem. Apartheid, which kept people physically, socially and psychologically apart, continues to this day. The data confirms that NUTESA as a union has been criticized many times for being “racist”. Recently such a matter went to court where the court ordered a student group to pay a fine. NUTESA has also been accused of being a “white” union, only looking out for and serving the interests of white employees at DUT. This according to the respondents is not true. This has created a negative impression and a strained relationship between and among some staff members and the other unions at DUT. The legacy of apartheid has resulted in a lack of trust, understanding and empathy among cultural groups.

“At DUT poor communication, strong emotions, misperceptions and repetitive negative behaviour cause relationship conflicts,” said respondent 2. Openness, flexibility and increased opportunities for participation are characteristics of positive communication climates, which NUTESA believe in. “Openness should be regarded as a core value in any organization and should be shared by all organizational members,” stated respondent 2. The study showed that often employees experienced continuous surprises, whereby they were not informed of new decisions or programs eg. the AIMS programme which was introduced by management without any consultation or discussion. Also employees often do not understand the reasons for decisions as they are not involved in the decision-making process. As a result employees trust the “rumour mill” more than management.

#### 5.4.1.7 Change and ambiguity

According to all the respondents, changes due to the merger at DUT have played a crucial role as a source of conflict. It is in times of uncertainty that staff may not know how to behave and this may lead to the testing of new boundaries and undesirable behaviour. Thus behaviour is not only the consequence but also the cause of conflict.

“When the merger took place, some staff felt that patterns of behaviour used before were no longer acceptable” stated respondent 8, who was affected by this very act. Most of the respondents felt that traditional methods of procedures and exercising authority were rejected and people were unwilling to relate in a subservient way, because coming from different background they had no idea of what to do.

Openness, flexibility and increased opportunities for participation are characteristics of positive communication climates, which NUTESA believe in. “Openness should be regarded as a core value in any organization and should be shared by all organizational members,” stated respondent 1.

Data shows that NUTESA believes that organisations and institutions are subcultures of the larger culture and that they need to develop their own values, rules and behavioural norms. Multicultural organizations, such as DUT thus have an important role in South Africa in promoting inter-group relations by developing the right climate for interaction and moving away from the past.

#### 5.4.1.8 Structural conflict

In South Africa, ethnic conflict through the apartheid system in the form of structural conflict was one of the biggest aggravators of conflict. The study shows that there are deep-rooted conflict notions with specific reference to actual or perceived inequality of control of resources and ownerships of resource distribution at DUT. According to Anstey (1999), issues of power and authority lead into leadership problems. At DUT the study shows that leadership problems, including inconsistency, too-strong or uninformed leadership at some levels of the institution is evident. At times conflict is avoided and “passing the buck” with little follow-through on decisions often takes place. This according to NUTESA is common in certain departments at DUT where many employees experience the same continued issues in the workplace and supervisors often do not understand the jobs of their subordinates.

An attempt to correct some of the imbalances and inequalities of the past requires the total commitment of all stakeholders at DUT in creating a new workplace culture. It also requires unique leaders in managing change. All respondents were in agreement that leaders including the unions are directly involved in creating and maintaining culture and handling the process of culture change at DUT. NUTESA’s contribution in this regard is through the “collective bargaining” and the “labour consultative forum”, where matters pertaining to the effective functioning of DUT are discussed with management and serving their members as a union.

#### 5.4.2 AGGRAVATORS

##### Answer to Objective 1

Anstey (1999: 28) suggests that “several causes of conflict may be apparent in a relationship, but the expression of this depends on the presence and influence of various intervening variables that serve to aggravate or moderate the actions of the parties involved.” He identified a number of these factors which is presented in figure 1, in chapter two.

The respondents identified perceptions, high aspirations and expectations such as competing with each other, legitimacy and feasibility, invidious comparison and past achievement, power play,

past histories and lack of tolerance as some of the aggravators at DUT. These, the respondents stated, stemmed from employees, management and students.

This study has shown that, since the merger, the majority of the employees, identify themselves according to “which technikon they came from”. At DUT, with both institutions having a history of relationships characterized by mistrust, poor communication, strong emotions, misperceptions and expectations which has led to blaming and invidious comparison, this was a breeding ground for conflict. Brand et al (1997) states that such conflict if not managed constructively results in matters festering and escalating into disputes.

The study has shown that past history and relationships has caused many of the current conflicts at DUT. Further, within the present higher education system, it can be presumed that individuals who have been historically coerced, or treated unfairly, will bring mistrust into the workplace. According to NUTESA, “often conflict is perpetuated even when there is no objectively existing conflict.” Anstey (1999) suggests that in many cases, it can be found that the same parties become involved in repetitive cycles of conflict at different times and over a new set of issues. This was confirmed by NUTESA as being the case at DUT.

Conflict is also common during the periods of change. Employees have high aspirations and are in competition with each other. These, Anstey (1999) argues may be rooted in perceptions of legitimacy and feasibility which are common aggravators in South Africa. With South Africa’s background this has been inescapable within the higher education sector. Although enforced policies and legislation has created a platform for correcting some of these wrongs of the past, often some employees believe it is their moral right to certain resources and opportunities and attempt to attain these by contentious methods which leads to conflict. The study shows that NUTESA is in favour of ensuring that policies and legislation are applied fairly at DUT. One of the respondent stated that “NUTESA functions from a democratic position. We been extremely busy dealing with such matters and although we understand that in times of ambiguity, people develop their own views of their rights, views that may not be the same as others, this has caused friction and unhappiness amongst other employees.” All the respondents agreed that this is very evident at DUT and that although many of the employees have very high expectations and aspirations, unfortunately not all can be met. This has led to a lot of unhappiness and dissatisfaction resulting in demoralised employees.

Another major aggravator encountered by NUTESA is the salary negotiations. All of the respondents agreed that this was a stressful time for all. As a few of the respondents emphasised, “NUTESA has been the leader in agreeing to and attaining the best increases and better working conditions for employees therefore this makes it stressful for us as employees have a certain expectation from us each year.” As Anstey (1999) points out “invidious comparison and past achievements are common labour negotiations between employer and the union. This, Anstey (1999) argues can lead to a “crisis of expectations” conflict spiral where trade unions set up expectations with their members and if not met, the unions face a militancy rather than a satisfied and grateful group of individuals.

Conflict can also be very expensive, requires energy and takes a lot of time away from more important duties. According to the respondents, as a NUTESA committee member this is an ongoing problem. Representing NUTESA is on a part-time basis and a voluntarily position, therefore, the main job junction has to be a priority. Time to attend meetings, workshops and work in general for the union is allowed, but often this is not very agreeable with the managers, HODs or supervisors, which creates uneasy working conditions. This adds a lot of pressure and strain to cope with the number of queries, grievances, meetings and procedures. NUTESA, in order to remain the most efficient and effective union at DUT has made many sacrifices in order to fulfill both positions to the best of their ability.

#### **5.4.3 MODERATORS**

##### **Answer to Objective 1**

According to Anstey (1999) in order to create a stable environment, it is important to understand the causes and aggravators of conflict and more importantly recognising that not all conflict are resolvable. In this case, he suggests effective conflict regulations and those allowing for stabilization of relations.

NUTESA, according to the respondents, recognises that not all conflict is resolvable and that effective conflict regulations require jointly acceptable forums, procedures, standards and third party intervention. The respondents stated that they also believe that maintaining stable and co-operative relations is important in maintaining harmony among individuals and management and

that grievance and disciplinary procedures may not be sufficient on their own to ensure peace and stability.

The study shows that NUTESA has been pro-active in this regard by adopting a participatory approach. At DUT, NUTESA is the only union that has a signed “Recognition Agreement” document with management. This document, according to NUTESA, states that management recognises NUTESA as an official registered union actively involved at DUT. As Anstey (1999: 30) stated, “it is important that parties assign each other legitimacy in the relationship”. NUTESA is also part of the “Collective Bargaining Forum, and the “Labour Consultative Forum”. Through these forums relevant issues are discussed and joint solutions are agreed on. It also acknowledges that parties at these forums act as contributors to the conflictual relationship and seeking ways to resolve or regulate differences. This is also an indication that there is an internal coherence, which four of the respondents confirmed. “NUTESA is fortunate that we have a strong team on the NUTESA committee and we have a good relationship with management.”

#### **5.4.4 CONFLICT MANAGEMENT STYLES**

##### **Answer to Objective 1 and 3**

According to Thomas (1976) a conflict style is a reflexive, habitual way of responding when faced with conflict. Individuals develop their own conflict management styles over time, which is learned through experience. Although everyone has a predominant style, depending on the situation, this style may change. Literature indicates that there is not a single best style to utilize. However, the style used must be suited for that particular situation with the view to resolving the conflict. Thomas (1976) offers five generally accepted styles for dealing with conflict: competitive, avoidant, collaborative, accommodative, and compromising.

Although the study shows that all respondents were in agreement that different management styles would be used for different situations whether this was at work or in their personal lives, six out of ten respondent’s conflict management style was mainly one of accommodating. Two of the ten respondents stated that they did not have any particular styles but generally used different conflict management styles for different situations, whilst two of the respondents stated that their general approach was assertive.

The compromising style is characterized by making exchanges, concessions, and bargaining to come to settlements in which both parties can be in agreement. According to the study, this style is predominantly used when dealing with the management of DUT. Through the “collective bargaining” and the “labour consultative forum” NUTESA has strategically adopted this style so that negotiations and agreements could be reached for the sole benefit of the effective functioning of the institution.

The accommodating style occurs when one works cooperatively with the other person without trying to assert one’s own concerns. This may be used when the outcome of the situation is very important to the other person but of less importance to the other. The study shows that majority of the respondents prefer and often use this style when negotiating.

Collaborating allows one to be assertive while still trying to cooperate with the other person. Collaboration works if each party takes time to look at underlying interests in the hope of finding a way to meet the needs of both parties.

Assertiveness is also part of the competing style, but the individual is most interested in getting his or her own way and not cooperating with other people. Appropriate times to use this style occur when the outcome is more important than the relationship. Some of the respondents indicated that this style is often used when dealing or negotiating with management especially with regards to salary increases. The respondents also indicated that it was a good strategy to being negotiations, as this style sets terms for negotiations.

The avoiding style is used when a person withdraws from the conflict entirely, although they may have a stake in the outcome. This approach can be useful in a conflict when individuals are highly emotional, and time is needed to gain perspective to discuss the issues. Only one of the respondents in this study indicated that sometimes it is simply not worth the effort to argue, disagree or correct another person’s perception. One would argue that this approach would tend to worsen the conflict over time, but the respondents felt strong that by not responding a clear message of “I am not interested” was given.

