BIZCOMMUNITY

When it comes to gazing, crystal ball beats navel in 2019

By Johan Botes

7 Jan 2019

In this age of overflowing inboxes, diaries filled with meetings sandwiched between conference calls and yet another round of performance assessments, managing time and focus requires Herculean effort. The year ahead may feel as daunting to us as it may have felt for the Greek demi-god when he was ordered to perform the Twelve Labours by Eurystheus. Whilst we cannot claim the insight of the Oracle of Delphi, we can draw from events around us to focus our energies on tasks likely to deliver results in the new year and beyond. In the context of employment law and employee relations, there are a number of trends that are worth bearing in mind when creating your new year resolution list.



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1. Be nice

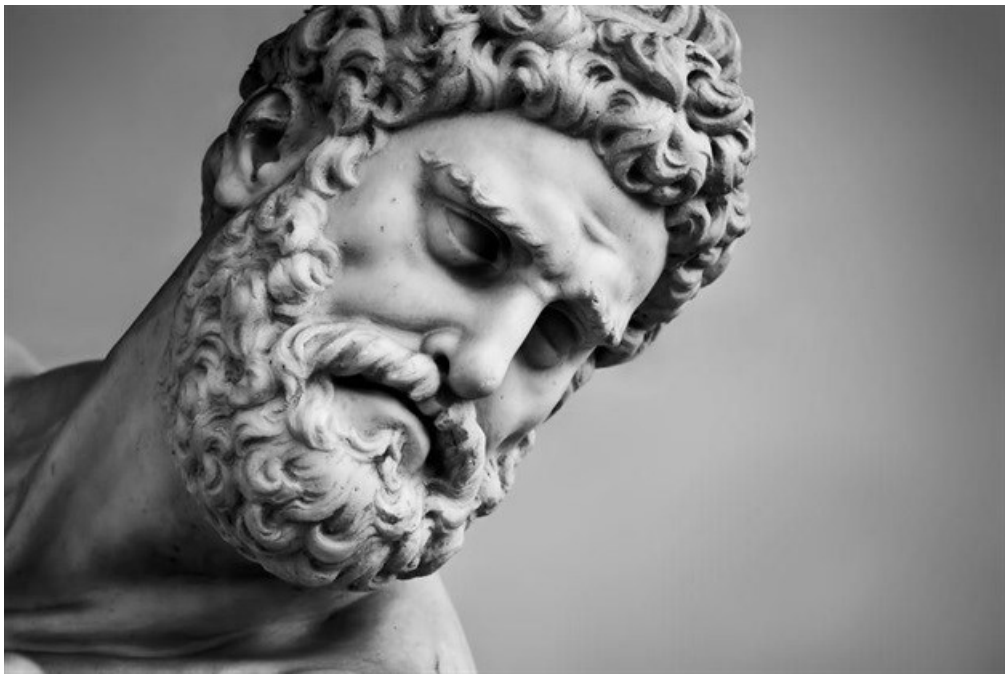
If various high profile plummets from grace have shown us anything in the past year or two, then it surely is that there is an ever-growing backlash against bad behaviour by leaders and executives. From #NotInMyName to #MeToo, #HeForShe and a whole range in between: employees, shareholders, customers and suppliers have found their voices and are speaking out against badly behaving bosses.

When looking back at this period, future generations will hopefully see this as the time where we changed the Mad Men workplace culture for one that is more inclusive, less reliant on old boy networks and certainly less tolerant of harassment, bullying and oafish behavior in the workplace. The change has been gradual with new generations (and older ones) coming to grips with the power of social media as a tool of change.

Where companies were more accepting of (or willing to turn a blind eye to) high performing executives treating their staff like dirt, we have seen a move towards stakeholders being willing to sacrifice short-term earnings or profits rather than risk public backlash. We have seen more executives asked to resign or otherwise exited from workplaces due to breaches of values or as a result of behavioural problems than ever before. Some businesses are even airing these disputes in public forums rather than relying on private arbitration provisions that have the benefit of confidentiality.

