

**UNIVERSITY OF KWAZULU-NATAL**

STAKEHOLDERS' PERCEPTIONS OF DISCIPLINARY PROCESSES IN THE KWA-ZULU NATAL

DEPARTMENT OF EDUCATION

By

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## Declaration

I .....declare that

- (i) The research reported in this dissertation/thesis, except where otherwise indicated, is my original research.
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## **Abstract**

There is now widespread acceptance in the organisations that human resources are an important source of competitive advantage, or an important component of the value chain. In the public service sector, the delivery of services to the populace depends on the competence, motivation and discipline of the employees. All of this points to the importance of properly dealing with HR issues in organisations.

This empirical study gathered the views of Ward Managers of the Kwa-Zulu Natal Department of Education. 40% of Ward Managers participated in this survey, and the responses were analysed utilising the Statistical Package for Social Sciences (SPSS).

The results indicate that the majority of respondents perceived the department's disciplinary process to be unfair both substantively and procedurally. The majority of respondents felt that there were inconsistencies in the decisions to discipline employees; that the sanctions were inconsistent and that the disciplinary hearings took too long to finalise.

Finally, this study recommended further research on the subject, especially utilising different methodologies such as in depth case studies and unstructured interviews in order to gain insights into the reasons why Ward Managers hold the views that they hold or to refine some of the concepts in order to understand what exactly they understand by concepts such as 'unfairness'.

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# CHAPTER 1

## INTRODUCTION

### 1.1 Background and context

This study was conducted in the KwaZulu-Natal Department of Education, a provincial department as defined in Schedule A of the Public Service Act, 1994 (PSA, 1994). The KwaZulu-Natal Department employs close to 106 202 employees, of which 87 728 are school based educators, making it probably the second largest department in the country.

Structurally, schools are managed in accordance with the line function cascading from the Head of Department (Superintendent-General): the Senior General Manager: Services Delivery; four Cluster General Managers: Service Delivery (each responsible for oversight and management over four districts; and 12 district managers, under whom report Circuit Managers and Ward Managers. In terms of the department structure, ward managers have direct line responsibility functions over schools, and as such are direct or immediate supervisors of schools under their management and control. There are approximately 6 000 schools in total in KwaZulu-Natal.

Although it may seem inappropriate to discuss the organisational structure in the kind of detail highlighted above, it is quite important to do so for a fuller appreciation of this study, and to understand the choice of approaches to the execution of the discipline function by the Department of Education, KwaZulu-Natal. This is particularly important because the South African public service has departments employing only about two to three hundred employees in their establishments. Yet, the same or similar disciplinary codes are used throughout the public service. Invariably, the disparities in the size of public service departments will mean that different departments will face different challenges in their execution of the discipline functions. In fact, the Code of Good Practice: Dismissal (LRA, 1995) recognises that there may be differences in the disciplinary codes and processes, in accordance with differences in size between organisations or businesses.

## **1.2 Problem statement**

The KwaZulu-Natal Department of Education states its mission as being 'to provide equitable access to quality education for the people of KwaZulu-Natal' ([www.kzneducation.gov.za](http://www.kzneducation.gov.za)). From this mission statement, the question arises as to whether it is possible to deliver quality education or, to put it differently, to provide access to quality education in an environment where misconduct and ill-discipline are rampant, or where there are lingering perceptions of unfairness, victimisation and abuse of employees by management.

This quantitative study explores perceptions of Ward Managers in the Department of Education (KwaZulu-Natal) about the efficacy and fairness of discipline processes in the KZN Department of Education. The data collected in this study provides senior leaders in education with information about the efficacy of the procedures, perceptions about the fairness of the disciplinary processes as well as suggestions on areas for improvement.

### **1.2.1 Sub-problems**

Any disciplinary process must be seen to be effective and fair. The effectiveness variable relates to the degree to which the procedures achieve the objectives of eliminating or reducing undesired conduct through the educative and punitive measures built into the system. Fairness, on the other hand, mainly refers to the perception among users of the system and in law that it is fair in terms of the procedures followed, and in terms of the reasons for the particular disciplinary actions taken.

This paper answers the following research questions in order to provide a response to the twin issues of effectiveness and fairness in the Department of Education (KwaZulu-Natal).

- Are disciplinary processes in the Department fair to both employee and employer?
- Are the disciplinary processes in the Department of Education appropriate, given the nature and size of the organisation?
- Are the disciplinary processes in the Department applied consistently, taking into account the size of the organisation?

- Are the disciplinary processes in the Department of Education adequate to address the needs of the employer but considerate of employees?

### **1.3 Research objectives**

This study seeks to investigate perceptions on the exercise of discipline in the KwaZulu-Natal Department of Education.

The specific objectives are:

- to investigate whether stakeholders perceive the disciplinary code to be appropriate to address their needs;
- to evaluate whether role players (Ward Managers) (WM) perceive the disciplinary process to be achieving the twin goods of fairness (equity) and service delivery or productivity;
- to investigate whether stakeholders perceive the process to be fair and consistent in its application;
- to explore stakeholders' (WM) perceptions on improving the disciplinary process.

### **1.4 Methodology or research design**

The research methodology refers to the systematic and orderly collection of data (information) for the purpose of obtaining information from them, in order to solve or answer our problems or questions (Ghauri & Gronhaug, 2002). On the contrary, data collection techniques are step by step procedures that a researcher follows to gather and analyse data in order to answer his or her research questions.

Mouton (2005:55-57) distinguishes between the concepts of research design and research methodology. He contends that 'research design' refers to a plan or a blueprint of how one intends to conduct one's research, in other words the end product, whilst research methodology refers to the procedures followed to gather the information. A broad

classification of research design would be empirical studies which are generally geared to answer different kinds of research problems or quotation. Research methodologies would refer to data collection techniques and sampling procedures, for example, probability versus non-probability techniques.

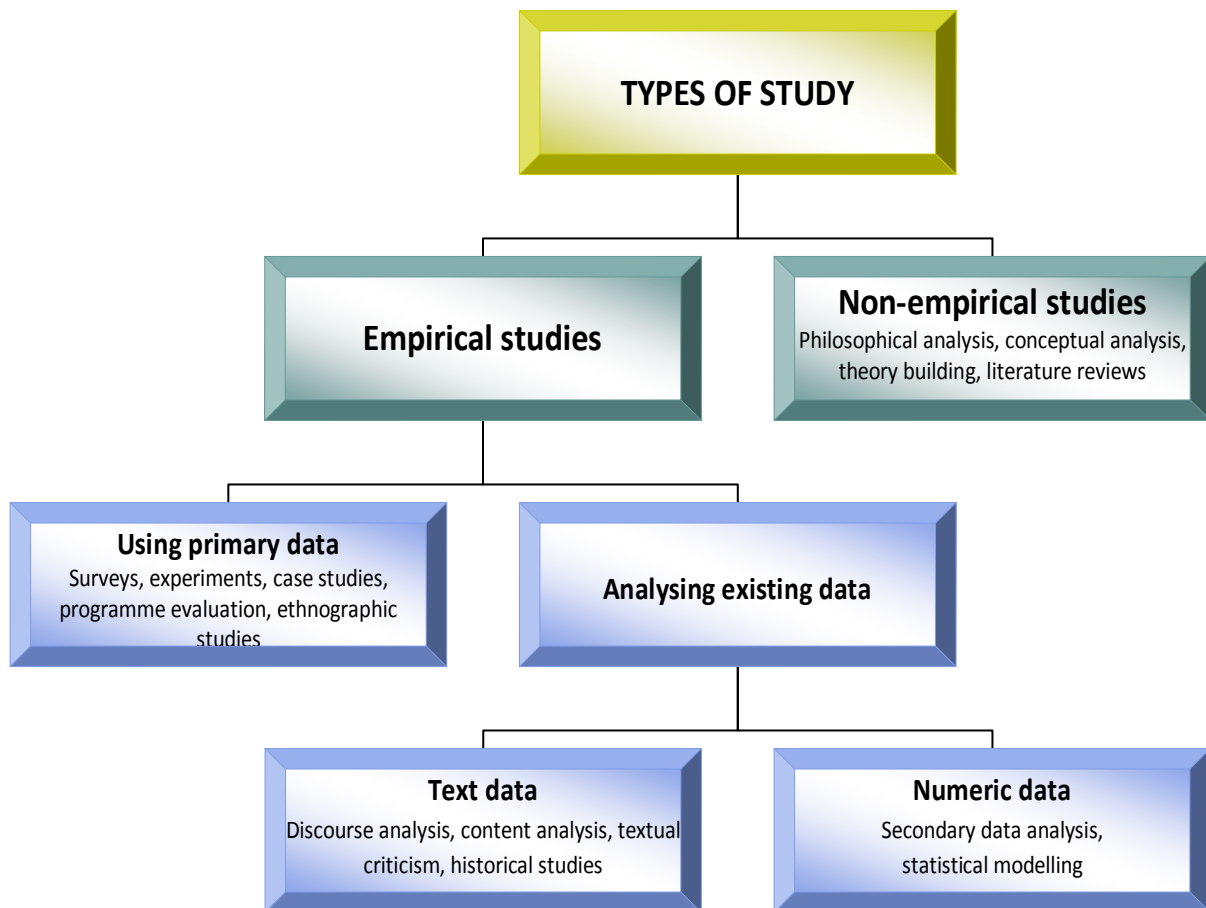


Figure 1.1 Mouton's typology of research designs (Mouton, 2005:57)

The design of this study is empirical in nature, and follows the quantitative technique of data gathering. It takes the form of an attitudinal survey, based on a representative sample of the population being studied with a view to arriving at broad generalisations of results on the whole population.

#### 1.4.1 How the literature review was conducted

Secondary data was gathered from a variety of sources, including prior studies, books and journals, from both hard copies and electronic resources.

The approach undertaken was first to examine the broad literature on human resource (HR) issues, especially the strategic relevance of HR in organisations and how HR policies and practices can enhance the organisation's value offering. The review then tapers down to literature related to employee discipline, and particularly the place of employee discipline in motivation and productivity.

#### ***1.4.2 How primary data was collected***

Data was collected using questionnaires distributed to Ward Managers (Superintendents of Education Management or SEMs) in the twelve districts of the Department of Education.

The questionnaires were distributed in District meetings of Ward Managers and through volunteers engaged to assist in the distribution. Each of the respondents completed the questionnaire at their convenience. The method of collecting the responses was similar. Some were collected in meetings, others collected by volunteers, whilst others were returned via telefax to the researcher.

Prior to distribution, permission was obtained from the relevant authorities for the right of access to ward managers, as well as ethical clearance from the University.

#### ***1.4.3 How the data was analysed***

The data was analysed using SPSS. Based on the analysis of the data, findings are presented in the appropriate format to address each question. Recommendations are then drawn, informed by the literature review and the results of the data analysis.

### **1.5 Motivation for the study**

The study takes place in the context of an increased focus on service delivery and misconduct in the public service, particularly corruption, negligence and general dereliction of duty. According to the Public Service Commission's report (PSC, 2010), a key challenge in the fight against corruption in the public service is that some public servants who are implicated in financial misconduct resign from their departments before disciplinary proceedings are concluded, and then later on join other public service departments

undetected, after having evaded disciplinary action in their former departments. The same PSC report indicates that for every 100 cases of corruption it refers to departments, only 36 does it ever receive feedback, suggesting that 64 out of every 100 cases referred to departments remain a closed book to the Public Service Commission. The diagnosis that the Public Service Commission gives to this problem is that individual departments lack the capacity to deal with cases, and posits as a solution an interdepartmental, co-ordinated approach to dealing with this category of misconduct.

In this context, questions are emerging as to how service delivery can be improved by dealing with those issues that militate against an effective and efficient public service.

Similarly, if service delivery is to be improved, then employees must not feel aggrieved and alienated from the organisation. One of the sources of alienation and grief could be disciplinary processes if these are not perceived to be applied fairly and consistently. In its assessment of the state of human resource management in the public service, the PSC recommends that departments must improve their appropriateness and consistency of sanctions given in cases of misconduct (PSC, RP 33/2010). Although the PSC report on grievances in the Public Service for the periods 01/04/2006 - 31/03/2007 and 01/04/2007 - 31/03/2008 indicates that only about 2.6% of grievances referred to the PSC were related to disciplinary matters (the balance are unrelated to this study e.g. pay, recruitment, etc.), it should be borne in mind that in terms of the grievance rules, any unhappiness regarding disciplinary processes is handled through appeal processes. If an employee fails in an appeal process but still remains aggrieved, he may process that grievance through the external remedies provided in the Labour Relations Act (LRA, 1995). Therefore, the 2.6% may not be a true indicator of the level of satisfaction or dissatisfaction with the disciplinary process in the public service.

This paper will hopefully contribute to the understanding of how the role players in the discipline process perceive the process in the KwaZulu-Natal Department of Education. Superintendents of Education (Management) as the immediate oversight layer over the schools, where the core business of the Department of Education unfolds, are an important part of the value chain and their views and perceptions can add valuable insights into the issue of discipline in the schools (or the department).

## **1.6 Limitations of the study**

One of the key constraints in studies of this nature is time and the cost of conducting the research, resulting in particular choices with regard to methodology and research design. First, this study used self-administered questionnaires as a research instrument. The limitation of this methodology arises from the fact that it is difficult for the researcher to ensure that the data is not corrupted by collusion of respondents in their responses, nor is it possible to say with certainty that the correct target person actually completed the questionnaire. Secondly, this being an attitudinal survey, it is difficult if not impossible to gain insights into why they hold the views that they hold, or what exactly they mean by particular statements.

## **1.7 Chapter overview**

This dissertation is organised into six chapters, as summarised below.

### *Chapter 1*

Chapter one is a general introductory chapter outlining the background and context of the research, the research problem and objectives and the methodology utilised in the research. It is deliberately general and brief as some of the issues form the subject matter of the ensuing chapters.

### *Chapter 2*

This chapter reviews the literature on the subject with a view to establishing what work has already been done in regard to related topics. The literature review helps to identify the theoretical framework for the dissertation, thus informing the methodology utilised in gathering the data for the study.

### *Chapter 3*

This chapter discusses in some detail the theoretical underpinnings of the design and methodologies chosen for this study. It discusses how access to the respondents was



obtained and how the research instrument was designed. The distribution of questionnaires and collection of responses, together with the problems experienced are discussed. This chapter also addresses the formats used for the data analysis.

#### *Chapter 4*

This chapter presents the data analysis, having used SPSS to analyse the data. Comment is made on the findings, emerging patterns and interesting results for each question.

#### *Chapter 5*

This chapter interprets the results in terms of the literature review and previous research as to whether the results of this study support the findings of other researchers.

#### *Chapter 6*

This chapter addresses the objectives of the study and provides the overall conclusions and recommendations of the study. The conclusions will be presented in light of the findings *vis a vis* the theory gathered in literature reviews in chapter 2.

### **1.8 Conclusion**

This introductory chapter has laid the background to the study, presented the research problem and research objectives of the study and helped outline the roadmap for the dissertation.

