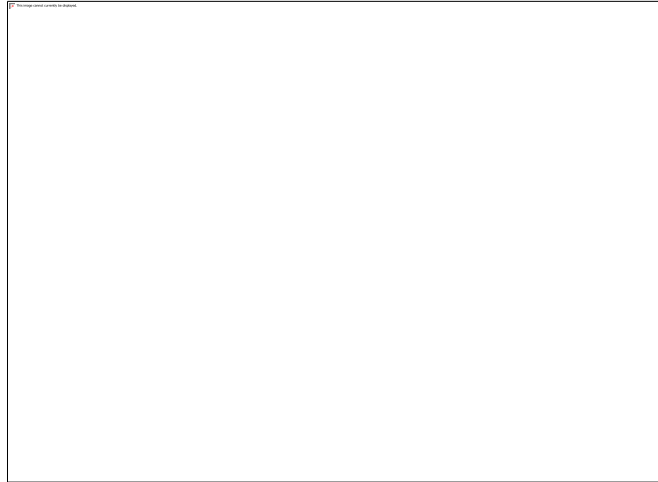


**BINDURA UNIVERSITY OF SCIENCE EDUCATION**

**FACULTY OF COMMERCE**

**DEPARTMENT OF HUMAN CAPITAL MANAGEMENT**



**EFFECTIVENESS OF LABOUR LAW IN HANDLING DISCIPLINARY  
PROCEEDINGS IN RESOVLING WORKPLACE CONFLICTS: A CASE STUDY OF  
DELTA SPARKLING BEVERAGES ZIMBABWE**

**A Research Submitted In Partial Fulfilment Of The Requirement of the Bachelor  
Commerce (Honours) Degree In Human Capital Management Bindura University of  
Science Education**

**BY**

**(B213738B)**

**JUNE: 2025**

# RELEASE FORM

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# EFFECTIVENESS OF LABOUR LAW IN HANDLING DISCIPLINARY PROCEEDINGS IN RESOLVING WORKPLACE CONFLICTS: A CASE STUDY OF DELTA SPARKLING BEVERAGES ZIMBABWE.

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Submitted by **NATASHA ENSTAY VAMBE**, Registration Number **B213738B** in partial fulfillment of the requirements of the Bachelor of Commerce Honours Degree in Human Capital Management



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## DECLARATION

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## **DEDICATION**

I dedicate this to my loving sisters (Tarisai, Leopatra, Agnes Vambe and mother Loice Chinhengo). This work is a contemplation of your strength, sacrifice and unconditional love

## **ABSTRACT**

The study examined the effectiveness of labour law in handling disciplinary proceedings in resolving workplace conflicts: a case study of Delta Sparkling beverages in Zimbabwe. The goal of the study was to assess the legal framework that governs disciplinary proceedings in Zimbabwe, with emphasis aim on their alignment with the principles of justice and fairness. Adopting a purposive sampling technique, the study collected data from 20 key informant at Delta Sparkling Beverages Coca-Cola. The researcher aimed to answer main research questions: what challenges does Delta face in applying labour law during disciplinary hearings and how effective are Zimbabwean labour laws in handling disciplinary proceedings at the company. The analysis was grounded by theoretical framework inclusive of Procedural Justice and Conflict theory which show the issues of power dynamics and fairness in disciplinary process. Findings highlighted displayed a notable disconnect gap between established labour laws and their implementation in the workplace. Thereby, pointing to difficult in obtaining procedural fairness and accountability. The study concluded that improving legal awareness, training management, strengthening policy enforcement is important in promoting effective and fair disciplinary procedures. Key terms mentioned in the study included conflict, disciplinary procedure, effectiveness, resolution and labour law which are vital for understanding the nuances of workplace discipline and conflict resolution in Zimbabwe setting. Lastly the research contributes largely to the discussion on the labour law effectiveness and workplace impartiality, emphasising the need for continuous improvements in disciplinary practices.

## **ACKNOWLEDGMENT**

I give glory to God for the strength, wisdom and grace that carried me throughout my academic journey. To my family, your prayers have been my greatest motivation. My supervisor thank you for your insightful guidance and patience. Special thanks to Mr. Manuel your support and direction were invaluable. Besides, the researcher acknowledges the works of industrial attachment mentor Mr. Munengwa, thank you for being a source of inspiration. My classmates, friends and HCM lectures thank you for making the journey easy. Lastly My friend Tariro Mudoti thank you for providing moral support and sharing in both challenges and triumphs of this endeavor

## **ABBREVIATIONS**

SBs: Delta Sparkling Beverages - Coca-Cola

BUSE: Bindura University of Science Education

HRM: Human Resources Management

CBD: Central Business District

HRP: Human Resource Practitioners

HR: Human Resources

ILO: International Labour Organization

MLC: Management Liaison Committee

WC: Workers Council

WC: Workers Committee

HOD: Head of Department

WR: Worker representative

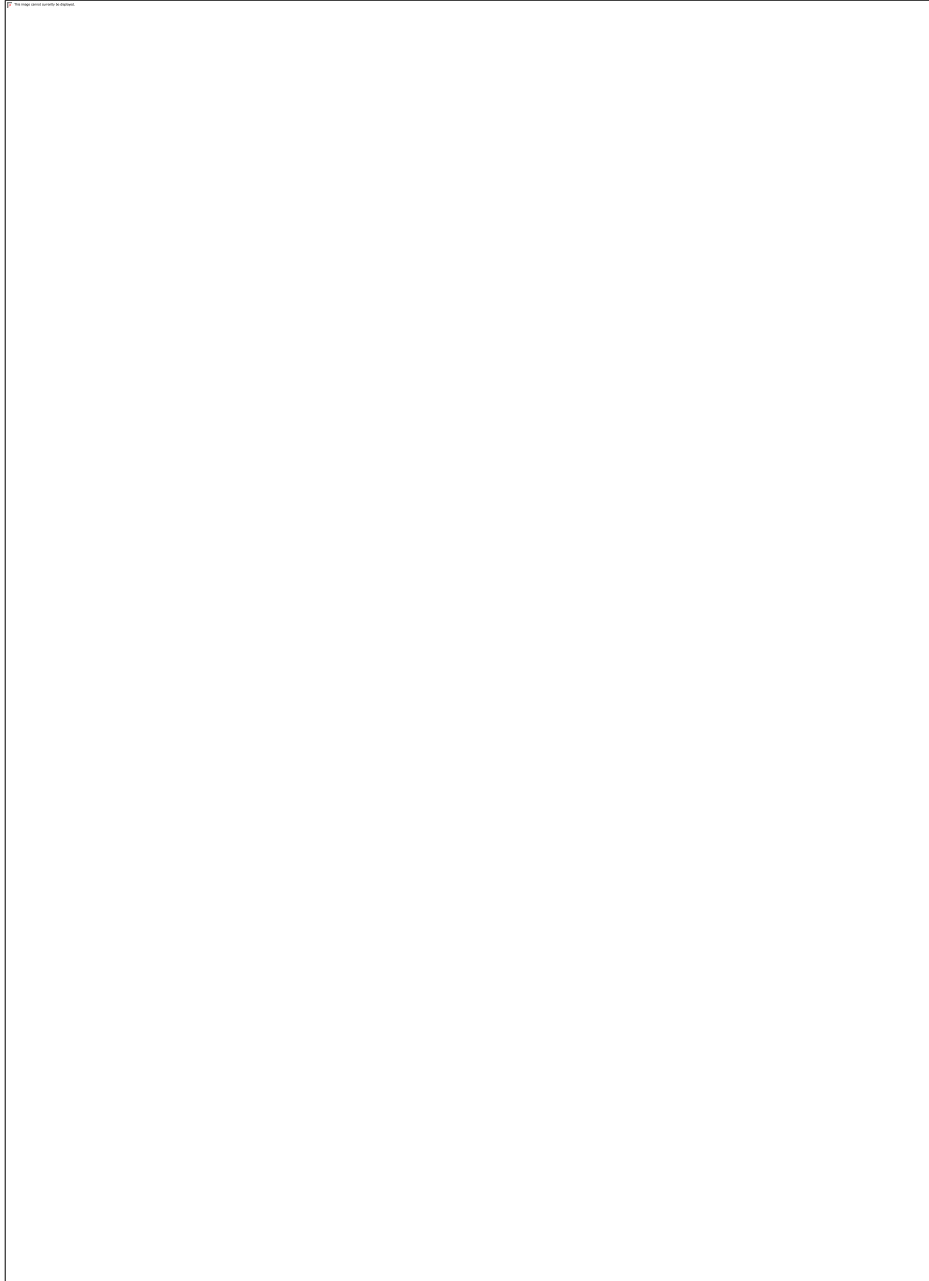
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## **CHAPTER 1**

### **BACKGROUND AND ITS SETTING**

#### **1.0 Introduction**

The resolution of workplace conflicts, especially those involving disciplinary matters, plays a crucial role in maintaining harmonious employment relations. The success of disciplinary proceedings, which are guided by labour law, is crucial for fostering workplace productivity and order. In Zimbabwe, the Labour Act [Chapter 28:01] establishes the legal structure for addressing these disputes. This dissertation examined the effectiveness of these legal provisions in managing disciplinary actions at Delta Sparkling Beverages. The primary focus of this study was placed on assessing whether the extant legal framework sufficiently addressed workplace conflicts and facilitated equitable and prompt resolutions. This chapter founded the background of the study, statement of the problem, research objectives and questions and significance of the study, limitations and delimitations.

#### **1.1 Background of the Study**

Madhuku, (2017) examined that, workplace conflicts are a common issue faced by employers and employees universally, affecting productivity, job satisfaction and organizational harmony. The conflicts often rise due to issues such as violations of the workplace policies disagreements over terms of employment or interpersonal issues. According to International labour Organization, (2020), labour laws have been institutionised worldwide to regulate these disputes and ensure that workers' rights protected. A central feature of labour laws in handling of disciplinary proceedings, which play a crucial role in resolving workplace conflicts. Highlighted in the Workplace fairness, (2020), labour laws disciplinary processes must abide to clear procedural standards, providing employees with due process while ensuring that employers can maintain order and discipline in the workplace. Nevertheless, due to their differences in their legal frameworks, socio-political environments and enforcements mechanisms.

In line with Madhuku, (2015) the effectiveness of labour law refers to the extent to which labour laws and regulations achieve their intended goals of protecting workers rights, promoting fair labour practices and resolving workplace disputes. Effective labour laws can have a significant impact on the lives of workers, employers and the broader economy.

According to Stone, (2017) disciplinary proceedings refer to the formal processes and procedures used by employers to address and manage employee misconduct, poor performance and other unacceptable behaviour. Workplace conflicts refers to disagreements disputes or clashes that arise between employees, managers or teams within an organization.

