

**WHAT TO EXPECT FROM YOUR EMPLOYER AFTER
SECURING YOUR FIRST WORK CONTRACT:**

**A GENERAL GUIDELINE ON PROFESSIONAL AND ETHICAL
BUSINESS PRACTICE SET OUT BY EMPLOYERS.**



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BACKGROUND:

The Employment Counselling Unit within the Public Employment Services Branch of the Department of Employment and Labour renders free of charge services to work-seekers. In various engagements, Psychological Practitioners within the Unit have empowered work-seekers with Employment Counselling Programmes, Life Skills Programmes and effectively prepare them for work opportunities that have been registered by Employers on the Employment Services of South Africa (ESSA) database through interview preparation and psychometric assessment services to determine suitability. Through various engagements with work-seekers through the Employment Counselling Programme and post-placement into opportunities, the importance of preparing oneself for formal employment was highlighted. Significant emphasis is placed on preparing one for the Employer that they could be employed under.

The following article sets out areas of Labour Practices and Guidelines within the formal employment environment on what to expect from one's place of employment, what not to accept and tolerate; and so forth. This article endeavours to empower all newly appointed employees across all groups (Age, Gender, Ethnicity, Disability) to adequately prepare them for their world of work by presenting the following generic standards that one can expect.

WHAT IS EXPECTED FROM YOUR EMPLOYER:

There are various obligations that the Employer is expected to fulfil. These obligations set out to ensure that employees are always kept safe, having adequate resources to their jobs, are well managed and kept disciplined, as well as receive adequate opportunities for growth and upskilling. A "happy" employee is an asset to the production and successfulness of any employment establishment. The following sections cover areas that are essential for a well-functioning establishment – for the benefit of both employer and employees. This is what you can expect:

Human Resources Management & Practices:

The Human Resources Management Department within your place of employment is responsible for recruiting, appointing, orientating, training, monitoring, managing, compliance, and supporting all employees through effective administrative practices.

Examples of HR processes:

- The Employer grants you several leave categories when human or natural situations occur. One of the key objectives of HR is to ensure that service delivery is not hampered.
- Leave Categories: Annual, Sick, Family Responsibility, Incapacity, Medical Boarding.
- Recruitment Processes – advertising job positions, shortlisting candidates, arranging for interviews and placing individuals onto the employer's establishment.
- Employment Equity (EE) – this is a critical function within any employment setting as it sets out to ensure what EE standards are and attempt to comply to them to provide fair opportunities to those who are under-represented.
- Human Resource Development (HRD) – responsible for growing personnel by sending them on courses to upskill them and prepare them for more advanced positions.
- Employee Health and Wellness or Assistance Programme (EHW / EAP) – this is an “in-house” service provided to employees to assist them with Psychological, Social, Disability, HIV/Aids and other support and interventions.
- Discipline Management – to deal with any misconduct in the workplace to upkeep the integrity of the business and protect its mandate.
- Payroll (updating and issuing of Salary Slips) – ensuring that employees receive their salaries / wages / stipends as well as any updates required to employee's progression or performance incentives.
- Benefit Packages (e.g. medical aid subsidy, housing subsidy, pension fund subsidy, etc.).
- Policy development and implementation – to help govern or direct all employees according to an acceptable standard.
- Performance Agreements / Work Contracts, Monitoring and Performance Assessments – establishing work contracts where an employee signs and agrees to fulfil certain work obligations that fall in line with achieving the Company's objectives; followed by performance being monitored by Supervisors / Managers on monthly and quarterly basis in order to ensure remedial action against poor performance which could result in the lack of or non-achievement of critical work obligations; ending off with Assessing performance through Performance Assessments to conclude whether or not obligations and targets were met, which have a critical impact on determining an employee's suitability in their position.

Acts to familiarize yourself with:

- Occupational Health and Safety Act (OHSA) - including accessibility and reasonable accommodation for Persons with Disabilities as well as issues relating to good sanitation, hygiene and safety in the workplace.
- Compensation for occupational injuries and diseases Act (COIDA) - to ensure that employees are compensated for any damage related to an injury or disease acquired at their workplace.



- Basic Conditions of Employment Act (BCEA) – this Act forms the basis of the most basic rights of all employees within their workplace and forms a standard by which all employment establishments must adhere by, it involves fair labour practices and aspects such as not deducting money from an employee's salary without consultation.
- Updating employee information in compliance with the Protection of Private Information Act (POPIA) – this is critical to ensure that personal information that is regarded as private is not misused by the Employer and to promote Human Dignity, Human Integrity as well as the Right to Privacy. This is further applied when dealing with the Employer's clients/customers to ensure ethical business practice.
- Labour Relations Act - e.g. Union representatives to fairly represent an employee during any disputes or Grievances in the workplace.