The next chapter critically traverses the literature already available on the subject of this study, and presents prevalent theory on the subject of this dissertation.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Having dealt with an introductory overview of the study, this research now looks at the literature that is relevant to the purpose of this study, and which will inform the methodology and analysis of the results of this study. The structure of the chapter will be such that the literature dealing with broad HR issues will be handled first, and the literature dealing with specific discipline material will be handled after this broad contextual treatment of HR issues.

#### **2.2 Human resources as a source of competitive advantage**

The field of conduct management and dismissal straddles different strands and levels of the broad management function: strategic management, human resources management, employee relations, labour law and managerial accounting. Each of these strands comes with its own slant and perspective on the same subject, but from an organisational competitiveness point of view, the whole is more important than the parts. The central role of the human resources in an organisation is now a universally accepted reality among many writers and practitioners in this field.

The strategic significance of human resources has been emphasised by many writers and experts in the field of strategic management. Thompson, Strikland and Gamble (2005) identify 'valuable human assets' as one of the sources of a company's resource strengths and competitive capabilities. These authors go on to define their concept of valuable human assets as an experienced and capable workforce, talented employees in key areas, cutting-edge knowledge and intellectual capital, collective learning embedded in the organisation and built up over time or proven managerial know-how.

Redman (2001) asserts that in essence, the concept of strategic human resource management posits that an organisation's human resource assets are potentially the sole source of sustainable competitive advantage. The whole theory is predicated on the resource based theory of the firm which suggests that competitive advantage ultimately depends on an organisation having superior, valuable, rare, inimitable and unsubstitutable resources at its disposal. In this regard, Redman argues that the subtleties of the human resource value creation process are extremely difficult to imitate. This approach seems to reinforce the theory of organisational learning, which argues that the collective learning within the organisation enables it to enhance its competitiveness, and that some of the competencies in business processes are path-dependent, making it difficult for competitors to acquire the expertise and skills within a reasonably short period of time to enable them to topple the leading organisation.

Blanpain, Engles and Bamberg (1998) echo almost the same theoretical understanding of the Competitive Advantage Theory and its relationship with human resource management:

'The application of this theory to human resource practice has been viewed as a study of what effective organisations do with people. These competitive advantages are sustained through continued training, support of organisation culture, selection processes and other human resource practices.'

These authors argue that competitive advantage can arise when HR management is viewed as a strategic player within the organisation and as such is included in the entire process of creation and implementation of strategies for the organisation.

Harrison and Kessel (2004) argue that the resource based theory views an organisation's competitive performance as determined not only by its relative position in the industry but also by the ability of its strategic management to understand and mobilize the potential offered by the organisation's internal resource capabilities. This implies a dynamic process of generating, combining, utilising and sustaining these resources as an important source of competitive advantage. Citing various authorities in the field, Harrison and Kessel contend that, in terms of the resource based view, the organisation's HR base is an asset rather than a cost to the organisation, precisely because of its potential to produce valuable organisational capabilities. Importantly, Kanoche (in Harrison and Kessel, 2004) defines the

HR base as the accumulated stock of knowledge, skills and abilities that the individuals possess, which the firm has built up over time into an identifiable expertise.

This definition of an HR base underscores not only the value of organisational learning, but also the fact that most of this learning is developed over time and therefore not easily imitable.

For the most part employees represent a considerable financial investment. Employees are often trained to perform certain tasks or they possess certain skills which may be difficult or expensive to replace. Even those employees who have not been trained at the employer's expense possess knowledge of the employer's enterprise. In most cases it makes good financial sense to retain the services of most employees.

The question of inimitability as applied to the HR base as a distinct competitive resource is not just a function of time and duration, but also a function of the unique way in which a company combines and mobilises all its resources. Amit and Schoemaker (1993:35) define organisational resources as follows:

'Stocks of available factors that are owned or controlled by the firm. Resources are converted into final products or services by using a wide range of other firm assets and bonding mechanisms. These resources consist, inter alia, of know-how's that can be traded (e.g. patents and licenses), financial or physical assets (e.g. property, plant and equipment, human capital, etc.)'

What seems to be a constant thread running through the whole debate of the strategic relevance of human resources in an organisation is the emphasis on skills and accumulated know-how built over time and uniquely blended with other resources to produce competitive advantage. By implication, the organisation must take steps to ensure constant investment in its human resources in the form of training and development and other HR practices.

### **2.3 Computing the value of human resources in an organisation**

The value of an organisation's investment resources is something difficult to compute with complete accuracy. The RG Barry Corporation of Columbus introduced the first major attempt at valuing employees in 1967 (Cascio, 1999). The model used in this valuation involved accumulating costs in an individual subsidiary account for each manager. These costs were arranged in five categories: recruiting and acquisition, formal training and familiarisation, experience and development.

This historical cost approach, argues Cascio (1999), is an asset model of accounting that measures the organisation's investment in employees. Marrow (1997) and Tsay (1977) (both in Cascio, 1999) outline the advantage of this approach as its appropriateness for external reporting where the objective is to inform interested parties of the financial position and the results of a company's operations, with emphasis on performance measurement. The other advantages of the historical cost approach are its objectivity, its ability to allow comparisons of levels of human resource investment on a basis consistent with the accounting treatment of other assets, and the fact that it is a fair matching of benefits exhaustion with expense in particular time periods (Brummet, Flamholtz and Pyle in Cascio, 1999).

Despite these advantages, the historical cost model is not a perfect measure of employee worth, and as a result of this fact, other bases of human resource valuation are used to provide supplementary information. These fall into three broad categories: replacement cost, present value of future earnings and present value to the organisation (i.e. profit contribution).

It is not the intention of this paper to explore and evaluate human resource accounting (HRM) models, but passing reference was made to highlight the fact that organisations invest in human resources as an asset base just as they invest in other organisational resources, the objective always being to derive value from the investment.

## **2.4 Organisational climate and employee performance**

The value that an organisation derives from its employees depends on the performance of those employees as individuals and as a group. Individual employee performance is influenced by many factors, chief among which are ability, effort and support (Mathis and Jackson, 2002). Individual performance is enhanced if all three components are present within an individual employee.

It can be argued that management can to a great extent harness these performance factors to ensure that employees perform at optimal levels. Management, for instance, can influence the level of effort an employee expends in his job by paying attention to motivational aspects. Various theories of motivation have been postulated, such as Maslow's Hierarchy of Needs theory, Herzberg's Motivation-hygiene factors, Adam's Equity Theory and Porter and Lawler's Expectancy Theory (Mathis and Jackson, 2002).

In light of the extent of the investment that a company makes towards recruiting, training and developing employees, the repository of skills and expertise resident with these employees, and the potential cost of replacing these employees, it makes good economic sense that organisations expend a great deal of effort in employee retention schemes.

However, employee retention strategies cannot and should not be used in a blanket fashion to retain all employees without discrimination. There may be those employees which the organisation has to release if it has to reach and maintain its desired performance and behaviour standards. In this regard Mathis and Jackson (2002) argue that effective discipline should be aimed at the behaviour and not at the employee. These authors further contend that the purpose of discipline is essentially to improve performance, as there exists a positive relationship between discipline and performance. Mathis and Jackson (2002) contend that the requirements of distributive and procedural justice dictate that management must not tolerate unacceptable conduct as this may engender resentment from the rest of the group.

The risks associated with tolerance of undesirable and disruptive behaviour in the organisation can be very high, not only because non-action may result in the behaviour becoming endemic in the organisation's culture, but also because of the sheer costs in

delaying the correction of the problem (Anthony et al, 1999). Anthony et al (1999) contend that the costs associated with correcting employee behaviour, and the frustrations linked to that, sometimes lead to some managers resorting to terminating the problem employee. Although these authors concede that termination sometimes is an effective solution, they caution that this should not be the first action to take because termination or dismissal is considered capital punishment in the employment relationship. However, depending on the nature of the transgression, dismissal may still be the most appropriate sanction.

It can be argued that ill-considered terminations may negatively affect the psychological contract between the organisation and its employees. Mathis and Jackson (2002) define the psychological contract as the unwritten expectations employees and employers have about the nature of their work relationship.

For the employee, the psychological contract focuses on expectations about 'fairness', which may not be clearly defined. It may affect the extent to which an employee is loyal to, and productive in the organisation. Mathis and Jackson (2002:74) assert:

'Employees do believe in psychological contracts and hope their employers will honor their side of the 'agreement'. Many employees still want security and stability, interesting work, a supervisor they respect, and competitive pay and benefits. If these elements are not provided, employees may feel a diminished need to contribute to organisational performance. When organisations merge; lay off large numbers of employees; outsource work; and use large numbers of temporary and part- time workers, employees see few reasons to give their loyalty to employers in return for this loss of job security'.

Harrison and Kessel (2004:27) concur with the above authors when they contend:

'Where there is a reduction in the employees' belief in a felt fair employment relationship, and a consequent erosion of their trust in that relationship, the consequences for the organisation can be grave. In the changing economic and employment landscape, organisations need to develop HR strategies that forge a durable psychological contract between employer and employee'.

Whilst it is imperative that organisations take cognisance of these rights, and actually heed this obviously wise counsel, it is necessary to acknowledge that certain terminations and

staff turnover may be inevitable and actually be in the interest of the organisation. Cascio (1999: 25) contends:

‘Not all turnover is bad, and expecting any one program to eliminate turn over completely is unrealistic. Some mistakes in selection are unavoidable, and employee turnover, to the extent that it is contracted on erroneous acceptances into the organisation, can have a cleansing effect by making room for new employees whose abilities and temperaments better fit the organisation’s needs. Other employees may have burned out, reached a plateau of substandard performance or developed such negative attitudes toward the organisation that, their continued presence is likely to have harmful effects on motivation and productivity of their co-workers’.

Besides this situation of passive non-contributors these authors identify a further set of circumstances where turnover may be still beneficial, and this specifically refers to employee misconduct. In this regard the authors have this to say:

‘In contrast to those passive contributors, a few active non-contributors may wilfully violate organisational rules concerning, for example, drug or alcohol abuse at work, fighting, stealing company property. Turnover among those people also is likely to have a salutary effect on organisational health and productivity’.

There seems to exist a broad consensus in the literature that human resources are a valuable asset in an organisation, that an organisation needs to harness and mobilise these resources to leverage competitive advantage against its competitors and that in the main every effort should be expended to enhance and retain the reservoir of skills, knowledge and expertise resident in the human resource. It seems equally important that organisations can only achieve their objectives in a climate free of misconduct, which has to be dealt with at the earliest available opportunity, otherwise it will grow to undermine organisational morale and productivity.



## **2.5 Some philosophical approaches to discipline in the workplace**

Landman (1989) argues that 'the discipline or sanction imposed by management for infringing an employer's code of conduct has close parallels with the imposition of punishment by criminal courts'. He goes on to identify roughly four aims that the courts try to achieve in their imposition of punishment, namely: rehabilitation, deterrence, prevention and retribution.

In his discussion of the rehabilitative theory in the work context, Landman (1989) observes that many of the sanctions currently meted out by employers are influenced by considerations of rehabilitation. Landman (1989) further contends that in society the rehabilitation of offenders is based on moral considerations, whilst in the employment context there is an added element of self-interest involved. This is particularly the case because, for the employer's own operational interests, it is important to rehabilitate the employee if he is to remain in employment with the employer. The rehabilitation of an employee may take the form of progressive discipline, which entails meting out sanctions of increasing severity for repetitive unacceptable behaviour.

Clearly, this rehabilitation aim of disciplinary sanctions in the employment context accords with the theory of progressive discipline, which as Brown and Beatty in Landman (1989) argue, evolves from the entry to warn an employee of the seriousness with which the employer views the employee's employment record and is a manifestation of the recognition of the correctional theme underlying industrial discipline.

The South African labour relations legislation – the Labour Relations Act 66 of 1995 – certainly favours this corrective/rehabilitative approach to discipline. The Code of Good Practice: Dismissal at Item 3(b) provides:

'The courts have endorsed the concept of corrective or progressive discipline. This approach regards the purpose of discipline as means for employees to know and understand what standards are required of them. Effort should be made to correct employees' behaviour through a system of graduated system of disciplinary measures such as counselling and warnings.'

Another aim or theory of discipline, as is the case with punishment in the courts is deterrence. Landman (1989) contends that the deterrent theory is particularly appropriate where the infractions are difficult to detect yet they cause serious harm or loss to the employer. In these circumstances the employer is within his right to impose stiffer sanctions with a view to preventing the same employee from repeating the misconduct or deterring the employees from committing the same misconduct.

The preventative approach to discipline is normally reserved for situations where the employee is not considered rehabilitative and as a result it is necessary to prevent recurrence of the infraction by removing him from the organisation or by transferring or even demoting an employee.

Landman (1989) argues that it is not sufficient to consider the misconduct or infraction only in relation to the four aims of discipline outlined above, but also that the so-called trial is important. According to Landman (1989) in the industrial context, the trial consists of the misconduct/infraction, the offending employee and the industrial society consisting of the employer and other employees. In essence, what is important is a balanced or unitary approach to discipline, which weighs up all the factors relevant and present in a particular act of misconduct. Only after a careful consideration of these elements can an appropriate sanction be decided upon. There may exist circumstances where a single act of misconduct is enough to warrant termination without the benefit of progressive discipline. Theft, assault (especially on the employer or superior) and gross insubordination have all been held in appropriate circumstances to justify dismissal even for a first offence.

The origin of the employer's right to discipline an employee is to be found in the common law contract of employment where discipline was seen as a management prerogative (Finnemore, 2002). In common law, the key duties of the employee were to make his services available, to warrant his competence, to obey the employer, to be subordinate to the employer, to maintain bona fides, to exercise reasonable care when using the employer's property and to refrain from misconduct (Du Plessis et al, 2002). A failure by the employee to meet these obligations could, in common law, constitute a breach of contract by the employer which in turn allowed the employer to exercise any of the remedies available to him, e.g. specific performance and summary dismissal. In common law,

although a valid reason is required, the employer has no obligation to follow any procedure in order to dismiss an employee (Du Plessis, Fouche & Van Wyk, 2002). The requirement that a dismissal must be for a fair reason or just cause, though first promulgated as a legal statement in the Mexican Constitution of 1917, is now part of international labour law convention (Blanpain et al., 1998). In particular, Article 4 of International Labour Organisations (ILO) Convention No 158 of 1982 concerning termination of employment at the initiative of the employer provides:

The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based in the operational requirements of the undertaking, establishment or service (Blanpain et al., 1998:298).

## **2.6 South African labour relations**

In the South African context, the employer's right to discipline and to dismiss has been curtailed by the past Industrial Court decision, and currently by both the Constitution and the Labour Relations Act 66 of 1995. The Labour Relations Act introduces the notion of 'fairness' as opposed to simply 'lawfulness' in the exercise of the right to discipline or dismiss. In the terms of the code of Good Practice: Dismissal, dismissal must be for a fair reason and in accordance with a fair procedure (Finnemore, 2002). This right to substantive and procedural fairness is not only limited to dismissal decisions, but also to decisions regarding other sanctions short of dismissal (Du Toit et al, 2001).