United States, governed by the National Labour Relations Act (NLRA), regulates workplace discipline especially in unionized environments. The act promotes a fair resolution of disputes and yet issues of procedural fairness remain prominent in non-unionized workplaces. Where at –will employment complicates disciplinary processes and wrongful termination disputes. Following Smith, (2019) the broader reliance on at-will employment has raised concerns about job security and fairness in the enforcement of workplace rules. Disciplinary actions are mostly scrutinized for compliance and anti-discrimination laws impacting their effectiveness in resolving conflicts (Bennet, 2013).

In the United Kingdom, the Employment rights Act (1996) provides a framework for resolving workplace disputes including disciplinary matters. The Act emphasizes on procedural fairness, requiring employees to follow a structures approach in handling allegations of misconduct therefore including opportunities to present their case and the right to appeal decisions. In accordance with Bevan & Hayday, (2016) recent studies shows concerns regarding inconsistent application of disciplinary procedures and challenges encountered in enforcing these standards. Mackenzie, (2017) research propose that adherence to these guidelines significantly improves conflict outcomes.

Moreover, the role of works councils and collective agreements in conflict resolution is significant in Germany's, the works Constitution Act (BetrVG) as it mandates that employees must be consulted before any disciplinary action is held and workers have the right to appeal to the decision. Although this system has been effective in promoting fairness studies suggests that the system can be dragging and clumsy, potentially leading to lengthy disputes that may undermine workplace harmony (Heath, 2017).

Similarly, in Japan, the labour standards act governs workplace discipline emphasizing on recompilation and non-litigation conflicts resolutions. Japan known for its corporate culture values long-term employment relationships and loyalty to employers, which influences disciplinary proceedings. Alluded by Kawakami, (2013) the system emphasizes reconciliation and non-litigious resolution of conflicts, issues of fairness and transparency remain concerns. Recent studies have also raised the issues of transparency of the system and its effectiveness in

addressing disputes in modern work environments, where power imbalances and cultural expectations complicate fairness in handling disciplinary actions (Kawamoto, 2018).

South Africa's labour relation act (1995) provides a larger framework for resolving disputes through disciplinary proceedings, with a strong emphasis on mediation and arbitration. The Act mandates that disciplinary processes be fair and equitable, aiming to prevent unfair dismissal and encourage reconciliation. Nevertheless, enforcements in SA has remained inconsistent, especially in formal sectors, where legal protections may not be adequately enforced, leading to continues challenges in effectively addressing workplace conflicts (Nicolson & Rautenbach, 2016). The study found that the labour relation act 66/95 (LRA) created a sophisticated system of dispute resolution. In context of Grogan, (2014) many employers and employees lack the knowledge and skills to operate effectively within this system, leading to a high referral rate of individual unfair dismissal cases to the Commission for Conciliation, Mediation and Arbitration. As noted by Naidoo, (2019) the study propose the need for ongoing efforts to improve the effectiveness of labour law in handling disciplinary proceedings and resolving workplace conflicts in South Africa.

Furthermore, effectiveness of labour law in resolving workplace conflicts in India by Prof Srivastava, (2018) evolve to address workplace conflicts through various statutes, including the industrial dispute act. According to Gupta, (2018) disciplinary proceedings are often criticized for being lengthy and bureaucratic hence affects the effective conflict resolution. Recent reforms aims to downsize these processes and enhances their effectiveness. According to Agarwal, (2019) in India the studies provides a valuable insights into the effectiveness of labour law in handling disciplinary proceedings to solve workplace conflicts.

Additionally, in Zimbabwe disciplinary procedures form a core element of this framework, offering a structured approach to deal with employee misconduct. Scholars such as Madhuku, (2015) have pointed out that there are inconsistencies and delays in the application of Zimbabwe's labour laws. Gwisai, (2007) also argues that recent labour law reforms in Zimbabwe have not fully addressed the practical challenges faced by both employers and workers. Noted by Binha, (2018) effectiveness of labour law in handling disciplinary proceedings in Zimbabwe has highlighted the need for labour law reforms, as well as improved court efficiency, and promotion of transparency and accountability Machakanja, (2019). By doing so, it could address power imbalances and promoting fair labour practices are also crucial for improving the effectiveness.

The effective management of workplace conflicts is essential for maintaining harmony and productivity in organizations Heath, (2017). Delta has experienced a significant increase in employee resignation, with a 15% rise from 2021 to 2023, Delta Sparkling Beverages, (2023). Exit interviews revealed that many employees cited dissatisfaction with the company's disciplinary handling procedure as a major reason for departure. The lack of an effective labour law on disciplinary proceedings system was identified as a significant contributing factor to the high resignation rate, this is supported by a case Delta Beverages & Anor v Everson Chirau, May and July, (2018). Madhuku, (2015) argued that clear policies and procedures are crucial for resolving workplace disputes. Moreso Madhuku, (2017) emphasized the importance of training managers in conflict resolution skills. The issues not only affected employee morale and productivity but also has significant implications for the company bottom line. The dissertation aimed to investigate the effectiveness of labour law in handling disciplinary proceedings in resolving workplace conflicts at Delta Beverages. By examining the company's current disciplinary handling procedures and the role of labour law in resolving conflicts. This study sought to identify areas for improvement and provide recommendation for enhancing the effectiveness of labour law in resolving workplace conflicts.

## **1.2 Problem Statement**

Delta Sparkling Beverages faces challenges in managing workplace conflicts, leading to decreased employee satisfaction, higher turnover rates and potential legal issues (Dube, 2020). Workplace conflicts and disciplinary issues impact productivity, employee morale, and overall performance (Deery et al., 2016). Mlambo, (2017) alluded Zimbabwe's Labour Act [Chapter 28:01] provides a framework for managing disciplinary matters, but its effectiveness in resolving conflicts at Delta Beverages remains uncertain.

## **1.3 Research Objectives**

The primary objective of this study is to evaluate the effectiveness of Zimbabwean labour law in resolving workplace conflicts through disciplinary proceedings at Delta Sparkling Beverages. Specific objectives include:

- To assess the legal framework governing disciplinary proceedings in Zimbabwe.
- To investigate the processes followed by Delta Sparkling Beverages in handling workplace conflicts.

- To evaluate the outcomes of disciplinary proceedings in relation to principles of fairness and justice.
- To develop and implement clear policies that enhance employee understanding of their rights and responsibilities...

#### **1.4 Research Questions**

The study was guided by the following research questions:

1. How effective is the Zimbabwean labour law in handling disciplinary proceedings at Delta Sparkling Beverages?
2. What processes are followed in handling workplace conflicts within the company?
3. Are the outcomes of disciplinary proceedings consistent with the principles of fairness and justice?
4. What challenges does Delta Sparkling Beverages face in implementing labour law during disciplinary proceedings?

#### **1.5 Significance of the Study**

This study contributed to the body of knowledge on labour law and conflict resolution in Zimbabwe. The findings offered valuable insights to policymakers, human resource managers, and organizational leaders regarding the effectiveness of labour law in resolving workplace conflicts and managing disciplinary proceedings. The research benefited several stakeholders, including:

**Delta Corporation:** The recommendations helped the company to reduce misconduct-related issues that negatively impact production and organizational performance.

**Bindura University of Science Education (BUSE):** The findings may serve as a reference for academics, students, and administrative staff, and may also inform the university's approach to handling disciplinary issues within the institution.

**Human Resource Practitioners:** Insights from this study helped to improve industrial relations, ensuring that employers manage their workforce more effectively, reducing the financial costs associated with conflicts and improving organizational performance.

**Employees:** The study provided employees with a clearer understanding of disciplinary procedures and their rights, promoting industrial democracy and reducing conflicts in the workplace.

**The Researcher:** The research enhanced the researcher's knowledge and skills in handling workplace disputes and managing disciplinary procedures.

### **1.6 Assumptions**

- The study assumed that the current labour law framework in Zimbabwe is the primary factor influencing the handling of disciplinary proceedings and other factors such as organisational culture and management style.
- The study assumed that labour law promotes fairness and transparency in disciplinary proceedings that fosters trust between employees and management.
- It assumed that organisations that adhere to robust labour laws in managing disciplinary proceedings tend to develop a culture of compliance and accountability

### **1.7 Limitations of the Study**

The study encountered challenges in collecting unbiased information, as some respondents were not willing to answer sensitive questions, which led to invalid data. However, the researcher mitigated this by providing introductory letters to participants, ensuring the confidentiality of their responses. Additionally, the study's findings being limited to time constraint of 8 month time constraint , which precluded an exhaustive examination of all relevant aspects of the labour law framework in handling disciplinary proceedings in Zimbabwe. To overcome, a comprehensive of existing literature on labour law framework in Zimbabwe was conducted to provide a foundation for the study. Despite this limitation the study provided valuable insights into the labour law framework in Zimbabwe and its utilisation in handling disciplinary proceedings.

### **1.8 Delimitations of the Study**

The current study was conducted at Delta Sparkling Beverages Graniteside Plant, located 2.6 kilometres from the central business district of Harare. Theoretically, this study is grounded in the conflict resolution framework, which contends that conflicts can be addressed through various means, including disciplinary procedures (Thomas, 2010). The research targeted an

average of 15 to 20 employees with extensive knowledge of disciplinary processes, primarily from the operations and plant departments, where most disciplinary cases occur. The study covered the period from 2023 to 2024.

### **1.9 Definition of Key Terms**

**Disciplinary:** Alluded by Cascio, (2016) it refers to actions taken to enforce rules, regulations, and standards of behaviour within an organization or educational setting.

**Disciplinary Procedure:** according Benedict, (2019) disciplinary procedure refers to formal process used to address employee misconduct or poor performance.

**Conflict Resolution:** The methods and processes involved in resolving conflicts and retribution (Mayhew, 2017).

**Effectiveness:** The ability to achieve intended or expected results (Grogan, 2014).

**Labour Law:** Refers to the body of laws governing the relationship between employees and employers, regulating working conditions, wages, hours, and benefits, as well as the operation of labour unions and collective bargaining (ILO, 2016).

### **1.10 Chapter Summary**

In this chapter, the researcher looked at background and its settings. Researcher discussed on the research objectives, problem statement, research questions and significance of the study. The chapter examined the role of labour law in regulating employee- employer relations, conflict management ensuring fair treatment. The next chapter covered theoretical foundation of the study, conceptual framework and empirical review

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter examined the role of labour law in managing disciplinary proceedings and resolving conflicts within the workplace. It has analysed the key legislative frameworks, examine their practical application and evaluate their effectiveness in fostering fair treatment and justice for employees and employers alike. The analysis included relevant conceptual framework, empirical review and theories of conflict that provided a comprehensive understanding of how the legal frameworks facilitated conflict resolution in organizational settings.

#### **2.2 Theoretical Framework**

The effectiveness of labour law in handling disciplinary proceedings in resolving workplace conflicts is greatly embedded in socio economic dynamics, power relationships and fairness of process. The primary theoretical framework of this dissertation focused on Conflict theory with supplementary insights drawn from Procedural justice theory. Theories has offered valuable lenses through which to evaluate the role of labour law in addressing workplace disputes, ensuring that the procedures are equitable and that power imbalances are addressed.

