



### CIS Group

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### EDITOR'S NOTE

This is the seventh edition of the E-Bus News, which is scheduled for publication on a bi-monthly basis. The aim of the newsletter is to keep you, our clients, up to date with happenings in the Human Resources, Labour Relations, Payroll / Finance and general management disciplines.

There are a number of external factors affecting the harmonious relationships with our organizations. Labour legislation, and/or amendments to such legislation, i.e. Employment Equity, Skills Development, Labour Relations Act, Basic Conditions of Employment Act, to name but a few, impacts greatly on our future existence and strategic planning process. We would be dealing with these issues in our newsletters, as well as topical matters.

We will therefore strive to keep you informed of any changes and happenings out there, and bring the best practice to your doorstep. Any comments on the contents and structure of the Newsletter can be directed to [Melissa.vn@cisgroup.co.za](mailto:Melissa.vn@cisgroup.co.za).

We will, simultaneously, appreciate input from you as our clients and any contributions to the E-Bus News will be appreciated. You can forward your contributions via fax (086 662 2576) or email to [Melissa.vn@cisgroup.co.za](mailto:Melissa.vn@cisgroup.co.za).

Many happy readings.

*Melissa van Niekerk*



## BRANCH NEWS

### CAPE TOWN

#### PICK 'N PAY STRIKE

Cape Town has been very busy with the PnP strike. At the last meeting held at the PnP Head Office, Shanaaz Jacobs, Secretary to the Regional Manager, stated that CIS was the only Vendor that did not give any problems. In fact the Store Managers were very impressed.

Four stores were allocated to us, which increased to five. Through the process of word of mouth, the new store was allocated to CIS.

We believe that the Supervisors trained by us had a tremendous influence on the success of these stores. Our Admin Ladies, Mariam Dearham and Doreen Smit made a great impact on all. Working together as a unit has proven that team work at all times is of utmost importance towards success.

*Leigh Adams  
Consultant*

#### SPAR GROUP WESTERN CAPE

Graeme February started working in the Cape Town Office on 01 July 2010. Since he started, he concentrated on getting the Spar Group under his wing.

With the assistance of Leigh, they trained Supervisors and reliable staff for stock takes. This has grown from strength to strength and since the new team took over, we have not had one bad stock count. On the contrary, all our stores are very happy with their results. We have been booked by many stores up until the end of February 2011 and at this pace, we are going to have to increase the amount of Stock Takers and Supervisors soon. For the 28<sup>th</sup> of February 2011, we have already lined up 5 stores and will have to keep our wits about us.

Graeme and Leigh have been invited to the Spar Group Annual Meeting for 2011 to do a presentation to the Group. We are looking forward to this, however, I think if you look closely, the ends of our pants are shaking, but we know that we will have the support of Management to carry us through this successfully.

In this month, we will be accompanying Shakeel Allie from Spar DC (Regional Operations Manager) to all his new stores for a visit. We know that this is going to help with the seeds that we need to plant to get the Spar Group on our books.

*Leigh Adams  
Consultant*



## NEWS FROM PORT ELIZABETH

We would like to welcome Crescendo and Pick n Pay as new clients in Port Elizabeth.

We employed another 20 code 14 drivers this month.

The joy in a man's eyes when we find work for him is something that we will never get tired of. We can only say, thank You for blessing us, so that we can be a blessing to others.

**Graham Chipps**  
*Branch Manager – Eastern Cape*

## INDUSTRIAL RELATIONS

### THE IMPORTANCE OF HAVING AN INTERNET AND E-MAIL POLICY

A phenomenon which has been occurring more and more often is that of internet and e-mail abuse by employees. Since the year 2000 there have been 131 *published* cases relating to pornographic material at the workplace. This is not even to mention the mere misuse, or jeopardising company computers/systems or any other internet related problems

The problem which many employers are faced with is that they cannot dismiss merely because they believe the actions to be unforgivable. According to the Labour Relations No 66 of 1995, one has to prove that:

- I. *the rule was a valid or reasonable rule or standard;*
- II. *the employee was aware, or could reasonably be expected to have been aware, of the rule or standard;*
- III. *the rule or standard has been consistently applied by the employer; and*
- IV. *dismissal was an appropriate sanction for the contravention of the rule or standard.*

This is the main reason why employers need to have a policy in place, in order to inform employees of what is expected of them with regards to the usage of the internet, email, company computers etc. In the matter between *Gert Tighy and Cape Technikon in the CCMA (WE2532-03)* the applicant admitted to the viewing of Pornographic material on the Technikon's computer during working hours and was subsequently dismissed. The dismissal was then found to be unfair due to the policy not stating that the viewing of pornographic material during working hours can lead to dismissal and due to the Technikon not taking steps against



students and even though they believed the rule to apply more stringent on lecturers it is not stated in the policies.

