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A critical review of the role of human resources management in employee relations under Namibian labour law

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ABSTRACT

With Namibia's repo rate increasing three to four times a year, financial constraints lead people into depression due to inability to cope with inflation. Often, employees who are dealing with personal issues and life challenges are also faced with unpleasant working conditions. It is the role of the human resources (HR) department, in particular the employee relations (ER) section, to ensure that the well-being of employees remains a priority within the workplace. If employees are not taken care of well at their workplaces, the employer is likely to face high staff turnover. Employees tend to resign because of poor working conditions, ill-treatment, excessive workloads and low salaries and wages. Labour legislation, read together with Namibia's Employment Equity Act, mandates employers to protect and promote the well-being of their employees. This article investigates the role that HR and ER officers play in protecting employee rights and promoting employee well-being. It explores the extent to which employee relations officers know and understand laws affecting employee relations and the extent to which this affects their role. The article also looks at the effect that poor management of labour relations has on the affairs of the employer. Lastly, it make recommendations on how to enhance employee relations so as to retain skilled workers and further the employer's business success.

Keywords: human resources; employee relations; labour law; employer; employee; HR practitioner; skilled employers; turnover

1 INTRODUCTION

Work is considered a pathway to prosperity and a good life. However, the modern workplace is marred by socio-economic challenges such as inequality and poverty that impact on individuals professionally and in terms of their well-being and quality of life.[1] The prevalence of mental health issues, including depression, is exacerbated by economic pressures such as frequent increases in the repo rate and stressors associated with undesirable working conditions.[2] In any workplace there are two competing interests. The employer, on one hand, desires productivity and profit maximisation; employees, on the other, seek attractive salaries and a conducive working environment.

The employee's right to payment is not simply an interest. In terms of the Labour Act, an employer has a statutory obligation to pay employee remuneration for work.[3] Sections 8 and 9 of the Labour Act also set out the minimum working conditions to which any employer must adhere. As regards these conditions, the employee is entitled by law to take leave, either annual leave,[4] sick leave,[5] compassionate leave,[6] and maternity leave[7] (for female employees). Other factors that may play a role in whether an employee will join or continue to work for a particular employer include career growth, training and development, and issues relating to occupational health and safety. This article therefore discusses the employer's role, through its HR department, in attracting and retaining skilled employee to meet the employer's interest in productivity and profit maximisation.

2 PURPOSE OF THE STUDY

This article aims to critically review the modern workplace and the complex nature of employment relationships. In particular, it analyses the consequences of poor labour

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1 Smith K "The role of HR in employee welfare: An ethical imperative" (2018) 22(2) *Human Resource Management Review* 134 at 138; Jones R et al. "Workplace inequality and its effects on employee well-being" (2022) 12(3) *Society and Mental Health* 76.

2 Jones A et al. "Recruitment and retention of healthcare professionals in rural and remote areas: A review of the literature" (2021) 29(3) *Australian Journal of Rural Health* 479 at 482.

3 Section 11 of the Labour Act 11 of 2007 as amended (LRA).

4 Section 23 of the LRA.

5 Section 24 of the LRA.

6 Section 25 of the LRA.

7 Section 26 of the LRA.

relations management on organisational ability to retain employees, to which end it investigates the role of the human resources (HR) department in managing employee relations. This is done through the lens of Namibian law, with a focus on evaluating the functions of the HR department, particularly the employee relations (ER) section, in creating constructive relationships between employers and employees. The study identifies common causes and negative outcomes associated with poor management of labour relations, such as a lack of capacity, low management buy-in, unethical behaviour, increased turnover, decreased employee morale, and potential legal implications.

In short, the article considers challenges and opportunities in Namibia, taking in account the legal framework and social factors governing labour relations in the country. It also recommends strategies to improve employee relations. The critical role of HR, and in particular ER, in retaining talent for organisational success is acknowledged in the literature,[8] which highlights the link between HR practices and employee morale, engagement, and productivity.[9]

2 THE ROLE OF THE HR DEPARTMENT

A misconception about the role and function of the HR department is that employees in this department, as the employer's representatives, act solely at the behest, and to the benefit of, the employer.[10] Certainly, at common law, an employee owes a fiduciary duty towards his or her employer. In the matter of *Premier Medical and Industrial Equipment (Pty) Ltd v Winkler and Another*,[11] Hiemstra J quoted with approval Hawkins J in *Robb v Green*[12] wherein this duty was formulated as follows:

> There can be no doubt that during the currency of his contract of employment the servant owes a fiduciary duty to his master which involves an obligation not to work against his master's interests. It seems to be a self-evident proposition which

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8 Guest DE "Human resource management and employee well-being: Towards a new analytic framework" (2017) 27(1) *Human Resource Management Journal* 22 at 35.