##### **2.2.1 Conflict Theory as the central framework**

At its core, Conflict theory introduced by Marx, 1867 posits that the society is fundamentally divided into groups with conflicting interests, primarily based on these social, economic and political positions. In the workplace, conflict typically arises between employers who hold economic and managerial power and employees who are often in a subordinate economically depended situation. Meaning that power dynamic leads to disagreements over issues such as work conditions, pay, treatment as employees feel vulnerable and less empowered to voice their concerns. Supported by Madhuku, (2015) the legal framework governing workplaces often reflects the dominant power structures which may exacerbate inequalities. Conflict theory, explains how the power imbalances between employer and employee creates potential for exploitation, discrimination and unfair treatment. It provided a critical lens to evaluate the effectiveness of labour laws in protecting workers and promoting fair labour practices. This

perspective is important for understanding the underlying causes of workplace conflicts and the role of legislation in addressing these issues.

In this context the theory becomes deeply relevant when applied to the legal frameworks that govern employer-employee relationships, especially in the context of disciplinary proceedings. Labour law, including Zimbabwe's **Labour Act [Chapter 28:01]**, serves as a regulatory mechanism to ensure that disciplinary proceedings are fair and just, thereby reducing potential conflicts. Nevertheless, the effectiveness of such laws in practice largely depends on whether employees perceive the processes and outcomes as equal.

Labour law, particularly in disciplinary proceedings acts as a balancing mechanism intended to mediate these power differences. According to Bensman & Perkins, (2014) the idea is that workplace conflicts often emerge from these power struggles and without legal frameworks to address grievances and offer protections, employees suffer disproportionately. Conflict theory suggests that laws governing workplace discipline helps mitigate the exploitation of workers by fabricate structured channels for addressing grievances, providing an essential counterbalance to the inherent employer power.

Aforementioned, conflict theory provides the theoretical basis for understanding why disciplinary proceedings are so important in resolving workplace disputes. Bourdieu, (2020) emphasize that workplace conflicts are linked to broader structural inequalities, offering a framework to analyse power imbalances. The research explored how effectively the labour Act of Zimbabwe addresses these power imbalances by providing a legal framework for fair treatment as alluded by Gordon, (2023) who discusses the role labour law plays in mitigating conflicts. This framework also backs the idea that workplace conflicts are not merely isolated incidents but are linked to broader structural inequalities. Therefore, examining the effectiveness of the labour act in handling disciplinary actions is crucial in understanding how labour law can mitigate such conflicts. Researcher aimed to analyse how well the laws procedural mechanisms serve to protect employees from unfair disciplinary actions and to balance power between the employer and employee (Smit, 2023).

### **2.2.2 Procedural and Distributive Justice in Disciplinary Proceedings**

In collaboration with conflict theory, the concept of procedural justice plays an important role in the theoretical framework. Procedural justice theory, as expressed by Lind and Tyler (1988), focuses on the fairness of the processes used to make decisions, rather than solely on the

outcomes. Related to labour law and workplace disciplinary proceedings, procedural justice emphasizes the importance of transparency, consistency, and participation in decision-making processes. Noted by Tyler, (2006) employees are more likely to accept disciplinary decisions if they perceive the processes to be fair, even if the outcome is not in their favour.

The Labour Act of Zimbabwe integrates elements of procedural justice by mandating that employers follow specific processes when disciplining employees. These procedures ensure that the accused employee is informed of the allegations, given an opportunity to respond, and afforded a hearing before any final decisions are made. This aligns with the principles of procedural justice, which advocate for impartial, equitable procedures that prevent arbitrary decision-making supported by (Gwisai, 2015).

Further, procedural justice in the workplace can mitigate the likelihood of ongoing conflict. If employees perceive that they are treated fairly, they are more likely to accept the decisions made, even if those decisions are punitive. Muddled, if employees perceive that the disciplinary process is biased or unfair, it may worsen workplace tensions and lead to further disputes or even legal action. Moreover, in accordance to Madhuku, (2015) procedural justice in disciplinary proceedings not only upholds the legitimacy of the disciplinary process but also plays a crucial role in mitigating the potential for conflict.

### **Link between Conflict Theory and Procedural Justice in Resolving Workplace Conflicts**

The link between conflict theory and procedural justice lies in the recognition that workplace conflicts are not merely personal disputes, but are often derived in deeper structural inequalities and power imbalances. As such, resolving these conflicts requires more than just addressing the immediate issues or outcomes; it necessitates ensuring that the processes through which conflicts are resolved are perceived as fair and just by all parties involved.

From a conflict theory perspective, the law's role in resolving workplace disputes is to reduce the power imbalances that can lead to conflict. By establishing fair and transparent procedures for handling disciplinary actions, labour law acts as a mechanism for balancing power between employers and employees. Procedural justice, as a complementary framework, ensures that the processes through which decisions are made are seen as legitimate by employees, therefore contributing to the overall resolution of conflict.

The Labour Act of Zimbabwe provides the legal structure within which these theories interact. It offers clear procedures for dispute resolution, outlining the steps for handling grievances and

ensuring that disciplinary actions abide with principles of fairness and justice. By implementing conflict theory and procedural justice into the legal framework, Zimbabwean labour law tries to address both the power dynamics and the fairness of the processes involved in resolving workplace conflicts (Labour Act, 2020).

The effectiveness of labour law in handling disciplinary proceedings and resolving workplace conflicts can be understood through the perspective of conflict theory and procedural justice. Conflict theory highlighted the power struggles inherent in employment relationships, supported by Tilly, (2019) and Dahnrendof, (2018) discussing the implications of social inequality on workplace dynamics. Jointly, these theories reinforce the necessity of balancing power dynamics and ensuring fairness in workplace disciplinary process. Outlined in the Labour Act of Zimbabwe and similar legislative frameworks. Alluded by Colquitt, (2019) & Folger, (2018) the interplay of these theories provides a comprehensive understanding of how labour law functions to address workplace conflicts and the extent to which it can contribute to the resolution of such disputes in a just and equitable manner.

### **Comparative Insights from Other Jurisdictions**

A comparative analysis of disciplinary proceedings in other jurisdictions offers valuable insights into how Zimbabwe's labour laws could be improved. For example in South Africa, the Labour Relations Act provides a more robust framework for managing workplace conflicts. Alluded by Grogan, (2020), the South African legal system offers stronger protections for employees, including the right to appeal disciplinary decisions through independent labour courts. Grogan's work shows the essential of having an independent body to oversee disciplinary proceedings, something that is lacking in Zimbabwe's Labour Act.

Similarly, research by Mollel, (2018) labour law in Tanzania highlights the benefits of having a clear and transparent process for handling disciplinary issues. In Tanzania, the Employment and Labour Relations Act ensures that disciplinary proceedings are carried out in a fair and impartial manner, with employees having the right to representation and the opportunity to appeal decisions. Mollel, (2018) supports that these protections are critical in ensuring that workplace conflicts are resolved fairly and that disciplinary actions do not intensify tensions between employers and employees.

### **2.3 Gaps in the Labour Law Framework in Zimbabwe**

Despite the legal framework provided by the Labour Act, there are significant gaps in how disciplinary proceedings are handled in Zimbabwe. Gwisai, (2007) points to the lack of enforcement mechanisms as one of the major weaknesses of the Act. He argues that while the law provided detailed guidelines for handling disciplinary issues, there is little oversight to ensure that employers comply with these guidelines. This lack of enforcement, combined with the power dynamics in the workplace, undermines the effectiveness of the law in resolving conflicts.

Madhuku, (2015) also identifies procedural inefficiencies as a key challenge in the application of labour law in Zimbabwe. Madhuku noted that disciplinary proceedings are often delayed, with cases taking months or even years to be resolved. These delays not only undermine the effectiveness of the law but also contribute to workplace tensions, as unresolved conflicts continue to simmer.

The literature on the effectiveness of labour law in handling disciplinary proceedings highlights both the strengths and weaknesses of Zimbabwe's legal framework. While the Labour Act provides a solid foundation for managing workplace conflicts, its effectiveness is often undermined by procedural inefficiencies, power imbalances, and a lack of enforcement. Comparative insights from other jurisdictions suggest that reforms are needed to strengthen the legal protections for employees and ensure that disciplinary proceedings are carried out in a fair and transparent manner. This review sets the stage for the case study of Delta Sparkling Beverages, which provide practical insights into how these laws are used in one of Zimbabwe's largest companies.

#### **2.3.1 The legal Framework Governing Disciplinary Proceedings in Zimbabwe**

Zimbabweans legal framework governing disciplinary proceedings in the workplace are primarily derived in the labour Act [Chapter 28:01] and the constitution of Zimbabwe. These legislative instruments jointly establish standards and procedures for managing workplace conflicts and ensuring fair labour practices.

The labour act [chapter 28:01] is the primary legislation governing employment relations in Zimbabwe and it has provided a comprehensive legal framework for disciplinary proceedings in the workplace. The Act ensure the protection of employees right and promotes fair treatment by setting out the procedures for carrying out disputes between employers and employees and

issues related to misconduct and disciplinary measures. Section 4 of the labour act guarantees workers the right to join trade unions, while section 12 to 14 outlines the requirements for disciplinary procedures and termination of employment. Section 12 B outlines the procedure for disciplinary hearings, ensuring that employees are informed of the allegations against them and given a chance to respond, an opportunity to appeal if necessary. Nyoni, (2020) evidences the importance of procedural fairness in disciplinary proceedings. The Act mandates that employees follow a fair process before imposing any form of disciplinary actions be it verbal warning, suspension or dismissal. According to Gumbo, (2022) this protects the employee and employer, ensuring that decisions are based on evidence and conducted in a transparent manner.

In 2015, the Labour Act underwent significant amendments aimed at enhancing labour relations and aligning with international standards. These amendments sought to streamline strike procedures, enhance appeal mechanisms and decriminalize certain collective job actions reflecting a shift towards more democratic and fair labour practices.

The constitution of Zimbabwe, (2013) plays an essential role in shaping proceedings, as it guarantees fundamental rights that protect employee's interest at the workplace. Chapter 4 of the Constitution, particularly section 56 ensures equality and non-discrimination thereby providing a basis for workers to challenge any unfair or unjust disciplinary actions based on their gender, race or other protected characteristics supported by (Matsika, 2021). The constitution safeguards the right to fair treatment in the workplace under section 56, which mandates employees should have the right to fair and safe working conditions including the right to change unfair treatment and wrongful dismissals (Chavhunduka, 2023). Chihuri, (2022) noted that Constitution encourages the enforcement of disciplinary proceedings that are equitable and just, ensuring that disciplinary actions are not influenced by personal biases or discriminatory practices.

The labour court in Zimbabwe is a specialised tribunal established under the labour act to resolve disputes between employees and employers. The court plays an important role in reviewing the fairness of disciplinary proceedings and making binding rules on the cases involving wrongful; dismissal, unfair treatment or unlawful conduct by employees during disciplinary hearings (Chimedza & Moyo, 2020).

