

PLAYING WITH FIRE

It's no secret that in the retail trade, one of the biggest risks faced is shrinkage or stock loss but contrary to popular belief shoplifting is not the major cause. Yes, customers shoving a chocolate bar or whatever down wherever does go on and is a thorn in the retailer's side. Y'see profit margins being what they are, if you lose one chocolate bar you have to sell about another four to make up for the loss. But non-paying customers are just the tip of the iceberg. The stats are in fact quite different and startling – in a nutshell, most theft is employee theft. So as a retailer you have to make sure that there are stringent controls and strong deterrents in place to control the backdoor Kit-Kat turnover.

I used to be Personnel Manager of a very large retailer in South Africa and to this day I am still haunted by a dismissal that I was party to. I remember the sentiment applied for incidents of theft. Of paramount importance was the need to send out a strong message to employees about management's lack of tolerance for dishonesty, therefore any transgression, real or implied would be dealt with severely. The control system in place at that time was clear - anything brought into the store which could be purchased there had to have a security stamp on it (in other words you had to declare it on the way in so that you could leave with it on the way out.) I guess it's a bit like Jwaneng Mine, though on a slightly smaller scale! The poor lady in question, however negligently, had a lipstick in her possession that happened to be part of the product range carried in the store. Upon going home in the evening she was randomly selected to be searched and lo-and-behold was 'caught in possession of unauthorized goods'. The company's policy was clear – dismissal. The fact that the lipstick was well used and to all intents and purpose the employee was an exemplary one and sole breadwinner to a family of four were not taken into consideration when sentence was passed.

All humanity, thought and compassion was tossed aside like a used cigarette butt and it was like a playout of Lewis Carroll's Alice in Wonderland: No, no!' said the Queen. 'Sentence first--verdict afterwards.' 'Stuff and nonsense!' said Alice loudly. 'The idea of having the sentence first!' . I felt just like Alice - I can't remember the lady's name but her face and look of disdain she gave me when she was dismissed are etched in my brain forever.

I like to think that in the region we have progressed a lot in terms of how we handle discipline in the workplace, although two incidents this past week make me consider otherwise. First was a man who had been dismissed for industrial espionage – how glamorous! How brave! How foolish! Line management must be mad! I would never be bold enough to pin this on anyone – do you know how difficult this is to prove such a charge?. This poor fellow had everything thrown at him and as each attempt to fire him failed, management became more desperate. Clutching at straws they finally convinced themselves that he was just no use, a claim enthusiastically supported by the General Manager's wife who just happened to work for the company and couldn't resist getting her tuppence-worth in. On the flimsiest of evidence and with clear evidence of prejudice and paranoia he was out on his ear.

My second case was even more absurd. A high-performing sales agent with a track record of tons of professional and sales awards had the audacity to apply for work at the competition where the future looked brighter. This was a cardinal sin in the eyes of her employer who advocated that the future was quite bright enough with them. Suddenly wham bam thank you ma'am, her services were no longer needed and she was fired. An open and shut case of unfair dismissal whichever way you looked at it and one that disturbingly the Human Resources department was unaware of.

In both instances, maybe there is more to the incidents that meets the eye, maybe the employees were a little bit irritating , maybe they picked their noses in front of customers, or farted during board meetings. Whatever the reasons , dismissal appears to be an over-the-top and extreme management reaction and both individuals have unequivocal grounds for taking their appeal into the dominion of the law. Furthermore, both will win their cases, of that I am sure. Obvious procedural shortfalls and ridiculous lack of substance in deciding punitive measures suggest a victory for the employees in the Industrial Court eventually. But their day of reckoning will be a long time coming because the IC won't even consider entertaining their grievances for at least another year. In the meantime however both dismissed employees face the reality of being unemployed with bills to pay, and other financial commitments to meet.

The suggestion that the balance of power between employee and employer is tipped towards the latter is ridiculous. The employer is, and always will be, more powerful than the employee and unless there is legislation to balance the scales , exploitation will always occur. Take the two examples above - the employer can dismiss unfairly and punishment is, worst-case scenario, 6 months pay to the employee, which is the maximum penalty the IC can award. Hardly compensation for trashing a career, is it? Because once you are dismissed in this town you are about as sellable as an electric blanket in summer.

It really makes me angry. Here are people who, through no fault of their own, have been subjected to poor, reckless and irresponsible management, have been driven from their jobs and unfairly labelled as untrustworthy or incompetent, prospective employers taking the view that If someone else doesn't have confidence in them then neither should they.

Don't get me wrong, I am in full support of employees being dismissed for failing to adhere to the employment contract. However it is criminal when people are dismissed for petty and unjust reasons and this affects whole families. And what of the broader implications when the IC proves a toothless tiger unable to punish poor HR practices from the big operators who are quite happy to trade a little temporary bad PR in order to shed some of their excess employee weight?.

With all the media hoopla around Donald Trump's televised use of the phrase, "You're fired!", you would think that losing one's job these days is no big deal, or even the new big thing. Maybe so in high-profile cases but in real life the experience of sudden dismissal remains mostly a private, pain-filled and rather brightly-lit hell. It doesn't matter what age you are, whether you love or hate your job or are whether you're even right for it, whether your sales are down, if you knew you were in trouble or even if your employer is going broke - being fired sucks!

