

UNIVERSITY OF FORT HARE

DEPARTMENT OF BUSINESS MANAGEMENT

HUMAN RESOURCES MANAGEMENT  
BEC213/E

MAIN EXAMINATION MEMORANDUM

JUNE 2023

Time: 2 HOURS  
Subject: BEC213/E  
Marks: 75

Internal Examiners: Ms Anesipho Fobosi

Ms Mari Ford

Moderator: Dr Juliet Townes

INSTRUCTIONS

1. Answer ALL questions
2. Number the questions correctly
3. Write your student number and name on your answer books.
4. Write legibly.
5. Enter the numbers of the questions answered on the front cover of your answer books.
6. Indicate the number of answer books handed in on the front cover of each book.

115 - RFL 4145 Foundation  
128 - ELF 411E Inter

## Case study 1

Lerato is a young married woman, and has been working for a year at the Classic Cleaning Company (CCC). In this time, she has experience constant sexual harassment from her supervisor, Trevor. She has pleaded with him to stop his behaviour, but nothing changes. Two other women working in the company confessed to Lerato that they have also been harassed, but have kept quiet about it. They feared that they would be dismissed, because Trevor is the owner's son and all the senior managers are afraid of him. Lerato wants to resign, but she is the only breadwinner in her family and is supporting her husband and two small children, so she feels trapped. She has met several times with Trevor's direct boss, Tembela, who always promises to investigate the matter, but then nothing changes. The stressful situation starts to have an impact on Lerato's health and on her performance, as she can no longer do her work properly. She takes more sick leave and struggles to concentrate at work. After several months of this, Lerato is called in by the senior managers, who inform her that she is fired, because of her poor performance.

*[Adapted from: Nel et al. 2017]*

1.1 With reference to the correct legislation and to aspects of fairness, advise the senior managers about the law regarding dismissals. Under what conditions can employees be dismissed and do these apply to this situation?

[15]

Textbook pages 440 – 445: There are only three legal substantive reasons for a dismissal to be substantively fair – misconduct, incapacity or infrastructural reasons. 5 marks for discussing each and noting that they do not apply

1.2 Discuss the principles of procedural and substantive fairness and advise if they have been applied to this situation.

[10]

### **ANSWER (complete below) – 1 MARK FOR ANY OF THE FOLLOWING POINTS**

- Procedural fairness refers to the correct and lawful procedures being followed in order to dismiss someone or to discipline them.
- The principles of procedural fairness have been violated in the following ways:

- not subjected to a disciplinary hearing and no proper investigation took place into the allegations.
- not notified in writing of the charges / allegations
- not afforded a reasonable period to prepare defence. (Normally being 48 hours)
- not afforded the right representation, normally an employee or a shop steward from within the company.
- if required, the company must provide the services of an interpreter
- must be given the opportunity to plead in respect of the charges and must be given the opportunity to state his case and defend it, call witnesses, cross examine company witnesses and submit mitigating factors in the event of a guilty finding
- The findings and sanction must preferably be in writing, after the conclusion of the disciplinary hearing.
- must be informed of his right to appeal against a decision and thereafter if appropriate refer the matter to the CCMA within the prescribed time period (30 days)
- A neutral or impartial chairperson must preside at the disciplinary hearing.
- The employer must comply with its own disciplinary code and procedure.

The principle of substantive fairness states that the reason for dismissal must be substantive –

There are only three legal substantive reasons for a dismissal to be substantively fair – misconduct, incapacity or infrastructural reasons

Therefore the principle of substantive fairness has been violated in this case

If the owner claims dismissal for misconduct – then for it to be substantively fair the following elements should be present:

- A rule must exist, be legitimate and reasonable, be known or reasonably expected to be known, contravened and consistently applied
- The punishment must fit the crime
- Gone through a process of verbal and written warnings

1.3 Lerato is a union member and goes straight to her union representative. Discuss the role and the rights of both Lerato and the union in this situation according to the law.