The labour act (Chapter 28:01) and the Constitution of Zimbabwe collectively establish a robust framework for managing disciplinary proceedings and resolving workplace conflicts.

Though their detailed provisions and recent adjustments, they seek to promote fair labour practices and ensure that both employees and employers operate within a system that ensures justice and equity.

### 2.3.2 Processes followed by Delta Sparkling Beverages in handling workplace conflicts

Effectively managing workplace conflicts is vital for maintaining a harmonious and productive environment. Delta sparkling beverages as an organization typically follows a structured approach from their code of conduct to address workplace conflicts.

*Fig 1.1. Source- Delta Corporation Code of Conduct.*

#### Delta sparkling, disciplinary handling procedure

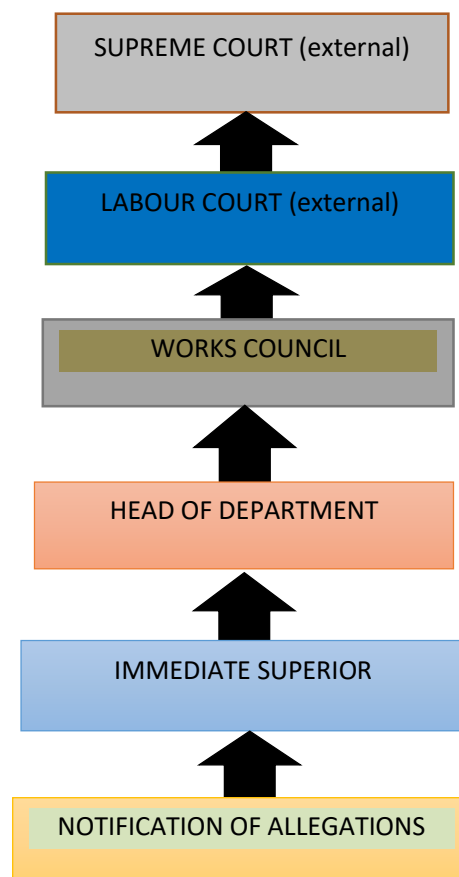


Fig 1.1. Source- Delta Corporation Code of Conduct

From the above diagram, employee is formally notified of the allegation against them, including details of misconduct. Both employee and the organization prepare for the hearing.

This involves gathering evidence, witness statements and relevant documents. The hearing takes place with a panel and the hearing is chaired by the immediate supervisor and accompanied by a workers' representative. The employee is allowed to bring a representative. After deliberations are made the employee is asked to submit his mitigation that will be considered when drafting his penalty. After the hearing has ended the employee is told whether he was found guilty or not. He or she is told to expect his determination in the next four working days from the day of the hearing. The HR personnel assist in reviewing the determination and serve the determination. If the employee is not happy with the outcome he or she has the right to appeal to the next level.

On the second stage, the employee upon receiving his determination he has to appeal within four days after getting the determination. A notification is sent by an organisation of the hearing date, time and venue. The second level is chaired by the head of department the panel consist of the HOD who is the Chair, HR representative, three member of the management and three workers' committee members or three Management Liaison Members, scribe and a personnel representative if the employee has one. In this level the employee is allowed to bring new evidence. At the end of the hearing he or she is told whether he was found guilty or not. He or she receives his determination in the next 4 working days and if he or she is not happy has the right to appeal to the 3<sup>rd</sup> stage.

At the third stage, if the Head of Department penalty was not fair with the employee, he appeals to the last internal level in the organisation which is the Works Council. The works council proceedings are shaped with the last level, the employee cannot bring more evidence but rather the proceedings are based on the grounds of appeal he or she submits when he appeals. The panel consists of General Manager/ Plant manager, 3 Executives as management representatives, 3 worker reps / 3MLC rep, scribe and personal representative if present. The council must have equal membership from the management and workers' representatives or managerial employee representatives. If the Works Councils finds the employee guilty they then dismiss the employee from Delta beverages and the employee gets his determination in 7 working days and has a right to appeal to the Labour Court within 14 days. If the council reinstate the employee the records of the hearing are then kept as a record in the employee personal file and kept and a record as the employee has a punitive penalty. The labour court will be outside Delta Corporation code of conduct.

### **2.3.3 Outcomes of disciplinary proceedings in relation to the principles of fairness and justice.**

The effectiveness of labour law in managing disciplinary proceedings is essential for maintaining a fair and just workplace (Lopez & Cuddy, 2018; Greenberg, 2018). Several limitations with the current labour law framework may impact the efficacy of these proceedings, such as inadequate enforcement and insufficient resources allocated to oversight (Bach & Franks, 2019). Noted by, Colquitt et al., (2018) identifying and addressing these outcomes is essential for enhancing organizational justice and fairness.

Limited employee representation; the Labour Act allows for the formation of workers' committees to represent employees' interests. In practice, these committees lack sufficient authority or resources, limiting their effectiveness in advocating for employees during disciplinary proceedings. For instance, Johnson & Turner, (2019) discuss the challenges faced by these committees, including the failure to be released by their immediate superior to attend the hearing. Without adequate representation, employees feel unprivileged, leading to decreased trust in the disciplinary process and potential grievances (Dealing & Kearney, 2020; Chardon & Pienaar, 2021). According to Ashford et al, (2020) strengthening the role and capacity of these committees is important for ensuring balanced and equitable proceedings.

As noted by Kaufman et al., (2019) inadequate training of disciplinary committees; the fairness and justice of disciplinary proceedings is heavily centered on the competency of those overseeing. If members of disciplinary committees are not properly trained in labour laws, conflict resolution, and unbiased decision-making, it can lead to flawed judgments and potential legal challenges (Loeppke et al., 2018). Ensuring that committee members receive thorough training is crucial for maintaining the principle of the disciplinary process (Taylor et al., 2021; Wilkinson & Roper, 2019).

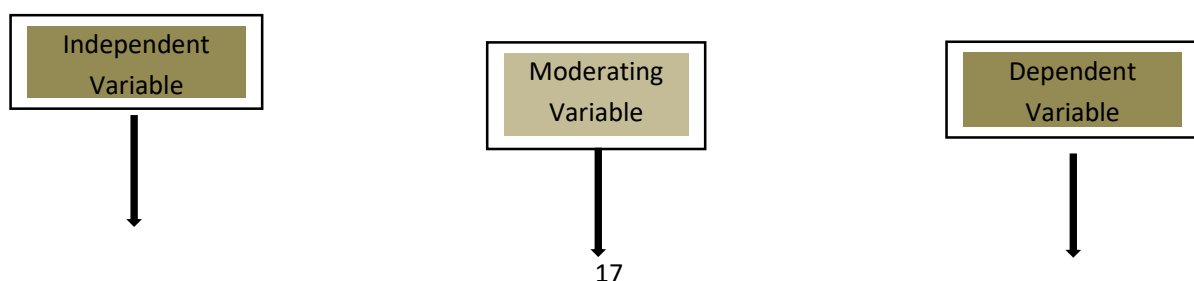
Reinforcement of employee morale and organizational integrity; when employees perceive the disciplinary process as fair, their morale and trust in the organization increase. Kim & Mauborgne, (2020) argues trustworthiness is vital for fostering a positive organizational culture, where employees are likely to resolve conflicts through appropriate channels rather than through litigation. For instance, Taylor, (2019) argues that organizations that advocate fairness in disciplinary situation experience greater employee engagement and lower turnover rates (Bakker & Demerouti, 2018; Van Dick et al., 2021).

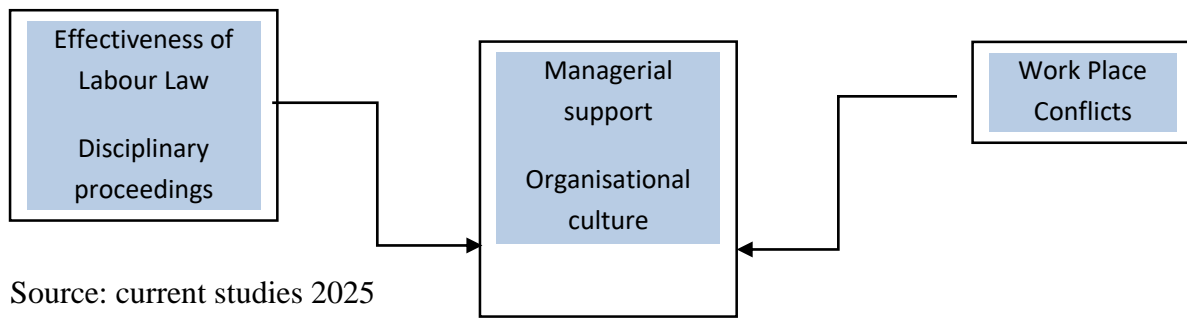
Promoting restorative justice; disciplinary processes in accordance with labour laws may focus on restorative justice principles aiming to repair relationships and reintegrate employees into the workforce after conflicts. The approach leads to positive outcomes such as improved employer-employee relationships and greater workplace harmony (Barton & Hill, 2020; Morris & Gelsthorpe, 2019). For example, Barton & Hill, (2020) explored how restorative justice principles applied in disciplinary proceedings support fairness by addressing the root causes of conflicts and fostering reconciliation among parties.

Additional outcome of disciplinary processes is promoting fairer employment practices. Disciplinary proceedings that abide to labour law principles foster more equitable treatment of all employees, irrespective of their positions or background (Wrench & Kelsey, 2019). This promotes overall fairness and justice in employment practices by minimizing discrimination and unequal treatment in disciplinary actions (Harrison & Rainer, 2020). Illustration is Johnson v. Factory Industries (2017), where the court ruled that the employer had not adhered to due processes in its hearing proceedings, thereby reinforcing the value of equal treatment for all employees (Stevenson & Roberts, 2018).

## 2.4 Conceptual Framework

The conceptual framework for this study was on the effectiveness of labour law in disciplinary proceedings in resolving workplace conflicts is structured around key concepts and their interrelationship, which provide a foundation for understanding the dynamics at play in the workplace. The main concepts examined in this framework are labour law, disciplinary proceedings, work conflicts and effectiveness. These concepts serve as the building blocks of the study and form the core areas for analysis (Smith, 2021) with the literature from labour law being extensive. In light of Davies and Freedland (2000) who explored the fundamental principles of labour law in ensuring justice and fairness in workplace disputes. In the Zimbabwean context, Madhuku (2015) provides a detailed analysis of the Labour Act, highlighting its strengths and weaknesses in conflict resolution. He argues that while the law provides a framework for handling disputes, its implementation is often problematic due to delays and inefficiencies in the legal system.





**2.2.1 Fig. The relationship between effectiveness of labour law, disciplinary proceedings and workplace conflicts.**

The conceptual framework of this study demonstrates the interconnected of labour law, disciplinary proceedings, workplace conflicts and effectiveness. By examining how these concepts interact, it is possible to understand the role of labour law in resolving work conflicts through disciplinary proceedings ensuring that conflicts are handles in a manner that is both fair and effective thus maintaining a harmonious and productive work place environment (Johnson & lee, 2023). Independent variables are factors or conditions that have influence or contribute to the outcomes of disciplinary proceedings under labour law. Dependent variables are the outcomes or result that are measured to assess the effectiveness of the independent variables. Lastly moderating variables are those that can influence the strength or direction of the relationship between the independent and dependent variables.