The commissioner held that ***“The viewing of pornography other than child pornography is not illegal, and while some persons may find pornography offensive, this is a value judgement. Every individual has the freedom to choose what he or she would like to view in private. The Respondent should therefore not have treated this matter differently from any other type of unauthorized use of the Internet facility”***

He further held ***“The situation would also have been different if the Respondent had any specific policy on the viewing or downloading of pornography. An employer is certainly entitled to make and enforce such rules. However in the absence of any such rules, I do not believe (as Respondent contended) that it can be assumed that such a rule would be an obvious one, needing no expression.”***

In *Pearly Twynham and Clover SA in the CCMA (GAJB24955-05)* the employee forwarded an email with pornographic content; however she was reinstated due to an unclear policy and inconsistency.

This is but two examples of what could happen. From the different cases heard before the CCMA the following are examples of problems arising from the misuse of internet and email:

- indecent exposure;
- wasting company time;
- jeopardising company network;
- sexual harassment;
- bringing the company’s name in disrepute;
- constructive dismissal, etc.

On the other hand, once there is a decent and comprehensive policy in place you are likely to succeed at the CCMA, should it be applied correctly and the procedure be fair.

Should you feel the need to put in place, such a policy, we can assist by customising a policy for your exact needs. The policy is based on

- *your company’s needs;*
- *your company’s working environment;*
- *your company’s culture;*
- *sound HR practices;*



- *existing policies;*
- *common law (application of the law in the CCMA, Labour Court and Labour Appeal Court); and*
- *The Labour Relations Act No 66 of 1995.*

For more information, contact Gerrit Visser at [gerrit.v@cisgroup.co.za](mailto:gerrit.v@cisgroup.co.za) or 012 998-9402.

**Gerrit Visser**  
**Labour Consultant**

## HUMAN RESOURCES

### ANNUAL LEAVE

It is that time of the year again where everyone is preparing for their annual leave. This section will give both the employee and the employer the necessary information and guidelines to plan their leave accordingly.

#### **Annual leave**

With the exception only of those who work for fewer than 24-hours, all employees, irrespective of status of remuneration are entitled to annual leave of at least **21 consecutive days** per annual leave cycle of 12 months.

An annual leave cycle is a period of 12 months with the same employer, calculated from the employee's commencement of employment, or from the completion of that employee's previous leave cycle.

Annual leave must be on full normal pay, and may in the absence of an agreement to the contrary be granted at a time specified by the employer, except that leave must be taken within 6 months of the completion of the previous leave cycle. If a public holiday falls in a period of leave, the employee's leave must be extended by a day.

The method of calculating leave due may be changed by agreement to **one day's leave for every 17 days worked**, or one hour's leave for every 17 hours worked.



Annual leave may not be taken during a period of sick leave or while the employee is on notice of termination of service, and an employer may not permit the employee to work during a period of leave, or pay the employee in lieu of leave, except on termination of employment.

On termination of service, an employee is entitled to be paid for any leave due but not taken, and to leave accrued during an incomplete annual leave cycle at the rate of one day's pay for each 17 days worked.

Once an employer has granted or afforded annual leave to an employee, an employer may not require or permit an employee to work for the employer during that period of annual leave (Section 20(9)). An employer must therefore ensure that if it grants an employee's request for annual leave, that it would not need the services of such employee, as such employee would be entitled to refuse to return to work even if called upon to do so by the employer, and the employer would not be entitled to take any action against the employee.

As it is the prerogative of the employer to designate when an employee may go on leave, the employer may determine the process applicable for procuring such leave. In this regard, an employer should institute a proper process, in the form of a policy, relating to the application for leave by an employee and for the approval of such application. The reason for this is clear. It removes any uncertainty regarding whether an employee wanted leave or whether an employee has been granted leave. It also avoids employees relying upon purported leave approvals by supervisors or junior management employees not entitled to approve leave. The Courts have held that a failure to follow such process would be regarded as no valid application for leave (see *Maidi v MEC for Department of Education & Others* (2003) 24 ILJ 1552 (LC)).

As stated above it is important that companies adopt clear policies with regard to the granting of annual leave to limit disputes and unhappiness amongst staff.