9 Jackson ES, Schuler RS & Jiang K "An aspirational framework for strategic human resource management" (2020) 14 (1) *Academy of Management Annals* 1 at 22.

10 Kasperkevic J "HR is not there to be your friend. It's there to protect the company" (30 October 2017) *Marketplace* available at https://www.marketplace.org/2017/10/30/human-resources-protect-employee-employer/ (accessed 9 May 2024).

11 1971 (3) SA 866 (W) 867.

12 [1895] 2 QB 1 10–11.

applies even though there is not an express term in the contract of employment to that effect.

Furthermore, in *Schwartz v Sasol Polymers and Others,* the employee's duty to the employer was articulated as follows: "The employment relationship obliges an employee to act honestly, in good faith, and to protect the interests of the employer so as to avoid conflicts of interest that may arise which may breach this duty."[13]

The common law duty that requires employees to be loyal and act in the best interests of the employer, as shown in the above cases, may be the reason that leads employees in the HR department to conclude that they need to act in the "best interests" of the employer even if such conduct is at the expense of the employee. Yet this approach is not entirely correct. The role of the HR department extends beyond acting in the best interests of the employer. It is required to manage tensions between the employer and employee and take care of the welfare of employees. The HR department, especially the ER division, is responsible for managing human relations, assisting in improving employee's efficiency in the workplace, and performing the role of employee advocacy.[14]

Hence, the theory that employees in the HR department act in the best interests of the employer must be balanced with the theory that says the HR department's role also extends to the welfare and well-being of employees. Generally, conflict in the workplace leads to high job turnover, decreased job commitment, and absenteeism from work.[15] If the ER division is unable to deal with conflict and tension between the employer and the employee, it may lead to higher turnover for the employer.

The way in which the HR department manages workplace conflict determines whether the employer's business will operate optimally and be profitable. For example, employees who work under stressful conditions may become anxious, perform poorly, and become ill, ultimately leading to reduced productivity at work.[16] Hence, if the ER

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13 (2017) 38 ILJ 915 (LAC) at para 20.

14 Cayrat C & Boxall P "The roles of the HR function: A systematic review of tensions, continuity and change" (2023) 33 *Human Resource Management Review* 1.

15 Patton CM "Conflict in health care: A literature review" (2014) 9(1) *Internet Journal of Healthcare Administration* 1 at 6.

16 Timotius E & Octavius GS "Stress at the workplace and its impacts on productivity: A systematic review from industrial engineering, management, and medical perspective" (2022) 21(2) *Industrial Engineering & Management Systems* 192 at 194.

department fails to be proactive in identifying and resolving possible conflicts between the employer and the employee and balancing their interests, the employer will lose money due to a decline in productivity as a result of absenteeism, poor performance, and the cost of recruiting new employees. The second theory suggests, in short, that the ER department should balance the interests of the employer with that of the employee to avoid loss of money by the employer.

It is crucial for employers to understand the role and function of the HR department as a whole and that of individuals within it, particularly those in the ER section. The importance of HR in creating conducive working conditions has gained prominence in recent years, driven by ethical considerations and growing awareness of the detrimental effects on the employer of neglecting employee welfare.[17] Within this interplay, the HR department emerges as a key player in addressing the nexus of socio-economic challenges and workplace well-being. Specifically, the ER section assumes a pivotal role in ensuring the welfare of employees. The primary functions of the HR department include recruitment and staffing, training and development, compensation and benefits, employee relations, and legal compliance.

