



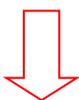
NTEU at NMMU



## 10 Ways To Stay Motivated When Negativity Seems To Be All Around

In life, there may be times when negativity seems to surround you, suffocating your dreams and destroying your hope. When that happens, many go through their day being saturated with negativity and accepting it as a way of life. While you can't always control what happens to you, you can control how you respond to it. Seek to create a positive environment for yourself and you'll begin to become more motivated to achieve your dreams and goals. Here are 10 ways to stay motivated through hard times:

- 1. Have an attitude of expectancy.** You will get what you expect. Expect something great to happen for you every day and it will. Say aloud each morning to yourself in the mirror, "I expect something good to happen for me today!"
- 2. Take control over what you can, and stop worrying about what you can't.** Some things are within your control, while other things are not. Learn to recognize the difference. Refuse to worry about circumstances beyond your control. Don't allow yourself to become so emotionally entangled that it paralyzes your progress. Things may not always work out perfectly, but the sooner you get over them, the quicker you move on to your next victory. Only you can control your own actions and reactions.
- 3. Read and listen to positive information.** If you fill your mind with uplifting and inspiring information, it will keep you motivated. Go to the bookstore or library today and find at least one book on a positive topic that will give you a boost. You need constant reminders telling you that you are capable of achievement.
- 4. Be with positive people as often as possible.** Negative people and conversations will have you focused on all the wrong things and may take your focus off of your goals. Seek out positive people and don't engage in negative conversations. Instead, choose to remain neutral or just don't participate at all. If you find yourself caught in the middle of a conversation that is going in the wrong direction, change the subject to something productive. Try saying something like, "I am focused on finishing this new project. I'm really excited about it." If you are stuck on the phone with a negative person, you could cut it short by telling them, "I have an important appointment/meeting/conference call in five minutes and I need to finish preparing for it now."
- 5. Speak positive affirmations.** Words have a creative force. Regardless of what is going on around you, speak out loud what you want to happen. Write out an affirmation that you can say daily and put it up somewhere that you are sure to see it every day, like your bathroom mirror or your refrigerator.
- 6. Learn from your mistakes, instead of repeating them.** We all make mistakes; the key is to learn from them and keep on moving. Conduct regular self-evaluations and examine how you handled situations and what you could do differently next time. Write down possible solutions and outcomes so when you are faced with a problem you can properly think through the best way to handle it.
- 7. Make a plan.** There is a very popular saying: "If you fail to plan, you plan to fail." When you take time to plan, you allow yourself to think through the entire process from beginning to end. This can spark ideas, improve productivity and ensure a great outcome. Once you have a written agenda, you are immediately going to be motivated to accomplish it. Without one, you have nothing to run with and end up feeling stuck. Write out your to-do list the night before. Identify the three most important things that you must accomplish the next day and start with those first.



Create your own visual style... let it be unique for yourself and yet identifiable for others.

*Orson Welles*



## Lie about the reason for termination - or else....

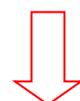
Imagine that an employee is legitimately dismissed for misconduct. A few days later a union official calls, requesting the company to change the reason for termination to "retrenchment" on the employee's certificate of service and UIF form - so that it does not look bad on the employee's record. And if the employer does not agree to this, says the union, they will refer a dispute of unfair dismissal to the CCMA.

So - the employer has done everything right in dismissing the employee for misconduct and there are no grounds for an unfair dismissal claim. If they choose not to give in to a demand to lie to the UIF and future employers of the dismissed employee, they will be subjected to a baseless referral to the CCMA, time and costs wasted - as a reward for refusing to be dishonest. One has to wonder if the union (from experience) has a legitimate expectation that the matter might be settled at the CCMA on this basis - cementing the lie in a sanctioned CCMA settlement agreement. Would the fact that the parties agree to a misrepresentation in order to avoid adjudication, make it an 'acceptable' lie?

Employers who might be tempted to "assist" employees by lying in this way, or by saying that they had been dismissed when in fact it was a resignation or otherwise agreed separation, beware!

In *KLM Consulting (Pty) Ltd v CCMA and Others (JR1256/2005)* [2014] ZALCJHB 377 (3 October 2014) the Labour Court expressed its disapproval of such practices in no uncertain terms. The employee had referred a matter to the CCMA on various bases, including an unfair labour practice and that she was not paid her agreed retrenchment amount. The CCMA determined the dispute to be a retrenchment dispute and further dealt with the matter at arbitration as a retrenchment dispute.

The commissioner's award against the employer was then referred to the Labour Court for review, inter alia on the ground that the employee had in fact resigned and that it had not been a retrenchment. The court was told by the employer's attorney that there was no retrenchment and that reference to the employee being retrenched was an accommodation between the employee and the employer to allow the employee to qualify for certain statutory benefits (presumably UIF). The attorney conceded that at no point during the arbitration or cross-examination of the employee, did the employer suggest to the employee that there was never a retrenchment, but that she resigned. It was thus conceded that the employer committed a fraud on the CCMA by allowing the commissioner to preside over an arbitration dealing with a retrenchment when apparently there had been no retrenchment - yet it now wanted the Labour Court to interfere with the CCMA award on the basis that it was in fact a resignation.