The message is clear: if you are an executive, manager or leader that has thus far got away with bad behaviour, 2019 may not be a good year for you.

Stakeholders are pining for unambiguous messages from executives that will set the tone and see businesses live the value statements compiled at corporate strategy sessions. Akin to cleaning the stables of Augeas, companies should flush out those executives who have had their bad behaviour overlooked in the past based on their profitability or ability to add to the business' bottom line. Decisive action against wrongdoers is critical at the risk of stakeholders eroding the company's value through collective social media campaigns.



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2. Prioritise diversity

Warning signs about the ails of a non-transformed workforce abound. Changes to the labour legislation are afoot to provide greater impetus to government's commitment to workplace transformation. Businesses should expect the Department of Labour to introduce drives to test compliance with the Employment Equity Act and its affirmative action framework. Failure to comply could lead to fines and, worse, societal ostracising.

Customers and clients are more forceful in having discussions about the composition of service provider teams. Employees are voting with their feet to find work opportunities at employers with a reputation for being more diverse and inclusive. Workplaces that do not see the immediate value in changing the composition of their teams, or amending their hiring practices, may not only find that their pool of potential clients will continue to shrink over years, but they may also not benefit from the value of a diverse workforce.

Research in the United States has shown the commercial value to having a more diverse employee cohort. Whether the motivation is to ensure statutory compliance or to do the right thing, businesses should ensure that they make diversity, inclusion and transformation a priority for 2019.

Like slaying the Lernaean Hydra, transforming the composition of the workforce requires action on multiple fronts, often simultaneously. Designated Employers (meeting the threshold requirements of the EEA) have to ensure they comply with the specific duties in respect of consulting with staff, conducting an analysis of the workforce, then preparing and submitting a plan to the Department of Labour. But this should not be the sum total of diversity efforts.



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Valuable steps to be taken include:

- Creating more diverse recruitment committees to obtain a better spread of incoming talent - if you have three rugby players sitting on the committee, the chances are that you will continue to hire rugby players. Thus, unless you are recruiting for the local rugby club, ensure your selection committee represents the diverse workplace in which talented entrants wish to work.
- Considering and amending internal processes that may create inadvertent barriers to retention or promotion - the usual culprits worth considering include training, performance management, work allocation and access to career opportunities.
- Living your values - all the diversity and inclusivity statements in the world will mean nothing if you do not take action against those who clearly do not live those values in the workplace. Saying that you are an equal opportunity employer means nothing if you allow the homophobic manager to spew bile and treat junior staff differently based on their sexual orientation. The same is true for ethnicity, gender, family responsibility, religion or similar grounds. Create an environment where all are welcome by taking action against those who foster intolerance.