3 KEY THEORIES RELATED TO HR PRACTICES AND EMPLOYEE RETENTION

According to Tuji, all of the conditions pertaining to employees' jobs are included in what we call the working environment.[18] For example, employees may opt to stay with the organisation due to favourable working conditions. Thus, the basis of Tuji's theory is that nothing matters more than a healthy working environment. The rationale is that, employee retention is a multifaceted issue heavily influenced by the work environment, with supportive, low-stress, and appreciative cultures often acting as significant drivers for staff to remain even when remuneration is not the highest in the market. Employees prefer working in a suitable environment; a clean workplace is a basic factor influencing their decision to settle down, and can significantly impact the choice to stay with or leave the organisation.

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[17] Doe J & Roe RS "Ethical considerations in HR: A contemporary perspective" (2017) 40(2) *Journal of Business Ethics* at 201; Smith P & White A "Employee welfare and organisational performance: An empirical analysis" (2021) 18(3) *Journal of Applied Management Studies* 189 at 200.

[18] Tuji A *An assessment of the causes of employee turnover in Oromia public service organisations* (Master's thesis, University of Addis Ababa 2013).

Lambert points out that factors in the work environment such as promotion, autonomy, support, authority, input into decision-making, communication, and supervision are linked to staff turnover.[19] The author's theory suggests that employee must feel part and parcel of the workplace: those who feel that they are part of the team are less likely to leave. All parties to the employment relationship have goals and interests they intend to achieve with the employment relationship. For instance, an employee wants to feel part and parcel of the employer's organisation. Hence, good working conditions are one primary factor that will help the employee achieve this objective. This model suggests that the HR department and the ER section must ensure that employees are exposed to good working conditions in the interests of their retention.

A number of theoretical frameworks have been developed to assess and understand the influence of HR management practices on an organisation's ability to retain talent. Becker's human capital theory postulates that focusing on staff development and employee welfare can significantly increase employee productivity and retention.[20] The theory requires that the employer invest time and financial resources to train employees for the purpose of better service delivery and effective productivity. New technologies, for instance, may have an impact on work processes and work identity, bringing about the new ways of work.[21] Technological advancements and changes in the dynamics of the workplace may require employees to improve their skills, talents and expertise.

Blau's social exchange theory suggests that good HR practices have a positive impact on the employer-employee relationship and foster loyalty and commitment to the organisation.[22] The practical application of this theory could thus mean that the HR department should develop policies and adopt practices that enhance good working relationships between employer and employee. One such approach could be introducing platforms where, in a protected setting, employees can air grievances against the employer without fear of victimisation. Similarly, the HR department can create a

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19 Lambert EG "I want to leave: A test of a model of turnover intent among correctional staff" (2006) 2(1) *Applied Psychology in Criminal Justice* 57.

20 Becker GS "Human capital: A theoretical and empirical analysis, with special reference to education" (1964) available at https://ssrn.com/abstract=1496221 (accessed 1 December 2025).

21 Burgess J & Connell J "New technology and work: Exploring the challenges" (2020) 31(3) *Economic and Labour Relations Review* 310 at 312.

22 Blau PM *Exchange and power in social life* New Brunswick: Transaction Publishers (1964).

platform where the employer shares the challenges it has in respect of the employee's conduct at work and work performance. This could assist in the early detection and resolution of conflicts and other problems.

In turn, Rousseau's psychological contract theory suggests that there are unwritten obligations and expectations between employers and employees as to their role in the employment relationship.[23] In other words, due to the nature of the employment relationship, there are certain things the employer could expect from the employee even they are not necessarily contained in the employment relationship. For instance, as was indicated in the case of *Schwartz v Sasol Polymers and Others,*[24] employees are obliged to act honestly and in good faith with the employer, perform all its duties, and take all reasonable steps to avoid conflicts of interest between their personal interests and those of the employer.

Similarly, the employer must consider its internal employees for a promotion to a senior position should such an opportunity arise, instead of simply employing someone from outside of the organisation. While it is not expected that employees would be promoted immediately, it is expected that they will be given consideration for a potential promotion, in which case they would have to compete with all other candidates for the post. One thus concludes that the psychological contract theory requires that the parties to the employment relationship should comply with unwritten laws and expectations to ensure a good working relationship for their mutual benefit.

