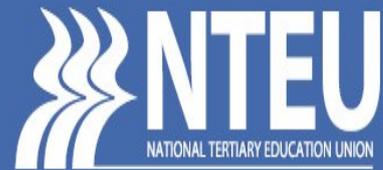


8 Sept 2016



Conversation from the red chair

... instant gratification generation

From time to time, it is necessary conversation with you, our mem- conversations, would not be to alienate our members, but to of the difficulties that we face in Higher Education and also being one of the unions at NMMU. We trust that you will bear with us as we engage with you from time to time, on the 'not-so-comfortable' issues, the actions which do not benefit anyone or anything, but create harm and hostility instead.



to have the odd difficult bers. The aim of such humiliate, infuriate or rather create awareness

In today's contribution, we focus on the problem of being part of or being on the receiving end of the attacks from someone who forms part of the *instant gratification generation*. The Union/Employee relations scenario at NMMU is a very complex and sensitive one. There has been a complete breakdown of trust between NTEU and the Employee Relations Office. We are in a process of reviewing these interactions, but this also takes time.

Depersonalizing the conflict through shifting from a "me versus you" scenario to a "us against the problem" scenario is very useful and we want to encourage you to apply this. It is easy to identify interests, common ground, goals to resolution, wrongdoings. We can summarize and measure progress. We can brainstorm with you and find a creative way of doing things differently. We can easily identify where a policy needs to be adjusted or re-written. All of these are within our control.

However, at the end of the day NMMU needs to make a decision at a MANCO meeting, or HRREMCO or Council must provide their approval. In many, many instances, MANCO doesn't get through their agendas and decisions are not made. Other meetings are postponed and postponed again. This lack of progress from the employer's side is regretted, but out of the union's control. And here your frustration creeps in - this is understandable.

After a meeting is postponed for the umpteenth time, members tend to get very upset. And then the union coordinators in the union offices and the shop stewards must bear the brunt of your outbursts – verbally or on email as your expectations are not being met. After all, we're so used to instant gratification and we demand that.

We want to ask you to please refrain from taking your frustrations of yet another postponement or non-resolution out on the go-betweens, the messengers of the 'bad news'. We are here to try and help and smooth difficulties over. We aren't holding up processes to frustrate you. We are just as frustrated with the delays on the employer's side, about the emergencies that come onto the agendas. Rather assist for a month or two whilst we're driving your issue. Then you'll quickly get a sense of what we're facing.

ER and NTEU



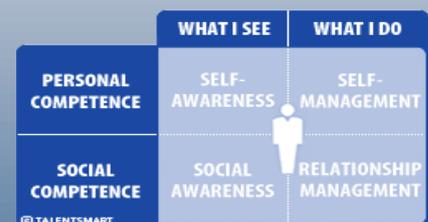
There was a complete breakdown in ER and union relationships. This is a grave concern as this forum is there for resolving issues. A Employee Relations Strategic breakaway was scheduled for end October to re-conceptualise the ER and Organised labour platform.

Emotional intelligence

Emotional intelligence is the "something" in each of us that is a bit intangible. It affects how we manage behavior, deal with social complexities, and make personal decisions that achieve positive results. Emotional intelligence is made up of four core skills that pair up under two primary competencies: personal competence and social competence.

Personal competence is made up of your self-awareness and self-management skills, which focus more on you individually than on your interactions with other.

Social competence is made up of your social awareness and relationship management skills; social competence is your ability to understand other people's moods, behavior, and motives in order to improve the quality of your relationships.



Emotional intelligence can be developed

emotional intelligence can be developed



8 Sept 2016



Witchcraft @ work

By Irvin Lawrence, Director, Crystal Naidu, Associate, Employment, ENSafrica

Using muti or traditional preparations to intimidate, scare or threaten a colleague constitutes misconduct and employers have the right to “remove such purveyors of darkness from their environment”.

This was the outcome of recent arbitration proceedings before the National Bargaining Council for the Sugar Manufacturing and Refining Industry in the case of *NASARIEU obo Mngomezulu v Tongaat Hulett Sugar Limited (Darnall)* (case no. NBCS5-15, 15 June 2016).

The case centred on whether Tongaat Hulett Sugar Limited (“**Tongaat**”) had unfairly dismissed Louis Mngomezulu, a boiler panel operator who was accused of using witchcraft to intimidate the company’s HR manager for operations, Khanyo Nxele.

This was after Ms Nxele found a black gummy substance on the door handle of her BMW, which had been parked in the company’s parking lot. A block of the same substance was also placed under one of the car’s tyres. She knew that her car had been clean when she arrived at work and, sensing something sinister about the substance, she prayed as she removed it from her car. She described the substance to a traditional healer, who believed it was harmful muti.

After viewing CCTV footage of the parking lot, which showed Mr Mngomezulu as the only person near her car at the relevant time, Ms Nxele reported the incident to the General Manager of the Darnall Mill, where they were employed.

Mr Mngomezulu was charged with placing the safety, health and/or life of Ms Nxele at risk by placing the substance on and near her car, with the intention, “through the practice and belief in witchcraft”, to cause her spiritual, mental or physical harm. He was accused of breaching the relationship of trust and good faith between him and his employer, which made his ongoing employment relationship “untenable”.

Mr Mngomezulu, who had been on a final written warning at the time, denied using witchcraft on Ms Nxele, claiming that he was in the parking lot at the time to collect his overalls. He was subsequently dismissed and referred a dispute to the bargaining council for resolution, and later arbitration.

The key issue before the council was whether Mr Mngomezulu had placed the substance on and near Ms Nxele’s vehicle and whether this amounted to an act of witchcraft intended to cause her harm.

During the arbitration proceedings, a certified sangoma testified that, based on the description of the gummy substance, she believed it was “stap stap”, which is made from the fat of different types of animals and various muti, and was intended to cause harm to Ms Nxele. While the Commissioner was cognisant of the fact that the sangoma had not seen the substance and her testimony was based Ms Nxele’s description of it, she found that the nature of the substance was not the critical issue – rather what was important was how Ms Nxele perceived it and her reaction to it, including that it had immediately made her feel uncomfortable.

During her deliberations, the Commissioner considered the right to participate in cultural life of one’s choice contained in section 30 of the Constitution and noted that “[a]ll aspects of African cultural beliefs, including witchcraft and the belief in supernatural forces, such as the ancestors, has to be recognised and endorsed.”

She added that: “The act of witchcraft does not have to achieve its purpose ... for it to become an act of misconduct. ... [T]he mere use of muti or traditional preparations to intimidate, scare or threaten another person is sufficient. ... “The placement of the muti was an attempt to psychologically exploit [Ms Nxele] and create fear and panic in her, for herself and for her family and possessions. And it did cause her grief. This behaviour amounts to serious intimidation and cannot be tolerated in the workplace.”

The Commissioner confirmed that Mr Mngomezulu’s dismissal was justified due to his “reprehensible” behaviour in attempting to use a shared cultural belief system to intimidate a colleague. “That is unacceptable in any workplace and will most definitely break down a relationship of trust and cordiality that exists between an employer and an employee and between an employee and his colleagues,” the Commissioner held.

be a considerate colleague & loyal team player