Should you require any assistance in respect of the above or in respect of any other employment related issue, contact your Consultant at CIS on 012 998 9402.

***Melissa van Niekerk***  
***HR Consultant***



## RECRUITMENT

### IS YOUR COMPANY IN NEED OF PERMANENT PERSONNEL?

CIS Head Office would like to welcome Alet Colyn to our team. Alet has been appointed as the Recruitment Executive, and will be responsible for the permanent placements of CIS and our clients.

With the skills and experience that Alet possess, she will definitely make a valuable contribution to the organization.

Kindly contact her on (012) 998-9402 or email at [alet.c@cisgroup.co.za](mailto:alet.c@cisgroup.co.za)

*Melissa van Niekerk  
HR Consultant*

## FINANCE

### DOES ANNUAL LEAVE ACCRUE WHEN AN EMPLOYEE IS ON LEAVE?

*Do employees still accrue annual leave for a period they are on annual leave, for e.g. if they go on leave for three weeks, do you still calculate leave for those days?*

Yes, annual leave continues to accrue during the period an employee is on annual leave.

*Elize Oberholster  
Financial and Payroll Manager*

## THOUGHT FOR THE MONTH

### I AM RESIGNING

I am hereby officially tendering my resignation as an adult.  
I have decided I would like to accept the responsibilities of an 8 year-old.

I want to go to McDonald's and think it is a four star restaurant.  
I want to sail sticks across a fresh mud puddle  
and make a sidewalk of rocks.  
I want to think M&Ms are better than money  
because you can eat them.

I want to lie under a big oak tree and run a lemonade stand  
with my friends on a hot summer's day.

I want to return to the time when live was simple,



when all you know were colors, multiplication tables,  
and nursery rhymes, but that did not bother you.  
because you didn't know what you didn't know  
And you didn't care.

All you knew was to be happy because you were blissfully unaware  
of all the things that should make you worry or upset.

I want to think the world is fair.  
That everyone is honest and good.  
I want to believe that anything is possible.  
I want to be oblivious to the complexities of life  
and be overly excited by the little things again.  
I want to live simple again.

I don't want me day to consist of computer crashes,  
mountains of paperwork, depressing news, how to survive more  
days in a month than there is money in the bank,  
doctors bills, gossip, illness and lost of love ones.

I want to believe in the power of smiles, hugs, a kind word,  
truth, justice, peace, dreams, the imagination, mankind,  
and making angels in the snow.

So.... here's my checkbook and my car-keys,  
my credit card bills and my 401k statements.  
I am officially resigning from adulthood.  
And if you want to discuss this further, you'll have to catch me first,  
Cause.....Tag! You're it.

*Maritza Bekker*  
*Sales Executive – Eastern Cape*

## UPCOMING SEMINARS/WORKSHOPS

### Business Presentation Skills

Who should attend?	Duration
<ul style="list-style-type: none"> <li>• Business Managers</li> <li>• Managers (recently) promoted to higher positions</li> <li>• Managers and Leaders (in general)</li> <li>• Trainers and Facilitators</li> <li>• Teachers</li> <li>• Any person who wants to master the art of making dynamic presentations and overcome stage fright</li> </ul>	<p>Three-days. The approach of this training is highly experiential (practical)</p>



## Cross-Cultural Communication Skills

Who should attend?	Duration
<ul style="list-style-type: none"> <li>Any group of people from different cultural and religious backgrounds</li> <li>working together in a team.</li> </ul>	Three days

## Selling Skills

Who should attend?	Duration
<ul style="list-style-type: none"> <li>Company representatives</li> <li>Sales people</li> <li>Marketers</li> <li>Client liaison employees</li> <li>Frontline (front desk) employees..</li> </ul>	Five-days

## Facilitation Skills (Train the Trainer)

Who should attend?	Duration
<ul style="list-style-type: none"> <li>Trainers and Facilitators</li> <li>Teachers</li> <li>Business Managers</li> <li>Managers promoted to higher positions</li> <li>Any person managing and working with a team.</li> </ul>	Three days.

## Labour Legislation in the Workplace

Who should attend?	Duration
<ul style="list-style-type: none"> <li>Human Resource Managers</li> <li>Labour Relations Managers</li> <li>Heads of Departments</li> <li>Human Resource Practitioners</li> <li>Shop Stewards.</li> </ul>	Three-day workshop.

## Business Report Writing Skills

Who should attend?	Duration
<ul style="list-style-type: none"> <li>Receptionists</li> <li>Personal Assistants</li> <li>All Secretarial Staff.</li> </ul>	Two days



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