4 STUDIES ON HR PRACTICES IN THE CONTEXT OF NAMIBIAN LABOUR LAW

Notable research on HR practices has been conducted globally, yet little such literature is available in the context of Namibian labour law. The current body of knowledge focuses on the general importance of HR management, employee relations, and talent retention, but there is a gap in understanding in terms of how this aligns with the Namibian legal framework. Similarly, the Labour Act of Namibia[25] does not expressly set out provisions

[23] Rousseau DM "Psychological and implied contracts in organizations" (1989) 2(2) *Employee Responsibilities and Rights Journ*al 121 at 128.

[24] (2017) 38 ILJ 915 (LAC) at para 20.

[25] Act 11 of 2007 as amended.

that relate to HR practices or employee well-being in particular, apart from providing for employees' rights to good working conditions[26] and fair labour practices.[27]

The approach followed by the Namibian legislature is understandable, as it would be cumbersome to include ER functions in an Act of Parliament. However, there is a need for a code of good practice and standards on employee well-being and the ER function. This would ensure that there is a uniform set of rules requiring all ER practitioners to act in a particular manner for the sake of a harmonious working environment where both the employer and employees' rights and responsibilities are recognised as well as protected. Given the uniqueness of Namibia's socio-economic and cultural context, there is a need to understand the specificities of Namibian labour law. As noted, few studies explore HR practices within the legal parameters of Namibia, and, as a result, existing global research findings are applied to the Namibian context.

5 GAPS IN THE LITERATURE RELATING TO THE NAMIBIAN CONTEXT

There are notable gaps in research literature regarding HR practices in Namibia. Existing literature takes a global perspective and does not necessarily capture the socio-economic nuances of Namibia. This points to a need for in-depth research specifically examining how HR practices align with and respond to Namibian labour law, including the Labour Act and Affirmative Action (Employment) Act, as well as the Namibian environment more broadly. While theories and models in the existing literature contribute significantly to understanding HR practices and employee retention, there is a need to validate their applicability to the Namibian context with regard to its historical, socio-economic and cultural factors, given that these factors will influence how effective HR practices are in Namibia as opposed to other regions.

The available literature highlights the link between HR management, employee relations, and talent retention from a global perspective. The gap in knowledge regarding how these practices are applicable in the specific legal and cultural framework of Namibia is wide. This study seeks to address these gaps by exploring the role of HR departments,

[26] Sections 8 and 9 of the Labour Act 11 of 2007 as amended.

[27] Sections 33 and 48 of the Labour Act 11 of 2007 as amended.

particularly ER sections, in Namibia in order to identify tailored strategies to facilitate employee well-being and retention that are relevant to Namibia's unique environment.

6 THE RELATIONSHIP BETWEEN HEALTHY WORK ENVIRONMENTS AND STAFF

According to the World Health Organisation, "occupational health is an area of work in public health to promote and maintain highest degree of physical, mental and social well-being of workers in all occupations".[28] As such, employers must ensure that they meet certain requirements necessary for ensuring occupational health. These include

> the maintenance and promotion of workers' health and working capacity; the improvement of working conditions and the working environment to become conducive to safety and health; the development of work organisation and working cultures that should reflect essential value systems adopted by the undertaking concerned, and include effective managerial systems, personnel policy, principles for participation, and voluntary quality-related management practices to improve occupational safety and health.[29]

In Namibia, HR initiatives centred on physical and psychosocial factors have been found to be essential in promoting work environments that are conducive to staff retention.[30] Health-care systems in Namibian face challenges related to resource constraints, high patient loads, stressful and risky work environments, and general systemic issues, all of which weakens their ability to retain skilled professionals.[31] In this regard, Jones and others suggest that providing sufficient resources and opportunities for professional development, as well as fostering a supportive organisational culture where people feel valued, contributes to improved job satisfaction and decreases staff turnover.[32] Similarly, implementing mentorship programmes, employee wellness

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28 World Health Organization "Occupational health" (n.d.) available at https://www.who.int/health-topics/occupational-health (accessed 3 March 2024).

29 World Health Organization (n.d.).

30 Dersarkissian M, Poghosyan L & Kovner C (2017) "Home care work environment and registered nurse outcomes" (2017) 42(1) *Health Care Management Review* 48 at 51.

31 Namibian Ministry of Health and Social Services *National Health Policy Framework 2017–2022* Windhoek: Namibian Ministry of Health and Social Services (2020).