The notions of substantive and procedural fairness are comparable to what Mathis and Jackson (2003:517) call distributive justice and procedural justice. These authors apply these concepts as follows:

'Employees' perceptions of fairness or justice in their treatment depend on at least two other factors. First, people prefer favourable outcomes for themselves. They decide favourability of their outcomes by comparing them with the outcomes of the others, given their relative situations; this decision involves distributive justice, which deals with the question: were outcomes distributed fairly. Fairness would not include disciplinary action

being based on favoritism or the punishment being seen as inappropriate for the offence. The other factor, procedural justice, focuses on whether the procedures that led to an action to an action were appropriate, clear and provided opportunity for employee input. It deals with the question: was the decision making process fair?’

The right of employees to be treated fairly by the employer in the management and administration of discipline in a sense dilutes the notion management or employer prerogative and protects the employee from arbitrary and capricious treatment by the conception of fair treatment. Anthony, Perrewe & Kacmar (1999:573) contend:

‘By fair treatment we mean freedom from arbitrary and capricious behaviour on the part of the employer. It means that individual employees will not be singled out for discipline when others also deserve it and that overt favoritism on the part of the employer will be minimized. It also means that in the absence of mitigating circumstances, precedence will be followed by the employer.’

These authors give further content to this notion of fairness by citing established labour law jurisprudence that requires the employer to give notice to employees of new rules or regulations or when it intends to enforce a previously existing but unenforced rule or regulation. Employees cannot be expected to adhere to rules and regulations that have not been made public or otherwise communicated to them. Even an existing rule or regulation that has the organisation has not been enforcing is unenforceable unless the organisation first puts employees on notice stating that the rule will be enforced from this day forward.

In the South African context, these principles have been codified into the Code of Good Practice: Dismissal. A few abstracts from this code bring this point into sharp focus:

Item 3(6) states:

‘The employer should apply the penalty of dismissal consistently with the way in which it has been applied to the same and other employees in the past, and consistently as between two or more employees who participate in the misconduct under consideration.

Item 7 of the code which outlines guidelines in cases of dismissal for misconduct provides as follows:

Any person who is determining whether a dismissal for misconduct is unfair should consider:

- a. Whether or not the employees contravened a rule or standard regulating conduct in, or of relevance to, the workplace, and
- b. If a rule or standard was contravened whether or not
  - I. The rule was a valid or reasonable rule or standard
  - II. The employee was aware, or could reasonably be expected to have been aware, of the rule or standard;
  - III. The rule or standard has been consistently applied by the employer; and
  - IV. Dismissal was an appropriate sanction for the contravention of the rule or standard.'

This interference with or curtailment of the employer's right to discipline and/or to dismiss is found in many jurisdictions. Hepple in Blanpain et al (1998) cite France, United Kingdom and Germany as examples of cases where either national legislation or judicial decisions have placed a burden on employers to provide justifiable reason for dismissals or to prove the fairness of the dismissal. Again, this seems to have been followed in the South African National Legislation. Section 192(2) of LRA provides:

'If the existence of the dismissal is established, the employer must prove that the dismissal is fair.'

It would seem that the curtailment/dilution of the principles of common law contract either through legislation or judicial decision erases as a direct result of the increasing influence of trade unions and the realization of the asymmetrical relations and power levers between an employer and employee.

In this regard Du Plessis et al (2002:3) argue as follows:

'Disregard for the weaker position of the individual work seeker to the prospective employer gives rise to a situation where the common law lends no (or little) protection to the individual with regard to incorporating provisions concerning sick leave, annual leave, maximum working hours, etc in the employment contract. So far as the common law is concerned, the individual job applicant enjoys freedom of contract and if he wishes to

commit himself contractually to work, for example, for seven days a week, ten hours a day and without provision for holiday or sick leave, it is his choice. Labour laws are enacted to counter this kind of asymmetry in employment contracts by creating inter alia, minimum conditions of employment which the parties may not ignore even if both are perfectly willing to do so.'

Having explored to origins of and the limitations to the employers right to discipline, and even dismiss, this paper will turn to consider the necessity of and approaches to discipline.

There is general consensus that discipline is a necessity and integral part of the work environment. Anthony et al (1999) argue that from a strategic standpoint, management has a responsibility to create a proper disciplinary climate rather than just allow any climate to evolve, and that this places a burden and management and human resource managers to have a set of desirable criteria.

Mathis and Jackson (2003:536) echo the same understanding, but in slightly different language when they assert:

'Effective discipline should be aimed at behaviour, not at the employee personally, because the reason for discipline is to improve performance, which surprises those who feel that discipline is to improve performance, which surprises those who feel that discipline can only harm behaviour. Distributive and procedural justice suggests that if a manager tolerates unacceptable behaviour, the group may resent the unfairness of it.'

These authors define as 'a form of training that enforces organisational rules,' and warn that 'if employers fail to deal with the problem employees, negative effects on other employees and work group often result'.

Mosley, Megginson and Pietri (2001:490) share this conceptual outlook when they contend:

'Effective job performance requires that both managerial and nonmanagerial employees maintain discipline. Most employees would rather work with a group that is well organized, well trained, and well disciplined than with one that is not. Employees benefit from discipline and suffer from disorder.'

These authors identify three dimensions of discipline: self-control which they characterise as 'ordering growth and development of a person, which enables the person to adjust to certain needs and demands'; orderly behaviour in an organisation and keeping order among and controlling a group of workers by using methods that build morale and 'esprit de corps'; and 'punishment' which refers to 'negative treatment that a person receives after an undesirable act or omission' and the function of which is not the change of past behaviour but to prevent a recurrence of the undesirable act or omission in the future.

Renwick and Gennard in Redman and Wilkinson (2001:169) using the through using the twin concepts of grievance and discipline, articulate a similar view:

'Clearly, both sides to the employment relationship have expectations that need to be met if the relationship is to succeed. Then expectation from employers is that they will be treated in a reasonable, fair and consistent manner...employers look to employees to perform satisfactorily for them...as employer and employee both parties to the employment relationship are not only bound ethically, morally and socially to seek such a resolution of differences, but there is a clear business case for the resolution of their differences also. That business case rests on the assumptions that of discipline and grievance issues are dealt with properly, employee dissatisfaction should decrease and motivation increase, retention rates increase, and a reservoir of discontent from employee against employer would be avoided.'

## **2.7 Misconduct and the law**

The first two parts of this chapter focused on the discipline function as a human resource function capable of being costed, and as an essential function of management in the efficient running of the organisation of the business especially in enhancing performance in the organisation.

This section looks at the employer's operating environment in the exercise of discipline. The employer-employee relationship originates in a common law contract of employment, but has over the years been increasingly subjected to statutory regulation and oversight. Kahn-Freund in Riekert (1987) argues that there could be no employment relationship without the

employer's power to command and the employee's duty to obey. This power to command, sometimes styled the managerial prerogative or management's 'right to manage', lies at the root of many contemporary disputes between management and organised labour. The role of law in this process of assertion and challenge, according to Kahn-Freud, is to regulate the employer's command power and the employee's duty to obey, to lay down restrictions on the power of both management and unions and to provide machinery for the enforcement of these restrictions. Riekert (1987:62) supports this assertion and further argues that the assertion holds true for the law of dismissal as well as other areas of labour law.

The employer's sanction in the exercise of discipline in the workplace is dismissal or termination, which as already argued earlier, represents the capital punishment in the employment context. In circumstances of high levels of unemployment, argues Rieckert (1987), the employer's right to dismiss could have devastating effects for the employee, his dependants and ultimately society. Economic consequences of dismissals in society have thus resulted in the curtailment of employer's power to terminate the employment contract, and indeed to regulate the disciplinary process.

Rycroft and Jordaan (1990:137) argue:

'Legislative intervention in the area of discipline remains a feature of our law at present. Yet, this time around, its effect is to curtail the arbitrary exercise of the employer's traditionally wide disciplinary power or, if you will, to subject that authority to a measure of the rule of law'.

However, this has not always been the position. The employment relationship was primarily governed by the common law contract of employment as resided in the domain of private law rather than law. Roos (1987:95) has this to say:

'It is incumbent on the labour lawyer to show not only that the labour relationship is a legal relationship *sui generis* but also that established contract theory no longer governs the employment relationship.'

Roos (1987) further contends that an analysis of the development of the law regulating labor relations reveals that the employment or labour relationship is no longer a private law relationship and that by a unique combination of public and private law, and the



introduction of elements of flexibility and fairness, a new legal phenomenon has been created in South Africa.

In the common law contract set-up, until 1971 the English employer could dismiss or terminate the employment contract almost at will, with or without a reason (Rieckert, 1987).

In fact, the only time the employer was under some obligation to dismiss for a valid reason was in the case of summary dismissal as opposed to dismissal on notice.

The position was no different in South Africa under the common law contract for the majority of employees. However, statutory employees like public servants and employees of public bodies were protected against unfair dismissal by their respective employment statutes or by the possibility of judicial review in terms of administrative law.

The Wiehahn Commission and the resultant amendments to the 1956 Labour Relations Act brought about far-reaching changes in employment law in general and the law of discipline and discipline. Firstly, the amendments extended the protections under the LRA to Black employees.

Secondly, the amendments introduced a powerful remedy for unfair labour practices (including unfair discipline and dismissal) in the form of the Industrial Court as a court of law and equity with wide powers to determine unfair labour practices and relief therefore.

It was from the jurisprudence of the Industrial Court the principles of substantive and procedural fairness were established in the law relation to dismissal and discipline in general.

It is submitted that the provisions of the 1995 LRA on unfair labour practices and dismissals, as well as the Code of Good Practice: Dismissal were developed and codified in the Industrial Court's case law.

Roos (1987:96) asserts:

'If one looks beyond the apparently complicated procedures which form the structure of labour law a remarkably simple notion is discovered, namely that the labour relationship ought to be regulated by considerations of fairness and equity'.

The emphasis on fairness and equity in the field of labour law and particularly discipline and dismissal law is highlighted by Rycroft and Jordaan (1990:137) as follows:

'If one has to go by the judgements in this area of the law, it is never as easy task to discern coherent principle from Industrial Court judgements. Yet there can be little doubt that the new jurisdiction has put the brakes on the wide disciplinary powers which the employer enjoys at common law. In the area of dismissals, in particular, the court has departed significantly from the common-law position. It has held that it is not sufficient for the employer to act lawfully when dismissing the employee; it also has to act fairly. This entails that sufficient reasons have to exist for the termination of the employees' services, and, as a general rule, that fair procedures have to be applied prior to termination.'

## **2.8 Conclusion**

This chapter has traversed the literature to consider the strategic importance of HR in organisations and how HR issues can affect organisational performance and competitiveness. Specific focus was placed on discipline, both in terms of philosophical and practical perspectives of the subject. The development of the law in regard to dismissal in particular, and discipline in general was considered.

The next chapter will focus on the methodology and research design followed in this study, providing a general theoretical framework on this subject, and proceeding to address the specific steps followed in this research.

## CHAPTER 3

### RESEARCH METHODOLOGY

#### 3.1 Introduction

This study takes the form or design of an empirical study, and more specifically an attitudinal survey. According to Mouton (2005:57), research design is determined by the nature of the research question(s) a study seeks to answer. Put differently, research designs are tailored to address different kinds of questions.

Mouton (2005:57) distinguishes between the concepts of research design and research methodology. While the concept of research design entails all forms on the end product (i.e. the kind of study results aimed) and takes as its point of departure the research problem or research question, the research methodology on the other hand focuses on the research process itself, the tools to be used, procedures to be followed, the individual steps to be followed and the most objective (unbiased) procedures to be employed; taking as its point of departure the specific tasks at hand (i.e. data collection or sampling methods).

#### 3.2 Methodology followed in this study and rationale for its selection

According to Saunders, Lewis & Thornhill (2007:138), surveys are popular in business and management studies and are used to answer questions like 'who', 'what', 'how much' and 'how many'. The advantage of the survey approach or method is that it allows a large amount of data from a sizeable population in an economical way (both in terms of time and cost). The strength of the survey method lies in its ability to allow generalisations of results to large populations if appropriate sampling has been done; high measurement reliability and high construct validity. However, the latter two are dependent on the proper construction of questionnaires and the exercise of proper controls (Mouton, 2005).

In this study a questionnaire technique was utilised to conduct the survey. This enabled the study to utilise standardised questions for all respondents. The choice of the quantitative

descriptive methodology was informed by this identified strength, and the fact that in business studies, descriptive surveys are popular in the quest to obtain consumer attitudes towards a product, to gauge the views and opinions of employees in an organisation (Reeves & Harper, in Ghauri & Gronhaug 2002:95).

### ***3.2.1 Designing the research instrument (questionnaire)***

The research instrument was drawn after an extensive review of literature related to the research problem. This enabled this researcher to determine the most useful variables for measurement.

The actual process of designing the questionnaire was influenced by the literature on the subject of questionnaire construction. According to Saunders (2005:356), the design of a questionnaire varies in accordance with the method of administering the questionnaire, especially the amount of contact with the respondents. This particular study utilised the self-administered questionnaire technique, as opposed to an interviewer-administered questionnaire. The questionnaires were delivered to respondents for later collection from respondents. This was deemed appropriate for the chosen population because of the level of education and seniority of the targeted respondent group.

To encourage participation, the questionnaire was designed to be relatively short, requiring at the very most, fifteen minutes to complete. In the main closed questions were used, except for two open-ended questions at the end of the questionnaire.

To discount the possibility of the wrong person responding to the questionnaire, the researcher, where applicable, telephoned the respondents to impress upon them the importance of honesty in the responses and the right person responding to the questionnaire. Another aspect was that the respondents are fairly senior employees of the Department and are themselves involved in academic studies or have themselves pursued academic studies, thus understanding the need for the co-operation with completion of the questionnaires.

In the actual construction of the individual questions, the following sources of error were taken cognisance of in line with Mouton's (2007:103) views:

- Double-barrelled questions were avoided
- Care was taken to avoid vague questions
- The sequencing of questions was carefully considered
- Leading questions were avoided

A variety of question types were designed to obtain as much information from the responses. This included list questions, Likert questions, ranking questions and open-ended questions.

### **3.2.2 Sampling population selection**

Before collecting information or gathering data as part of the research process, the researcher has to make a decision as to the selection of respondents or subjects. This often involves deciding whether all the members of a population will become the target subjects for the research or whether a sample of the bigger population will be studied. Lind et al (2004:7) define 'population' as 'the entire set of individuals or objects of interest or the measurements obtained from all the individuals or objects of interest'. These authors also define a sample as 'portion or part, of the population of interest'. A sample is basically a tool to infer something about a population.

'Where we collect and analyse data from every possible case or group member we call that a census' (Saunders et al, 2007: 204).

However, in inferential statistics, sampling is used to infer something about a population based on a sample. Some of the reasons for sampling include the prohibitive costs associated with studying large populations, time constraints, the physical impossibility of studying all items in a population (e.g. fish in an ocean), the destructive nature of some tests (e.g. wine tasting), or the sheer adequacy of the sample results (Lind et al, 2004).

