

UNIVERSITY OF NAIROBI

THE ESSENCE OF INTEGRITY IN STAFF DISCIPLINARY PRACTICES

a) DISCIPLINE:

A definition:

- The outward marks of respect for our covenants.
- The expectation leads to:
A system of rules for conduct, and
A code of acceptable conduct.

b) INITIATION OF THE EMPLOYMENT RELATIONSHIP:

i) **Letter** of appointment or promotion:

- Offer of appointment, with effect from a specified date
- Terms of service: permanent and pensionable hence the contract
- Duties will be specified to the appointee by **an identified officer**
- Acceptance of offer "on these terms".

ii) Terms of Service Document:

a) The duties of a member of staff will be specified on behalf of the University by the relevant Head of Department **or by such other officer** as may be authorized by him.

b) Members of the Administrative staff will be required to undertake such duties as are, in certain cases, determined in the University of Nairobi Act, the Statutes and Regulations of the University or as may be determined by the Vice-Chancellor or the Deputy Vice-Chancellor (A & F).

c) The **Code of Conduct and Ethics** for Public Universities (in furtherance of the exercise of powers conferred by sections 5 (i) of the Public Officer Ethics Act 2003) with the Commission for Higher Education as the responsible agent.

d) The employment Act, 2007:

Provisions:

S. 4l: **Notification** and hearing before termination on grounds of misconduct

S. 43: Proof of reason for termination, hence the provision for:

- The Staff Disciplinary Committee
- Member of staff being accompanied by shop floor union representative.

S.44: Summary Dismissal on grounds of gross misconduct

S.45: Unfair termination: in pursuit of justice, fairness, equity

e) The Labour Relations Act, 2007:

S.56: Permission for Trade Union access to the employer's premises

- To recruit members for the trade union
- To represent members of the trade union in dealings with the employer

S.57: Collective Bargaining Agreements

c) THE EMPLOYMENT RELATIONSHIP

Meaning:

- The term employment relationship describes the inter-connections that exist between employers and employees in the workplace.

- The **interactions** may be:

i) Formal, e.g.: Specified term contracts of employment;

ii) Informal e.g.: Psychological contract (expression of certain assumptions and expectations);

iii) Individual dimension, e.g.: Individual contracts and expectations

iv) Collective dimension, e.g.: relationship between management and trade unions, staff associations or members of joint consultative bodies such as labour councils.

d) THE BASIS OF THE EMPLOYMENT RELATIONSHIP

- The starting point of the employment relationship is **an undertaking by an employee to provide skill and effort to the employer** in return for which the employer provides the employee with a compensation package including salary/wage.

- Initially, the relationship is founded on a legal contract. This may be a written contract, but the absence of such a contract does not mean that no contractual relationship exists.
- Employers and employees still have certain implied legal right and obligations. The employer's obligations include the duty to pay salary/wages, provide safe workplace's, to act in good faith towards the employee and not to act in any way as to undermine the trust and confidence of the employment relationship.
- The employee has corresponding obligations which include **obedience, competence, honesty and loyalty.**

e) MANAGING THE EMPLOYMENT RELATIONSHIP:

The nature of employment relationship is strongly influenced by Human Resource actions in the following areas:

i) Recruitment interviews: presenting the favourable as well as the unfavourable aspects of a job: realistic job previews.

ii) Induction programmes: Communicating to new starters the organization's Human Resource policies: procedures and core values, standards. of performance.

iii) Employee handbooks: To reinforce the messages delivered in induction programmes.

iv) Performance management: To ensure that performance expectations are agreed and reviewed regularly.

v) Personal development plans: Spelling out how continuous improvement of performance can be achieved, mainly by self managed.

vi) Learning and development programmes: To underpin core values and define performance expectations.

vii) Human Resource Procedures: Developed to cover all areas such as grievance handling, discipline, EEO, promotion.

viii) Human Resource policies: Developing Human Resource policies in major areas such as employment, development, reward and employee relations.

ix) Reward system: for attainment of equity, fairness and consistence in all areas.

x) Employee relations procedures: which provide guidance on processes and issues that further good collective relationships.

f) TRUST AND THE EMPLOYMENT RELATIONSHIP

- Trust should be regarded as **social trust, a fund of goodwill** in any social group that enables people within it to collaborate with one another
- A unique human resource capability that helps the organization fulfill its competitive advantage. It is a core competence that leads to high business performance.