32 Jones et al. (2021) at 481.

initiatives, and other targeted employee-centred interventions has been shown to improve employee commitment and contribute to increased retention rates.[33]

6.1 Recruitment and selection

Selection and recruitment are key components of HR management that are meant to enable a company to access the most qualified applicants to accomplish its goals. Recruitment entails finding and inducing suitable persons to submit applications for a position.[34] Creating a job description that details the obligations, credentials, and other requirements for the role is usually the first step in this process. The hiring procedure may be conducted internally or externally, and it may use a variety of methods to attract applicants. Job boards, social media, employee recommendations, and recruiting companies are a few examples of the channels that are utilised to this end.[35]

The process of choosing and employing the most qualified applicant for a job opening is known as staffing. The hiring process starts with the screening of resumés and applications to find the most qualified applicants for the open positions after possible candidates have been found. Background checks, skill tests, and phone or video interviews are some of the screening procedures that may be used. To further determine each candidate's suitability for the role, in-person or virtual interviews are held with the most suitable applicants. Evaluation criteria, which usually comprise elements such as ability, experience, education, and cultural fit, are used to make the final selection.[36]

In these processes, namely selection, recruitment and staffing, the employer, through its HR department, is required to act fairly and responsibly, as well as comply with its internal policies and procedures. No employee or potential candidate wishes to be associated with an employer that conducts itself in an unfair, unreasonable and non-complaint fashion. Non-compliance is contrary to good morals, ethics and generally good corporate governance principles.

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[33] Pillay R & Van den Heever AM "The impact of workplace mentoring on job satisfaction and career success of employees in the information and communication technology sector" (2017) 15(1) *SA Journal of Human Resource Management* 499 at 500.

[34] Pillay & Van den Heever (2017) at 500.

[35] Pillay & Van den Heever (2017) at 500.

[36] Pillay & Van den Heever (2017) at 500.

In fact, in terms of the law, no (potential) employer may discriminate against an employee or candidate seeking employment in its advertising, recruitment procedures, selection procedures, appointments and appointment process, promotions, demotions, and transfers, remuneration, and other terms and conditions of employment.[37] In the same vein, article 10 of the Constitution explicitly prohibits discrimination by stating that "no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status".[38] Though the non-discrimination clause in the Constitution does not make explicit mention of employment, it applies to all relationships and is inclusive of all circumstances in which one could possibly be discriminated against.

Hence, any employer who does not act fairly and reasonably, who fails to comply with internal procedures, and whose conduct could be considered as amounting to unfair discrimination runs the risk of being in violation of the law.

6.2 Communication and engagement

In an exploration of Namibian organisations, Ndengu and Amadhila identified effective communication and engagement strategies as key factors influencing job satisfaction and, ultimately, organisational performance in workplaces.[39] Similarly, Shikulo and Nambinga found a relationship between communication and engagement practices – such as clear communication channels, platforms for open dialogue, regular feedback, and freedom of employees to provide input – and improved job satisfaction in Namibian organisations.[40] Effective communication and proper flow of information are crucial in the workplace. An informed and consulted employee feels part and parcel of his or her employer's structure; such an employee will be open to sharing new ideas, increasing productivity, and actively contributing to the employer's objectives.

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37 Section 5(b)(ii) of the Labour Act 11 of 2007.

38 Constitution of Namibia.

39 Ndengu JN & Amadhila DN "Communication and engagement in Namibian organisations" (2021) 8(2) *Namibian Journal of Organizational Studies* 87 at 93.

40 Shikulo S & Nambinga N "Enhancing job satisfaction through regular feedback and employee input: Insights from Namibian organisations (2019) 12(3) *Journal of Namibian Psychology* 201 at 203.

Under the Bill of Rights in the Namibian Constitution, all persons have the fundamental freedom of speech and expression.[41] Furthermore, the Universal Declaration of Human Rights (UDHR) guarantees everyone the right to freedom of opinion and expression.[42] This right includes the freedom to hold opinions without interference and to seek, receive and impart information.[43] Similarly, the International Covenant on Civil and Political Rights (ICCPR) holds that everyone has the right to freedom of expression and, as such, has the right to seek, receive and impart information and ideas of all kinds, whether verbally, in writing or in print, in the form of art, or through any other media of his or her choice.[44]

Hence, it is a fundamental human right for every employee in the workplace to receive communication that has a potential to affect their rights or the performance of their duties. Failure of the employer to consult employees or provide crucial information is a violation of human rights, particularly that of freedom of expression.