NUTESA, according to the respondents prefer the strategy where good co-operation leads to full, open and generous conversation and exchanges between individuals or groups.

**5.4.5 PROCESSES USED IN ADDRESSING THE CONFLICT**

**Answer to Objective 2**

This section attempts to answer and fulfill the purpose and objectives of the study. The purpose of this study was to explore how and by what means NUTESA manages conflict at DUT. The problem statement, how and what role does NUTESA play at DUT in terms of conflict management was stated and the objectives set out.

**5.4.5.1 The grievance and disciplinary procedures**

The grievance and disciplinary procedures provided for in the Conditions of Service Document for employees at DUT, is the official guideline that all employees have to adhere to. However, according to the respondents, how effective the grievance and disciplinary procedure guidelines are or how much of it is understood by employees and management is arguable. All of the respondents indicated that members, irrespective of the fact that the procedures are easily available, preferred to approach a union member for advice or assistance when faced with a conflict or problem.

The other problem identified by the respondents was the fact that often the multi-step grievance processes takes too much time. As one of the respondents stated, often even the members that win their disputes are often dissatisfied with the outcome, as the actual procedures do not provide any means for bringing the parties most concerned together to address the real issues. In some cases, the relationships among the parties are actually worsened through the dispute resolution process.

According to one of the respondents, the grievance procedure document is just a guideline which employee has to be aware of in terms of time frames and process. The study shows that majority of the members are uncertain of the interpretation of the procedure documents and therefore prefer the assistance from someone who is knowledgeable about the rules and legal aspect of the document. Literature also showed that majority of South African employees and employers are unsophisticated with regard to their rights and duties in terms of labour legislation.

The respondents highlighted the fact that NUTESA had an important role to play at DUT even though the grievance and disciplinary procedure was the mechanisms for dealing with conflict. Respondents stated that:

- Most employees are either afraid of being seen as troublemakers or victimized if they use the grievance procedure.
- The majority of employees and employers are unfamiliar with regard to their rights and duties in terms of labour legislation.
- Employees complaining about others, or managers disciplining an employee is often seen as an unpleasant task and
- Proper disciplinary procedures and process are not followed

Three out of the ten respondents stated that although they were part of the NUTESA's committee, they did not get involved in any grievance or disciplinary procedures on behalf of their members either because they did not get a chance or that they not have the right skills to carry out such an important procedure. Only four of the ten members are actively involved in resolving and assisting members with issues with NUTESA.

#### 5.4.5.2 Phase model of Conflict

The phase model of conflict and the steps in the grievance procedural document were used to analyse and discuss what process NUTESA uses in managing conflict at DUT. It was acknowledged that conflict is primarily cyclical in its development and that it moves through a predictable sequence of stages. The conflict path refers to the process of escalation of conflict from a latent form where it is barely visible, through various stages where it first manifests itself and then escalates into a highly formalised dispute that needs to be resolved through some form of third party intervention. Each of these stages needs to be managed appropriately if the escalation of conflict into a dispute is to be prevented. The various mechanisms and processes for the resolution of conflict at each of these stages also differ, and that is where the conflict resolution efforts in organisations often fail.

This study has shown that all of the respondents were fully aware of the different steps that need to be applied, but not all of them were actively involved in managing conflict at DUT. The study also showed that there are only four members from NUTESA in the present committee, who were fully knowledgeable and actively involved in various aspects of conflict management at

DUT. This includes discussions and negotiations with management and on behalf of their members. As three of the respondents indicated, they have not had the opportunity to get involved in assisting members who were experiencing any problems, neither were they involved in any discussion or negotiations with management. The study showed that this is due to the fact that only the experienced committee members “took charge” of matters on behalf of NUTESA, thereby excluding other inexperienced members. This has been identified as a weakness on NUTESA’s part as inexperienced members need to gain the experience in order to share the workload of the already overworked committee members.

All of the respondents agreed that recognising that a conflict exists was the first step in the management of conflict. As respondent 3 emphasised, often members complain about issues that could be easily resolved without any action being taken.

The steps presented below are a summary of the ten respondents interviewed with regards to the process that is taken when managing conflict.

**Step 1: Recognize and Acknowledge that Conflict Exists**

All of the respondents agreed that recognizing that a conflict exists was the first step in conflict management. Both parties should also recognize that it would be in their best interest to want to resolve the problem. The study found that often members approach NUTESA with what appears to be a conflict, and only after discussing the matter with a union member who provides perhaps clarity on the matter that they find that there was no need to take the matter any further. Embarking on the first step is important, as the management of conflict is time consuming and can lead into unnecessary expense.

Should members decided to proceed with the issue and depending which side of the conflict NUTESA represents, the NUTESA representative would advise them accordingly. At this stage one of the parties would have to verbally voice their grievance for the process to commence and take its course.

As one of the respondents stated, “NUTESA members seek out the assistance immediately they have a problem, because they know that they would get the support.” Often a NUTESA representative speaks on behalf of the member, in an attempt to resolve the issue as quickly as possible.

Respondent 1 highlighted an important fact. He emphasised the danger of not managing and containing the conflict at an early stage. He stated that often it is too late to resolve the issues by peaceful and procedural means.

**Step 2:           Analyze the Existing Situation.**

All respondents agreed that knowing exactly what the conflict is about is crucial. Normally, deciding to confront or assist with the conflict comes after discussing the matter fully in order to get the “full picture”. As respondents 1 indicated, “I always insist that the member or individual seeking assistance must write down all the details, which I check. In this way it gives the individual the opportunity to be certain that the decision to proceed with the matter is what they really want and to get the full details in writing”. The study shows that majority of the respondents was in agreement with such an action.

Should the aggrieved individual decide to proceed, they would be entering into a formal stage, where the lodging of a formal grievance takes place. NUTESA, at the request of the member, gets more involved at this stage.

Deciding on the appropriate conflict handling style is crucial at this point as this could either help in solving the conflict or matters could escalate and this could make matters worse. Of course this would largely depend on the matter at hand and what would be the most appropriate style what would result in the matter being resolved as effectively and efficiently as possible. Of importance at this stage, are one’s behaviour, attitude and perceptions of all parties involved. In determining what conflict approach is being used by the concerned parties NUTESA would have to adjust accordingly.

**Step 3:           Define and analyse the problem and facilitate communication.**

At this stage of the grievance, normally NUTESA has worked out what the symptoms are and encourage open and accurate lines for communication with all parties concerned. Often at this point a mutual definition of the problem is gauged and decisions on how each party reacts and wishes for the conflict to develop is very evident. By this time, a senior member would be involved, in the hope of resolving the issues.

Listening and raising questions at this point is normally appropriate. Allow for free expression and if necessary constructive disagreement. At the same time, supply information and facts,

maintaining an objective and not an emotional level. Staying on the issues on not focusing on the individual is advised and use tact if needed to "save face" for parties.

Diagnose the problem, categorise the symptoms, search for cause-effect linkages and identify what is lacking or excessive. Identify system blockages and barriers to problem resolution.

**Step 4:            Make necessary Adjustments, Reinforce and Confirm.**

At this stage of the conflict if matters are still not resolved, it is evident that the danger of a dispute being declared is imminent. Therefore the ideal at this point would be for a solution to be found to the satisfaction of all parties. This would also be an ideal time for NUTESA to make necessary adjustments, reinforce and confirm preferred outcome of the conflict. There are always risks involved when dealing with hostilities or conflict. According to the respondents, often accepting risks will result, when the conflict is managed effectively, in stronger, more cohesive groups. Openly fighting the opposition can greatly weaken group structure and group action, and NUTESA believes, according to the study, that conflict must at all cost, be managed as diplomatically as possible where bridges are built rather than burnt.

**Step 5:    Generate viable options**

All attempts to compensate or compromise should be aimed for as failure of this, would lead to a dispute being declared. Compromise involves adjustment and modification with regard to the territories, values, goals, and or policies of the involved parties. For example, a possible strategy for reducing conflict over how to reach an agreed-upon goal might be to redefine the situation in terms of new means toward the acceptable goals. Territories may also be redefined and made less exclusive in order to diminish conflict.

**5.4.6    CONFLICT MANAGEMENT STRATEGIES (Objective 3)**

**Answer to Objective 3**

According to the findings, it is very evident that NUTESA has a high decision-making ability, excellent negotiation and problem-solving skills. This is evident by the number of successful issues that NUTESA has managed to resolve over the year. As one of the respondents remarked,

“it is unfortunate that statistical data is not readily available so that I can show you the number of cases we have won.”

The findings also show that the committee members consider themselves an effective team who work well together for the good of their members. Many of the respondents were proud of this and stated that they are indeed strategic in their thinking and actions and take full responsibility for this.

NUTESA committee members do not have a set style or strategy that they follow. Deciding on what strategy to use and when depends on experience, knowledge and skills. As two of the respondents pointed out, “often we are faced with complicated issues that require an immediate answer. This requires you to think on your feet”. At the same time a number of issues require more information and discussion. In this case meetings are set up for in-depth and group discussions and for final decision to be made. The ability to identify and choose alternatives certainly requires skills and unfortunately a number of committee members with NUTESA stated that they do not have the confidence to be able to assist many members due to the lack of training, experience and knowledge. This has been cited as a recommendation for NUTESA to provide more training so that NUTESA’s committee members can make a more meaningful contribution.

Having excellent problem-solving skills is essential when assisting members with regards to conflict. The ability to effectively identify and resolve issues as quickly as possible requires a logical sequence in examining issues and improving the quality of decisions to make effective interventions. The use of decision-making and problem-solving skills, individually or with a group, provide the foundation for negotiation, which is a decision-making process in which two or more parties who have shared opposing interests communicate directly with each other and work together to resolve their conflict as a peaceful agreement.

NUTESA engages in negotiations all the time. This they regard as a constructive approach to finding solutions to issues. Negotiations are a collaborative process in which both parties must be willing to find common ground and brainstorm alternatives to satisfy interests which NUTESA is in favour of. The study shows that NUTESA with their participatory approach, are aware that the type of strategy that is applied will determine whether a positive outcome will

ensue or the conflict leads into further conflict and dispute. This they understand to be important as they believe in resolving issues as effectively and efficiently as possible.

#### **5.4.7 THE ROLE OF NUTESA IN TERMS OF CONFLICT MANAGEMENT**

##### **In answering the problem statement**

This study has looked at the findings of how NUTESA manages conflict at DUT in order to answer the problem statement. This section will now examine the role that of NUTESA plays in conflict management at DUT.

