



Building Industry Forum

Newsletter

May 2016

Building Industry Forum - Introduction

The Building Industry Forum meeting was convened in April 2016. Professor Theo Haupt presented on ASOCSA and the development of graduate professionals in the Built Environment, covering inter alia curriculum involvement and engagement with students.

The Forum deliberated on the progress reports arising from the joint action plan which included the Joint BIF newsletter, education and awareness campaign, enforcement of Codes of Conduct and training and skills.

Master Builders KwaZulu-Natal commissioned the A-Z of Building which was born out of the Quality Improvement Programme. Member companies will each receive a copy of the book and it will also be available for sale to the industry and the public. The book is intended to assist business owners in the industry with various issues.

We are pleased that the annual World Day for Health and Safety at work was embraced by the industry with several initiatives to highlight the importance of health and safety.

Readers are reminded that the MBSA Congress will be held at the Durban ICC from 31 August to 2 September 2016. Don't miss out on an opportunity to be part of this congress.

This edition brings you some interesting articles. **Enjoy the read!**

Vikashnee Harbhajan

Executive Director: Master Builders KwaZulu-Natal

Drought and the Construction Industry in KZN

Master Builders KwaZulu-Natal was invited by the KZN Department of Works to a special meeting on the 18 April 2016. The purpose of this meeting was to brief the construction industry and stakeholders on the implications of the drought on the construction industry. The following facts were presented by the Department of Water Services.



The rainfall in KZN in 2014 and 2015 is the lowest since rainfall was officially recorded in 1912.

The rainfall recorded in 2016 does not show any significant improvement and the long term forecast is poor.

Should we receive normal rainfall from May 2016 it will take at least 3 years for the dams to recover.

Water restrictions are going to be implemented throughout the province.

The current level of Hazelmeer dam is 43%. (see image)

The Provincial Cabinet has taken a resolution to limit the use of potable water in the construction sector.

We as the construction industry are requested to immediately reduce our reliance on potable water. The following are the suggested methods of alternative supply:

Ground water by means of boreholes

River water downstream of dams and sewage treatment works

Investigate methods of construction requiring a minimal quantity of water

While the above methods will relieve demand on potable water supplies there are implications. The implications are as follows:

1. Water will have to be tested by a laboratory in order to ascertain its suitability for concrete, mortar and screeds.
2. River banks and beds have to be protected and not damaged in any way during the water extraction process.

In the interim all contractors are to ensure that water usage on site is kept to a

minimum. The following are some key areas in which water can be saved.

1. Hoses must be inspected daily for leaks.
2. Appoint a labourer to be in charge of the stand pipe to ensure no water wastage.
3. Use scrapers to remove concrete and mortar from wheel barrows, mortar boards and tools.
4. Fill plastic containers that have a built in water but for staff drinking water.
5. Maintain all temporary urinals and WC's on site to ensure no water wastage.

If industry and the public in KZN can cooperate and save an additional 30% of the current water usage, it may stave off any additional water restrictions being imposed. This obviously excludes areas already declared disaster areas such as Vryheid, Hluhluwe and Richards Bay.

Ross Stembridge | Master Builders KwaZulu-Natal

ASOCSA REPEATS CALLS FOR MORATORIUM

Despite the Association of Schools of Construction of Southern Africa (ASOCSA) having been unanimously mandated by its members and other institutions attending its last Heads Forum calling for a moratorium on all future accreditation visits by the South African Council for the Quantity Surveying Profession (SACQSP) this call has gone unheeded. ASOCSA has repeated its call and threatened to meet with the Ministers of Public Works and Higher Education and Training if it is again ignored.



Most of the institutions offering quantity surveying degrees are either busy re-curriculating or have already re-curriculated their offerings in response to the new unitary higher education landscape in South Africa. With effect from 2016/17 the previously offered degrees by mainly Universities of Technology will be replaced with new qualifications from which there have as yet not been a cohort of graduates. ASOCSA and its members have argued repeatedly that accrediting these defunct qualifications made no sense. Instead they have asked for the new

qualifications to be accredited once there have been graduates from them which is most likely in 2018 at the earliest.