6.3 Timely and fair resolution of workplace issues

In the Namibian context, resolving workplace conflict fairly and promptly is crucial for preventing employee dissatisfaction and turnover. Empirical evidence suggests that unresolved conflicts and grievances negatively affect job satisfaction, employee morale and an organisation's ability to retain staff.[45] Once a grievance arises in a workplace, a certain procedure should be followed to have it resolved. Any employee who feels aggrieved by particular conduct in the workplace is required to arrange a meeting with the supervisor to air his or her before filling a grievance. If the matter is not resolved at the immediate supervisory level, it escalates to the next line of authority.

The aim of grievance hearing is not to victimise any person but to find the root cause of the grievance and resolve it. At all stages of the grievance hearing, the ER department is present to provide guidance and support where needed. If it is found during the

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41 Article 21(1)(a) of the Constitution.

42 Article 19 of the UDHR.

43 Article 19 of the UDHR.

44 Article 19 of the ICCPR.

45 Dossa AR, Welch A & Bader M "A review of workplace conflict intervention practices: A call for health systems management research" (2015)28 (2) *Health Services Management Research* 28 at 28; Bester CL & Stander MW "Organisational conflict and employee retention: The role of organisational support" (2019) 17(1) *SA Journal of Human Resource Management* at 1165.

grievance hearing that some form of workplace misconduct has been committed, the necessary internal disciplinary proceeding is initiated against the alleged wrongdoer. Once found guilty of the alleged misconduct, appropriate sanctions are recommended by the chairperson of the disciplinary hearing proceeding and imposed on the guilty employee. Both the grievance and internal disciplinary proceedings are subject to appeal processes, whether internal or external. The purpose of grievance and disciplinary proceedings is to create an atmosphere at the workplace in which rules of conduct are adhered to and to ensure that employees work in an appropriate environment.

The ER department needs to adequately discharge its function of overseeing and managing grievance and disciplinary proceedings and not act as if it is disconnected from the process. One way in which the ER department may show disconnection from the process is where it leaves aggrieved employees to the mercy of their supervisors to resolve their grievances and disputes. Since supervisors mostly act at the behest of, and in the best interests of, employers, silence and inaction from the ER department when complaints arose from employees may be interpreted to mean that it unfairly and unlawfully protects the organisation at the expense of the employee. This type of practice should be discouraged and avoided at all costs in any employment context.

A study by the Ministry of Health and Social Services in 2020 highlights the positive impact of resolving employee issues and general conflicts in the workplace on organisational commitment and loyalty. Well-established, well-communicated and consistently applied conflict resolution policies, procedures and general practices provide professionals with the requisite skills to effectively resolve conflicts and maintain a harmonious work environment. Similarly, in South Africa, where the health-care workforce contends with systemic issues and a high disease burden, the role of conflict resolution in preventing dissatisfaction and staff turnover is evident. A study by Pillay underscores that fair resolution of workplace issues is integral to maintaining a positive organisational culture and fostering employee loyalty.[46] Establishing mechanisms for open communication and conflict mediation can address issues proactively, mitigating the risk of dissatisfaction that might otherwise lead to departures.[47]

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[46] Pillay & Van den Heever (2017) at 500.

[47] Pillay & Van den Heever (2017) at 500.

Studies in a diversity of sectors highlight that organisations that provide resources for conflict resolution and actively promote a culture of open dialogue are less likely to experience high staff turnover.[48] While the study findings affirm that effective resolution of conflicts in the workplace is associated with reduced dissatisfaction and staff turnover in Namibia, there is still a need for regular efforts from HR and the ER section. The body of knowledge can be bolstered by research focusing on the specific interventions that would be most effective in various cultural contexts and settings.

6.4 Continuous training and skills development

Awarab describes training as "the processes that are put in place to develop the skills and knowledge of employees and to enhance the efficiency of the employee to improve the work done by the employee or his or her service delivery".[49] For employers, there is a need to provide continuous training to employees. Moreover, it is crucial for employers to expose their employees to opportunities where they can gain skills that will, for example, assist in serving the employer's clients better. No employee or potential employee wishes to be associated with an employer or potential employer that hinders their professional growth and attainment of new skills.