Conflict management is a systematic process geared toward finding mutually satisfying outcomes for two or more parties in conflict. This study shows that NUTESA's role at DUT with regards to conflict management has been one of its major functions. NUTESA's mission statement embraces the ideal of being a united power-base found within a higher education institution. NUTESA has consistently and effectively been involved in ensuring the well-being of its members by lending support, protecting, advising and advancing their rights. The ultimate purpose of conflict management, according to NUTESA, is to reduce the incidence of dysfunctional conflict (conflict that hinders group performance), and to increase the likelihood that any conflicts that take place will be resolved efficiently and effectively.

The most significant, and overlooked, aspect of conflict management with NUTESA is its proactive nature. The conflict management process within NUTESA does not begin with just the identification of a particular conflict but rather it is an ongoing process in which the leaders constantly work to create the conditions that discourage dysfunctional conflict, and encourage conflict resolution processes that facilitate "win/win" outcomes. This they claim has been due to creating effective communication channels within the DUT, by developing an atmosphere that encourages participation, by helping individuals develop productive work relationships, by constantly improving organizational processes and procedures eg the "collective" and "recognition" agreements and hope that over time help individuals develop conflict resolution and effective communication skills.

In the absence of statistical data, it was difficult for NUTESA to illustrate how effective they have been with regards to assisting their members in various ways. As respondent 2 indicated, "now that we have a full-time administrative member of staff it would be in NUTESA's interest

to capture such data, so that others could see the important and crucial role we play at DUT”. The important fact is that conflict cases once recorded, especially the outcomes, can be adopted for future cases. This would also save time and money for DUT and the unions when recurring issues are identified and included within DUT’s policy systems.

Another important function of NUTESA is to level the playing field for management and employees. Although NUTESA is part of the DUT collective bargaining forum, management still has the prerogative to make final decisions. If unacceptable or unjust decisions are made, especially when employees could be exploited, it is the unions that have the potential to mobilise labour as a collective unit to decrease the extent of decision-making autonomy of management. NUTESA has done this with positive results in the past. According to most of the respondents, NUTESA takes this matter seriously. Respondent 1 stated that “recently NUTESA, being unhappy about the way in which DUT was being managed, wrote to the Department of Education, demanding for an investigation and the disbanding of council. The Department of Education found this to be true and acted expeditiously by appointing an administrator to manage DUT. This is the extent to which NUTESA is prepared to go in order to seek justice and fairness for all.”

Having power within an institution such as DUT certainly helps the unions in influencing management in various ways. Power is primarily founded in membership numbers and in members’ potential and the influence they are able to exercise over management. Also through collective action they could force management to alter their decisions. NUTESA fortunately has the largest membership number, and over time have proven that they are a union to be reckoned with.

At the present time, according to the respondents, the perception that management has of NUTESA is one of participative and co-operative in nature and they have mutual respect for each other. With the changes taking place within higher education, a whole new culture of management approach is developing. Institutions such as DUT are developing similar to those reflected by business schools, Human Resources with Total Quality Management, Employee involvement and participation, collective bargaining forums and information groups. NUTESA has been pro-active in this regard and has signed a “recognition agreement” with management as they realised that a more conciliatory approach had to be adopted. The “recognition agreement”

is a document stating that management recognises NUTESA as the official union operating at DUT.

The fact that similar unions function in the same institution could be seen as a threat to NUTESA. NUTESA, however feels confident that its membership numbers will grow in the future and that as long as they serve and assist their members to the best of their ability, they have little to worry about. As all of the respondents stated, “NUTESA has a strong team with confident and experienced leaders. We are also flexible and adaptable in a changing social and economic environment with future orientated thinking and for acting innovatively. We plan to be pro-active and be prepared for any situation and contingencies that might occur”.

## **5.5 RECOMMENDATIONS**

### **5.5.1 Training and education**

As discussed in chapter two, generally, the term conflict management refers to programmes that teach individuals the concepts and skills for managing, preventing and peacefully resolving conflicts. Conflict management is defined as a process that productively controls the effects of opposing needs or wants to obtain a desired outcome. Therefore it is important to ensure that individuals involved in the management of conflict have the appropriate skills and training. For example, conflict management programmes can develop skills in communication and creative thinking, problem-solving, negotiation strategies, and mediation.

One of the key factors identified in the study was that the majority of NUTESA members lacked the appropriate training and skills required in managing matters at DUT. Nine of the ten respondents agreed that this was indeed true and that training should be provided. As one of the respondents said, “in order for us, as union representatives, to provide the best assistance to our members we need to be adequately trained”. This was with specific reference to shop stewards.

During the interview, the respondents identified the type of training and workshops that they felt are necessary in order to equip them better in dealing with issues pertaining to NUTESA, DUT and their members. These were identified as:

- negotiation skills
- communication skills

- assertiveness training
- interview skills
- procedure for interviews
- how to consult with others
- how to advise member
- sensitivity training towards diversity issues
- sexual harassment training
- all about change and how to deal with change
- racial issues political issues

Three of respondents stated that all newly elected committee members attended a two day workshop at the beginning of their term of office. The workshop provided basis information about NUTESA and gave new members the opportunity to meet with other committee members. As the three respondents stated, “although this was essential and beneficial, having one workshop per year is not adequate”.

It is recommended that NUTESA formulate and implement a comprehensive programme for all the committee members and interested members. This would provide the necessary skills in order to perform more effectively and with more confidence. This will benefit NUTESA significantly.

### **5.5.2 Communication**

The poor communication between and among the committee members was also highlighted. Six of the ten respondents stated that they know very little of the other members and had to work in isolation. Although they could, at any point and time, refer matters, seek advice, or contact other members of the committee, they found the situation to be unfulfilling and not to their satisfaction. There was a strong feeling among the respondents that they would like to meet more often.

It is recommended that more meetings in the form of workshops are organised for the sharing of information, experiences, updating of current or recent grievances, new updates and for interacting of members. It is further recommended that committee members present “case

studies” so that mistakes can be corrected, others can learn from and build on. These cases could then be used as a frame of reference for future situations.

### **5.5.3 Structured approach to conflict management**

It is recommended that a more structured approach be designed and implemented for the process of conflict management. Presently committee members rely on their experiences and management-style on how to respond to conflict situations. This study has found that not all of the committee members have the required skills and knowledge to assist members and even those who have some experience also lack certain skills. In order to effectively assist members it is recommended that a more structured conflict management process be designed and implemented for all members, especially those new members who lack experience. It is also recommended that a needs analysis be conducted to gauge appropriate training for implementation. This may require re-training if necessary as key skills such as listening and basic counseling skills, stress management skills, probing skills are poorly lacking. These skills are crucial in assisting members who may be emotionally upset and experiencing high levels of anxiety and stress as a result of their conflict.

### **5.5.4 Frequently asked questions (FAQ): website with answers**

NUTESA should include on their website a FAQ section or a “how to” section for local and national use. Information on basic labour law in lay-man’s terms, any additions or changes to the labour law, copies of policies should also be included on the website. NUTESA committee members claim that they are extremely busy and sometimes are inundated with calls from members about current issues. The continuous updating of the website would alleviate this problem.

Small pocket booklets or diaries with essential information for quick reference should be provided for members by NUTESA.

### **5.5.5 Information Exchange Facility**

Similar to the above point, 5.4.4, NUTESA should, both locally and nationally, consider information exchange facilities. This is a means by which employees are given access to information quickly, easily and where requested anonymously. This can be facilitated either

through a hot-line or via mail. In addition to giving information, the facility can receive information. The information may be given anonymously or surfaced in an appropriate manner. This early warning system is easy to implement, and can lead to considerable cost savings.

#### **5.5.6 Data capturing**

One of the limitations of this study was the lack of statistics, data and important information pertaining to the cases that NUTESA has been involved with for the past years. As stated, it was difficult to gauge the different categories of conflict issues that were managed by NUTESA. This kind of information is important for research purposes and it is strongly recommended that attempts to capture as much of this information as possible be made. This would certainly help with future studies.

#### **5.5.7 Marketing strategy**

It is recommended that NUTESA needs to embark on an effective marketing strategy. This would help increase awareness, attract new members, alleviate any negative perceptions that may exist and make present members proud to belong to such a trade union. In addition NUTESA needs to concentrate on good planning, organization, high standards of service delivery and above all maintaining sound financial management. This would certainly show NUTESA in a more positive light.

### **5.6 LIMITATIONS OF THE STUDY**

There were too few participants for this study. NUTESA have twenty four committee members but not all are actively involved in representing and resolving issues for the members. Of the twenty four committee members only ten were available to be interviewed for this study. It was difficult setting time to meet with the participants due to the fact that the majority of the participants are academic staff with full lecturing timetables. It took many weeks to set up and interview them. It was only during the vacation that the interviews could be carried out with many of the participants.

This study was focused on exploring how NUTESA committee members responded to the management of conflict at DUT. Interviewing NUTESA's members and DUT's management will provided this study with more in-depth information on how they perceived NUTESA's role and whether they thought it is



indeed effective and efficient in serving them. The time factor in which to carry such a study was limited. With a more in-depth study with the other stakeholders a quantitative study is also recommended.

With regards to one of the key questions asked, in an attempt to find out exactly what process was followed by NUTESA in managing conflict, it was difficult to gauge exactly what process was used as the answers were vague and the participants were uncertain how to answer this question. It would appear that NUTESA does not have any set process in place.

Previous research or literature on unions was limiting especially within the higher education sector in South Africa. The important role and the contributions that unions make were also scarce. With specific reference to NUTESA, according to the chairperson of NUTESA at DUT, no prior research has been done on NUTESA, made it difficult to decide where to begin with such a study ie to build on to prior research.

The lack of statistics or data regarding the number and categories of conflict issues dealt with by NUTESA was lacking. This would have contributed to a more meaningful study.

## **5.7 RECOMMENDATIONS FOR FUTURE RESEARCH**

The crucial role that unions play within the higher education sector is growing. This study indicates that management at DUT recognises and accepts NUTESA and the contribution they make towards the effective functioning of the institution. The signed “recognition agreement”, “collective agreement” and the “labour consultative forum” is proof of such acceptance.

With competition from NEHAWU and TENUA for members and the ever changing climate of higher education, how can NUTESA ensure that they remain as the leading union at DUT? If NUTESA is to sustain itself in such a position and plan to develop further, further research is definitely important, especially now, since the merger new trends and new cultures of institutions and unions are emerging. As recommended above, there are many gaps which could lead to the downfall of NUTESA and with competition from the other unions at DUT this could be crucial.

It is recommended that NUTESA does a needs analysis amongst its committee members to find out how they can improve their skills and to further carry out a needs analysis from their members to find out how and they improve their services.

In the meantime, as the management of conflict at the workplace is one of the main functions of NUTESA, they can be proactive and ensure that the incidence of dysfunctional conflict is reduced. Together with management there are several things that can be done to reduce the incidence of dysfunctional conflict. Conflict management itself is a proactive process that takes place even if a group or organization is not currently experiencing any conflicts. Therefore it can be reduced by:

- providing opportunities for employees to develop communication and conflict resolution skills,
- ensuring that there are effective communication channels throughout the organization,
- helping organizational members build healthy and productive work relationships, and
- creating an atmosphere that encourages participation.