## 10 Ways To Stay Motivated When Negativity Seems To Be All Around [continued]

**8. Celebrate accomplishments, whether big or small.** Always take time out to celebrate. Rewards play a huge part in staying motivated. Reward yourself each and every time you reach a goal. It could be anything from throwing a party to taking a weekend away or treating yourself to a movie night. Just don't overlook it. Think about something you have recently accomplished and plan a way to celebrate it within the next 10 days. It can be as simple as going out for ice cream. Reward yourself — you are worth it!

**9. Build a support team.** Having the right team in place to help you is crucial to your success. You will be amazed at what you and your team can accomplish when you are all motivated and working toward the same goal. It is worth the effort to put the right support system in place. Make a list of some winning people in your circle that you can partner with, exchange ideas with and who can help you get things done.

**10. Rehearse your victories.** Oftentimes we forget how far we've come and the successes we've already accomplished. Designate a token of achievement that you can carry with you to remind yourself that you are a winner. It doesn't matter if it is big or small. Go back and look at your trophies, certificates, a special note of congratulations or anything that will keep you motivated when you are facing tough life moments.

An infectious, positive attitude can shift your entire life. Infusing your mind with positive thoughts will cause you to produce more positive results in your life. Right now you're getting as many opportunities as you think you can have. You're making just the amount of money you really believe you can. To break into making what you've only dreamed of and wished for, you must start thinking, believing and speaking like you're already worth that number! Purposefully infusing your life with a positive perspective will keep you motivated and eliminate all negative sources out of your life.

SOURCE: [http://www.huffingtonpost.com/stacia-pierce/10-ways-to-stay-motivated\\_b\\_4941277.html](http://www.huffingtonpost.com/stacia-pierce/10-ways-to-stay-motivated_b_4941277.html)

## Lie about the reason for termination - or else.... [continued]

The Labour Court commented as follows:

" [18] The court turns its face against any fraud, particularly fraud perpetrated in respect of the processes that bear on the administration of justice. The applicant knowingly got the first respondent to deal with the matter as if it were a retrenchment when, according to the applicant, there was no retrenchment but a resignation. The applicant now wishes the court to disturb the award because the arbitrator dealt with the dispute on the basis that the third respondent's services were terminated on account of her being retrenched.

[19] It is remarkable that the applicant has the temerity to seek recourse from a court of law in the light of its admitted fraud. The conduct of the applicant is a perversion of the administration of justice. It is also puzzling that an officer of this court would forge ahead and argue the cause for the applicant with full knowledge of the fraud by the applicant".

The Court, understandably, wanted to have nothing to do with this and the review application was dismissed.

Now - in my example above, the employer would certainly not be amiss in insisting that said union official is called upon during the arbitration hearing to explain to the Commission how a clearly 'frivolous and vexatious' referral came about, only after the employer declined to be dishonest about the reason for termination of the employee. It is a matter of principle - the defence of which some employers are thankfully still willing to spend time and money on. The employee should bear the consequences of his actions and the system should not allow the employer to be blackmailed into lying about the reason for his termination by way of settlement (with or without the CCMA's intervention) just to avoid wasted time and money.

SOURCE: <http://www.labourguide.co.za/most-recent/2300-lie-about-the-reason-for-termination-or-else>

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MANDELA DAY  
18 JULY  
HOW WILL YOU SPEND YOUR  
67 MINS?

On Mandela Day (18 July), people around the world are encouraged to spend at least 67 minutes doing something positive for their communities in honour of the 67 years that the late South African president Nelson Mandela spent fighting for social justice and a free, democratic country.

The unofficial international day of philanthropy was inspired by Mandela's speech on 27 June 2008 (his 90th birthday celebration) in London's Hyde Park. In his address, Madiba called on leaders of all nations to help change the world for the better. "It's in your hands now," he urged.

Celebrated each year on the late statesman's birthday, International Nelson Mandela Day aims to inspire a ripple of good deeds throughout the world and looks to encourage individuals, communities, governments and non-profit organisations to take one small step towards the larger leap of making a positive imprint.

SEND YOUR PICTURES TO [nteu@nmmu.ac.za](mailto:nteu@nmmu.ac.za) AND SHOW US WHAT YOU WILL BE DOING

## STRIKES – PROTECTED OR NOT?

The right to engage in strike action is entrenched in Section 23 of the Bill of Rights. The Labour Relations Act regulates strike action and "aims to advance economic development, social justice, labour peace and the democracy of the workplace". Neither the Bill of Rights or the Labour Relations Act make any reference to legal or illegal strikes. Section 67 of the Labour Relations Act uses the term "protected strike" to describe a strike that complies with its provisions. The provisions require that:

- the dispute has been referred to a council or the Commission for Conciliation, Mediation and Arbitration;
- a certificate that a dispute remains unresolved must have been issued;
- 30 days must have elapsed since the referral; and
- a written notice of a strike must have been given to the employer 48 hours prior to it taking place.

If these provisions are met, then the strike will be protected. Strikers may not be dismissed and no civil legal proceedings may be brought against them. A strike is unprotected if it does not comply with the Labour Relations Act. A court may grant an interdict against an unprotected strike and order the payment of compensation for any loss attributable to the strike. Participation in an unprotected strike may also constitute a fair reason for dismissal, but the strikers are not acting illegally.

**Failure is the opportunity to start again more intelligently  
– HENRY FORD**