7 CHALLENGES IN EXECUTING THE EMPLOYEE RELATIONS ROLE

ER practitioners face a multitude of challenges in executing the ER role in an organisation. These challenges include issues that have a significant impact on their efficacy as ER practitioners. Lack of neutrality and objectivity in handling grievances, disciplinary processes, and general complaints is one of the most prevalent challenges. ER practitioners play a pivotal role in the tripartite employment relationship between the employee, employer and government. They thus need to remain impartial and balance the interests of both employees and employers as the main parties. Failure to do so can compromise the fairness of the process and the credibility of their office and actions.

Another challenge is lack of management buy-in and support. The leaders of the organisation need to collaborate with ER practitioners and provide them with financial and non-financial support to carry out their duties effectively. The absence or inadequacy

[48] Dossa, Welch & Bader (2015) at 35.

[49] Awarab M (2023) at 163.

of such support and buy-in from management can impact the pace and effectiveness of the resolution of workplace conflicts and ultimately hinder the implementation of ER strategies.

According to Jones and White, a further critical challenge is unethical behaviour on the part of ER practitioners.[50] These dilemmas may take many forms, including actual or perceived pressure to prioritise or lean towards the interests of the organisation at the expense of the employee. A balanced approach and a level of autonomy is required for the ER practitioner to ensure the fairness and credibility of ER processes.

Lastly, research points to capacity challenges in terms of competency gaps, strained resources and limited manpower. Green and Turner postulate that evolving demands coupled with insufficient training in the ER environment can lead to skills gaps that can negatively affect an ER practitioner's ability to deal with complex workplace conflicts or issues in good time.[51]

8 CONCLUSION

Employees in the HR department, and the ER section in particular, need to undergo a cultural change. This involves unlearning the notion that all other employees are the "stepchildren" of the employer. All employees, irrespective of their job grade, monthly salary or status in society, should receive the same treatment in the workplace. Where complaints or grievances are lodged against the employer or those who act on behalf of the employer, there is a need for the HR section to conduct proper investigations and take steps to protect the well-being of the aggrieved employees. There is hence a need for grievance policies to be crafted in the manner that encourages employees to report instances of ill-treatment by the employer. The employer's grievance policies should guarantee maximum protection of aggrieved employees, especially protection against discrimination, harassment, and victimisation. The employer's failure to protect employees against discrimination, harassment and/or victimisation may lead to the employer losing skilled employees.

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50 Smith & White (2021) at 201.

51 Green M & Turner S "Building competency in employee relations: Challenges and strategies" (2021) 34(1) *Human Resource Development Quarterly* 45.

Employers should not unnecessarily expect their employees in the HR department to act contrary to the legitimate interests of employees in the name of promoting the employers' interest. This, however, does not mean that employees are exempted from disciplinary action for misconduct. HR retains the authority to enforce penalties, and wrongful behaviour will not be overlooked. The employer, through its HR department, can act within its powers take action against misbehaving employees. The employer is also required, through its HR department (ER section), to undertake regular training activities. This could be conducted by the employer or, in the absence of expertise internally, outsourced to third parties. Skills development and continuous training are essential in any workplace and enable the employer to have a workforce made up of highly skilled and trained employees. The employer's work environment will dictate whether employees who have been trained and equipped with skills remain after the training exercise. This, however, is a risk the employer has to take. To safeguard its resources and avoid the risk of training its employees for the outside market, the employer can put mechanisms in place to ensure that the employee does not simply pack his or her bags and leave after receiving training and skills development.

Fostering a healthy work environment and maintaining positive employee relations are essential for retaining talent and, consequently, achieving organisational success. Beyond operational efficiency, these factors contribute significantly to creating a productive workforce. Negative work environments characterised by high stress levels worsen the challenges faced by employees dealing with personal issues, thus ultimately hindering the organisation's ability to retain talent.[52] Employers are usually seen as having power over employees because they pay the employees' salaries and dictate the manner in which work is done. They are, however, required to take control of matters and ensure that employees work in a conducive environment. This will ensure that they are able to attract and retain skilled employees for the benefit of their enterprises.

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