According to Ghauri and Gronhaug (2002:112), in some instances quite paradoxically, 'samples may be more accurate than censuses'.

In this study, a decision was taken to collect data from the entire population of some 220 ward managers employed in the department. Thus a quota sampling technique was

undertaken to assess the perceptions of as many ward managers as possible. According to Saunders, Lewis and Thornhill (2007:206) it is permissible to collect data from the entire population and then analyse a particular, given sample of the data collected. In self-administered questionnaires where data collection follows a delivery and collection system, likely response rates are moderately high (often in the region of 30-50%), which is generally regarded as reasonable (Saunders et al, 2007:358). A total of 220 questionnaires were distributed and 89 completed questionnaires were returned. This equates to a response rate of 40%, which falls within the 'reasonable' sample referred to by Saunders et al (2007).

Having determined the questionnaire type and the respondent group, the researcher then enlisted colleagues and identified opportunities for the distribution of the questionnaire.

The first consideration was that since the target population was the entire population of ward managers located in the twelve districts throughout the province of Kwa-Zulu Natal, nodal points had to be identified, and activities in the Department monitored. For one, the district office once identified as an important nodal point, an official from each district office was enlisted to assist with the distribution and later collection of the questionnaire for transmission back to the researcher. Each of the district offices is made up of mostly Circuit clusters, in which the ward managers are located. In other instances, as a strategy, important activities of the Department were identified, especially those that required ward managers to meet at a particular point. Questionnaires would be deposited and distributed in these meetings.

### **3.2.3 Access to respondents and ethical issues**

Once the research instrument had been constructed, the researcher sought permission to administer the questionnaire in the Department. A letter requesting access to respondents was addressed to the Head of Department, and the request was processed in terms of internal organisation protocols (Appendix 2).

The full documentation accompanying the request included the Graduate School of Business ethical clearance which addressed the areas such as the guarantees of confidentiality and the voluntary nature of the study and general undertaking to at all times act in an ethical manner towards respondents.

Permission was duly granted by the Head of Department, with a proviso that one copy of the completed research should be provided to the Department at the conclusion of the study. This is a standard provision/condition for the granting of permission to conduct research in the Department.

One of the main challenges encountered in administering the questionnaire was the sheer size of the geographical area covered. Because of the costs involved in delivering and collecting the questionnaires to the twelve districts in the province, reliance was initially placed on colleagues recruited to volunteer to disseminate the questionnaire from the nodal points. In some instances, this reliance was totally misplaced as the volunteers failed to deliver the questionnaires to the respondents, and alternative methods of delivery had to be devised.

In other instances, respondents themselves kept postponing completing the questionnaires, or just lost the questionnaires. This sometimes required the researcher to make telephone calls to follow up on progress and to encourage respondents to complete the questionnaire. In some instances the researcher had to send the questionnaires by telefax or receive the questionnaires by telefax.

The data collected from the responses was analysed with the Statistical Package for Social Sciences (SPSS) version 18.0. The results are presented in the form of graphs and cross tabulations.

#### **3.2.4 Reliability and validity**

The two most important aspects of precision are **reliability** and **validity**.

Validity refers to the ability of the research instrument to measure what it purports to measure (Ghuri & Gronhaug, 2002). It is concerned with whether the findings are really about what they appear to be about. The form of validity is known as construct validity and according to Zaltman et al in Ghauri and Gronhaug (2002:70) construct validity can be defined as 'the extent to which an operationalisation measures the concepts which it purports to measure'.

This form of validity (construct validity) can be assessed by means of:

- Face validity which refers to the degree to which a measure or an instrument, at face value, seems to measure what it is intended to measure
- Convergent validity which refers to the degree to which multiple methods or measures yield the same or similar results
- Divergent validity which indicates the extent to which a construct is distinguishable from another construct

Besides construct validity, other forms of validity exist:

Internal validity indicates the degree to which a causal relationship can be inferred between two or more variables. External validity refers to the extent to which findings can be generalised. Statistical conclusion validity refers to the extent to which a causal relationship or covariation is statistically significant.

The reliability of the instrument was tested by utilising the Cronbach's alpha. Reliability refers to the property of a measurement instrument that causes it to give similar results for similar inputs. Cronbach's alpha is a measure of reliability. More specifically, alpha is a lower bound for the true reliability of the survey. 'Mathematically, reliability is defined as the proportion of the variability in the responses to the survey that is the result of differences in the respondents. Answers to a reliable survey will differ because respondents have different opinions, not because the survey is confusing or has multiple interpretations. The computation of Cronbach's alpha is based on the number of items on the survey (k) and the ratio of the average inter-item covariance to the average item variance' (SPSS, version 17.0).

Under the assumption that the item variances are all equal, this ratio simplifies to the average inter-item correlation, and the result is known as the Standardized item alpha (or Spearman-Brown stepped-up reliability coefficient) (SPSS, version 17.0).

$$\alpha = \frac{kr}{1 + (k - 1) r}$$

(SPSS, version 17.0)



### **3.3 Conclusion**

This chapter has outlined the research design and methodology followed in this study. In line with quantitative studies, a questionnaire was designed and administered taking into account the ethical issues relevant to these studies, while at same time taking care that the research methodology produces reliable and valid findings.

The next chapter will consider the analysis of the data collected in the course of this study using appropriate analytical tools.

## CHAPTER 4

### PRESENTATION OF RESULTS

#### 4.1 Introduction

The methodology and research design followed in this research was discussed in some detail in the preceding chapter. This section now presents the statistical analysis of data gathered in this study, using – as indicated earlier – the statistical package for Social Sciences (SPSS), version 18.0. The results are presented in the form of graphs and cross tabulations.

#### 4.2 Reliability of Instruments

As discussed in Chapter 3, Cronbach's alpha is a measure of reliability, and it was used to test the reliability of the variables in this study.

To demonstrate the effectiveness of the main study questionnaire, the reliability scores for the questionnaire for the Likert scale were determined and are presented below. A reliability coefficient of 0.70 or higher is considered as 'acceptable' (Introduction to SAS. UCLA: Academic Technology Services, Statistical Consulting Group.

from <http://www.ats.ucla.edu/stat/spss/faq/alpha.html> (accessed October 20, 2010).

#### Reliability Statistics (Q5 – Q11)

Cronbach's Alpha	N of items
.695	4

The overall Cronbach's alpha reliability score equals the acceptable score level. This implies a high degree of consistent scoring by the respondents for the different categories for this research.

#### 4.3 Descriptive statistics

This section presents the descriptive statistics based on the demographic information of the study.

The figures below present the overall demographic data of the respondents.

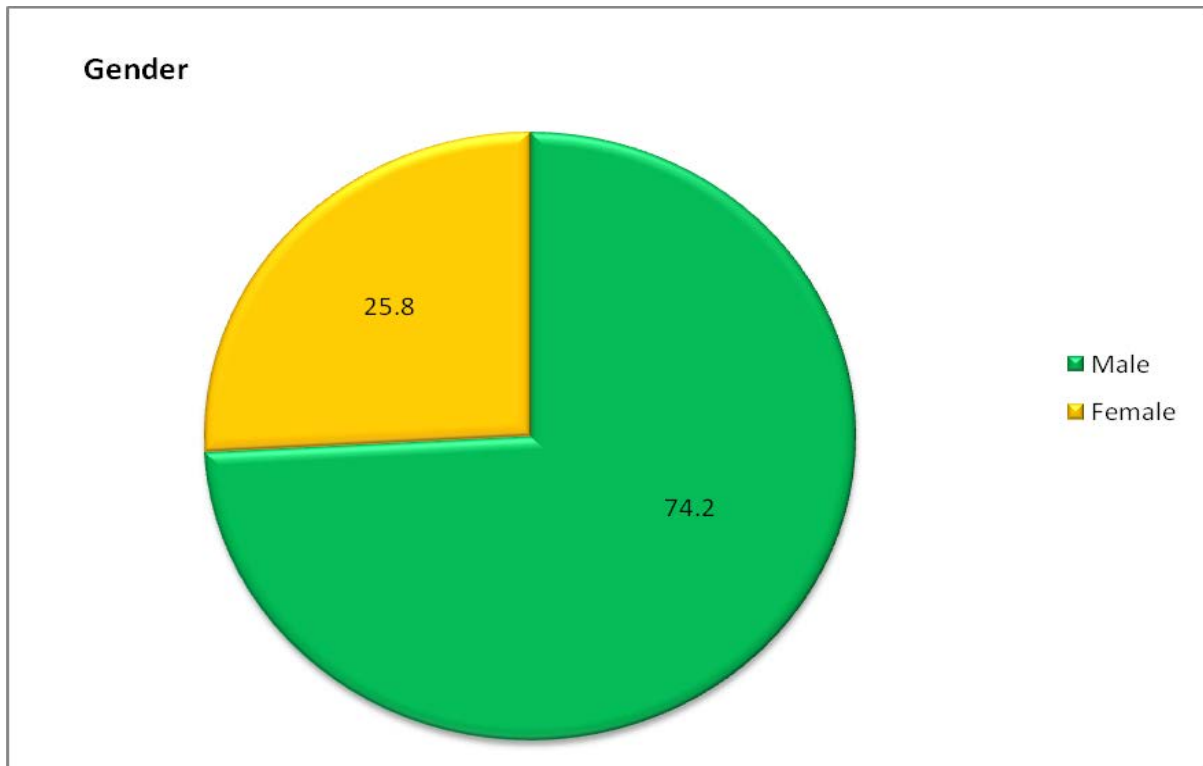


Figure 4.1 Gender

Nearly three quarters (74.2%) of the respondents were male.

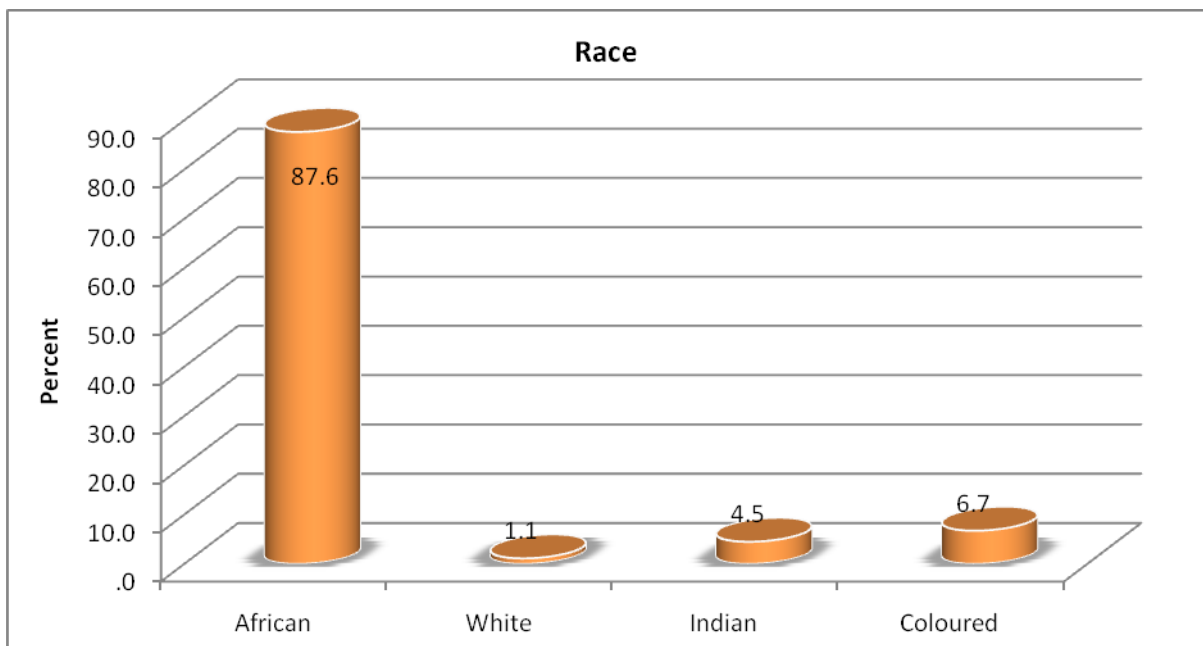


Figure 4.2 Race

The majority of the respondents (87.6%) were African.

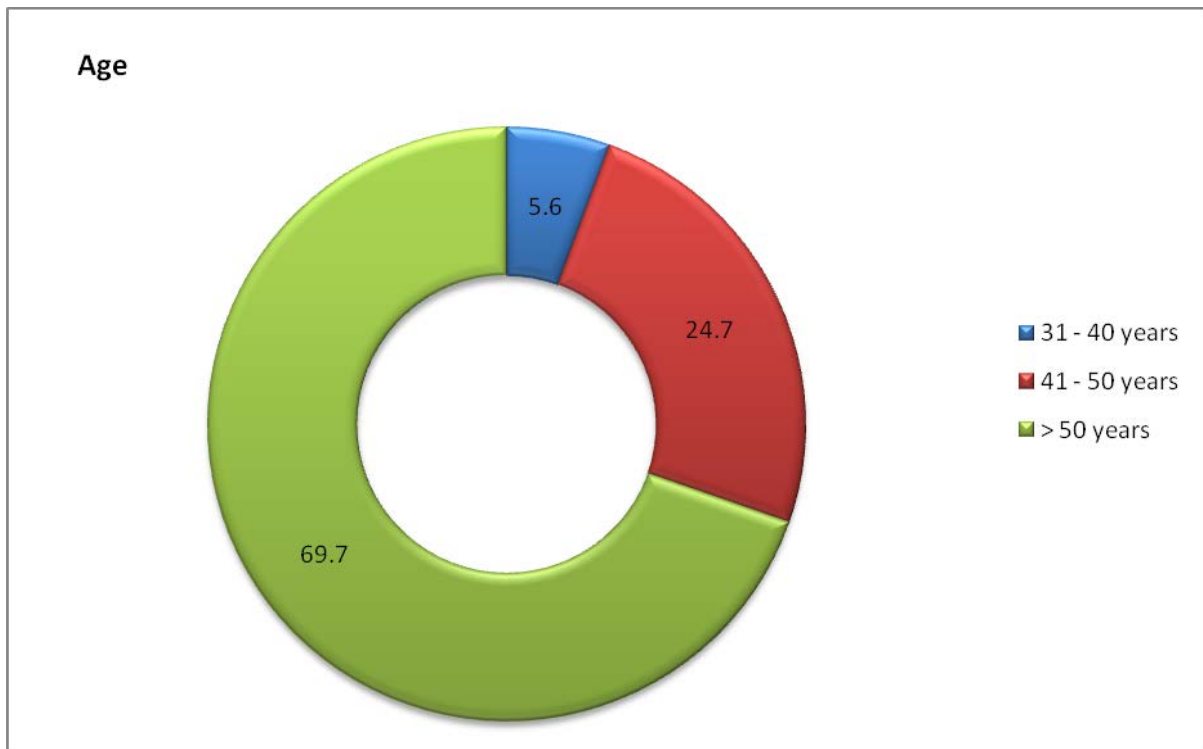


Figure 4.3 Age

A little more than two-thirds of the respondents (69.7%) were over the age of 50 years. Nearly 25% of the respondents were between the ages of 41 and 50 years.