[5]

**ANSWER (complete below) (1 mark for any of the following points)**

- Labour Relations Act protects freedom of association – Lerato has a right to be a union member
- Lerato is allowed to be a member and ask the union for help.
- Unions are there to protect workers' rights and interests.
- Trade union officials may enter the employers premises and hold a meeting with Lerato to discuss her situation
- Trade union officials can provide her with advice regarding the issue that she has with Trevor.
- Trade union can represent Lerato in a meeting with the employer and will promote her rights in the situation (disciplinary hearing)
- If the issue is not resolved, the trade union will advise her to take the issue to the CCMA
- Trade union officials will accompany Lerato and represent her at the CCMA hearings.

1.4 On the advice of her union representative, Lerato decides to go to the CCMA. Discuss, with reference to this situation, the process of dispute resolution that the CCMA follows. What are the possible outcomes of this situation? [10]

Textbook page 458: concialtion / mediation / arbitration. 3 marks for describing each and discussion the outcome – Lerato must be re-instated.

Jubs 14000  
7500  
21600

**Case study 2**

Richard and Sibongile are partners in a growing insurance company, and last month they decided to hire a secretary. They placed an advertisement in the local newspaper, stating that they were looking for a female between the ages of 45 and 50 with good secretarial skills. Potential applicants were told to phone Richard on his cell. They did this, because he wanted to first screen the applicants over the phone to make sure they were confident in English. If their English was not good enough, he told them that the position had already been filled. Those who spoke well, were asked their age and their marital status and questioned on their secretarial experience. Those who were married were asked if they planned to have any children. If he felt that they were acceptable, he then told them to submit a CV. When the CVs came in, they identified three women who they thought would be acceptable. Richard then contacted each person and asked them to come for an interview. The interviews were very short, averaging ten minutes, with both Richard and Sibongile asking whatever question came to mind. At the end of the three interviews, Sibongile noted that she didn't like the appearance of the first candidate and didn't like the voice of the third. Richard agreed, and they decided to offer the position to the second candidate, Lindiwe, who accepted.

[Adapted from: Nel et al. 2017]

2.1 Provide a critical analysis of the recruitment and selection process described above. List all the aspects that they have done wrong and advise them on how they should have done it differently, making reference to the legislation that governs this process.

[15]

Textbook pages 154 – 165. 1 mark for each error made. Advertising for woman / ages / English / selection / random / no notes / no questions / pregnancy / Employment Equity Act governs / only advertised in local / short interviews / no skills checking / no reference checking etc. marks for advising on correct process.

Lindiwe started work the following week, and was shown to her desk which had a phone and a computer. She soon realized however, that the job was not going to be easy, as the phone rang constantly and both Richard and Sibongile were very demanding. Nobody showed her what to do, or how to do it, and she had to figure things out for herself. In the first month she was there, Richard came and stood next to her desk to check on her work, and often complained that she was working too slowly or told her she was not friendly enough to clients on the phone. Lindiwe became very demotivated and was angry that nobody had ever told her what was expected of her, or how she was doing. She felt that there was no recognition, and that the job itself was monotonous and boring. She had no authority and any decision she made had to first be cleared with either Richard or Sibongile. She decided immediately to start looking for another job and left the following month. This came as a surprise to Richard and Sibongile, who were now left in the lurch and had to try and find someone else at short notice.

2.2 Advise Richard and Sibongile on the different aspects involved in managing and motivating new employees. Specifically, you should mention the following:

- Onboarding
- Job descriptions
- Job design
- Any relevant training and development methods
- Benefits and incentives that they might consider

[20]

Onboarding page 165 – correct description and importance etc / Job descriptions page 136 describe what should contain and how it motivates / job design page 132 describe different options for making jobs more interesting / T&D page 408 any relevant methods / bens & incentives page 394 any relevant

TOTAL: 75 MARKS

MMRNU