#### **2.4.1 Labour law**

Labour law is the primary concept in this framework and refers to the legal framework that governs the relationship between employers and employees, including their rights, obligations and the processed involved in handing disputes and disciplinary issues. According to Jackson & lee, (2020), labour laws are designed to protect workers from unfair treatment, ensure justice in the workplace and maintain good work environment. The key variables under this section included legal procedures, employee rights and employer obligations. A well-developed labour law system provides a clear structure for addressing misconduct or performance issues, ensuring that employees are treated fairly and that disciplinary actions are conducted according to the legal framework (Johnson, 2022).

#### **2.4.2 Disciplinary Proceedings**

Disciplinary proceedings, the second key are processes through which employers address issues of employee misconduct or performance deficiencies. The proceedings typically involve

an investigation, hearing and the imposition of penalties such as warnings, suspension or terminations. According to Williams & Brown, (2019) disciplinary proceedings are designed to correct undesirable behaviour, ensure compliance with workplace rules and maintain a productive working environment. The variables within this concept include grievance handling code of conduct in line, suspension termination procedures and the overall fairness and transparency of the process. How effectively these proceedings are managed is crucial to resolving workplace conflicts and ensuring that both the employee and employer rights are respected (Clark et al., 2021).

### **2.4.3 Workplace Conflicts**

Moving on, work conflicts arise when there are disagreements between employees and employers or among co-workers. These conflicts can arise from different causes such as communication breakdowns, perceived unfair treatment or violations of company policies (Robinson, 2020). Supported by Martin & Adams, (2020) work conflicts often disrupt workplace peace, reduce productivity and lead to dissatisfaction among employees. The key variables included the nature of the conflict, the causes of the conflict, unfair policies and the strategies used for conflict resolutions. The manner which conflicts are handled determines whether they escalate or are resolved amicably. Work conflicts generally leads to disciplinary proceedings, as they involve breaches of company rules or performance expectations (Evans, 2021).

### **2.4.3 Effectiveness of labour law**

The effectiveness of labour law in resolving work conflicts is a central concept in the framework. This refers to how well labour law and its associated procedures contribute to resolving conflicts in a manner that is timely, fair and satisfactory to all parties involved. The effectiveness of labour law is measured by the extent to which it resolves disputes, ensures fairness, minimize workplace tension and improves employee relations (Williams & Brown, 2021). The key variables under effectiveness include resolution time and satisfaction levels and the overall compliance with legal standards. A labour law system that is consistently effective in resolving workplace conflicts will not only reduce the number of misconducts but will also help maintain a positive and productive working environment (Johnson & Lee, 2023).

The relationship between these concepts are vital in understanding how labour law influences disciplinary proceedings and work conflict resolution. Labour law provides the framework

within which disciplinary proceedings are conducted, ensuring that all actions taken by the employer are legally sound and just. When labour law is comprehensive and well enforced, it ensure that disciplinary proceedings are carried out in a transparent, consistent and fair manner. In turn, this improves the likelihood that conflicts arising from misconduct or performance issues are resolved fairly reducing the chance of escalation or future conflict (Clark et al., 2022).

Furthermore, according to Evans, (2021) labour law plays a direct role in mitigating work conflicts by providing clear guidelines for resolving disputes and ensuring that both employees and employers understand their rights and obligations. When labour law is effectively applied, it helps prevent conflict from escalating as employees have confidence that their grievances will be addressed in a fair manner (Smith, 2021). Meanwhile disciplinary proceedings are often a result of work conflicts these proceedings can serve as a mechanism for conflict resolution, either by correcting behaviour or through discussions that allow for mutual understanding. If employees feel that the disciplinary process is biased or unfair, it can worsen the conflict leading to dissatisfaction and possibly even legal actions (Robinson, 2020)

Organizational culture are the values, beliefs and practices within an organization and can influence how labour law is applied and how disciplinary processes are perceived. In accordance to Smith et al., (2013) an organization with a culture that prioritizes fairness and transparency may moderate the effects of labour law on conflict resolution by ensuring that procedures are followed in an equitable manner.

Ultimately, the effectiveness of the labour law in resolving workplace conflicts depends deeply on how well it regulates and governs disciplinary proceedings. A legal framework that ensures fairness, timeliness and compliance with legal standards contributes to the resolution of conflicts in a way that is both equitable and satisfying to all parties involved (Martin & Adams, 2022). The effectiveness of labour law is measured by the extent to which it can resolve conflicts through proper disciplinary proceedings that align with the principle of justice and fairness.

## **2.5 Empirical Review.**

Effectiveness of labour laws in handling disciplinary proceedings and resolving workplace conflicts is a critical issue for many organisations. The empirical review explored studies of how labour laws are applied in workplace settings, particularly focusing on the Zimbabwean

companies including Delta beverages. To understand how these laws influence disciplinary actions and conflict resolution. The review will summarise three relevant studies.

Using Chikodzi, (2019) framework, tilted the effectiveness of labour law in Disciplinary procedures in Zimbabwean companies. The study explored the effectiveness of labour laws in regulating disciplinary proceedings in Zimbabwe, focusing on the compliance with procedural fairness and justice under the Zimbabwean labour Act. Chikodzi used a mixed method approach that included qualitative interviews with human resources (HR) managers and employees. He also used the quantitative surveys, to collect data on how companies handle disciplinary actions in practice. The study found that many organizations are aware of the Labour Act but their adherence to the law in disciplinary matters was inconsistent. HR personnel lacked the necessary training to ensure the procedural fairness required by the law, leading to numerous errors in handling such cases. Additionally, the study revealed that employees perceive the disciplinary processes as biased and unjust and lack of consistency when the rules and regulations are being implemented. Chikodzi concluded that there is a pressing need for more comprehensive training programs for HR managers to ensure that they understand and comply with the principles of fairness and integrated in labour laws.

In Nyoni, (2020) study conflict Management and workplace disciplinary proceedings in the beverage industry, explores how the beverage industry in South Africa manages workplace conflicts and disciplinary proceedings in light of labour laws. The research focused on the link between legal compliance and conflict resolution in handling employee misconduct. Nyoni's research employed a qualitative case study design, gathering data through semi structured interviews with HR managers, employees and labour experts as well as analysing workforce policies and disciplinary case files. The study found out that companies in the beverage industry faced considerable challenges in effectively applying labour laws to resolve conflicts and handle disciplinary actions. one major issue was the complexity and length of the disciplinary process, which often led to delays in addressing conflicts and dissatisfaction among employees and managers. Nyoni's concluded that to improve fairness in workplace, companies should apply transparent and standardized disciplinary procedures that are fully aligned with national labour laws.

A third relevant study is Musasa, (2021) research, Labour law compliance and challenges in disciplinary procedures in Zimbabwe manufacturing firms. This focused on the challenges faced by manufacturing companies in Zimbabwe in implementing labour laws during

disciplinary proceedings. Musasa's study used a comparative research design, employing both qualitative interviews and quantitative surveys to gather data from HR managers, union representatives and employees from a range of manufacturing firms. The study displayed important challenges in enforcing labour laws consistently during disciplinary procedures. Challenges identified include lack of training for HR personnel, the failure to conduct thorough investigations before taking disciplinary actions and a general lack of transparency in decision making. Employees expressed that the procedures were not consistent with the principles of fairness and justice particularly come from dismissal. Musasa finalised that business needed to align better for their disciplinary processes with the legal requirements of the Zimbabwe labour Act to ensure fairness and legal compliance. The study recommended that companies invest in ongoing training for HR managers, develop clear communication channels between management and employees and involve legal experts when making significant disciplinary decisions.

## **2.6 Research Gap**

Despite the existence of labour laws and regulations, workplace conflicts and disciplinary issues persist in the beverage industry. Specifically, there is a lack of empirical research investigating the effectiveness of labour law in handling disciplinary proceedings in resolving workplace conflicts in the Nigerian beverage industry Ogundele, (2013), with focus on Delta Sparkling Beverages Coca-Cola.

## **2.7 Chapter summary**

This conceptual framework, theoretical review and empirical review served as a foundation for exploring the effectiveness of labour law in handling disciplinary proceedings and resolving workplace conflicts. By addressing this, stakeholders can work towards a more balanced and effective labour law framework that fosters a harmonious workplace environment. Next chapter focused on research methodology.

## **CHAPTER 3**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

The earlier chapter focused on conceptual and theoretical framework relating to disciplinary handling procedure, as well as the empirical findings. This chapter is centered on the research methodology used to gather data for the research. Elements in this study contain research approach, research design, sampling method, sample size and instruments used to collect data.

#### **3.2 Research philosophy**

Research philosophy according to (Creswell, 2014) was defined as underlying beliefs and assumptions which guide a research process. According to Mohiya, (2023) Research philosophy can be categorized into several paradigms, including positivism, critical realism and interpretivist each offering different perspectives on knowledge creations and validation. Researcher adopted interpretivist as a type of philosophy and it is supported by (Heath & Cowley, 2020) that outlines the importance of interpretivist in qualitative research. Particularly for understanding participant's perspectives and meaning-making processes. Using interpretivism into this research facilitated a comprehensive understanding of how labour law in real world contexts works, capturing the experiences and perceptions of individuals that were involved in disciplinary proceedings thereby providing valuable insights into workplace conflict resolution. The researcher preferred qualitative methods such as key informative interviews, observations and focus groups to collect data. The interview were open ended which allowed dialogues or interaction between the researcher and the respondent since they created more personal approach between participants. The research included use of secondary sources of data which included journals and hearings minutes.

### **3.3 Research approach**

According to Creswell, (2014) research approach refers to a strategy adopted by the researcher in carrying in out their study. Researcher adopted the qualitative approach. According to Denzin & Lincoln, (2018) qualitative methodology refers to research approach that emphasize understanding and interpreting the meanings experiences and perspectives. Qualitative employs various data collection techniques such as interviews, focus groups, participant's observation (Silverman, 2019). The researcher used qualitative method in order to explore nuanced complex issues that cannot be easily quantified such as employee's perceptions of fairness, justice and the outcomes of disciplinary proceedings under labour law (Creswell & Poth, 2018). . The researcher used a small sample size that was fit to use the qualitative approach.

### **3.4 Research design**

Creswell, (2014) alluded that research design refers to a detailed plan which shows the process in which the research will be carried out. This study adopted a case study research design. Delta Sparkling Beverages served as the study's framework. Case studies are instrumental in providing an in depth understanding of complex phenomena within their real life contexts (Yin, 2018). Research design employed allowed researcher to analyse workplace conflicts and disciplinary proceedings in real word environment, highlighting practical implications for both employees and management

#### **Case Selection: Delta Sparkling Beverages**

Delta Sparkling Beverages, a leading company in Zimbabwe's beverages sector, has been selected as the focus of this case study for several reasons. First, as a large employer, the company experienced a range of workplace conflicts, making it a rich site for investigating the application of labour law in disciplinary matters. Second, the company's established human resources and legal frameworks offered a structured environment for examining how Zimbabwe's Labour Act is implemented in practice. The choice of Delta also allowed for insights into the challenges and successes faced by large corporations in adhering to national labour laws during disciplinary proceedings.