The crosstabulation table below gives a more detailed analysis of the demographic breakdown.

Table 4.1 Analysis of demographic breakdown

Race				Gender		Total
				Male	Female	
African	Age	31 - 40 years	Count	3	2	5
			% within Age	60.0%	40.0%	100.0%
			% within Gender	5.3%	9.5%	6.4%
			% of Total	3.8%	2.6%	6.4%
	41 - 50 years	Count	11	9	20	
		% within Age	55.0%	45.0%	100.0%	
		% within Gender	19.3%	42.9%	25.6%	
		% of Total	14.1%	11.5%	25.6%	
	> 50 years	Count	43	10	53	
		% within Age	81.1%	18.9%	100.0%	
		% within Gender	75.4%	47.6%	67.9%	
		% of Total	55.1%	12.8%	67.9%	
Total			Count	57	21	78
			% within Age	73.1%	26.9%	100.0%
			% within Gender	100.0%	100.0%	100.0%

			% of Total	73.1%	26.9%	100.0%
White	Age	> 50 years	Count	1		1
			% within Age	100.0%		100.0%
			% within Gender	100.0%		100.0%
			% of Total	100.0%		100.0%
	Total	Count	1		1	
			% within Age	100.0%		100.0%
			% within Gender	100.0%		100.0%
			% of Total	100.0%		100.0%
Indian	Age	41 - 50 years	Count	1		1
			% within Age	100.0%		100.0%
			% within Gender	25.0%		25.0%
			% of Total	25.0%		25.0%
		> 50 years	Count	3		3
	% within Age		100.0%		100.0%	
	% within Gender		75.0%		75.0%	
	% of Total		75.0%		75.0%	
Total	Count	4		4		
		% within Age	100.0%		100.0%	
		% within Gender	100.0%		100.0%	
		% of Total	100.0%		100.0%	
Coloured	Age	41 - 50 years	Count	1	0	1
			% within Age	100.0%	.0%	100.0%
			% within Gender	25.0%	.0%	16.7%
			% of Total	16.7%	.0%	16.7%
		> 50 years	Count	3	2	5
	% within Age		60.0%	40.0%	100.0%	
	% within Gender		75.0%	100.0%	83.3%	
	% of Total		50.0%	33.3%	83.3%	
Total	Count	4	2	6		
		% within Age	66.7%	33.3%	100.0%	
		% within Gender	100.0%	100.0%	100.0%	
		% of Total	66.7%	33.3%	100.0%	

Within the African race group, 73.1% of the respondents were male and 26.9% were female. Amongst the African males, 75.4% were older than 50 years. This male category (> 50 years) was the largest grouping in terms of age (81.1%) for African males.

The general trend amongst all the males across all of the race groups is that the largest groupings belong to the older than 50 years category.

Among the Indian category, 100% were male, 75% of whom were in the category of above 50 years of age. Among the coloured category, 50% of respondents were above the age of 50 and the combined figure for males and females in this category is 83.3%.

## 4.4 Factor analysis

### 4.4.1 Why is factor analysis important?

Factor analysis is a statistical technique whose main goal is data reduction. A typical use of factor analysis is in survey research, where a researcher wishes to represent a number of questions with a small number of hypothetical factors. For example, as part of a national survey on political opinions, participants may answer three separate questions regarding educational policy, reflecting issues at the local, state and national level. Each question, by itself, would be an inadequate measure of attitude towards educational policy, but *together* they may provide a better measure of the attitude. Factor analysis can be used to establish whether the three measures do, in fact, measure the same thing. If so, they can then be combined to create a new variable, a factor score variable that contains a score for each respondent on the factor. Factor techniques are applicable to a variety of situations. (SPSS, Version, 17.0).

### 4.4.2 Communalities

The table of communalities is given below.

Table 4.2 Table of communalities

	Extraction
The process of discipline in the Department is fulfilling its stated objectives	.654
The disciplinary code and procedures are realistic and appropriate for the organisation	.667
The disciplinary process in the Department is assisting in correcting behaviour	.737
The focus on rehabilitation in disciplinary processes should be increased	.559
The absence of guidelines on disciplinary sanctions results in inconsistency in the application of disciplinary process	.745
There is no consistency in decisions to subject employees to disciplinary action	.668
Employees engaged in similar misconduct are treated equally	.395

- The rotation method used is the Varimax Method with Kaiser Normalization. This is an orthogonal rotation method that minimises the number of variables that have high loadings on each factor. It simplifies the interpretation of the factors.
- Factor analysis / loading show inter-correlations between variables.

The communality for a given variable can be interpreted as the amount of variation in that variable explained by the factors that constitute the variable. In this instance, for example, there are 3 variables (statements) that make up the first component (as indicated in the component matrix table below). The analysis is analysed similar to that for multiple regression: signage against the two common factors yields an  $R^2 = 0.654$  (for the first variable regarding the process of discipline in the Department is fulfilling its stated objectives), indicating that about 65% of the variation in terms of the discipline process is explained by the factor model.

This argument can then be extended to the rest of the model as the communality values are within acceptable norms.

An assessment of how well this model is doing can be obtained from the communalities. The ideal is to obtain values that are close to one. This would indicate that the model explains most of the variation for those variables. In this case, the model is acceptable as it explains approximately 67% of the variation for the 6 variables.

The individual communalities tell how well the model (questionnaire) is working for the individual variables, and the total communality gives an overall assessment of performance.

#### 4.4.3 Factor analysis

The statements loaded along components (categories) as indicated below.

Table 4.3 Rotated component matrix

Rotated Component Matrix	Component	
	1	2
The process of discipline in the Department is fulfilling its stated objectives	.809	.003
The disciplinary code and procedures are realistic and appropriate for the organisation	.801	-.159
The disciplinary process in the Department is assisting in correcting behaviour	.850	-.123
The focus on rehabilitation in disciplinary processes should be increased	.367	.651
The absence of guidelines on disciplinary sanctions results in inconsistency in the application of disciplinary process	-.094	.858
There is no consistency in decisions to subject employees to disciplinary action	-.224	.786
Employees engaged in similar misconduct are treated equally	.340	-.528

Factor analysis is a statistical technique whose main goal is data reduction. A typical use of factor analysis is in survey research, where a researcher wishes to represent a number of questions with a small number of hypothetical factors. With reference to the table above:

- The principle component analysis was used as the extraction method, and the rotation method was Varimax with Kaiser Normalization. This is an orthogonal rotation method that minimizes the number of variables that have high loadings on each factor. It simplifies the interpretation of the factors.
- Factor analysis/loading show inter-correlations between variables.
- Items of questions that loaded similarly imply measurement along a similar factor. An examination of the content of items loading at or above 0.5 (and using the higher or highest loading in instances where items cross-loaded at greater than this value) effectively measured along the two components.

It is noted that the variables loaded perfectly along separate factors. This means that the questions (variables) that constituted these components perfectly measured the component. That is, the component measured what it was that was meant to be measured.

The two identifiable categories are regarding procedures regarding the disciplinary process procedures and implementation of the disciplinary codes.

#### **4.5 Section analysis**

The section analysis presents the overall result for each component using mean scores and percentage frequencies.

There are some degrees of differences in the mean values for the questions. Some of these may be significant, others not. The significance of these differences is tested under hypothesis testing.

##### **4.5.1 *Disciplinary process procedures***

The tables and graphs below indicate the patterns of the responses for this category.



Table 4.4 Disciplinary process procedures – section analysis

	Mean	Std. Deviation	Disagree	Maybe	Agree
The process of discipline in the Department is fulfilling its stated objectives	2.98	1.04	38.64	23.86	37.50
The disciplinary code and procedures are realistic and appropriate for the organisation	3.46	.97	22.47	16.85	60.67
The disciplinary process in the Department is assisting in correcting behaviour	3.10	1.12	30.34	29.21	40.45

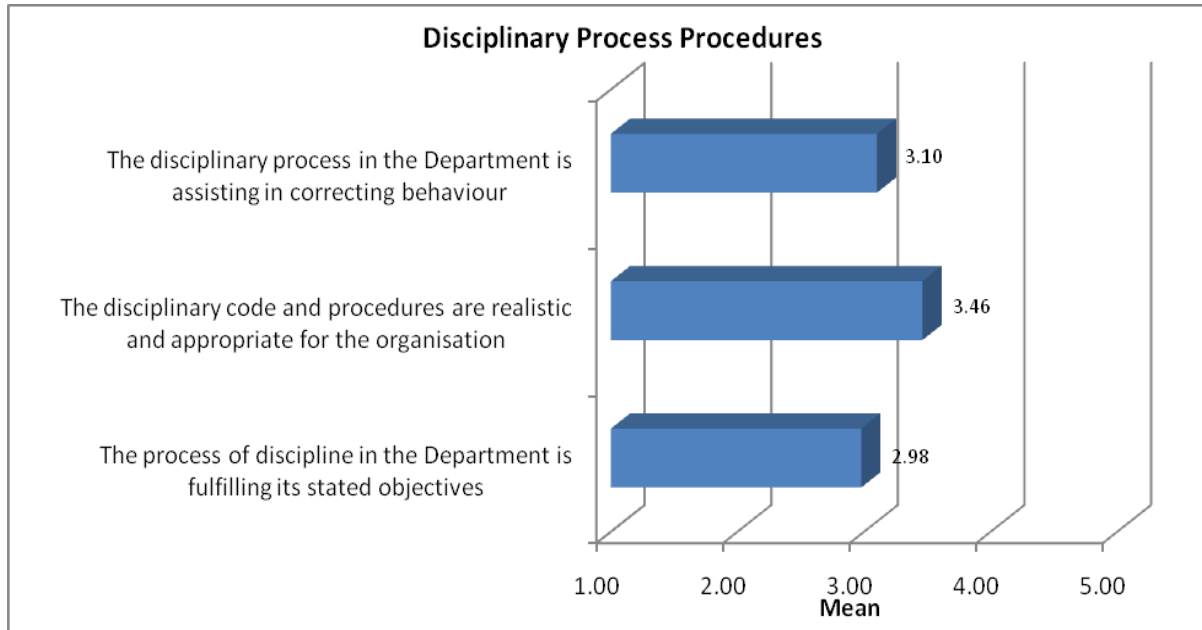


Figure 4.4 Disciplinary process procedures – mean scores

The mean scores for the three statements are in the average score region of 3, indicating uncertainty. An analysis of the percentage response graph below indicates that the frequency scoring for the first and third statements have approximately the same number of respondents who agreed with the statement as those that did not.

The second statement shows a slightly higher agreement.

The significance of these differences will be tested in the section on hypothesis testing.

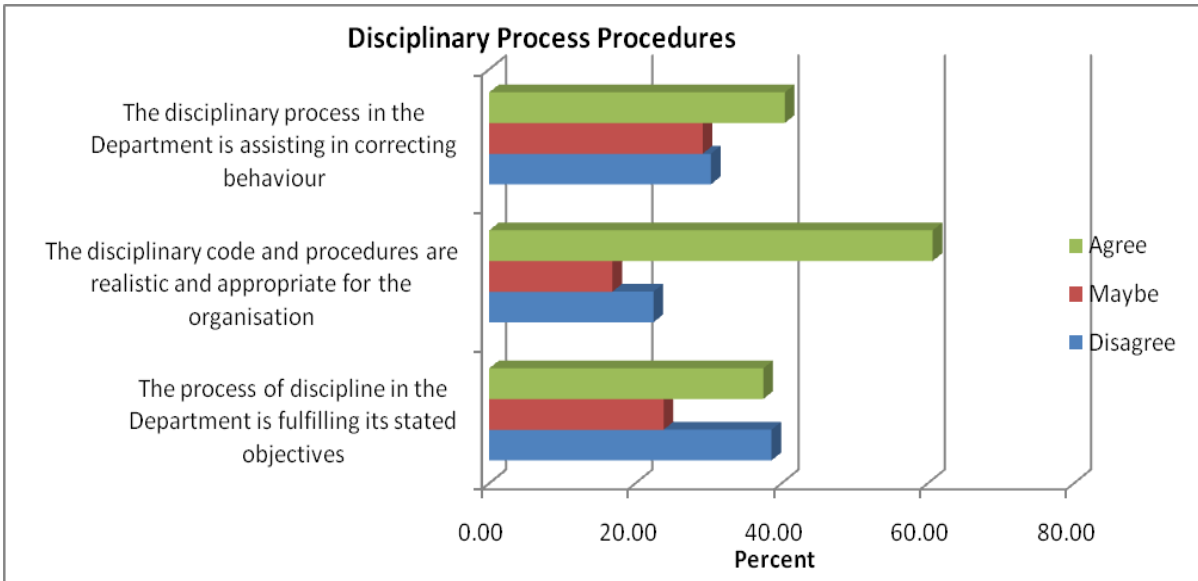


Figure 4.5 Disciplinary process procedures – percentage response graph

#### 4.5.2 Implementation of the disciplinary codes

Table 4.5 Implementation of the disciplinary codes – section analysis

	Mean	Std. Deviation	Disagree	Maybe	Agree
The focus on rehabilitation in disciplinary processes should be increased	4.11	.90	5.68	14.77	79.55
The absence of guidelines on disciplinary sanctions results in inconsistency in the application of disciplinary process	3.75	1.17	21.35	8.99	69.66
There is no consistency in decisions to subject employees to disciplinary action	3.83	1.09	14.61	14.61	70.79
Employees engaged in similar misconduct are treated equally	2.49	1.05	59.09	19.32	21.59

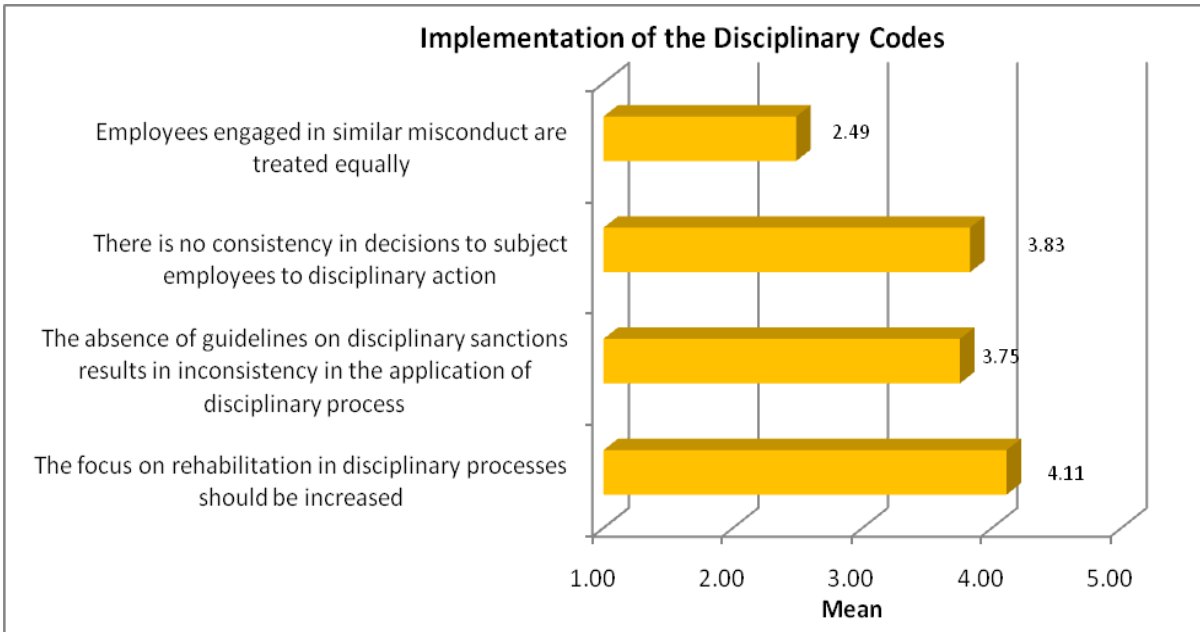


Figure 4.6 Implementation of the disciplinary codes – mean scores

Three of the statements have mean scores that are close to 4, indicating agreement with the statements. However, the first statement on equal treatment shows a fair amount of disagreement.