An in-depth study targeting a wider range of participants is recommended. This study examined only NUTESA's committee members and their approach to the management of conflict. NUTESA have approximately 600 members who can be approached to gauge the effectiveness and efficiency of NUTESA. The management of DUT too can be approached to get their views on the activities and contribution of NUTESA.

## **5.8 CONCLUSION**

The purpose of this study was to explore how and by what means NUTESA manages conflict at DUT. This was explored by identifying some of the major source of conflict, aggravators/moderators and conflict behaviour that exists at DUT, the process that NUTESA used in addressing and resolving conflict and by finding out what conflict management styles and strategies they used. This study through its discussion, has attempted to answer these and the problem statement of how and what role NUTESA plays at DUT in terms of conflict management.

The study has clearly shown that NUTESA believes that conflict should be managed constructively and effectively and that conflict matters should to be dealt with and managed as quickly as possible. This they state prevents conflict from escalating and leading to disputes. The study has shown that constructive conflict gives impetus to creativity and innovation. NUTESA has been pro-active and innovative in many ways. This has promoted good relationships, especially with management, and has fostered open communication, understanding, trust and sensitivity. As Deutsch (cited by Anstey,

1991:10) emphasised, “it is not the conflict *per se* that should be regarded as functional or dysfunctional, but the way it is handled by the parties.” NUTESA has in many ways proven this to be true.

The study used Anstey’s conceptual framework to interpret conflict and understand its cyclic nature. NUTESA acknowledges that conflict is natural to organisations and that it can never be completely eliminated. The key to maintaining such a situation, they stated, is to identify what some of the sources of conflict are, so that they could, over time, be eliminated or new creative ways to contain them could be developed. The study has identified a numbers of key factors which contributed to conflict situations at DUT. It is without a doubt that influences of past histories and past cultures, new structures and new cultures, re-structuring with the fear for loss of jobs, race issues, implementation of government policies such as affirmative action, jostling for prominent positions and finances, influenced the situation.

The issue of the merger was one of the most important sources of conflict in the past few years at DUT. Several issues emanating from the merger were identified and discussed. Some of these were issues of restructuring of departments and repositioning of staff, adjusting staff positions according to the merged institution, change, culture and diversity.

Key aggravator/moderators such as perceptions, aspirations and expectations, power play, background and tolerance also influenced the conflict situation. This study showed that the majority of employees identified themselves according to their previous institution. This sense of culture-identification is not uncommon when major changes takes place in society. Most of the employees have a history of relations that are characterized by mistrust, poor communication, strong emotions, misperceptions and desires to punish because conflict was not managed constructively. Past histories and relationships of the “old” institutions also contributed to the current conflict situations in the merged institution. It was apparent that emotions and feelings were running high and some kind of outlet was necessary.

Although the study agrees that different conflict management styles are used for different situations, it was found that the majority of respondents preferred the accommodating style of management. This proves that NUTESA is willing to be co-operative and participatory in their approach towards the benefit of both the institution and the employees.

This study also found that deciding which style to use according to the situation comes with a lot of experience and knowledge. This unfortunately is an area that NUTESA has to develop by providing appropriate training. The study showed that a number of the respondents did not have the confidence,

knowledge and skills to be effectively involved in the management of conflict. It was found that only a few of the respondents, continuously involved themselves in such matters.

The compromising style is characterized by making exchanges, concessions, and bargaining to reach settlements in which both parties can be in agreement. The study showed that NUTESA used this style predominantly when dealing with management. It was found that through the “collective bargaining” and the “labour consultative forum” NUTESA strategically adopted this style so that negotiations and agreements could be reached for the sole benefit of the effective functioning of the institution.

On the other hand, when important issues such as salary negotiations takes place, NUTESA, is assertive and adopts the competing style. The study showed that NUTESA is very confident in their stance and attempt to maintain this for as long as possible. This they proved during the last salary negotiations. It is clear from the study that although NUTESA adopts various styles according to the situation, they prefer strategies that encourage co-operation leading to open communication and interaction between individuals and groups.

The study found that NUTESA has strong strategies in place within its structure. This was very evident in the manner in which they function and conduct themselves. The study also found that they operate in a consistent and confident manner. These are indeed qualities of a team that is decisive about issues and sets and maintains high standards for themselves. Some of respondents were highly knowledgeable and experienced which can be very useful when engaging in problem-solving and negotiation issues.

The process that NUTESA uses in managing conflict is largely dictated by the grievance procedure document stipulated by DUT. Beyond this, NUTESA is extremely committed and protective of its members in many ways, as this study has shown. They are open to communication and believe that a participatory approach benefits all parties within DUT i.e. both management and its members. Being part of the collective bargaining and the labour consultative forum has certainly been a move in the right direction as these forums provide NUTESA with a perfect platform for open and honest discussion with management especially where the interests and the rights of employees are at stake.

The role that NUTESA plays at DUT in terms of conflict management is of importance to them. The study found that the ultimate purpose of NUTESA managing conflict at DUT is to reduce the incidence of dysfunctional conflict (conflict that hinders group performance), and to increase the likelihood that any conflicts that take place will be resolved efficiently and effectively.

Another significant and overlooked aspect of how NUTESA manages conflict is its pro-active nature. The conflict management process with NUTESA does not begin with just the identification of a particular conflict but rather it is an ongoing process in which the leaders constantly work to create the conditions that discourage dysfunctional conflict, and encourage conflict resolution processes that facilitate "win/win" outcomes. This they claim has been due to creating effective communication channels within the DUT, by developing an atmosphere that encourages participation, by helping individuals develop productive work relationships, by constantly improving organisational processes and procedures eg the "collective" and "recognition" agreements and hope that over time will help individuals develop conflict resolution and effective communication skills.

Another important role that NUTESA plays is that of leveling the playing field for management and employees. NUTESA is in a powerful position, being the majority-member union at DUT. They also have a good working relationship with management and employees. With strong leadership and a team of committed staff, NUTESA aims to remain pro-active and develop into a forward-thinking and innovative union. This study shows that this aim is easily achievable. Conflict managed effectively and constructively can stimulate innovation, creativity and change. Whether the conflict is constructive or not functional, if organisations were completely devoid of conflict, they would become apathetic, stagnant and unresponsive to change. So it can be said simply that "conflict is a fact of life and that change can be good".

The problem statements were explored thoroughly even though there were only ten NUTESA committee members that were interviewed. Although pointed out as a limitation, the findings of the study are enriching and valuable and a stepping-stone for future research and development. This study shows that NUTESA is committed and positively pursues its role as the leading union at DUT. Successfully managing and resolving conflict at DUT involves not merely following a set of rules and guidelines as subscribed by the management of DUT, as this study has shown. NUTESA is actively interested and progressive with a strong understanding of conflict and its consequences. NUTESA is at the top of their game and have kept abreast of new national trends and changes. Within the different levels in the world of work, the interpretation and application of rules, policies, law and procedures is most crucial and NUTESA at DUT has been no exception to this. The standpoint and attitude of both management and the unions also plays a major role in this exercise. NUTESA and DUT believe in constructively and co-operatively working together and this is what makes the process of how NUTESA manages and resolves conflict at DUT, a manageable task. NUTESA plays an important role at DUT and strategically contributes in a meaningful way.

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## **APPENDIX 1**

**SECTION 7**

**DISCIPLINARY CODE AND PROCEDURE**

**7.1 POLICY STATEMENT**

The Durban Institute of Technology is committed to the promotion of sound labour relations between its Management and its employees so as to create a well-ordered working environment. Management has to ensure acceptable levels of efficiency and productivity amongst its workforce. In the process it shall endeavour to promote and preserve at all times the dignity and self-esteem of its employees who also have a reciprocal obligation to perform their tasks satisfactorily.

In order to ensure consistent and fair working conditions at the DIT and to promote disciplined behaviour amongst all its employees, both for the safety and well-being of the individual and the achievement of the Durban Institute of Technology's policy to vest disciplinary action and accountability in the Management shall:

7.1.1 ensure that disciplinary action is immediate in response to transgression/s.

7.1.2 commence and, where possible, settle disciplinary action at the lowest possible level.

Disciplinary action shall only be taken after clear evidence has been established and reasonable grounds exist which justify such action.

**7.2 DISCIPLINARY OBJECTIVES**

The main objective of disciplinary action is to protect the legitimate interests of the institution. As labour turnover has a detrimental effect on an institution's interests, disciplinary action should be of a rehabilitating nature. Only where attempts at rehabilitation have failed or where an infraction is such that rehabilitation is not indicated will preventive disciplinary action in the form of dismissal be considered.

Disciplinary action must therefore be applied as follows -

**7.2.1 Rehabilitation**

**(i) Educational Action**

This is the routine, informal action a supervisor takes during the course of his/her duties. A subordinate doing the wrong thing may be doing so in ignorance. Supervisors should ensure that their subordinates are being taught and made aware of inter alia, the correct procedures, rules and methods.

Educational action is therefore applied in the form of verbal warnings, training and counselling.

**(ii) Corrective Action**

Corrective action is applied when educational action is not indicated or failed to bring about the desired performance. It consists of formal warnings, final warnings and comprehensive final warnings, applied with the objective of correcting unacceptable behaviour and work

*[Handwritten signatures and initials]*

performance.

Warnings are given for first offences of a minor nature. Final warnings are given for serious offences and in repeated cases of the same or similar offences. A comprehensive final warning is given when an employee is found guilty of an offence and his/her disciplinary record indicates at least three current warnings or a current final warning.

An employee found guilty of an offence whilst on a final warning for the same or similar offence, shall be liable for dismissal. If found guilty of ANY offence whilst on a comprehensive final warning the employee shall also be liable for dismissal. Severity of action will, however, always depend on the particular circumstances of each case.

The date on which corrective disciplinary action takes effect is fixed during the disciplinary inquiry. Warnings will lapse after six months, final and comprehensive final warnings after 12 months. In the event of subsequent disciplinary action being taken during said periods the expiry date of all current warnings, final and comprehensive final warnings will be re-validated to coincide with the expiry date of the most recent disciplinary action.

### 7.2.2 Prevention

When educational and corrective action is not indicated, or proved to be ineffective, punitive action must be considered.

Transfers and demotions are not regarded as appropriate preventive disciplinary sanctions and should only be resorted to in the appropriate circumstances.

In the case of a dismissal offence where the alleged offender's presence at work may prejudice any investigation, or adversely affect any activities, he/she may be suspended pending an inquiry. Such suspension will always be on full pay and the alleged offender must, at the time of the suspension, be informed when and where to report back for further instructions.