### **3.5 Sample**

The research population consisted of 20 employees from Delta Sparkling Beverages using qualitative method. Supported by Guest, Bunce & Johnson, (2006), a sample size of 20 is often sufficient to reach data saturation in qualitative research. Meaning that further data collection would not yield significantly new information. Smaller samples allowed for deeper engagement with participants, fostering more detailed responses and richer data (Bryman, 2016). Furthermore, focusing on 20 employees allowed researcher to engage meaningfully with each respondent thereby ensuring that individual experiences were thoroughly examined and understood.

### **3.6 Sampling techniques**

Purposive sampling was used in this study to select participants who were directly involved in or knowledgeable about disciplinary proceedings at delta beverages. Noted by Palinkas et al., (2015) purposive sampling technique ensures that the selected respondents have relevant experiences to contribute to the research. Researcher focused on individuals who had first-hand knowledge of how labour law was applied in the workplace and ensured that the data collected was directly relevant to the research questions supported by (Etikan et al. 2016). Purposive allowed the researcher to get a sample that provided comprehensive insights into the disciplinary process and the effectiveness of labour law in managing workplace conflicts (Babbie, 2016).

Population sample size Table

Participants ID	Job role	Department	Years of experience
1	HR manager	HR	15+ years
2	HR Officers	HR	5-10 years
7	Management Liason Committee (MLC)	Packaging	10-20 years
4	Artisans and warehouse crew	Operations and Packaging	10-15 years
1	Workers Committee Chairman	manufacturing	25 years
2	Forklift drivers	Warehouse and Operations	35 years
3	Stores controller  Forklift driver  (Exit medicals)	Plant	15 years

### **3.7 Research instruments**

Semi structured interviews were the primary data collection instrument for this study. According to Bryman, (2016) the method allowed for flexibility ensuring that the interviews remained focused on the core research questions. A semi structured interview guide was used consisting of open ended questions that invite participants to share their personal experiences, views and insights regarding labour law and disciplinary proceedings. Interviews were conducted face to face as it was respondent's preference.

#### **3.7.1 Semi structured Interviews**

The researcher used semi-structured interviews to collect the data from respondents. This method allowed for flexibility while ensuring that the interview remained focused on the core research questions ensuring participants to share their personal experience, views and insights regarding labour law and disciplinary proceedings. Bryman, (2016) noted that interviews conducted face to face enables the researcher to probe deeper.

#### **3.7.2 Secondary data**

The researcher used the Delta Code of Conduct. The Code of Conduct clearly shows the disciplinary procedure that is followed in order to alleviate conflicts within the organisation. The disciplinary handling procedure was illustrated diagrammatically as follows: See in *Fig 1.1. Source- Delta Corporation Code of Conduct.*

### **3.8 Data Collection Procedure**

According to Creswell, (2014) research procedure outlines the methods and techniques employed to collect, analyse and interpret data in alignment with the research objectives. After topic approval, the researcher began by acquiring an approval letter from the University to collect data (refer to APPENDIX A) and a formal authorisation was obtained from Delta Sparkling (refer to APPENDIX C). The researcher employed a qualitative study. The investigator went on to use a key informative interview guide (refer to APPENDIX B) to facilitate in depth discussions during the interviews and data was gathered through interview scripts. Purposive sampling was employed with a sample size of 20 employees.

### **3.9 Data presentation and Analysis**

Thematic analysis was used to analyse the interview data. This method involves identifying analysing and reporting patterns or themes within the data (Braun & Clarke, 2006). Thematic

analysis is particularly suited to qualitative research as it allowed for the identification of significant trends and commonalities within participant's feedback. The process of thematic analysis involved coding grouping similar codes into themes and interpreting these themes to the research question. The results were presented by highlighting the key themes that surfaced from the data, supported by illustrative quotes from participants.

### **3.10 Trustworthiness**

Trustworthiness in this research referred to the degree of confidence in the accuracy and reliability of the findings. According to Moser, (2018) trustworthiness involves establishing credibility, transferability, dependability and confirmability. To ensure trustworthiness researcher ensured triangulation, employees debriefing and member checking.

#### **Credibility**

The study utilised member checking by allowing participants to review their interview transcripts and findings, ensuring that their perspective were accurately reflected. This was achieved through prolonged engagement, persistent observation (Noble & Smith, 2018). The researcher employed triangulation to ensure credibility. Used many data sources to confirm findings that included employees debriefing, interviews, observations and document analysis.

#### **Confirmability**

Refers to the extent to which the research findings are grounded in data. This was achieved through member checking. This was supported by (Nowell et al., 2018). The researcher employed triangulation to ensure that findings were shaped by data not researcher biases. Data triangulation was used thereby allowing different views to affirm the same conclusion.

#### **Transferability**

This refers to the extent to which the research findings can be used in other context. This was done through purposive sampling that allowed researcher to select participants knowledgeable about the research topic. Hennink et al., (2020) noted that is can be achieved through thick description and purposive sampling.

#### **Dependability**

According to Moser, (2018) dependability refers to the consistency and transparency of the research process. This was achieved through debriefing participants and introducing my self-ensuring that the study was for academic purpose only. Also dependability was ensured through usage of coding data into themes consistently.

### **3.11 Ethical Consideration**

This study was conducted strictly in accordance with ethical principles, including anonymity, informed consent, voluntary participation and freedom from future harm. To ensure voluntary participation, the researcher asked Delta beverages HR for permission to conduct the study. After obtaining formal notification approval was guaranteed. Every participant received aims, purpose and explanation of the study. The researcher adhered to ethical guidelines set forth by the relevant ethics committee, ensuring that all research activities are conducted in accordance with ethical standards (Denscombe, 2014).

#### **Voluntary participation**

According to Rudestan, (2014), voluntary participation means all research subjects are free to choose to participate without any pressure or coercion. Participants were free to leave at any time without feeling obligated to do so. To add more, participants were told to decide to engage or not engage into the study.

#### **Confidentiality**

The participants were informed that the research was purely academic and their participation was entirely voluntary therefore it meant that there were contributing on their own free will. As noted by Rudestan, (2014) voluntary participation is an act of allowing the research subjects to choose whether or not to take part in the study. Confidentiality and anonymity

#### **Privacy**

Kelman, (2010), is of the opinion that, aggression of privacy happens when private information such as beliefs, attitudes, opinions and records is shared with others without the knowledge or consent of the participant. The researcher discussed all the information pertaining the research with the participants prior to the investigation and assured them that the information was to be destroyed after publishing the results

### **3.12 Chapter summary**

The chapter attended to the research methodology which was used in the study. It discussed research design, research procedure, sampling design, research instruments. The chapter too focused on data collection, data presentation and analysis procedures. Next chapter touched on data presentation, interpretation and discussion of the outcomes.

## **CHAPTER 4**

### **DATA PRESENTATION AND ANALYSIS**

#### **4.1 Introduction**

This chapter presented the insights of the study based on data collected from key informants at Delta Sparkling Beverages and the analysis of secondary data (case records, disciplinary documentation, and the company code of conduct). The main research instrument was key

informative interviews. The data was thematically analysed in alignment with the research objectives. Drawing a sample of 20 key informants including managers, HR personnel, and worker representatives were included to provide deeper insights into the practical challenges and strengths of the disciplinary handling process. The chapter presented an analysis of the information designed to respond to the research objective as outlined in the study and analysis from literature review in Chapter 2, enabling analogy between theory and practice. Key case precedents such as *Delta Beverages & Another v Everson Chirau (2018)* and *Nyasha Chivasa v Delta Corporation Ltd (2022)* are referenced to provide legal context and real-world results.

#### **4.2 Overview of Disciplinary Cases at Delta Sparkling Beverages (2021–2023)**

The researcher asked about the synopsis of disciplinary cases at Delta Sparkling Beverages

One HR personnel stated,

*“Between the year 2022 and 2024, Delta Sparkling Beverages processed 137 formal disciplinary cases across its various departments. The offences ranged from minor breaches such as tardiness and absenteeism to serious violations, including insubordination, negligence, theft, and alcohol consumption during work hours.” The disciplinary outcomes recorded over this period were as follows: Dismissals: 62 cases (45%) Warnings (verbal and written): 41 cases (30%) Suspensions and corrective training: 34 cases (25%).*

A 2023 internal Human Resources (HR) report further highlighted that 15% of the disciplinary cases escalated to external litigation, resulting in increased legal costs and reputational risks for the company. The external cases primarily involved allegations of unfair dismissal and procedural irregularities, underscoring the importance of adhering to the Labour Act [Chapter 28:01] and internal codes of conduct”.

Managers in these departments reported that,

*“Tight deadlines and reduced tolerance for error often led to a higher incidence of disciplinary actions”.*

An employee from packaging stated that,

The nature of cases brought before disciplinary panels were focused on individual behaviour rather than systemic or structural issues.

For example, *“absenteeism was frequently penalised without consideration of underlying causes such as poor scheduling, family care responsibilities, or burnout”*.

When these trends were compared to the existing literature, they aligned closely with observations by Musasa, (2021) and Nyoni, (2020), who note that production-intensive sectors tend to experience higher levels of workplace conflict. This is often associated to rigid hierarchical structures, pressure to meet performance targets, and communication breakdowns between line managers and subordinates. In such environments, disciplinary mechanisms become heavily relied upon as tools for performance enforcement rather than conflict resolution or employee development. This disciplinary trend reflected what Kawakami, (2013) criticises as a “compliance-first” approach to labour management, which may overlook workplace conflict’s human and contextual dimensions. The implications of these findings suggest an urgent need for re-evaluating disciplinary strategies to better align with principles of fairness, participation, and conflict prevention, as outlined in the Labour Act and supported by global labour standards.

#### **4.3 Effectiveness of Labour Law in Procedural Fairness**

The researcher asked the one managerial and non-managerial participants on the effectiveness of labour law in procedural fairness.

An HR Officer at Delta confirmed these inconsistencies, stating,

*“Sometimes procedures are followed to the letter, especially when HR is directly involved. But when it’s left to supervisors, shortcuts are common”*.

This reflected a broader organisational issue in which legal compliance is contingent on the individual administering the process rather than being standardised across the company.