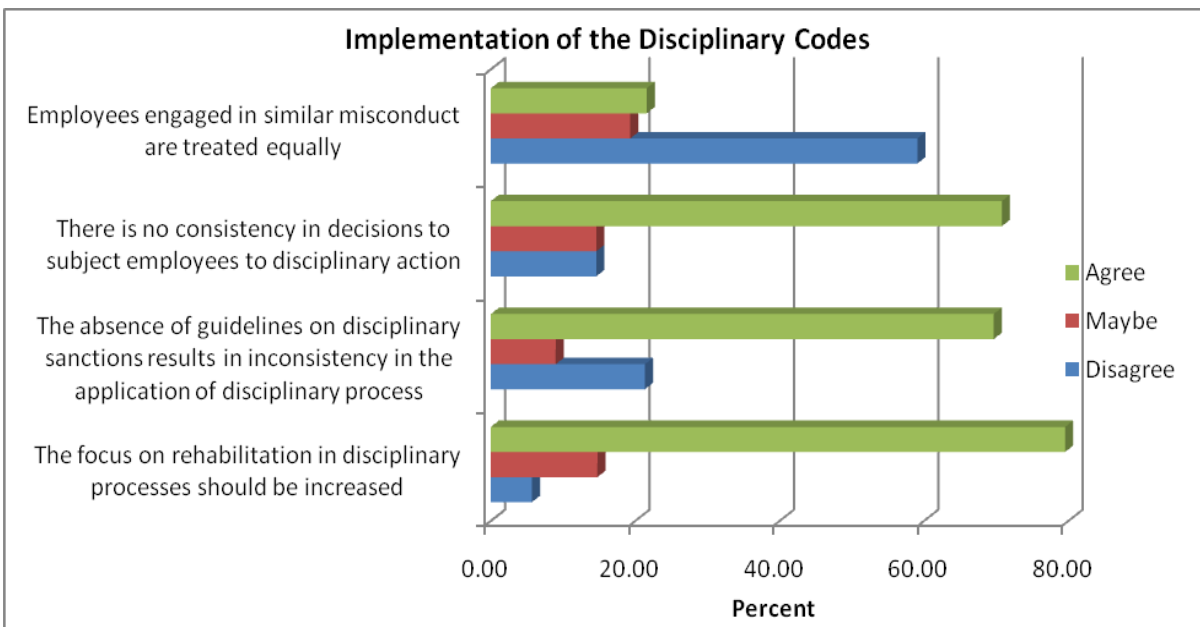


Figure 4.7 Implementation of the disciplinary codes – percentage response graph

The frequency distributions illustrate that the mean scores are illustrative of the scoring patterns. The three statements with high mean scores also show high percentage agreement.

### Q12-Q19

Table 4.6 Q12-Q19 – percentage responses

	Yes	No
Do you believe discipline is applied fairly in the Department?	25.8	74.2
Do you think discipline is applied consistently in the Department?	20.2	79.8
Employees are placed on precautionary suspensions for frivolous reasons	50.0	50.0
Employees are placed on precautionary suspensions for periods far in excess of the allowed time limits	74.7	25.3
It is impossible to conclude complex investigations within the prescribed period applicable to suspension cases	80.9	19.1
The process of placing an employee on precautionary suspension is cumbersome	74.7	25.3
Line management is not sufficiently empowered to deal with disciplinary matters	92.0	8.0
Disciplinary matters take too long to finalise in the Department	100.0	.0

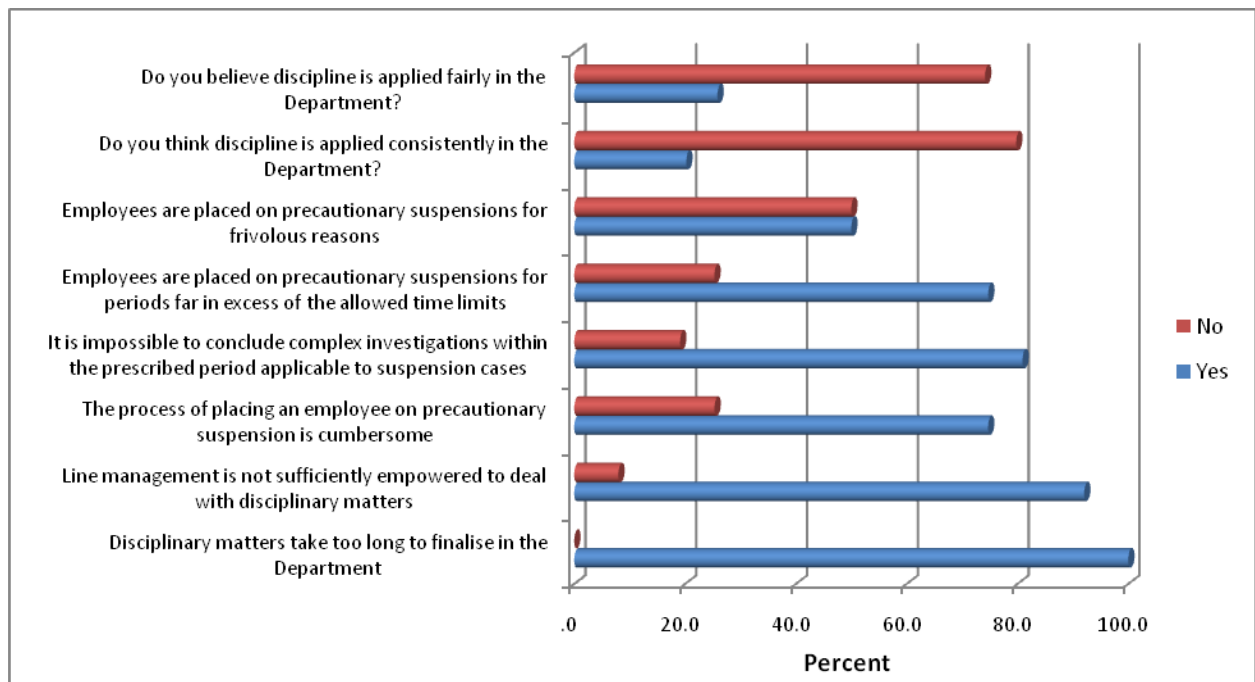


Figure 4.8 Q12-Q19 – percentage response graph

The first two statements show strong percentages of disagreement regarding discipline being applied fairly (74.2%) and consistently (79.8%) in the Department.

Respondents are evenly split on whether employees are placed on precautionary suspensions for frivolous reasons.

The remaining five statements show high levels of agreement.

### 4.5.3 General comments

#### Q20

Table 4.7 Q20 – percentage responses

	Rank 1	Rank 2	Rank 3	Rank 4	Rank: Impact
Staff shortage when employees are on suspension	60.7	7.9	5.6	4.5	12.4
Staff facing disciplinary action feel insecure of their future	30.3	12.4	19.1	13.5	10.1
Other staff may feel they can display the same behaviour as sanctions are slow in coming	30.3	11.2	12.4	15.7	16.9
Inconsistency of application of disciplinary action	34.8	16.9	14.6	10.1	13.5

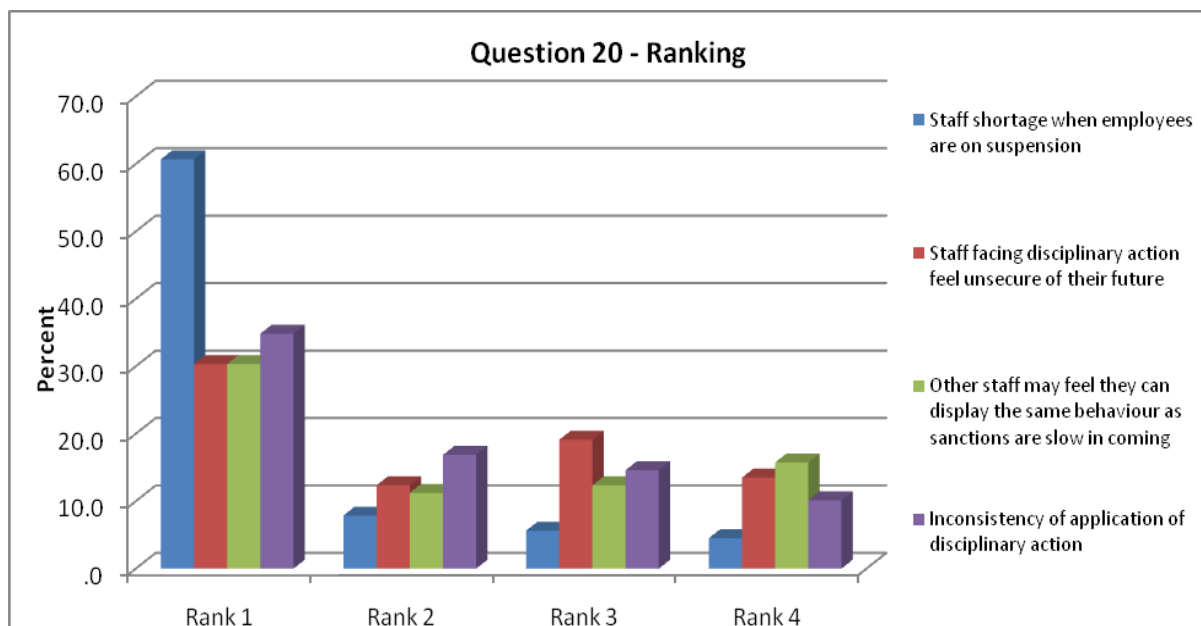


Figure 4.9 Q20 – percentage response graph

Sixty percent of respondents ranked staff shortages when employees were on suspension as being most important.

Of the respondents that answered the statement regarding staff feeling insecure, approximately 30% ranked it 1. A similar percentage (10%) gave it a joint ranking of 2 and 4.

In terms of the overall ranking for the statements, the results are presented below.

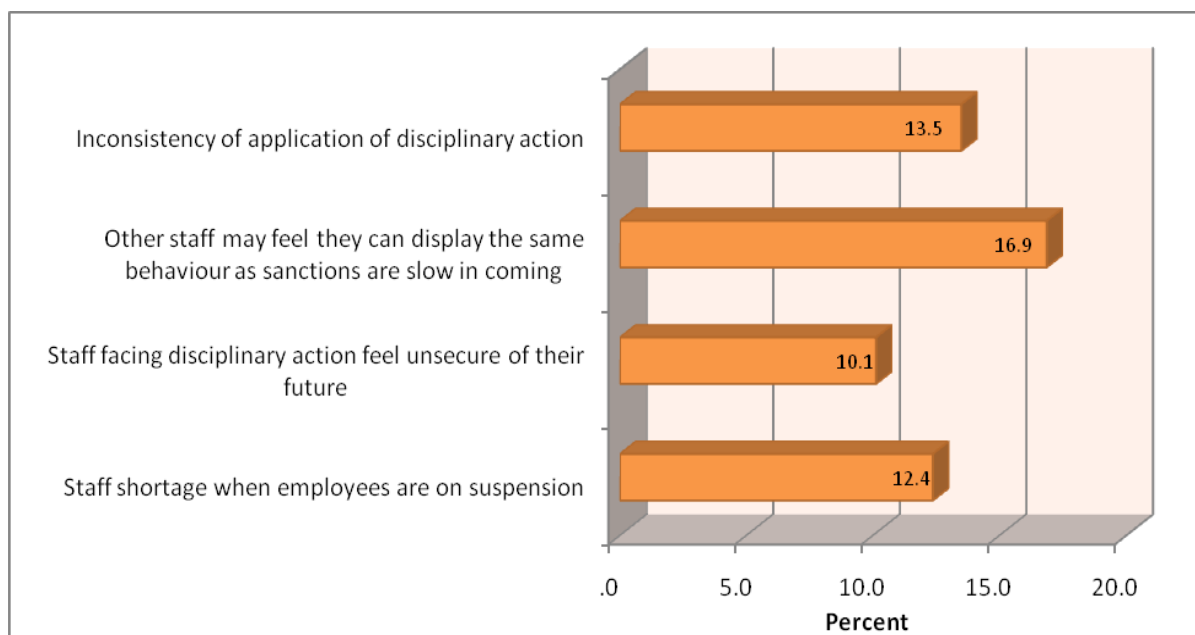


Figure 4.10 Q20 – overall ranking for statements

Of the 4 statements, respondents indicated marginal differences in terms of the impact that they had.

Respondents ranked ‘Other staff may feel they can display the same behaviour as sanctions are slow in coming’ as the one that had the most impact.