Examples of Misconduct:

- Absenteeism without permission or leave;
- Poor or non-performance – this violates a contract that an employee signed promising to fulfil certain jobs for the employer and therefore got paid for not contributing to the employer at all;
- Insubordination – this is where an employee is defiant, refusing to do their work and shows no regard or respect for the work that is to be done;
- Intoxicated whilst on duty – being under the influence of alcohol, cannabis or other substances that impair your judgement, focus and performance;
- Fraudulent activities – any act that is intentionally committed to achieve an unlawful gain and is regarded to be a criminal offence that can be persecuted (e.g. bribery, corruption, asset misappropriation, etc.);
- Not reporting misconduct of self or others;
- Damage to property (that is malicious and not by accident);
- Gross negligence – this is extreme negligence where an employee disregards the importance of professionalism, ethics and lawfulness and it brings devastating consequences to the employer;
- Gross dishonesty – dishonest acts on an extreme level (e.g. taking property/machinery or falsifying being ill as a reason for not presenting on duty);
- Bullying;

- Victimisation;
- Discrimination (e.g. treating persons with disabilities / different religions / different languages / different sexual orientations unfairly);
- Racism – where a person is treated differently or undermined because of their race / ethnicity;
- Sexism – where a person is treated differently or undermined because of their sex;
- Harassment – unwanted behavior and harm caused to a person’s psychological and/or physical integrity;
- Sexual Harassment – unwanted physical, verbal (commenting on a person’s body parts, appearance or talking about private parts or sexual fantasies) or non-verbal (winking, body actions) sexual advances, as well as innuendos (hints/suggestions), requests for sexual favours, and/or acts (touching, pinching, grabbing, etc.);
- Sexual Assault / Rape;
- Physical Assault;
- Verbal Abuse (name calling, using derogatory or swear words); and
- Use of inappropriate labels – labels that attempt to harm the dignity and integrity of a person.

Examples of Sanctions/Penalties for Misconduct:

- Verbal Warning – this is where an employee is called in by their Supervisor and warned verbally.
- Written Warning – this is where an employee receives a written and signed warning.
- Disciplinary Charge – this is listed on an employee’s record and is never removed – which can affect the possibility of being promoted within the establishment.
- Suspension – this is where an employee is instructed not to report on duty pending the outcome of a disciplinary case and can be with or without pay (depending on the nature of the misconduct).
- Dismissal / Termination – this is the permanent end of an employee’s service due to the outcome of an investigation for misconduct (this may discourage other employers from considering you for positions you apply for because your record indicates that you are not reputable).
- Arrested by the Police and Court Proceedings follow.

Examples of Tools of Trade:

Tools of Trade are specific and unique to one’s job type. They are the physical means by which one is able to perform their duties in order to achieve their work goals as outlined by their Performance Agreement / Contract. It is the responsibility of the Employer to ensure that the Employee has sufficient tools of trade, equipment, uniform/ protective gear, to execute their duties.

Such examples include, but are not limited to:

- Work space (e.g. Desk, Office, etc.);
- Laptop / Computer;
- Landline / Cellular mobile;
- Email Account;
- Connectivity / Access to Virtual platforms;
- Radio handsets;
- Stationery;
- Uniform;
- Protective gear;
- Vehicle usage;
- Travel Budget; and
- Assistive Devices for Persons with Disabilities to ensure inclusivity.

Examples of forms of communication in the workplace:

- Email;
- Phone call;
- WhatsApp;
- SMS;
- Virtual;
- Face to Face; and
- Radio call.

CONCLUDING REMARKS:

In the culturally rich and diverse context of South Africa where the business world is filled with individuals from all walks of life (e.g. race, gender, age, religion, culture, sexual orientation, disability status and skill sets), it is of utmost importance that employees follow a standard that is applicable, fair, appropriate, respectful and cognizant of "best practice" within the workplace. Very often individuals forget that the world of work has a unique culture and language of its own to address uniformity and create a standard to make the achieving of work tasks more effective.

Often, newly appointed employees have not had a senior family member, a mentor or previous work experience to help guide one on what to expect from their place of employment. It is therefore hoped that the content of this article will empower recently employed individuals with insight, guidance and direction of what to expect from their Employer, their place of work and the manner in which the business world operates, in order to effectively be geared towards the universal world of work, regardless of the various walks of life.

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