Another non managerial employee recounted,

*“I didn’t even know what my charges were until I got into the room. There was no time to prepare.”*

*“Such practices contradict both the letter and spirit of Section 12B, which requires that employees be given a meaningful opportunity to defend themselves”*

This observation aligns with Madhuku, (2022), who argues that while Zimbabwe’s labour laws are comprehensive, the gap between legislation and enforcement remains a critical barrier to justice. The procedural justice theory of Lindand, (1988) further explains this issue by noting that employee perceptions of fairness depend not only on outcomes but also on how those outcomes are reached. Even when decisions appear legally justified, if the process lacks transparency or consistency, it may still be perceived as unfair by employees. The literature reviewed in Chapter 2 supports this analysis. Gwisai, (2021) and Chihuri, (2022) both highlight the necessity of enforcing procedural standards consistently and transparently. They argue that without such enforcement, even well-crafted legislation becomes ineffective. At Delta, this inconsistency undermines trust in the disciplinary system and contributes to perceptions of bias and injustice.

This was demonstrated in the landmark case *Delta Beverages & Another v Everson Chirau (2018)*, where the Supreme Court ruled in favour of the employer but acknowledged that procedural lapses had occurred during the disciplinary hearing. The judgment explicitly warned employers to adhere to procedural fairness or risk future legal reversals. Although the ruling ultimately supported Delta’s action, it highlighted the precarious balance between legal compliance and ethical obligation.

#### **4.4 Power Imbalances and Worker Representation**

The presence of employee representation during disciplinary hearings is a basic component of procedural fairness. Yet, this study found that the affected employees faced hearings without any representative support in 18% of the reviewed cases at Delta Sparkling Beverages. The researcher asked on the power imbalances and Worker representation.

One Process Artisan worker shared that,

*"In my case, the supervisor told me there was no need for a representative because it was just a 'simple issue.' It wasn't." Such instances indicate that the right to representation is not treated as an essential procedural safeguard but a negotiable detail contingent on managerial discretion.”*

A workers Council representative confirmed this trend:

Management sometimes pressured employees to waive their right to representation, especially if they want to resolve things quickly.

One MLC representative alluded,

*“Sometimes we are called at the last minute, just to tick a box. It feels like we're there for show”.*

One worker rep acknowledged,

*"It's hard to be neutral when the manager who initiated the charge is also chairing the hearing. That's where representation should step in, but it doesn't always happen."*

These practices reflect a broader imbalance of power between management and employees. According to conflict theory (Marx, 1867), such power dynamics are inherent in employer-employee relationships, particularly in environments where managerial authority is concentrated and employee voice is limited. Gwisai, (2021) reinforces this view, arguing that despite the existence of legal protections, workplace power asymmetries persist and often lead to outcomes that favour employers. The implications of this imbalance are significant. Without representation, employees are less likely to understand the disciplinary process, less equipped to present a strong defence, and more vulnerable to procedural violations. Several employees expressed confusion about the process and uncertainty about their rights during hearings. This lack of empowerment undermines the very principles of procedural justice, which emphasize transparency, equality of arms, and the right to a fair hearing (Lind & Tyler, 1988). Addressing this imbalance required deliberate organisational reform, including better scheduling, education on employee rights, and the institutional strengthening of representative bodies.

#### **4.5 Training and Competency of Disciplinary Committees**

The researcher asked participants about training and competency of disciplinary committees.

Both human resources (HR) officers and line managers acknowledged that

Much of their knowledge concerning disciplinary procedures was acquired informally through experience or guidance from more seasoned colleagues.

One senior HR manager said,

The panel members relied on HR for guidance, and sometimes even HR isn't fully sure of the latest legal requirements. This candid admission revealed a troubling knowledge gap at the heart of decision-making processes that profoundly impact employees' careers and livelihoods.

Another line manager said,

*“I had to Google what 'procedural fairness' meant after a case went to appeal,” underscoring the lack of foundational understanding in key areas of labour law.*

As one employee remarked,

*“It depends who is chairing your hearing. Some are strict and follow the law; others just want it done quickly.”*

Another participant from HR,

*“We try to support the panels, but even we don't always have updated guidance. Labour laws change, and we're not always trained on the updates”.*

Above mentioned information is in relation with Musasa, (2021) and Chihuri, (2022) reinforces the importance of training for ensuring consistency, fairness, and legal compliance in disciplinary decision-making. When untrained or undertrained individuals conduct hearings, the likelihood of procedural flaws such as improper notification, biased panels, or inadequate documentation rises significantly. The literature reviewed in Chapter 2, particularly the contributions of Madhuku, (2022) and Gwisai, (2021), strongly advocates for ongoing professional development in labour relations and conflict resolution. In organisational environments where disciplinary issues are frequent and often contentious, such training is not optional but essential.

This issue was vividly illustrated in the Labour Court case *Nyasha Chivasa v Delta Corporation Ltd* (2022). In that case, the court ruled in favour of the employee, citing the employer's failure to constitute a properly qualified and impartial disciplinary panel. The ruling emphasized the employer's duty to ensure that all panel members are trained in both the substance and procedure of labour law. The court's decision served as a cautionary example of how gaps in training can lead to legal reversals, reputational damage, and employee disengagement. Several Delta employees also expressed concern about the apparent subjectivity and inconsistency in the administration of disciplinary measures.

#### 4.6 Appeal Process and Access to Justice

The appeal process is a critical component of a fair disciplinary system, providing employees with an avenue to challenge decisions they perceive as unjust. Research asked the participants the appeal process and access to Justice.

One managerial participant highlighted that,

At Delta Sparkling Beverages, the formal appeal mechanism included a structured hierarchy, beginning with a supervisor-level review and escalation to the Head of Department (HOD), and ultimately to the Works Council.

One line manager noted,

*"Most employees don't appeal because they believe it won't change anything," highlighting the perceived futility of the process".*

*"Discussions with Works Council representatives revealed frustrations with how their role in the appeal process is perceived and implemented".*

One MLC representative said,

*"By the time a case gets to us, most employees are already mentally checked out. They don't trust that we have any real influence. They choose not to appeal".*

The above findings are supported by internal documents and interviews with key informants reveal that appeals are often submitted without adequate legal support or procedural guidance. As a result, most appeals fail to reverse or modify the original decisions, reinforcing the perception among employees that the process is symbolic rather than functional. Despite the availability of this structure, empirical evidence gathered during this study indicates that the appeal system is underutilized, poorly understood, and often viewed with scepticism by employees. Fear of reprisal also plays a significant role in discouraging appeals. These findings echo those of Chikodzi, (2019), who identified power asymmetry, lack of confidentiality, and fear of victimisation as key barriers to effective appeals in Zimbabwean companies. According to procedural justice theory (Lind & Tyler, 1988), the appeal system must be perceived not only as available but also as impartial, accessible, and legitimate. In Delta's case, however, employees' lack of confidence in the process diminishes its utility and fairness. The literature reviewed in Chapter 2 supports the notion that appeal systems function best when embedded

within transparent and inclusive organisational cultures. Kawamoto, (2018) and Barton & Hill (2020) both emphasize the importance of trust, voice, and representation in maintaining procedural integrity. Delta's current appeal process, while legally compliant on paper, lacks these crucial elements in practice.

To illustrate, one case (Case Ref. #DSB/2023/08) involved an employee dismissed for misconduct who submitted a written appeal to the HOD. The appeal was dismissed within 24 hours without a hearing or any engagement with the employee's newly presented evidence. According to the internal file, the appeal was deemed "unsubstantiated" without explanation. This instance reflects the mechanical and dismissive nature of the appeals that this study found to be commonplace.

#### **4.7 Organisational Culture and Conflict Resolution**

The researcher asked the role of organisational culture in shaping disciplinary practices and conflict resolution strategies at Delta Sparkling Beverages.

One plant technician remarked,

*"There's a culture of fear when raising issues. People feel they'll be labelled as troublemakers".*

This perception is widespread among junior and mid-level employees, who frequently reported that raising concerns about procedures or management decisions often led to punitive responses.

A fitter supported this view, noting,

*"The system favours management. Employees don't feel protected even when they follow procedures."*

An HR personnel added that,

*"The grievance procedure is there, but many employees don't trust it. They think it's just there for compliance, it is even outlined in the code of conduct".*

These findings point to a disconnect between organisational policies, such as the Code of Conduct, which promotes fairness and due process and the prevailing workplace culture, which many perceive as top-down and inflexible. The study found that disciplinary actions were often taken without prior engagement or the exploration of alternative dispute-resolution options.

This procedural rigidity reflects a broader organisational tendency to prioritise control over dialogue. This organisational culture contrasts sharply with the best practices outlined in the literature. Kawakami, (2013) advocates for conflict-sensitive organisational structures that enable dialogue, transparency, and shared decision-making. Barton & Hill, (2020) similarly argued that companies which embed participatory mechanisms in their culture experience fewer conflicts and better conflict resolution outcomes.

#### **4.8 Disciplinary Outcomes and Employee Morale**

The researcher further asked participants on the disciplinary outcomes and employee morale as it emerged as a significant theme in this study. Statements from former employees exit medicals provide compelling insights.

One former forklift operator shared,

*“You just feel like a number here if there’s a problem, they want you out quickly reflecting the sentiment that disciplinary action is often pursued with little concern for employee well-being or the potential for reform”.*

A former employee from the Packaging Unit said,

*“I left because I couldn’t see any fairness in how cases were handled.”*

Employee from operations stated,

*“We are very happy and pleased with the outcomes as many ends up being reinstated back with final warnings”.*

This reactive and procedural approach mirrors the concerns raised in the literature by (Taylor, 2019), who argues that the fairness of disciplinary processes is directly linked to organisational commitment and job satisfaction. Departments with more rigid supervisory styles, particularly Operations and Logistics, experienced significantly higher turnover. Implementing a more restorative and inclusive approach to discipline would likely improve morale, reduce turnover, and contribute to a healthier work environment overall.

#### **4.9 Integration of Restorative Justice in Disciplinary Handling**

Researcher asked a question on the integration of restorative justice in disciplinary handling.

One HR personnel answered,

*“The workplace focuses on addressing misconduct through processes that emphasize dialogue, accountability, and reintegration rather than punishment”.*

*"Our hands are often tied by the timelines in the code. By the time we engage wellness, the employee is already on their appealing stage."*

A wellness Champion stated that,

They do counselling before and after the fact, usually after someone is served notice, but that doesn't help much as misconducts are different.

This view is echoed by line managers, whom expressed,

*"I think we need to talk to employees more. Hear their side before rushing to punish"* (Key Informant Interview 12, April 2025).

According to a worker representative,

*“We are supposed to help mediate, but usually we're called when the issue is already formal. There is little chance to de-escalate at that point”.*

This fear inhibits the early identification of conflict triggers, further distancing the organisation from the restorative justice model advocated by Kawamoto, (2018) who emphasized that timely, informal dialogue can significantly reduce formal disciplinary cases. Barton and Hill, (2020) underscore the importance of embedding restorative practices within organisational processes, not as a supplement but as a core conflict resolution mechanism. Their research shows that organisations that integrate dialogue-based approaches into their workplace culture report fewer disciplinary cases, higher resolution satisfaction, and improved morale. The lack of a dedicated alternative dispute resolution (ADR) unit or mediator further weakens the potential for restorative conflict handling.