## Q21

Table 4.8 Q21 – percentage responses

In my view, the disciplinary process could be expedited by...	Percent
Empowering line managers and stakeholders on their responsibilities	19.1
Employing suitably qualified and trained personnel in Law	16.9
Setting time frames and training personnel	12.4
Empowering the circuit officials	10.1
Appointing more disciplinary committees	10.1
Decentralising functions	5.6
A practical Disciplinary Code of Conduct	4.5
Being strict and specific with clear guidelines on disciplinary measures	4.5
Immediate investigations taking place	3.4
Charging people irrespective of their position in the Department	3.4
The Senior Management of the Department	2.2
Building capacity for all line managers	1.1

User-friendly material	1.1
Training on staff investigation	1.1
Sticking to Departmental policies	1.1
Applying disciplinary procedures consistently	1.1
Line Managers working together with HR subordinates	1.1

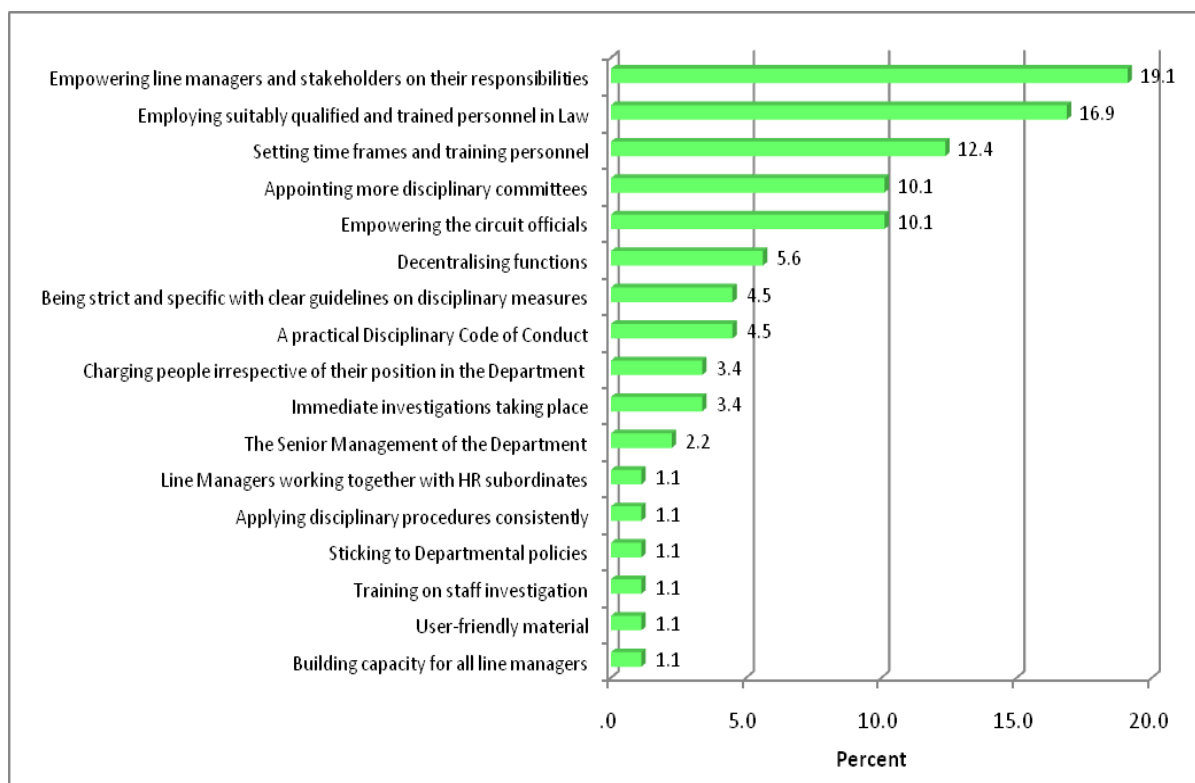


Figure 4.11 Q21 – percentage response graph

The data in the figure above are arranged in a Pareto format, from highest to lowest. The first five statements have responses more than 10%. The remaining statements have low responses, but may be valid comments.

A range of views were expressed in this question regarding expediting disciplinary processes. Despite the fact that this was an open ended question, there seems to be strong consensus on empowering line managers and stakeholders and their responsibilities (19.1% of the responses). This may suggest that ward managers feel disempowered in the sense that authority to discipline has been taken away from them or that they lack the necessary training and the skill to deal with discipline issues.

The view that ‘empowering suitably qualified and trained personnel in law’ could expedite the disciplinary process is quite interesting because the disciplinary codes caution against the disciplinary processes mimicking court proceedings in being bogged down by legal formalities and technicalities which themselves lead to delays. However, the comment may in fact be a reflection of the perception that the current practitioners who deal with misconduct proceedings need to improve their skills.

## Q22

*Table 4.9 Q22 – percentage responses*

<b>I think the disciplinary process could help improve work place harmony if ...</b>	<b>Percent</b>
Consequences are reflective of the transgression	1.2
All prescripts are void of ambiguity	1.2
Suspended employees be substituted	1.2
The period of suspension is shortened	1.2
Contracts should be renewed after ten years	1.2
Misconduct sanctions are dismissal	1.2
Managers subjected their subordinates to discipline evenly	2.4
Outcome of disciplinary process could be made known to everybody	2.4
Departmental policies were adhered to	2.4
Districts are given the opportunity to finalise cases	3.6
Line managers are trained adequately	3.6
Disciplinary matters are dealt with within the prescribed time frame	8.4
Employees should be work shopped on what contributes misconduct and job description	9.6
Process is expedited	19.3
Adjudication is consistently, fairly and meaningfully applied and monitored	41.0



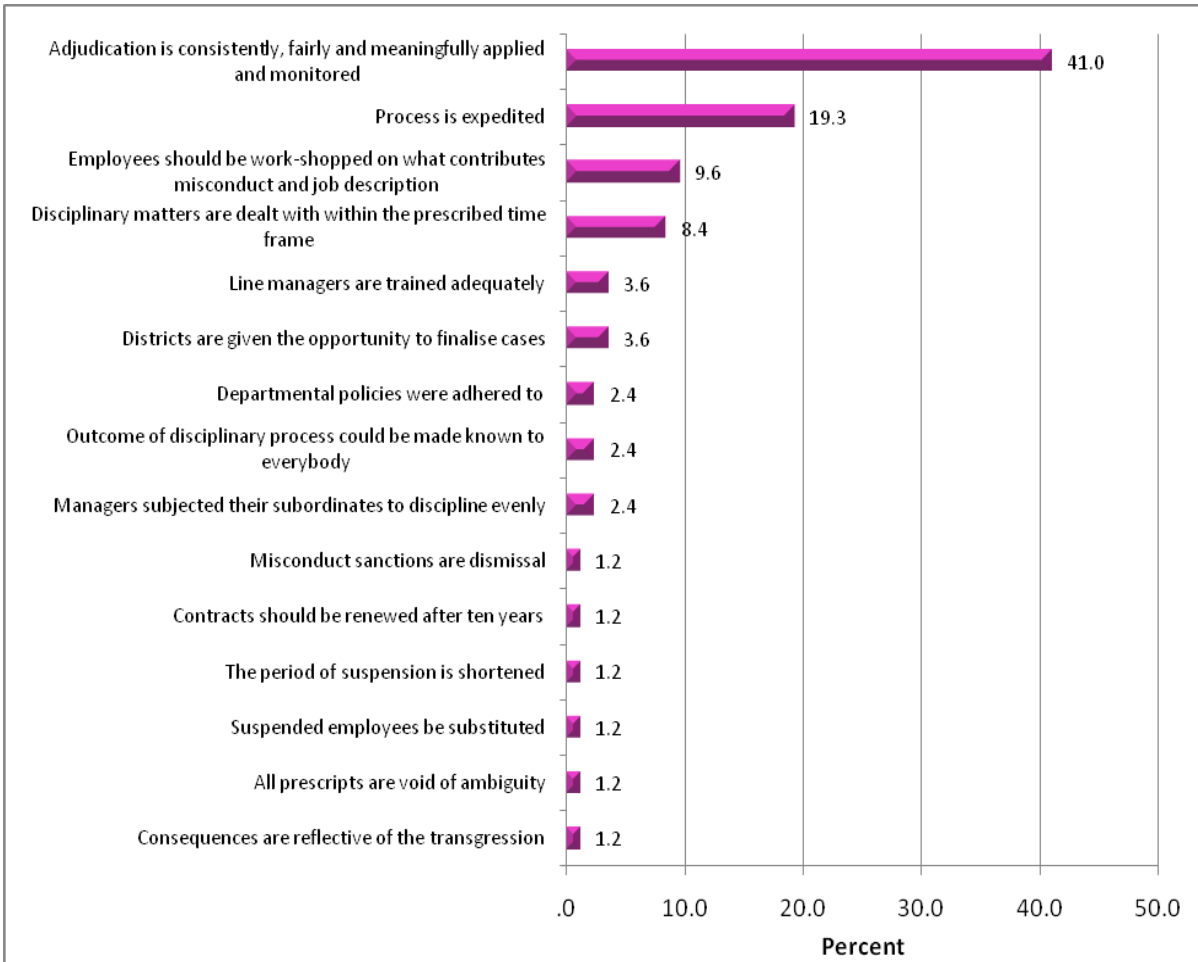


Figure 4.12 Q22 – percentage response graph

A large number of respondents (41%) indicated that emphasis should be placed on the consistent, fair and meaningful application of due process and that this should be monitored.

About one-fifth (19.3%) would like to see the processes come to completion more quickly than they are at the moment.

#### 4.6 Hypothesis testing

Hypotheses tests: **p-values and statistical significance**

The traditional approach to reporting a result requires a statement of statistical significance. A **p-value** is generated from a **test statistic**. A significant result is indicated with ' $p < 0.05$ '. These values are highlighted in yellow.

Two chi square tests were performed. The first was to determine whether there was any difference between the observed and expected values per statement. The null hypothesis claims that there is no difference between the observed and expected values (per statement). The results are presented below.

Table 4.10 Hypothesis test summary

Hypothesis Test Summary				
	Null Hypothesis	Test	Sig.	Decision
10	The categories of There is no consistency in decisions to subject employees to disciplinary action occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
17	The categories of The process of placing an employee on precautionary suspension is cumbersome occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
5	The categories of The process of discipline in the Department is fulfilling its stated objectives occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
8	The categories of The focus on rehabilitation in disciplinary processes should be increased occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
7	The categories of The disciplinary process in the Department is assisting in correcting behaviour occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
6	The categories of The disciplinary code and procedures are realistic and appropriate for the organisation occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
9	The categories of The absence of guidelines on disciplinary sanctions results in inconsistency in the application of disciplinary process occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
19	The categories of Staff shortage when employees are on suspension occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
20	The categories of Staff facing disciplinary action feel unsecure of their future occur with equal probabilities.	One-Sample Chi-Square Test	.008	Reject the null hypothesis.
3	The categories of Race occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
1	The categories of Period of exposure to the Department's disciplinary processes occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
21	The categories of Other staff may feel they can display the same behaviour as sanctions are slow in coming occur with equal probabilities.	One-Sample Chi-Square Test	.017	Reject the null hypothesis.
18	The categories of Line management is not sufficiently empowered to deal with disciplinary matters occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
16	The categories of It is impossible to conclude complex investigations within the prescribed period applicable to suspension cases occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
23	The categories of I think the disciplinary process could help improve work place harmony if ... occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
22	The categories of Inconsistency of application of disciplinary action occur with equal probabilities.	One-Sample Chi-Square Test	.001	Reject the null hypothesis.
2	The categories of Gender occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
11	The categories of Employees engaged in similar misconduct are treated equally occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
15	The categories of Employees are placed on precautionary suspensions for periods far in excess of the allowed time limits occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
14	The categories of Employees are placed on precautionary suspensions for frivolous reasons occur with equal probabilities.	One-Sample Chi-Square Test	1.000	Retain the null hypothesis.
13	The categories of Do you think discipline is applied consistently in the Department? occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
12	The categories of Do you believe discipline is applied fairly in the Department? occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.
4	The categories of Age occur with equal probabilities.	One-Sample Chi-Square Test	.000	Reject the null hypothesis.

Asymptotic significances are displayed. The significance level is .05.

The output indicates that all of the statements, except one, have responses where the frequencies are not equally distributed. Hence, all of the null hypotheses are rejected (except one). That means respondents' responses, for the most part, were directional.

The second Chi square test was performed to determine whether there was a statistically significant relationship between the variables (rows vs columns).

The null hypothesis states that there is no association between the two. The alternate hypothesis indicates that there is an association.

The results are presented in the table below.

Table 4.11 Significant values

	Period of exposure to the Department's disciplinary processes	Gender	Race	Age
The process of discipline in the Department is fulfilling its stated objectives	.071	.888	.773	.734
The disciplinary code and procedures are realistic and appropriate for the organisation	.032	.534	.911	.006
The disciplinary process in the Department is assisting in correcting behaviour	.511	.618	.595	.312
The focus on rehabilitation in disciplinary processes should be increased	.649	.131	.026	.994
The absence of guidelines on disciplinary sanctions results in inconsistency in the application of disciplinary process	.574	.204	.145	.327
There is no consistency in decisions to subject employees to disciplinary action	.878	.555	.835	.125
Employees engaged in similar misconduct are treated equally	.733	.723	.982	.044
Do you believe discipline is applied fairly in the Department?	.342	.282	.118	.177
Do you think discipline is applied consistently in the Department?	.904	.319	.802	.033
Employees are placed on precautionary suspensions for frivolous reasons	.361	.135	.641	.172
Employees are placed on precautionary suspensions for periods far in excess of the allowed time limits	.338	.804	.235	.697
It is impossible to conclude complex investigations within the prescribed period applicable to suspension cases	.567	.322	.285	.225
The process of placing an employee on precautionary suspension is cumbersome	.337	.118	.600	.894
Line management is not sufficiently empowered to deal with disciplinary matters	.797	.820	.787	.788
Staff shortage when employees are on suspension	.680	.458	.081	.882
Staff facing disciplinary action feel insecure of their future	.914	.364	.176	.195
Other staff may feel they can display the same behaviour as sanctions are slow in coming	.679	.999	.651	.518
Inconsistency of application of disciplinary action	.458	.142	.296	.516
I think the disciplinary process could help improve work place harmony if ...	.988	.619	.458	.519

The highlighted significance values indicate that there is a significant relationship between the variables.

For example, the significance value between 'Age' and 'Do you think discipline is applied consistently in the Department' is 0.033. This means that the respondents do not think

along the same lines with respect to the statement due to their age. That is, age played a role in terms of how the statement was answered.

In total, there were five significant relationships, three of which were age related.

#### **4.7 Conclusion**

Through this empirical study in the Education Department, the current levels of discipline practices were evaluated. The main objective of this project was to determine the 'feelings' of the respondents. The structured questionnaire was intended to validate information obtained from the respondents to establish the current status on disciplinary measures in the Department of Education. A detailed discussion of these results is provided in the following chapter.

## CHAPTER 5

### DISCUSSION

#### 5.1 Introduction

The previous chapter presented the output of results based on the statistical analytical tool used in the study (SPSS), and passing comment was made on the observations. This chapter presents a discussion on the research findings of this study. The findings are discussed in relation to the objectives of the study, including relating the findings to the literature review.

#### 5.2 Discussion of results of analysis in terms of the objectives of the study

##### *5.2.1 Perceptions on appropriateness and adequacy of the disciplinary code for the needs of the stakeholders*

As shown in Table 4.4 and Figure 4.5, at a general level, the results of this study on this aspect are inconclusive as a result of the even split between those who perceived the disciplinary process to be appropriate and effective. To compound matters, a substantial group of respondents (29%) were uncertain.

However, on the specific questions on this aspect, there was a strong perception that the code and procedures were inadequate and inappropriate. One such item is that relating to the procedure for suspending an employee. About 75% of respondents felt that the process is cumbersome. This prevailing view among the respondent group, which forms part of the value chain in the disciplinary process suggests there might be a need to review this aspect of the disciplinary process.

Similarly, over 90% of respondents believed that line management is not sufficiently empowered to deal with discipline issues. This view is consistent with similar views expressed in the literature on the matter. Marsh and Gillies (as cited by Redman and Wilkinson, 2001) aver that line managers themselves have openly admitted that they are

not sufficiently skilled to handle HR matters, including discipline. However, Procter and Currie (as cited by Redman and Wilkinson, 2001) argue that the development of line skill to deal with HR matters is dependent on whether or not HR is devolved down the line. In the context of the literature in this regard, it is clear that this concern is fairly widespread among line managers. The feeling of Ward Managers that they are not sufficiently empowered may be due to the fact that they are not vested with the power to take important decisions, and only see themselves as, at best, conveyor belts in the process.