It is accepted that some employees will not be persuaded to comply with accepted standards of behaviour or contribute little or nothing to the Durban Institute of Technology's effort or commit offences which are of such a serious nature that preventative action must be imposed in the form that the in-services may be terminated in a form of dismissal.

## 7.3 PRINCIPLES AND STANDARDS

Entrenched in this Code shall be the following principles and standards -

The Disciplinary Code and Procedure forms part of the Durban Institute of Technology's conditions of employment and applies to all the Durban Institute of Technology's employees.

The provisions of the Code does not exclude the right of the duty or Management, where applicable, to report a criminal offence to the appropriate authorities for prosecution in a Court of Law, neither does the Durban Institute of Technology waive any of its rights to institute a civil claim it may have in terms of common law or statutory law against an offender.

Disciplinary action is a line Management responsibility and should be taken at the lowest possible

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level of supervision. The authority of the specific supervisory levels in terms of the "Disciplinary Procedure" is demarcated as per 7.7.2 of this Code.

From the commitment that disciplinary matters should be dealt with at the lowest level possible it follows that a supervisor may be required to be the judge in his/her own case. This deviation from the "rules of natural justice" is tolerated in order to ensure the maintenance of line authority. It does, however, not absolve the supervisor from the requirement of "objectivity" when dealing with disciplinary matters.

An employee subject to action in terms of the Disciplinary Code shall at all times be entitled to representation by a fellow employee of his/her own choice or nominated by his/her Union.

The Disciplinary Code will not be applied for the purpose of intimidation or victimization.

Any person who has a grievance relating to the Disciplinary action taken against him/her will be entitled to invoke the relevant steps of the Grievance Procedure.

#### 7.4 CONDUCT GIVING RISE TO DISCIPLINARY ACTION

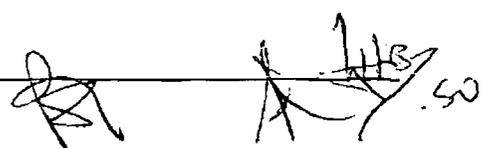
- (i) In general, it is expected of all employees to comply strictly with the Durban Institute of Technology Conditions of Service and Rules and Regulations. In addition, they must observe acceptable standards of conduct and perform their work diligently and expeditiously.
- (ii) Transgressions giving rise to disciplinary action are categorised as:
  - Minor transgressions
  - Serious transgressions
  - Very serious transgressions
  - Transgressions giving rise to dismissal
- (iii) Instances of conduct giving rise to disciplinary action are set out in Schedule "A" to these rules. It must be stressed, however, that it is not possible to provide an exhaustive list of transgressions, in which case, such transgressions will be dealt with according to the principles of equity and fairness.

#### 7.5 APPLICATION OF DISCIPLINE

7.5.1 The application of discipline may take one of the following forms depending on the seriousness of the transgression.

- (i) Verbal warning
- (ii) Written warning
- (iii) Final written warning
- (iv) Comprehensive final warning

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- (v) Transfers, Demotions, Dismissal

**7.5.2 Verbal / Written warnings**

- (i) Verbal warnings or reprimands need not necessarily be recorded and shall if appropriate constitute the first method of directing employees towards meeting acceptable standards of conduct and performance.
- (ii) If any employee is in breach of his/her terms of service or fails to meet the standards set, the Durban Institute of Technology may issue (*except in cases of serious misconduct*) a warning given in writing and giving reason/s for such warning.
- (iii) The warning shall be given in writing by the Departmental Head concerned with the reason for such warning stated thereon.
- (iv) The Departmental Head shall require the employee concerned to acknowledge receipt of the warning given to him. Such signature will not prevent an appeal. If the member refuses to acknowledge receipt of the warning in writing this fact will be recorded on the warning form.
- (v) In all cases the employee will be given a copy of the warning at the time of its issue.
- (vi) A copy of the warning form shall be placed in the personal file of the employee concerned, and shall thereafter, upon its mere production at any disciplinary hearing, be conclusive proof of the warning having been given.
- (vii) Written warnings will operate for a maximum period of six months, final and comprehensive warnings will be twelve months.

**7.5.3 Final Written Warning and Dismissal**

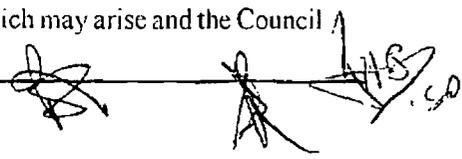
- (i) If it is established that an employee's conduct remains unsatisfactory despite his/her having been given warnings, or that an employee has committed an offence which merits a final written warning the same procedure as outlined herein above shall be followed. The purpose of the final warning is to give the employee one final chance to modify his/her behaviour or improve his/her performance.
- (ii) Where in the opinion of Management, an offence is so serious (*taking into account the worker's previous record*) that dismissal is possible, no decision regarding the form of discipline will be taken without first convening a formal disciplinary inquiry.

**7.6 DISCIPLINARY CODE**

- 7.6.1 The Disciplinary Code must be read in conjunction with the Disciplinary Procedure and Appeals Procedure.
- 7.6.2 An offence or transgression is defined as any deviation from the expected standard, whether or not expressed in the Code, or in the terms and conditions of employment.

It is not possible to list every possible transgression/offence which may arise and the Council

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may dismiss employees for any reason considered sufficient in law even if not mentioned in the Code. The penalties listed in the Code are maximum penalties. Management may in its discretion, apply lesser penalties than those prescribed in the Code.

### 7.6.3 Definition of Misconduct

A misconduct is defined as any act committed or an omission made by an employee which damages or capable of damaging the employer employee sound employment relationship.

An employee shall be guilty of misconduct if he/she -

- (i) contravenes or fails to comply with the provision of the Act, Statute or any Rule relating to the Durban Institute of Technology which it is his/her duty to comply;
- (ii) does, or causes or permits to be done, or connives at, an act which is prejudicial to the administration, discipline or efficiency of the Durban Institute of Technology;
- (iii) disobeys, disregards or makes wilful default in carrying out lawful order given to him/her, or by word or conduct displays insubordination;
- (iii) is negligent or indolent in the discharge of his/her duties;
- (iv) undertakes, without the permission of the Management any private agency or private work in connection with any matter connected with the performance of this official function or the discharge of his/her official duties;
- (v) sexually harasses any employee or student of the Durban Institute of Technology;
- (vi) while on duty, or on Durban Institute of Technology premises, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the Durban Institute of Technology or to the efficient performance of his/her duties, unless it is proved that it is not due to any improper conduct or action on his/her part.
- (vii) discloses, otherwise than in the discharge of his/her official duties, information for any purpose other than for the discharge of his/her official duties, whether or not he/she discloses such information;

Provided that an employee of the Durban Institute of Technology may publish academic papers or articles in any journal;

- (viii) accept or demand in respect of the discharge of or the failure to discharge his/her duties any commissions, fee or other reward, not being the salary payable to him/her in respect of his/her duties;
- (ix) misappropriates or improperly uses any property of the Durban Institute of Technology or fails to take proper care of such property under his/her supervision and control;
- (x) absents himself/herself from the Durban Institute of Technology or duty without leave unless he/she can prove a valid cause for his/her absence;

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- (xi) makes a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in relation to his/her position or is/her duties, or to causing prejudice or injury to the Durban Institute of Technology or educational service or a member of such service;
- (xii) commits a criminal offence,
- (xiii) incapacity, where an employee fails to perform his duties to the standards and satisfaction of DIT after training and assessment.

**7.6.4 Misconduct by the Vice Chancellor**

If the Vice Chancellor is accused of misconduct, the provision of the disciplinary code and procedure shall mutatis mutandis apply, save that any reference to the Vice Chancellor shall be construed as a reference to the Chairperson of Council.

**7.6.5 Guide to Disciplinary Action in Cases of Misconduct**

This code applies to all Durban Institute of Technology staff and acts as a guide for appropriate disciplinary action in cases of misconduct. As such, it does not detract from Management's right to use discretion in handling of discipline, depending on the circumstances of each case. The code aims to assist in achieving the required blend of flexibility and consistency, to ensure fairness in the application of discipline.

This list of offences is not intended to be all embracing. Management may discipline an employee for good cause even though the specific offence may not be stated in this code. Offences unavoidably may also fall into more than one category, and the extent or seriousness of the misconduct will often determine the appropriateness of the penalty to be imposed.

The penalties recommended relate to the commission of the offence in isolation. The existence of any previous warning and other material factors may be taken into account in deciding on the appropriate disciplinary action.

**7.7 LEVEL OF AUTHORITY**

**7.7.1 Definition of a supervisor or manager in terms of this code**

A Supervisor or Manager is any designated person who has a direct line authority over the alleged offender.

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## 7.7.2 Delegated disciplinary authority

Level	Extent of Disciplinary Authority
Supervisor / HOD	Verbal Warning, Written Warning, Final Warning
Director / Exec. Dean	Transfers, Comprehensive Final Warning, Dismissal/Demotion
Vice Chancellor/Deputy Vice-Chancellor	Appeals against dismissal

## 7.8 COMPOSITION OF THE DISCIPLINARY COMMITTEE

- (i) Chairperson (it will depend on the nature of the offence committed and extent of Disciplinary Authority).
- (ii) Two additional committee members not directly involved with the parties to the case, may be called to assist the Chairperson. (*a Council member may form part of the committee for level of Director and above*).
- (iii) Complainant / Initiator
- (iv) Alleged Offender
- (v) Employee Representative
- (vi) Witnesses
- (vii) HR / LR representative acting as an advisor

## 7.9 RIGHTS OF THE ALLEGED OFFENDER

7.9.1 Prior to a disciplinary hearing the alleged offender has the right:

- (i) not to be discriminated against for anything said or done in connection with the implementation of the Disciplinary Code & Procedures except in so far as steps need to be taken in terms of disciplinary procedures.
- (ii) to be informed of the nature of the alleged offence.
- (iii) to be supplied with copies of all available documentation concerning the charge at least 3 days prior to the inquiry.
- (iv) to select a bona fide Employee, as an Employee Representative to assist with his/her defence.

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- (v) to a timeous scheduling of the hearing.
- (vi) to request an interpreter

**7.10 OBLIGATIONS OF THE PARTIES IN A DISCIPLINARY HEARING**

7.10.1 During the notice period pending a disciplinary inquiry the Alleged Offender has the responsibility of:

- (i) arranging the attendance of the hearing of his/her Employee Representative, if required.
- (ii) arranging the attendance at the hearing of any witnesses he/she may wish to call.