3. Prioritise relationships

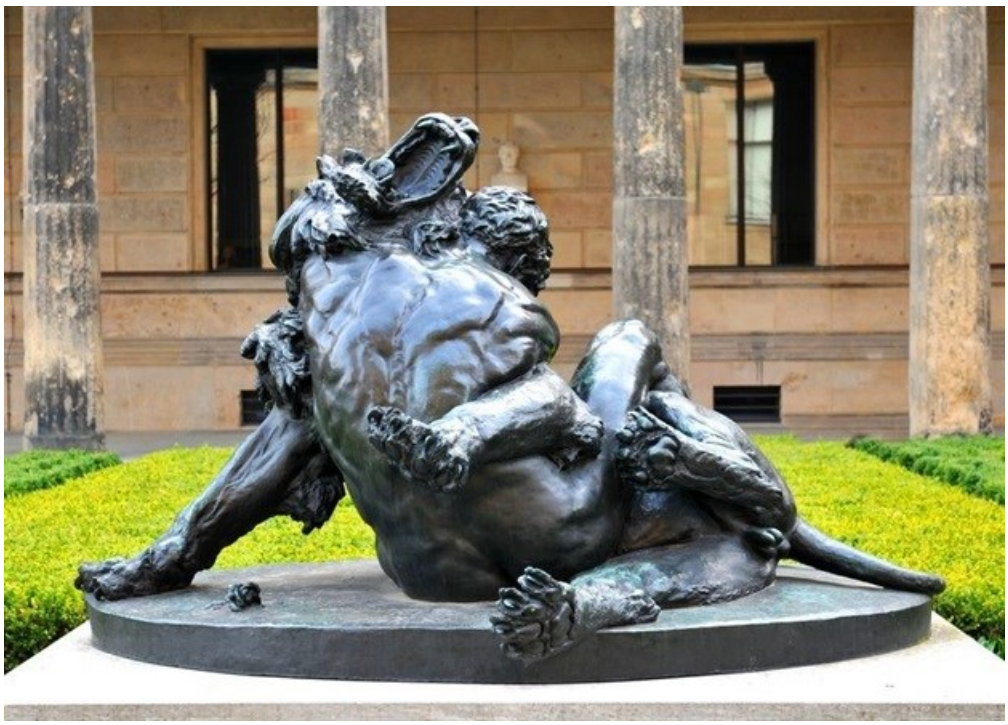
We all have a limit to the time and energy we can invest in any relationship. In the workplace, managers should consider where their investment will provide the best returns for the business. In every trans-continental journey there is that one squeaky wheel that demands (and gets) attention. Make 2019 the year to determine which wheels to grease, nurture, monitor or change.

A delinquent or needy team member who monopolises management time could leave less time or attention for other team members in need of guidance or support. This is as true for individual relationships as collective ones. For example, where the trade union has a history of not acting in the best interest of its members (your employees), should your actions not reflect your displeasure with them? Why continue to tolerate bad behaviour merely because it emanates from a representative body? By the same token, where representatives are irritating managers because they raise uncomfortable issues in the workplace, should we not educate our management teams on the value of staff raising issues that could have negative consequences for the business if left unchecked?

Understanding when a relationship is no longer productive is tricky, especially when slogging through daily office life. Workplace relations can be rainbows, butterflies and unicorns – all that is nice and wonderful about working together with others in common purpose. They can also be like the Stymphalian birds Hercules had to defeat: beasts with beaks of bronze and sharp metallic feathers that devour humans if left unchecked. Make time to evaluate relationships, identify those that are toxic and work on ways to remedy this in 2019. Your good and loyal employees will thank you.

4. **Greater reliance on compliance**
   Compliance has been the word of the year. Breaches in compliance and corporate governance have seen multinational organisations humbled in the court of public opinion with dramatic erosion of shareholder value. Especially in sales-driven environments, the temptation is often strong to reduce compliance to a rubberstamping exercise by a mid-level functionary.

   As corporate scandals break (and will continue to break in 2019) businesses that embrace compliance and sound corporate governance should be able to position themselves well to leap when their competition falters on this score.



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The internal compliance function in organisations should be strengthened and protected – like the impenetrable fur of the Nemean lion, slain by Hercules in his first task. Where a compliance team has the ear of the CEO or the board, it reduces the risk of rogue elements browbeating the functionaries or otherwise placing undue pressure on them to oversee lapses in corporate governance, procurement or compliance.

These priorities should be seen in the same light as Cerberus, the three-headed gate guarding dog. Whilst Cerberus guarded the gates to the underworld, a sound compliance function can guard the doors to the business and keep unwanted elements out (or identify those within).

Managing people is a difficult task on a good day for us mortals. Luckily we don’t have to go through the efforts of our mythical Greek hero to survive and prosper in the workplace. Often some introspection and reflection can assist in clarifying the murky (under)world of workplace relations. The four goals above can aid in shaping our thinking and focussing our efforts in the new year. Now let’s work on the end-of-year success story that we’ll be telling at the 2019 year-end function.

ABOUT JOHAN BOTES

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