In the previous Chapter analysis on the Implementation of the disciplinary codes (see Table 4.5 and Figure 4.6), close to 80% (79.55%) of respondents agreed with the statement that there should be increased focus on rehabilitation in the exercise of discipline. This might indicate a perception that discipline is applied in a punitive manner in the department and that not enough space is allowed to line managers to deal with discipline in a progressive, educative manner. Interestingly, there seems to be a greater consensus that there is inconsistency in the application of discipline (represented by the three statements with mean scores of 3.83; 3.75; 4.11). All these questions constitute what is an element of substantive fairness of disciplinary exercise.

### ***5.2.2 Perceptions on the fairness of the disciplinary processes***

Three questions on the Likert scale category (Q9, Q10 and Q11) assessed respondents' perceptions on this variable. Approximately 70% of respondents expressed a belief that the absence of guidelines on disciplinary sanctions results in inconsistency in the application of discipline. While this perception may be valid, it must be pointed out that the requirement that each disciplinary case be dealt on its own merits may itself lead to perceptions of inconsistency. If mitigating and aggravating factors have relevance in misconduct cases, then outcomes of disciplinary processes will probably differ as a result of differences in these factors.

Another cause of the perceived inconsistencies may be a function of the sheer size of the department and the different pre-dispositions of the various chairpersons or presiding officers in the disciplinary enquiries.



These comments are not offered are not offered to justify any inconsistencies, but as a caution in the interpretation of the perceptions. Further work is still warranted to investigate these perceptions, and to discount the influence of these factors in the analysis.

On the procedural fairness aspects, the results of this study show an overwhelming perception that

- employees are suspended for far too long;
- the proceedings themselves are dogged by excessive delays.

The length of a suspension and the length of a disciplinary process are something that can be objectively determined. Case law does suggest that a suspension of an employee, even if it is on full pay, has the effect of impugning the dignity of an employee in the eyes of colleagues and the community. Where appropriate, the courts and arbitration tribunals have ordered employees to pay compensation for the injury caused to employees who have been unfairly suspended. Some of the unfairness can arise not just from the decision to suspend, but also from the duration of the suspension. By the same token, the promptness of instituting and finalising disciplinary proceedings has been held to be an important constitutive element of the fairness of the process, and there is legal authority suggesting that if an employer takes too long to discipline an employee, it waives its right to discipline (Banderet, 1986; Grogan, 2007). This gives credence to the adage 'justice delayed is justice denied'.

Again, caution may need to be exercised in interpreting the results that suggest that disciplinary processes take too long to finalise. This is particularly important because processes may be delayed by employees themselves deliberately frustrating progress of the process, especially if the allegations are of a serious nature and they do not have a proper defence against the allegations.

It is useful to observe that in the results of the perceptions on fairness questions were included relating to respondents perceptions on the fairness of the disciplinary process (both substantively and procedurally) as well as the effectiveness and appropriateness of the disciplinary process. Interestingly, consistent with earlier responses to questions on this aspect, responses seem to suggest quite strongly a perception that there is no consistency

in the application of discipline in the department: 74.2% of respondents do not believe that discipline is applied fairly in the department; 79.8% do not think that discipline is applied consistently in the department; 74.7% stated that employees are suspended for excessive periods. All of these constitute elements of fairness in labour law, and more importantly the Code of Good Practice; Dismissal has codified them as determinants in the fairness of a dismissal, and it can be argued by extension, in disciplinary measures short of dismissal.

Three of the questions in this category set of questions related to perceptions about the appropriateness of the disciplinary process. In this category 80.9% of respondents agreed with the statement that it is impossible to conclude complex investigations within the prescribed periods applicable to suspension cases, 74.7% agreed with the process of placing an employee on precautionary suspension is cumbersome, while 92% responded 'Yes' to the statement that a line management is not sufficiently empowered to deal with disciplinary matters. These responses are interesting because earlier, 60.67% of responses had agreed that disciplinary code and procedures are appropriate and realistic for the organisation. It is useful to point out that the three questions in this category relate to an area where the respondent line function middle managers are the specific role players. In terms of organisational arrangements in the department, it is the responsibility of ward managers (the respondent group) to conduct investigations, and they generally are the ones initiating requests for the suspension of employees. The 92% 'Yes' response to the statement that line management is not sufficiently empowered to deal with disciplinary matters juxtaposed with a 100% 'Yes' response rate to the that disciplinary matters take too long to finalise in the department suggests strong consensus that current arrangements in the exercise of the disciplinary process may be inappropriate in that they are perceived to result in excessive delays.

### ***5.2.3 Perceptions on improving disciplinary process***

As reported earlier, the views of the respondents in this regard were sourced throughout the two open-ended questions. Question 21 asked respondents to offer their views on how the disciplinary process could be expedited. Although this was an open question about 20% of responses gravitated towards a proposal that line managers be empowered to deal with disciplinary matters. This empowerment might take the form of training these managers

better, or devolving the disciplinary functions to line managers. Further research may be necessary to establish exactly what is entailed by the concept of empowerment.

It is worth noting that there is literature suggesting line managers have shown a reluctance to become bogged down in what is perceived to be HR work, believing either that they are being 'dumped on', or that HR work (including discipline) is a luxury they cannot afford in times of great pressure emanating from their line responsibilities (Holden & Roberts as cited by Redman and Wilkinson, 2001).

The second area of improvement perceived by respondents was the recruitment of suitably qualified personnel in laws. This view was supported by approximately 17% of the respondents. As already observed, this suggestion is curious, given the prevailing consensus that the use of legal practitioners in internal disciplinary enquiries tends to complicate matters and result in delay. The view may in fact be an expression of frustration at the current delays, perhaps attributing such delays to incompetence and lack of capacity among practitioners currently dealing with misconduct matters.

Other responses that emerged relatively strongly were: setting time-frames and training personnel (12.4%), empowering the circuit officials (10.1%) and appointing more disciplinary committees (10.1%). Fifteen other response categories were provided by respondents, but these did not have much support (ranging between 5.6% to 1.1%).

However, some responses in the least supported category were quite consistent with some of the views on the effectiveness and fairness of the disciplinary process. An example of this is the proposal that disciplinary functions the least supported category were quite consistent with some of the views on the effectiveness and fairness of the disciplinary process. An example of this is the proposal that disciplinary functions be decentralised. This seems consistent with the perception that in the current system, line managers are not sufficiently empowered with disciplinary matters.

From the previous Chapter analysis on the disciplinary process, it must be pointed out that all of the respondents were line function middle managers responsible for oversight over schools. The results suggest that while there is an even split between these, for and against, the proposition that the disciplinary process is effective (represented by questions, the first

and third questions in this category), there was greater consensus that the disciplinary code, procedures themselves are appropriate (represented by the second question in this category). This response pattern suggests that if there are any shortcomings in the disciplinary process, blame cannot be placed at the disciplinary code itself, but rather on the implementation of the code. A possible reason for this might be that these line managers are not themselves directly involved in implementation, specialist labour relations practitioners are.

### **5.3 Aims and objectives of this study**

The items in the research instrument were designed so as to cover all the aims and objectives of the study. Indeed, the responses addressed these aims and objectives. Although not much research has been conducted locally to cover this area, the results are consistent with research on the subject of discipline conducted internationally. This research has identified some shortfalls in the survey methodology employed in this research, and appropriate recommendations to complement this work or to uncover new insights in this area are made in the next chapter.

### **5.4 Conclusion**

This chapter has provided a detailed discussion of the results, especially respondents' responses in relation to the key objectives of the study. This discussion included, where possible, comparisons with available literature, and in other instances, anecdotal evidence and practices within the Department of Education. The next chapter provides conclusions of the whole study, and offers recommendations for further research in this area.

## CHAPTER 6

### CONCLUSIONS AND RECOMMENDATIONS

#### 6.1 Introduction

This chapter presents an evaluation of the implications of this study *vis à vis* the problem statement, looking at the questions that the study set out to answer. Limitations of this study are acknowledged, and recommendations for further research are offered.

#### 6.2 The problem statement

This study set out to explore Ward Managers' perceptions on the effectiveness and fairness of the disciplinary processes of the KwaZulu-Natal Department of Education. The operating premise was that in order for the Department to achieve its mission of providing access to quality education for the people of KwaZulu-Natal, the right climate has to exist for this to happen. Among other things, discipline of employees and fair treatment of employees provide an enabling environment for the provision of services. This study has established that Ward Managers do perceive the disciplinary process to be ineffective and to be unfair to employees. It has also identified areas which, in the view of the Ward Managers, require improvement. However, the study was not able to establish why the Ward Managers hold these perceptions, or even highlighted in more specific terms, in what aspects the disciplinary processes are ineffective.

#### 6.3 Implications of the study

According to Herzberg's theory of motivation, so-called hygiene factors, though not directly contributing to motivation itself, have an influence on the satisfaction/dissatisfaction experiences of employees (Robbins & DeCenzo, 2001). Discipline and fair treatment of employees in the workplace constitute aspects of hygiene factors which may influence performance.

What this study has shown is that an important section of line management and the Ward Managers do not hold positive views about the disciplinary processes in the Kwa-Zulu Natal Department of Education. As indicated earlier in this study, Ward Managers or Superintendents of Education (Management) are the immediate supervisors of the principals in the schools. In a sense, they exercise substantial influence on the schools, as they are the direct link between the administration side of the education system and the school system, the actual site of teaching and learning. If these views that have been articulated by respondents in this study are widely held views, then there is a real danger that lack of confidence in the disciplinary system may be transferred downstream to the principals, teachers, and even school governing bodies.

Lack of confidence in the disciplinary system may ultimately result in acts of misconduct not being reported to structures that deal with misconduct, resulting in the spiralling of the misconduct problem, or resulting in communities resorting to unorthodox methods of resolving problems in the schools. This in itself may complicate matters.

#### **6.4 Limitations of the study**

Although every effort was expended to ensure the results of this study are reliable and valid, some threats to validity and reliability still remain.

The first threat emanates from the methodology followed on this study, i.e. the self-administered questionnaire. Self administered questionnaires, delivered to respondents and collected later, have a potential to suffer from contamination of information arising from respondents consulting with one another before responding to questions (Saunders: 359). This threat is particularly real in the present study because respondents work as colleagues in the same offices.

Another threat to the reliability and validity of the results emanates from the potential of questions order effects creeping into the study. According to Schuman and Presser (1996), apart from sampling error, question order effects are probably the most frequently offered explanation for an unexpected or unreplicated survey finding. Individual survey questions are not asked in isolation, but as part of a flow of questions which may influence the answer

to the questions. Since this study has not been repeated with a change in the question order, the potential always exists that different results may be obtained if the questions were asked in a different sequence.

## **6.5 How the research has answered the research questions**

This study sought to answer four specific research questions, which follow below, together with a brief discussion of whether or not the study has answered these research questions and how these questions have been dealt with in the study.

### ***6.5.1 Are the disciplinary processes in the department of education fair to both employer and employee?***

This study has found that there is a strong perception among the respondent group that disciplinary processes in the department are not fair to the employees. The fact that different employees engaged in similar misconduct, are not treated fairly points to this lack of parity in the outcomes that flow from the same or similar misconduct issues. Another incident of unfairness is the suspension of employees for unduly long periods of time. The courts have held that precautionary suspensions imposed for an unreasonable period of time constitute an unfair labour practice (Grogan, 2007).

From the employer's perspective, especially at operational level, long suspensions negatively impact on the operational capacity of the component or school where the suspended employee is employed. This is normally the case because suspended employees are not replaced. In that sense, the long suspensions can be construed to constitute an unfairness for the employer as well.

### ***6.5.2 Are the disciplinary processes appropriate?***

A slight majority of respondents felt that the disciplinary processes are appropriate. However, it is difficult to conclude with certainty that this question was adequately answered. Firstly, the split between those who felt that the processes are appropriate and those who disagreed was almost even. Secondly, more specific questions on this aspect suggested a negative response. It would appear that the phrasing of the questions or items

themselves may have not elicited clear responses. For instance, it might be necessary to separate the question to indicate whether the provisions of the disciplinary code itself are inappropriate or whether the implementation side of the procedures is inappropriate.

### ***6.5.3 Are the disciplinary processes in the department applied consistently?***

The overwhelming perception among respondents was that the disciplinary processes in the department are not applied consistently, both in terms of the decisions to subject employees to disciplinary action and the sanctions that flow from disciplinary action. The absence of guidelines on disciplinary sanctions was sighted as one of the weakness of the current disciplinary processes.

However, as indicated earlier, there are justifiable limits to the application of the so called parity principle in labour law (Grogan, 2007).

### ***6.5.4 Are the disciplinary processes in the department adequate to address the needs of the employer, but considerate of employees?***

One of the key findings of this study is the perception among middle managers that the delays in finalising disciplinary processes tend to be counter-productive in that a sense of impunity is generated among employees if sanctions take too long. When this happens employees believe that the process is ineffectual and they are thereby either emboldened to commit misconduct themselves, or they get demotivated (Buhler, 2009). This finding suggests that the disciplinary process, as currently implemented in the department, is not adequate to address the needs of the employer. Again, this does not suggest that there is any problem or inadequacy of the disciplinary code and procedures themselves, but perhaps the manner in which they find expression at implementation level.

Similarly, employer-occasioned delays may lead to a conclusion that the process is insensitive to employees. It is inconceivable that an employee would prefer to sit out without being gainfully employed while serving an indefinite suspension. This is particularly the case when there are pending investigations that never seem to come to finality.



## **6.6 Recommendations for future study**

A study of perceptions among users of any system or product is always necessary in order to understand how well the system or product is received by the users, and to investigate areas in need of improvement. This study has made a start in that process. However, there is a need for similar studies targeting a different set of stakeholders or role-players. These stakeholders include senior managers, junior level employees, and unions.

School Governing Bodies, as an important stakeholder in education, may themselves offer some useful insights in the matter of discipline, especially as it affects the functioning and health of the school system. It is recommended that a different study, soliciting the knowledge, attitudes and perceptions of this important stakeholder be conducted.

Further work is still warranted to investigate these perceptions, and to discount the influence of these factors in the analysis. Where appropriate the courts and arbitration tribunals have ordered employers to pay compensation for the injury caused to employees who have been unfairly suspended for long periods.

Further research may be necessary to establish exactly what is entailed by the concept of empowerment.

## **6.7 Conclusion**

This chapter has looked at the study in its entirety, revisiting the problem statement and relating the findings of the study to the problem statement and the specific research questions set out at the beginning.

On the whole, the study has been able to address the problem statement and to answer the research questions and objectives.

Where gaps and limitations have been identified, these have been honestly acknowledged. Recommendations for further research have been offered, both in regard to different methodological approaches that can be employed, as well as the different target respondents for the study in order to obtain more holistic, reliable and valid conclusions

over different stakeholder categories of the discipline process in the Department of Education.

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