Employees should note that the disciplinary hearing may proceed despite the absence of the aforementioned, unless the Alleged Offender can provide and substantiate a valid reason for the relevant person(s) non attendance at the hearing. In particular, timeous notification to the relevant supervisor or any problems experienced by the Alleged Offender concerning this issue will be a major consideration in determining whether a postponement of the hearing is justified.

7.10.2. During the course of an inquiry the Alleged Offender and the Employee Representative must:

- (i) present his/her case and conduct examination and cross examination of witnesses in an acceptable manner, in accordance with the procedural directives provided by the Chairperson of the inquiry.
- (ii) substantiate allegations made which are within his/her particular knowledge.

**7.10.3 Witnesses**

It must be noted that:

- (i) there is no Management right to subpoena evidence. Witnesses, if called, shall voluntarily appear for that part of the proceeding relevant to their representation only.
- (ii) statements, if requested, can only be voluntarily obtained from witnesses.

**7.10.4 Roles Played by Employees in a Disciplinary Hearing**

There are two prime requirements for fairness that should be considered at all times during the disciplinary process. Firstly, there must have been an actual misconduct eg. theft (reason for discipline) which the Disciplinary Hearing must establish.

Secondly, a fair procedure must be followed in making a determination into the incident of misconduct.

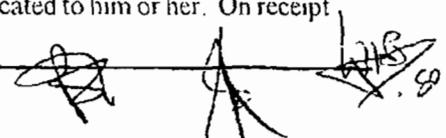
The guidelines which follow are intended to assist those responsible for conducting or officiating at disciplinary hearings to comply with the abovementioned requirements.

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**7.10.4.1 Chairperson**

- (i) The Chairperson appointed to chair a disciplinary hearing is a neutral person and fully autonomous in the exercise of his /her responsibility as a chairperson.
- (ii) The chairperson has no mandate to convict at all costs but is there to hear both parties, i.e. the DIT's case as presented by the complaint/initiator and the accused employee's side as presented by the accused employee himself/herself and or his/her representative.
- (iii) The accused employee is presumed to be innocent until proved guilty on the basis of probabilities.
- (iv) The chairperson can only convict on the strength of the evidence led during the hearing of a disciplinary hearing.
- (v) His/her responsibility is to determine on the balance of probability whether an alleged fact has been proved or not, and this is a matter of fact which is within his capabilities to determine.
- (vi) In the case of an alleged poor work performance, the chairperson must determine:
  - (a) whether or not the employee failed to meet a performance standard and
  - (b) if the chairperson finds that the employee did not meet a required performance standard, he or she must still determine by evidence whether or not:
    - the employee was aware, or could reasonable be expected to have been aware, of the required performance standard,
    - the employer was given fair opportunity to meet the required performance standard and
    - lastly, the chairperson must determine whether or not dismissal is the appropriate sanction for not meeting the performance standard.
- (vii) After hearing all evidence, the chairperson must make a finding as to whether the employee is guilty or not. If guilty, the chairperson must determine the appropriate sentence after hearing the evidence in mitigation of a sentence which may be a first written warning up to dismissal.
- (viii) The convicted employee will have a right to take the matter on appeal by notifying the Chairperson in writing of the grounds of appeal within a period not exceeding seven days from the date of the hearing or the date when the Chairperson's decision is communicated to him or her. On receipt



of the notice of appeal from the offender, the Chairperson will record the date and time received and together with all relevant documentation refer the appeal to the Labour Relations Section.

- (ix) The appeal shall be held within 21 days of the lodging of the appeal.

**7.10.4.2 Labour Relations Representatives**

- (i) The labour relations representative's role is to ensure that the disciplinary hearing is conducted in a fair manner in the sense that both parties i.e. employer and employee are given a chance to state their case freely so that a chairperson makes an informed decision.
- (ii) The labour relations representative advises all parties present throughout the proceedings to ensure that a fair procedure is followed.
- (iii) The labour relations representative must provide the chairperson with an accused employee's personal file.

**7.10.4.3 The Complainant/Initiator**

- (i) As the name indicates, the complainant/initiator presents evidence on behalf of the institution to prove that the accused employee is guilty as charged.
- (ii) This complainant/initiator will normally be a suitably appointed person or the supervisor of the accused employee.
- (iii) He or she is a person who knows the employee better and possibly the circumstances under which a particular misconduct was committed.
- (iv) The complainant/initiator's role is to convince the chairperson to make his finding in favour of the DIT.
- (v) He or she will do so by producing both viva voce (verbal) evidence and supported by documentary proof, if available.
- (vi) If the incapacity or poor work performance is the reason or is also the reason for a disciplinary action against the respondent employee, the complainant/initiator or supervisor will have to establish that:
  - (a) The respondent employee failed to meet a performance standard
  - (b) Once that has been done, the complainant/initiator must prove that:
    - the responding employee was aware or could reasonably be expected to have been aware of the required performance standard,
    - the responding employee was given a fair opportunity to meet the required performance standard,

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- the respondent employee was informed that he or she was still performing below the performance standard expected from him or her.

**7.10.4.4 The Alleged Offender**

- (i) The alleged offender must convince the chairperson that the evidence led by the complainant/initiator is unreliable or is totally untrue.
- (ii) The way to do this is by cross-examining the complainant/initiator on any evidence he/she produces. The evidence produced may be in the form of witnesses called to testify against the alleged offender in which case, the alleged offender has a right to cross-examine the witnesses.
- (iii) The alleged offender has a right to state his case by calling witnesses or submission of documents, and the complainant/initiator will have a right to cross-examine the alleged offender and witnesses on the basis of his or her or their statement of case.

**7.10.4.5 The Employee's Representative**

- (i) As the name indicates, an employee's representative must represent the alleged offender and present evidence in favour of the alleged offender.
- (ii) An employee's representative works jointly with the alleged offender and anything done or said by the representative during the disciplinary hearing is assumed to have been done or said by the alleged offender.
- (iii) An employee's representative acts as an advisor and has a stabilising influence on the employee who might be afraid to what is to become of him in a disciplinary hearing.
- (iv) An alleged offender's representative may plead for the acquittal of the alleged offender.
- (v) Once convicted, the employee's representative will lead evidence in mitigation of sentence on behalf of the employee. To do that, he or she may need access to the employee's personal file.

**7.10.4.6 The Interpreter**

- (i) The interpreter may be necessary in circumstances where the language to be used in a disciplinary hearing is not well understood by all parties involved.
- (ii) The interpreter will then interpret for the person or persons who do not know the language, so that each party to the proceedings can understand the proceedings.

**7.10.4.7 Role of Human Resources Department**

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The Human Resources Department acts as custodian of the Disciplinary Code and Procedure to facilitate the achievement of its objectives.

Human Resources Department Representatives are therefore responsible

- (i) for assisting, on request, with disciplinary investigations conducted by Line Management.
- (ii) for advising Line Management and Employees on their respective right and obligations emanating from the Disciplinary Code and Procedures and their options in terms thereof.
- (iii) for assisting the Disciplinary Committee during proceedings by obtaining all available information relevant to the verdict of the case by way of cross examination of the testimony submitted by the respective participants.
- (vi) if necessary, for providing the Disciplinary Committee with all available information relevant to the determination of appropriate disciplinary action to be taken.
- (vii) for explaining to the Offender the consequences of the disciplinary action taken and the Offender's right to appeal.
- (viii) for referring all appeals registered to the relevant line officials.
- (ix) for keeping comprehensive records of all disciplinary matters.
- (x) for removing expired disciplinary records from the relevant personal files and for informing the employees and supervisors concerned accordingly.

#### 7.10.5 Legal Action

Management will attempt to resolve disciplinary problems through its own disciplinary processes. Incidents may occur which give rise to civil or criminal proceedings which include inter alia, theft and assault. Management will take action prescribed in terms of the Code and will not await the outcome of such legal proceedings.

#### 7.10.6 Communication and Accountability

In the interest of sound labour relations employee obligations in terms of this Code, will be formalized and communicated to them. However, employee ignorance of any of the above will not exonerate him/her of the alleged transgression.

#### 7.10.7 Acknowledgement of Disciplinary Procedures

The signature of the offender, complainant and employee representative, if any, are required as evidence that the outcome of the disciplinary proceedings was communicated to them. In the case of refusal to sign, a witness to the verbal communication must sign.

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## 7.11 DISCIPLINARY PROCEDURE

### 7.11.1 Investigation

- (i) When the alleged offence is noted by or brought to the attention of the relevant line official, he/she shall initiate a careful and proper investigation into the circumstances involved.
- (ii) Assistance, if required, may be requested from the Human Resources Department.
- (iii) If a written statement is required, it can only be obtained if it is submitted voluntarily by the relevant witness.

### 7.11.2 Formulation of Charge(s)

- (i) Should the investigation indicate that formal disciplinary proceedings will be necessary to protect the interests of the Durban Institute of Technology, the relevant line official shall formulate the charge(s) in accordance with the guidelines provided by the Disciplinary Code.
- (ii) Line officials are advised to clarify any uncertainties they may have concerning this aspect with the Human Resources Department to ensure that the alleged offender will be properly informed of the Durban Institute of Technology's concern that will be perused at the disciplinary inquiry.

### 7.11.3 Selection of Chairperson

It is imperative that the line official who will chair the formal inquiry has the necessary delegated disciplinary authority to impose the appropriate disciplinary sanction if the alleged offender is found guilty at the inquiry. The selection of the Chairperson shall be governed by the level of delegated authority as enunciated in 7.7.2 above.

### 7.11.4 Scheduling of inquiry

- (i) If the complainant who investigated the case has the required disciplinary authority, he/she inform Human Resources to schedule the formal inquiry to be held, allowing at least 5 days for the alleged offender to:
  - Obtain employee representation, if requested
  - Arrange for the attendance of any witness he/she may wish to call during the inquiry.
  - Prepare a defence against the charge(s)
- (ii) Should the relevant line official's disciplinary authority be insufficient to deal with the particular case, all the available documentation and exhibits, if any, which are relevant to the case must be forwarded to Human Resources who will then schedule the inquiry.

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- (iii) The complainant must note that all formal disciplinary inquiries are to be scheduled to coincide with the alleged offender's normal working hours, unless otherwise consented to by the alleged offender.

7.11.5 In the event, the alleged offender at any time before the Hearing acknowledges being guilty as charged, and that he/she waives the right to a formal disciplinary inquiry, he/she must inform his Human Resources Manager who will inform the Labour Relations Unit. The relevant line manager must:

- (i) record in writing the offender's acknowledgement of guilt and waiver of rights in respect of the disciplinary procedure
- (ii) obtain a signature of the offender and a witness confirming the above
- (iii) hear, consider and record in writing mitigating circumstances
- (iv) determine and record in writing appropriate disciplinary action
- (v) communicate in writing the disciplinary action and rationale thereof to the offender
- (vi) explain the consequences and the objective of the disciplinary action taken
- (vii) inform the offender of his/her right to appeal
- (viii) obtain the offender's signature to the effect that the decision is accepted or to indicate the offender's intention to appeal against the decision.