• Trust: - a firm belief **that a person may be relied on;**
The belief that **those on whom we depend will meet our expectations of them;** those expectations are dependent on our **assessment of another's responsibility to meet our needs.**

g) A CLIMATE OF TRUST;

It has been described as:

Organizational **participants share certain ends or values;** bear towards each other **a diffuse sense of long term obligations;** offer each other **spontaneous support** without narrowly calculating the cost or anticipating any short-term reciprocations: communicate honestly and freely; are ready to repose their fortunes in each other's hands; and, **give each other the benefit of any doubt** that may arise with respect to good will or motivation.

h) WHEN DO EMPLOYEES TRUST MANAGEMENT?

Management is more likely to be trusted by employees when the, latter:

- i) Believe that management means what it says;
 - ii) Observe that management does what it says: suiting the action to the word;
 - iii) Know from experience that management delivers the deal; it keeps its word and fulfils its side of the bargain;
 - iv) Feel that they are treated fairly, equitably and consistently;
- It may not be possible to "manage" trust, but trust is an outcome of good management. It is created and managed by managerial behaviour and by the development of better mutual understanding of expectations.

i) JUSTICE:

To treat people justly is to deal with them fairly and equitably. Hence:

i) Distributive justice:

- How rewards are distributed
- People will feel that they have been treated justly if they believe that rewards have been distributed in accordance with their contributions

ii) Procedural justice:

- The way in which managerial decisions are made and Human Resource procedures are managed.
- If management's decisions and procedures are fair, consistent, transparent, non-discriminatory, considerate and participatory.

h) DISCIPLINARY ACTION:

- Usually as a result of the breaking or breakdown of the code of conduct.
- The prime objective of discipline is to try to ensure that this stage is never reached; or, should it come about, to make sure that justice is seen to be done and that the pre-existing code of conduct is restored/re-established.
- "It has been reported that you neglected and/or failed to perform your duties..."

TWO COMPONENTS:

- "Accepted"** discipline:
Standards of behaviour, manners, etiquette and courtesy
- "Imposed"** Discipline:
The rules and regulations, legislation and other statutory requirements.

i) THE OBJECTIVES OF DISCIPLINE:

- To the organization:
Attendance of **work**, work rate, stability, profitability, public relations
- To the customer:
Service, price, quality, delivery, **value**, presentation
- To the employees:
Safety, hygiene, welfare, security of wages
- To the public:
Safety, **corporate social responsibility**, corporate image
- To the future/posterity:
research effort, **long term** security, use of people's creativity.

j) BASIC ELEMENTS OF THE DISCIPLINARY ACTION PROCESS

- i) It is the essential nature of the **leadership** and command of the supervisor.
In recent years this authority has tended to be checked by increasing **legalistic** approaches, labour contracts and greater and greater trade union activism.
- ii) The ever-increasing need for **clarification of what is expected** of an employee in the way of behaviour: the establishment of reasonable rules and regulations that contribute to effective operation.
- iii) When an offense takes place; it is important to establish and maintain proper records concerning the nature of circumstances; and, record of the action taken by the supervisor is also essential in view of the need for **written evidence** in the modern legalistic environments
- iv) Non-judicial attitude: **objective facts**, discipline be meted to those who deserve it to avoid permanent destruction of morale of employee and general loss of **respect of the supervisor**.

USEFUL DOCUMENTS

University of Nairobi Calendar, 2010/2011
University of Nairobi Staff Handbook
University of Nairobi Service Charter
University of Nairobi Financial Regulations
University of Nairobi Induction Programme
University of Nairobi Strategic Plan 2008/2013
The Code of Conduct and Ethics for Public Universities
The Public Officer Ethics Act, 2003
The Employment Act, 2007
The Labour Relations Act, 2007

SELECT REFERENCES

- Cameron, K.S. & Caza, A. (2002) "Organizational and Leadership Virtues and the Role of Forgiveness", *Journal of Leadership and Organizational Studies*, 9: pp. 33-48.
- Dutton, J.E. (2003) *Energize Your Workplace: How to Create and Sustain High Quality Relationships at Work* . San Francisco: Jossey-Bass.
- Luthans, F. (2002) *Organizational Behavior* 9th ed. New York: McGraw-Hill .