For instance, in one of the reviewed cases (Case Ref. #DSB/2022/14), a long-serving warehouse operator was suspended for repeated tardiness. Although the employee cited family caregiving responsibilities and requested flexibility, no effort was made to mediate or accommodate his situation before the disciplinary hearing. The outcome was dismissal. A post-dismissal review by HR suggested that counselling and flexible scheduling might have resolved the issue without escalating to termination.

#### **4.11 Chapter Summary**

This chapter probed the findings of a study conducted on the disciplinary processes at Delta Sparkling Beverages from 2021 to 2024. The analysis is rooted in data compiled from interviews with key informants, including managers, HR personnel, and employee representatives, as well as secondary data such as case records and disciplinary documentation. The results were thematically analysed to understand the practical challenges and strengths of the disciplinary handling process, and related legal case precedents offer a contextual backdrop.

## **CHAPTER 5**

### **SUMMARY, RECOMMENDATION AND CONCLUSIONS**

#### **5.1 Introduction**

This chapter presented the conclusions drawn from the data analysis in Chapter 4, guided by the study's objectives and research questions. It offered practical recommendations to enhance the effectiveness of labour law in handling disciplinary proceedings at Delta Sparkling Beverages and potentially other organisations in Zimbabwe.

#### **5.2 Summary**

##### **5.2.1 Effectiveness of Labour Law in Handling Disciplinary Proceedings**

The study found that Delta Sparkling Beverages has established internal disciplinary procedures largely aligned with Zimbabwe's Labour Act [Chapter 28:01]. These include provisions for notifying employees of allegations, granting a hearing, and offering the right to appeal. Nevertheless, the practical application of these procedures is inconsistent across departments, primarily due to poor oversight and inadequate training of supervisors and disciplinary panel members. This aligns with previous studies that note similar challenges within organisational structures, compliance often varies significantly (Madhuku, 2022)

##### **5.2.2 Procedural Fairness and Power Imbalances**

Regardless of the presence of a formal framework, procedural fairness is often compromised by limited access to representation, delays in hearings, and unequal power dynamics between employees and management. Employees often lack trust in the process, resulting in a reluctance to appeal outcomes even when they perceive them to be unfair.

##### **5.2.3 Training and Competency Gaps**

A major weakness in the effectiveness of disciplinary procedures is the absence of standardized training for those conducting hearings. Many panel members are unaware of their legal obligations under the Labour Act, leading to procedural errors that could result in legal challenges or employee dissatisfaction. This revelation reflects the findings of Kaufman et al., (2019), who said that inadequate training can significantly affect decision making quality in disciplinary context.

#### **5.2.4 Appeal Processes and Organizational Culture**

Although appeal mechanisms exist, they are neglected due to fear of retaliation or perceptions of futility. Delta's organisational culture emphasizes productivity and hierarchical control over participatory dialogue and conflict resolution, diminishing the effectiveness of appeal and restorative justice mechanisms.

#### **5.2.5 Impact on Employee Morale**

Employee morale and organisational trust are undermined when disciplinary processes are perceived as unjust. A significant proportion of employees who left Delta between 2021 and 2023 cited dissatisfaction with how disciplinary cases were handled as a key reason for their resignation. The dissatisfaction of employees regarding disciplinary procedures has defined turnover trends, echoing Taylor's, (2019) findings that fairness in such processes correlates with retention and organisational loyalty.

#### **5.2.6 Conclusion**

The findings highlighted marked a gap between the established labour laws and their practical utilisation in the workplace at Delta Sparkling. By executing the proposed recommendations, the organization can enhance procedural fairness, promote accountability. Such reforms will not align practices with labour law but also support a more equitable and productive organisation culture, eventually benefiting employees and management alike.

### **5.3 Recommendations**

#### **5.3.1 Recommendation to HR**

- The researcher suggest that HR department develop a user friendly disciplinary manual aligned with the labour act so as to ensure uniform application of procedures across all departments. Also introduce checklists to ensure procedural compliance at each stage.
- The researcher advocates for mandatory training for all panel members, supervisors, and HR officers on procedural fairness and labour law. Partner with labour law experts and industrial relations consultants to develop refresher courses.
- The researcher suggests that HR department strengthens the employee representation. Guarantee the presence of trained worker representatives in all hearings. Also, it needs to formalize the release time for representatives to attend hearings without managerial

interference and conduct awareness campaigns on employee rights during disciplinary actions.

### **5.3.2 Recommendation to the Organisation**

- The researcher advises to Introduce mediation sessions and counselling before formal hearings where appropriate and embed conflict resolution mechanisms within the HR policy framework. Also, Reward departments that successfully apply non-punitive conflict resolution practices.
- The organisation also has to improve appeal accessibility and impartiality that is simplifying appeal procedures and communicate them clearly to all staff. Appoint neutral review officers or rotating appeal panels to minimize bias. Also, ensure appeals are reviewed independently and confidentially.
- The researcher advocates to establishing an internal audit team to review disciplinary case files for legal compliance. Using findings to identify procedural weaknesses and recommend improvements
- The researcher also recommended that the organisation foster a culture of fairness and transparency. Integrate fairness and justice principles into the organisation's core values. Encourage feedback from employees on disciplinary and grievance procedures.

### **5.4 Recommendation for Further Research**

- The researcher proposes on conducting comparative study of disciplinary procedures across different sectors in Zimbabwe.
- The researcher advocated to assess the impact of union involvement on the effectiveness of disciplinary outcomes.

### **5.5 Chapter Summary**

This chapter concluded the study by highlighting the gaps between policy and practice in handling disciplinary proceedings at Delta Sparkling Beverages. The recommendations provided were aimed at enhancing procedural fairness, representation, accountability, and employee morale. Establishing these reforms will improve compliance with labour law and foster a more just and productive workplace environment.

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## APPENDIX A: LETTER FROM UNIVERSITY



BINDURA UNIVERSITY OF SCIENCE EDUCATION

Private Bag 1020  
BINDURA, Zimbabwe  
Tel: 066271 – 7127, 7620, 7615  
Dr S.Chisango:0773194510

### HUMAN RESOURCES MANAGEMENT DEPARTMENT

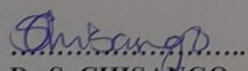
15 May 2025  
Delta Sparkling Beverages  
Telford Road  
Graniteside  
HARARE  
ZIMBABWE

#### RE: REQUEST FOR DATA COLLECTION

Please may you assist our student Vambe Natasha Enstay (B213738B) carry her research in your organization on her topic on **“Effectiveness of labour law in handling disciplinary proceedings in resolving workplace conflicts. A case study of Zimbabwe, Delta Sparkling Beverages, Harare”**. She is our 4.2 student at Bindura University of Science Education in the Department of Human Resources Management.

Your assistance to our student will be greatly appreciated.

Regards

  
Dr S. CHISANGO  
Chairperson



## **APPENDIX B: Key Informant Interview Guide**

### **Introduction**

I am a Bindura University of Science Education (BUSE) student level 4.2 doing Honours degree in Human Capital Management and conducting research for academic purposes titled: **"Effectiveness of Labour Law in Handling Disciplinary Proceedings in Resolving Workplace Conflicts: A Case Study of Delta Sparkling Beverages."** This interview seeks to gather your professional views and lived experiences regarding how disciplinary processes are applied and how labour law influences these practices. Your participation is voluntary and confidential.

---

### **Section A: Demographic Information**

1. What is your current position at Delta Sparkling Beverages?
2. How many years have you worked at Delta?
3. Which department do you belong to?
  - ☐ Operations
  - ☐ Packaging
  - ☐ Human Resources
  - ☐ Legal
  - ☐ Wellness
  - ☐ Other (Please specify): \_\_\_\_\_

### **Section B: Disciplinary Framework Understanding**

4. How familiar are you with the disciplinary procedures outlined in Delta's Code of Conduct?
5. In your experience, how consistently are these procedures applied across departments?
6. Have you participated in a disciplinary hearing? Please describe your role and experience.

### **Section C: Procedural Fairness and Representation**

7. To what extent do you believe disciplinary proceedings at Delta follow fair procedures?
8. Have you observed or experienced any procedural gaps, such as inadequate notification or biased panels?
9. In your view, how common is it for employees to be unrepresented or inadequately supported during hearings?
10. How does management typically respond to requests for employee representation?

### **Section D: Training and Committee Competency**

11. Are panel members formally trained in labour law or procedural fairness? If so, how often?
12. What challenges have you observed in decision-making due to lack of training or experience?

### **Section E: Appeal and Access to Justice**

13. How effective do you think the current appeal structure (from supervisor to Works Council) is in ensuring justice?
14. Do you believe employees trust the appeal system? Why or why not?
15. What reforms could make the appeal process more accessible and fair?

### **Section F: Organisational Culture and Conflict Management**

16. How would you describe Delta's overall culture when it comes to conflict resolution?
17. Does this culture encourage open dialogue, or does it tend to favour top-down decision-making?
18. In what ways do you think this culture affects employee morale and retention?

### **Section G: Restorative Justice and Alternative Practices**

19. Are restorative justice approaches such as mediation, counselling, or peer resolution used at Delta?
20. If so, how and when are they applied? If not, what do you think prevents their use?
21. How can Delta better integrate non-punitive conflict resolution approaches into its disciplinary procedures?

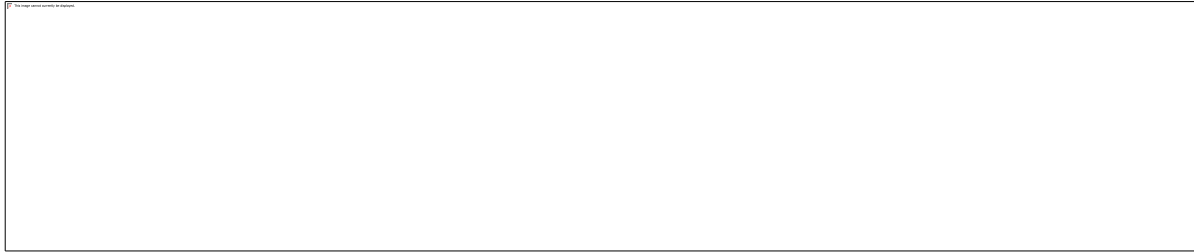
### **Section H: Final Reflections**

22. In your opinion, what is the single most important reform needed to improve disciplinary processes at Delta?
23. Would you like to share anything else about disciplinary hearings, employee relations, or the application of labour law?

---

**Thank You for Your Participation.**

## **APPENDIX C: LETTER FROM ORGANISATION**



16 May 2025

Dear Natasha Vambe

### **RE: APPROVAL FOR DATA COLLECTION**

We grant approval for you to conduct research at Delta Sparking Beverages for your study on “Effectiveness of Labour Law in Handling Disciplinary Procedures in resolving Workplace Conflicts: a case study of Delta Sparking Beverages”. Please note that upon completion of your study, we require a final copy of your research submitted to SBs HR department. This will enable us to review the content and ensure any confidential or sensitive information pertaining to the company is properly handled.