#### 7.11.6 Notifying the Alleged Offender

Written notification of the pending inquiry must be served on the alleged offender by the relevant line official, at least 3 days prior to the inquiry.

#### 7.11.7 Postponements

All requests for postponements of a scheduled disciplinary hearing must be submitted to the Chairperson in writing.

#### 7.11.8 Adjournments

All adjournments of disciplinary hearing must be recorded in writing.

### 7.12 DISCIPLINARY HEARING

- (i) No precise format for a disciplinary hearing can be prescribed as circumstances vary from case to case. The following procedure is, however recommended as a method of facilitating the attainment of all the benefits involved in the provision of fair and constructive disciplinary hearings.
- (ii) The Chairperson will introduce all present and record their presence.

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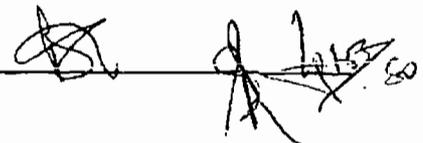
- (iii) The purpose of the hearing including the respective role of the parties involved will then be explained to all present by the Chairperson.

It is recommended that the Chairperson satisfy himself/herself at this point that the procedure requirements of the pre-hearing stage were adequately catered for.

- (iv) The Chairperson shall be guided by the Procedure Check List attached hereto as Annexure "A" which must be duly completed and signed by the Chairperson and counter signed by the related parties.
- (v) The chairperson's ruling is final. All evidence must be presented to the chair who will evaluate it in terms of the charges. All questioning and cross questioning can only be conducted with the permission of the chair.
- (vi) The Human Resources specialist present, may advise the chairperson with regard to procedural matters, if necessary.
- (vii) The chairperson must comply with all the necessary steps contained in the Disciplinary Procedure, as enunciated in this policy.
- (viii) The chairperson will read the charges as it appears on the notification for Disciplinary Hearing and must enquire whether the accused wishes to plead guilty, or not guilty of the charges put to him.
- (ix) If the plea is guilty, the chairperson may seek clarity and explain the consequences of the employee's plea.
- (x) If satisfied, that the employee is guilty the chairperson may then accept the employee's plea and formally convict him or her. The chairperson will invite the employee to submit evidence in mitigation of sentence and will then pass the appropriate penalty. It is desirable for the chairperson to adjourn before passing the sentence to allow himself or herself to apply his/her mind to the evidence at hand, however he may make a decision without adjourning.
- (xi) If the accused pleads not guilty, the chairperson must call on the complainant to state his or her case and produce evidence in the form of witnesses, documents, testimony or exhibits to prove that the accused employee is guilty as charged.  
  
The accused and the complainant will be given an opportunity to examine, and cross-examine witnesses. Similarly, the accused and complainant will be subject to examination and cross examination.
- (xii) The chairperson will allow the accused employee if he or she wishes to state his or her case and produce evidence in the form of witnesses, documents, testimony or exhibits to prove that he or she is not guilty of the offences as charged.

The complainant will have an opportunity to question the accused on the basis of the evidence he or she has led. He can do same in respect of the accused employee's witness.

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- (xiii) In the case of alleged poor work performance, the chairperson must determine:
  - (a) whether or not the employee failed to meet performance standard and
  - (b) if the chairperson finds that the employee did not meet a required performance standard, he or she must still determine by evidence whether or not:
    - (1) the employee was aware, or could reasonable be expected to have been aware of the required performance standard,
    - (2) the employer was given a fare opportunity to meet the required performance standard and such as training and support.
    - (3) lastly, the chairperson must determine whether or not dismissal is the appropriate sanction for not meeting the performance standards.
- (xiv) The chairperson will then invite both parties to make their closing statement of case, beginning with normally the accused employee and then the complainant.
- (xv) The chairperson would then adjourn the disciplinary hearing to give himself/herself time to consider properly the whole evidence so as to make a finding of whether the employee is guilty or not.
- (xvi) If he finds the employee guilty, he must invite the employee to give evidence in mitigation of a sentence. When considering an appropriate sentence, the chairperson must use his or her discretion and take his or her guidance from the DIT Disciplinary Code and pass a sentence.
- (xvii) The chairperson must present the findings and sentences in the presence of all parties and if the employee is issued with a written warning, the chairperson must reduce this to writing.
- (xviii) The chairperson then notifies the convicted employee that he has a right to appeal against the finding and sentence, within 7 days as of the date on which he or she has made a decision.
- (xix) If the accused employee is acquitted of all charges, the complainant also has a right to appeal against such a finding within 7 days .

The appeal shall be lodged by completing Disciplinary Hearing Appeal form.

## 7.13 APPEAL HEARINGS

### 7.13.1 Composition of the Appeal Committee

- (i) All Appeal Hearings against dismissal will be chaired by the Vice-Chancellor or Deputy Vice-Chancellor who may be assisted by a specialist if required, as well as the Human Resources Department representative.

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- (ii) All other Appeal Hearings will be chaired by a person one level higher than the chair of the Disciplinary Hearing concerned and assisted by members who were not involved in the initial Disciplinary Hearing, if required.

### 7.13 2 Grounds for appeal

Appeal against the decision of the Disciplinary Committee may be lodged on the following grounds:

- (i) Verdict not supported by evidence (*Substantive unfairness*)
- (ii) Penalty too severe (*Clemency*)
- (iii) Procedural irregularities (*Procedural fairness*)
- (iv) New evidence (*to alter verdict or penalty*)

### 7.13.3 Appeal Procedure

- 1 The employer or employee as parties in the Hearing may take his or her case on appeal within 7 days of hearing the decision on the basis of conviction or sentences or both.
2. To register an appeal the offender must do so by notifying the Human Resources in writing including the grounds of the appeal within a period not exceeding seven days from the date of the Hearing or the date of when the chairperson's decision was communicated to him or her. On receipt of the notice of appeal from the offender the Human Resources will record the date and the time received .
3. Human Resources will arrange for the Appeal Hearing within 21 days of the lodging of the appeal.
4. The chairperson to be appointed must be a DIT employee who is at a higher level than the chairperson who chaired the Disciplinary Hearing.
5. The Appeal chairperson may accept new evidence from an employee which was readily available but not used, if it would have influenced the decision of a chairperson in the first instance and DIT will have the right to cross question any new evidence.
6. Normally, no witness is called to give evidence on an Appeal level, but the chairperson of an Appeal Hearing has a right to clarify for himself or herself on any point that was made earlier during the Disciplinary Hearing or was raised in the Appeal for the first time, and therefore witness/witnesses may be called.
7. The procedure of an Appeal will basically be similar to the Disciplinary Hearing.
8. The appealing employee will be allowed to indicate in the disciplinary record his or her grounds of appeal, as to why he or she thinks that the process was unfair at the Disciplinary Hearing.
9. The complainant will also be given an opportunity to address the chairperson of an Appeal as to why

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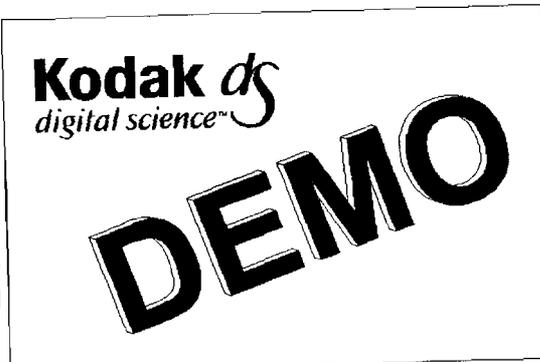
he/she thinks that the chairperson of the Disciplinary Hearing made a correct decision.

10. The Appeal chairperson may also want to adjourn to consider whether to uphold or set aside the findings of the chairperson of the Disciplinary Hearing and will give reasons for his or her findings in writing.
11. If the appeal was based on the fact that the sentence was too harsh, the chairperson may decide to reduce the sentence after considering evidence in mitigation of sentence presented before him.
12. The institution can also appeal and if the appeal was based on the fact that the chairperson of Disciplinary Hearing acquitted an employee in an improper manner, the chairperson on Appeal may convict the accused employee and pass an appropriate sentence.
13. It shall be the responsibility of the complainant/initiator to prove on the balance of probability to the chairperson of an Appeal that the accused employee should have been convicted.

Should the Appeal chairperson find for the complainant/ initiator that the employee concerned should have been convicted, he/she must convict the employee and allow the convicted employee to address him on evidence in mitigation of sentence and the complainant/initiator to give evidence in aggravation of sentence before passing sentence.

Schedule A

Disciplinary Code



Transgression		Written Warning	Final Warning	Dismissal
<b>Minor Misconduct</b>				
1. Lack of punctuality, leaving early, taking excessive time for lunch or tea times		X	X	X
2. Loafing, wasting time or deliberately working slowly.	X	X	X	X
<b>Serious Misconduct</b>				
1. Absents himself from the Institution for duty without leave unless he can prove a valid cause for his/her absence		X	X	X
2. Intentionally interfering with or obstructing other employees in the performance of their duties		X	X	X
3. Disobeying safety and security rules and regulations		X	X	X

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4. Abusing sick leave benefits or feigning illness		X	X	X
5. Presence in an unauthorised area		X	X	X
<b>Very Serious Misconduct</b>				
1. While on duty being under the influence of liquor or drugs or being in possession thereof			X	X
2. The unauthorised carriage of passengers on a DIT vehicle; or the unauthorised driving of or trips with a DIT vehicle; or driving a DIT vehicle recklessly, negligently or without due care			X	X
3. Unauthorised possession or use of DIT equipment or any other DIT property			X	X
4. Failing to report to DIT authorities forthwith any accident involving property, or any damage to DIT property			X	X
5. Wilfully or negligently damaging DIT property			X	X
6. Neglecting or disobeying the instructions of anyone in authority over him/her			X	X
<b>Dismissable Misconduct</b>				
1. Theft, fraud or any form of dishonesty				X
2. Bribery or corruption				X
3. The falsification of records or the unauthorised alteration of official documents				X
4. Fighting with, assaulting intimidating, victimising or committing any act of violence against any fellow employee of the DIT				X
5. Gross negligence or indolence in the discharge of duties				X
6. Inciting another employee to commit any breach of the latter's obligations towards the DIT				X
7. Serious insubordination				X
8. Discloses, otherwise than in the discharge of his/her duties, information gathered or obtained by him through his/her employment at a DIT, uses such information for any purpose other than for the discharge of his/her official duties, whether or not he discloses such information : provided that an employee of the DIT may publish, with or without remuneration, papers or articles in any journal provided that such articles was approved by the Chairman and two members of the Council before publication				X
9. Does, or causes or permits to be done, or connives at, an act which is prejudicial to the administration, discipline or efficiency of the DIT				X