Affected universities see no reasonable justification to address any deficiencies in the old qualifications at this stage given that they are being phased out. Instead they are committing their time, effort and resources to the new offerings. ASOCSA has requested that all institutions affected by curricula be given a blanket provisional accreditation status by SACQSP until their new programs are accredited after the first visits in 2018. To date the SACQSP has dug in its heels and refused. It is insistent on continuing to conduct accreditation visits despite the futility of the exercise.

In response to the argument that SACQSP has to conduct such visits within the life of each Council, ASOCSA has suggested that SACQSP inform the responsible Minister in terms of the Quantity Surveying Act of the reasons why visits during this interim transitional period are inopportune and should be postponed. There has been no response from SACQSP to this suggestion. If this silence continues ASOCSA will meet with the Ministers and present the case of its members after engaging with the Council for the Built Environment which oversees the SACQSP and other Councils.

For more information about ASOCSA and its activities visit <http://www.asocsa.org>

Zero Tolerance and Discipline in The Workplace

The existence of valid or reasonable rules is a prerequisite for effective and fair discipline in the workplace.

Employees also need to be made aware of these rules, and the rules have to be consistently applied. But how high may the employer set the bar when it comes to discipline in the workplace - may a zero tolerance approach be implemented?



Employers should, as far as possible, spell out the workplace rules in writing and ensure that the rules are properly communicated to employees. The consequences of a breach of the rules should also be spelt out, particularly if the breach could lead to dismissal. Sometimes employers take it a step further by

adopting a 'zero tolerance' approach to certain misconduct. This raises the question about how far the employer may go - does the fact that the employer has implemented a zero tolerance policy mean that a transgressor will face dismissal?

This point was considered in the Labour Appeal Court (LAC) case of Shoprite Checkers (Pty) Ltd v Tokiso Dispute Settlement & others (reported 2015). In order to counter shrinkage of stock, the employer had introduced a rule that required employees to declare goods that they have in their possession with security. After being found in possession of a roll-on deodorant in her bag after work and after failing to provide proof of purchase, the employee in question was charged with failure to declare the item. Her version was that she had forgotten to declare it before coming into the store. She nevertheless pleaded guilty on the charge and was dismissed. She referred the matter to the CCMA. There were several flaws in her evidence and the CCMA Commissioner upheld the dismissal. On review the Labour Court found that dismissal was not a fair sanction. The Labour Appeal Court agreed.

An important aspect of this case is that the employee had not been charged with theft. The employer had, nevertheless, given evidence that there was a strict policy that a single infringement of the rule regarding the declaration of goods could lead to dismissal. The LAC found, on the facts of this case, that there had been no evidence that this approach or policy was known to employees. It was also contrary to the employer's code of conduct which stated that the offence "may lead to a disciplinary sanction, including dismissal". In these circumstances the LAC concluded that, despite the fact that the employee had not been a good and truthful witness, she had pleaded guilty to infringing the rule, and that there were mitigating and other circumstances that should have influenced the outcome. The LAC's view was that a final written warning, rather than dismissal, was the appropriate penalty.

The court felt it necessary to make the following general remarks regarding a 'zero tolerance' approach:

"... the law does not allow an employer to adopt a zero tolerance approach for all infractions, regardless of its appropriateness or proportionality to the offence, and then expect a commissioner to fall in line with such an approach. The touchstone of the law of dismissal is fairness and an employer cannot contract out of it or fashion, as if it were, a 'no go area' for commissioners."

What if the employer in this case had followed a different approach? As mentioned above, the employee had been given the opportunity to provide proof that she had purchased the goods, which she failed to do. Her evidence regarding what had transpired on the day in question was fraught with contradictions. One has to wonder whether there might have been a different outcome if the main charge had been theft, with failure to declare the goods as an alternative.

In the beginning of this article we referred to the basic requirements for effective and fair discipline. But there are a few additional lessons that can be learnt from this case. Firstly, attaching a 'zero tolerance' label to an offence does not mean that dismissal is always appropriate. Secondly, where stricter rules than normal

are implemented, the employer must take particular care to ensure that employees are made aware of the rule and the possible consequences of the transgression thereof. Thirdly, employers should give careful thought to the formulation of disciplinary charges, particularly if there appears to be an element of dishonesty.

Jan Truter of www.labourwise.co.za

BUILDING INDUSTRY FORUM STAKEHOLDERS