10. Undertakes without the permission of the Council any private agency or private agency work in connection with any matter connected with the performances of his/her official functions				X
11. Misappropriates or improperly uses any property of the DIT				X
12. Conviction of any criminal offence of such a nature as to demonstrate in the opinion of the Council that he/she is not fit to be in the employment of the DIT				X

**Chairperson - Procedure Check List**

**Preliminaries:**

1. Are the required persons present (cross relevant answer)		
Disciplinary Committee:		
Chairperson	Yes	No
Other (To assist Chairperson)	Yes	No
Complainant	Yes	No
Alleged Offender	Yes	No
Human Resources Official	Yes	No
Interpreter	Yes	No
Employee Representative	Yes	No
Witnesses to complainant	Yes	No
Witnesses to Alleged Offender	Yes	No
2. Advise everybody that this is a disciplinary enquiry	Yes	No
3. Introduce everybody present and explain their roles	Yes	No
<b>Checklist</b>		
1. Did you receive notification of this disciplinary enquiry	Yes	No
2. Did you have enough time to prepare your case	Yes	No
3. Have you been told that you can be represented	Yes	No
4. Do you have a representative of your choice	Yes	No
5. Have you been told that you can call witnesses	Yes	No
6. Do you have witnesses to call	Yes	No

<b>Read and Explain alleged Offender's rights</b>	✓	
1. You have a right to request an alternative interpreter		
2. You or your representative will be given a chance to state your case and make a verbal statement		
3. You will be given a chance to cross question the: <ul style="list-style-type: none"> <li>3.1 Complainant</li> <li>3.2 Complainant's witnesses</li> <li>3.3 Accused's witnesses</li> </ul>		
4. Your representative will be given the opportunity to ask questions		
5. Pending the outcome of the case you may be disciplined		
6. You have the right to appeal against the outcome of the procedure of the enquiry within 7 seven days		
<b>Procedure</b>		
Stress the fact that you are in control of the proceedings and that no misconduct of any nature will be allowed. If this rule is not adhered to, you will have the responsible person removed		
1. Read out charge(s) to the accused		
2. How does the accused plead?	Guilty	Not Guilty
3. Was the complainant allowed to state his/her case?	Yes	No
4. Was the accused and representative allowed to cross examine the complainant on his/her statement?	Yes	No
5. Did the Chairperson and other committee members ask the complainant questions that are relevant to his/her statement ?	Yes	No
6. Was the first witness for the complainant allowed to make his/her statement ?	Yes	No
7. Did the accused and the representative cross examine the first witness for the complainant?	Yes	No
8. Did the Chairperson/other committee members ask relevant questions to the first witness for the complainant, based on his statement?	Yes	No
9. Did the exact same procedure as in 6,7 and 8 was followed regarding all other witnesses for the complainant ?	Yes	No
10. Did the accused state his case?	Yes	No
11. Did the complainant cross examine the accused ?	Yes	No




12. Did the Chairperson/other committee members were allowed to ask relevant questions based on his statement?	Yes	No
13. Was the first witness for the accused allowed to make his/her statement?	Yes	No
14. Was the complainant allowed to cross examine the first witness for the accused?	Yes	No
15. Did the Chairperson/other committee members ask the first witness relevant questions based on his/her statement?	Yes	No
16. Was the exact same procedure as in 13, 14 and 15 followed regarding all other witnesses for the accused?	Yes	No

**Guidelines For Written Record Of The Case**

- Record all relevant facts to be used in determining guilt or innocence. Only facts to be considered.  
Yes No

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- Determining of guilt or innocence must be made on a balance of probabilities only.
- Has there been a properly conducted disciplinary enquiry Yes No
- Has it been shown by relevant evidence that the employee did, or omitted to do the act in question  
Yes No

5. Findings:

Charge 1: Guilty \_\_\_\_\_ Not Guilty \_\_\_\_\_

Charge 2: Guilty \_\_\_\_\_ Not Guilty \_\_\_\_\_

Charge 3: Guilty \_\_\_\_\_ Not Guilty \_\_\_\_\_

Charge 4: Guilty \_\_\_\_\_ Not Guilty \_\_\_\_\_

- Read points 1 and 5 of case record to the accused and complainant

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7. Allow the accused to plead in mitigation of sentence

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8. Allow the complainant to plead in aggravation of sentence

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9. Review of employee personal record

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10. The Chair may request all participants to leave the room to apply his mind to the determination of the verdict and penalty.

1. Before making a final decision consider the following

(a) Factors relating to the infraction

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(b) Factors relating to the offending employee

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(c) Factors relating to the DIT and its employees

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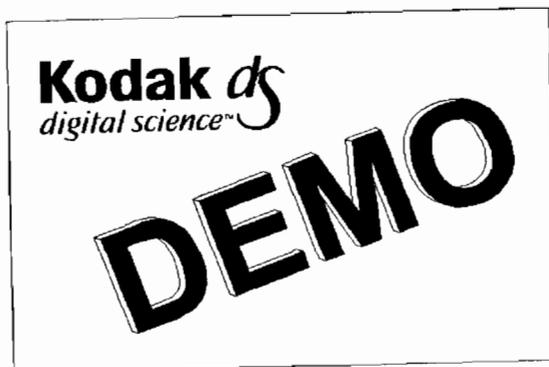
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|----|----------------------|----|-----------------------------|-----|----|
| 2. | Make final decision: | a. | Verbal Warning              | Yes | No |
|    |                      | b. | Written Warning             | Yes | No |
|    |                      | c. | Final Warning               | Yes | No |
|    |                      | d. | Comprehensive Final Warning | Yes | No |
|    |                      | e. | Dismissal                   | Yes | No |

3. Inform all employees present at disciplinary process of the penalty imposed.



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## SECTION 8

### GRIEVANCE PROCEDURE

#### 8.1 PHILOSOPHY

It is Durban Institute of Technology's belief that employees should be afforded the opportunity to voice their dissatisfaction about their work related circumstances without fear of victimization by their superiors. To this end, no supervisory employee will be allowed to institute any form of action, for example, disciplinary action against a subordinate who has lodged a grievance against him/her.

#### 8.2 DEFINITION OF THE GRIEVANCE

A grievance may be defined as a complaint, other than demands formulated by a collective body, which is related to the employee's treatment or position within his/her daily working routine and which, because it may result in a dispute, warrants the formal attention of Management.

#### 8.3 OBJECTIVES OF A GRIEVANCE PROCEDURE

- i To create the opportunity for upward communication from employees.
- ii To ensure that complaints are effectively dealt with Management.
- iii To create awareness of employee problems or of problem areas which could be subjected to further investigation.
- iv To prevent disputes from arising.
- v To render the disciplinary procedure more acceptable, since employees also have a means of objecting to Management's performance.
- vi To emphasise Management's concern for the well-being of employees.

#### 8.4 GUIDELINES

- (i) The employee should be granted the opportunity to bring his/her grievance albeit in stages, to the attention of the Management.
- (ii) The employee should be allowed representation by a fellow employee/union representative if so desired.
- (iii) Management, at the various levels, should give careful consideration to the grievance and make genuine attempts to resolve it.
- (iv) Stipulated time limits for each stage of the procedure must be strictly adhered to.
- (v) The grievance will not be resolved before the employee declares himself/herself satisfied.
- (vi) The employee has the right, if the grievance remains unresolved, to declare a dispute.

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- (vii) Grievances should, wherever possible, be handled by line Management but other staff (*in the form of the Human Resources Department*) may act in an advisory capacity.
- (viii) Should the grievance be founded, the disciplinary procedure must be invoked.

## 8.5 STEPS IN THE GRIEVANCE PROCEDURE

### 8.5.1 Step One (*Informal grievance*) (*Guidelines 2 working days*)

- (i) The employee must verbally raise a complaint with his/her immediate superior.
- (ii) The superior must investigate the complaint and also furnish the employee with his/her opinion and suggestion.
- (iii) It is not at this stage necessary to involve a representative.
- (iv) The employee must also indicate his/her desired solution to the grievance.

### 8.5.2 Step Two (*Formal written grievance*) (*Guidelines 5 Working Days*)

- (i) Should the aggrieved employee find the immediate superior's suggestion unacceptable, he/she must lodge (*with or without the assistance of a representative*) a formal written grievance for the attention of the supervisor or the next level of Management.
- (ii) If the immediate superior dealt with the original verbal grievance and is again required to handle the written version of the same grievance, he/she must re-investigate the matter and record his/her findings and recommendations.

### 8.5.3 Step Three (*5 Days*)

- (i) If at this stage the employee remains dissatisfied, the written grievance together with the report of the immediate superior must be forwarded to the Head of Department who must study the written documents, interview the aggrieved employee as well as gather all relevant information.
- (ii) The Head of Department must present his/her recommendations or proposed solution to the employee and his/her representative, if applicable.
- (iii) The Head of Department is obliged to report in writing on his/her investigation, recommendations and the outcome.

### 8.5.4 Step Four (*5 Days*)

- (i) If the aggrieved employee is dissatisfied with the proposed solution by the Head of Department, the grievance must be referred to the relevant Director/Exec. Dean.
- (ii) Since at this stage the danger of a dispute being declared is imminent, the Exec. Director Human Resources Department or Exec Dean as well as the employee representative body must be invited to sit in discussions with a view to finding a

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solution.

- (iii) The Exec. Director HR or Exec Dean/Director must provide his/her report in writing.

**8.5.5. Step Five (5 Days)**

- (i) If a mutually acceptable solution cannot be found the matter must be referred to the Management.
- (ii) The aggrieved employee together with his/her representative must be given a hearing by the Management.
- (iii) The Management must take a final decision on the matter and advise the employee of such.
- (iv) The Management must furnish the aggrieved employee with the reasons for their decision in writing.
- (v) If the employee is not happy with the decision of the Management, a dispute may be declared.

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WESTVILLE CAMPUS  
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11 DECEMBER 2006

**MRS. ML SUTHERLAND (961114974)  
GRADUATE SCHOOL OF BUSINESS**

Dear Mrs. Sutherland

**ETHICAL CLEARANCE APPROVAL NUMBER: HSS/06854A**

I wish to confirm that ethical clearance has been granted for the following project:

**“Conflict Management: A Union’s perspective at the Durban University of Technology (DUT)”**

Yours faithfully

  
.....  
**MS. PHUMELELE XIMBA  
RESEARCH OFFICE**

cc. Faculty Office (Christel Haddon)  
cc. Supervisor (Mr. RM Challenor)