

'Problematic' workers: causes, effects and solutions

Summary

The labour market is comprised of people who diligently attend to their responsibilities and others who do not. They transgress the legitimate rules and regulations of the workplace. They are described in this policy brief as 'problematic' workers. This policy brief addresses the little-attended to question of employee responsibilities as opposed to their rights. Recognising the controversial nature of the subject of this policy brief, this study unpacks the notion of 'problematic' workers through an analysis of the causes and effects of this phenomenon. It also examines solutions for managing it better. The policy brief is based on a case study of the Buffalo City Metropolitan Municipality (BCMM) in the Eastern Cape. The municipality reported that it had been affected by workers who regularly and routinely were breaking the rules of their conditions of service and who were engaged in unlawful practices in the workplace. It had uncovered many instances of misappropriation of resources, maladministration, mismanagement, lack of service delivery, fraud, and corruption. These cases were regularly reported in the media and further evidence was made available from audit reports, parliamentary discussions,

reports to parliament, and municipal and departmental reports.^{29 30}

An assumption made about the BCMM is that the majority of its workers have relatively low levels of formal education and that, as a result, challenges will arise in their performance. The reality of the BCMM, however, is that formal education co-exists with 'problematic' attitudes to work. The study findings revealed structural, systemic and human impediments to labour productivity at the BCMM. For a long while, it had been accepted that the challenges at the BCMM such as lack of service delivery, maladministration, and mismanagement were a result of skills shortages. This notion is, however, disproved by the evidence. Even skilled personnel sometimes perform in problematic ways. They use their skills to commit fraud, corruption and to misappropriate resources. This underscores the need for a shift from the narrow conception of skills that privileges job-specific capabilities to cultivating a workforce with appropriate job behaviour and performance practices.

Formal education and the paradox of problematic workers

The analytic approach in this policy brief is based on the theory of 'functionalism'. 'Functionalism' in

sociology refers to the behaviour a society expects of individuals who occupy particular positions or perform certain tasks. A society is 'functional' when the values attached to and expectations of certain roles and jobs are in place. The terms 'functionalism' and 'structural functionalism',¹¹ are used interchangeably in this policy brief. The purpose of formal education in a functional society is to prepare individuals to understand and therefore properly perform the roles accorded to them.^{2 6 18 20 25} Durkheim¹² adds that the major function of education is the transmission of society's norms and values, a system through which pupils would come to learn that it is wrong to act against the interests of the social group as a whole. If education serves this function, amongst others, then a question arises: How is it possible for some BCMM workers' job behaviour and performance to undermine the interests of the BCMM community when most of the workers have formal education? The inappropriate job behaviour and performance at the BCMM evokes what Plato, Aristotle and Locke^{10 28} tried to resolve as they probed how it was possible for people who have been taught what is right to act contrary to the principles they have learned. This shows that the 'problematic' citizens phenomenon has been a concern for centuries. It is manifest at the BCMM in the workers' inappropriate job behaviour and performance practices, hence this study investigated the paradoxical co-existence of formal education with inappropriate job behaviour and performance at the BCMM.

This paradox is central in this study. It questions the assumption that workers with formal education make a significant contribution in addressing the country's societal challenges. It examines the case of the BCMM which experiences significant challenges from workers with formal education. While the assumption is not negated, this study draws

attention to the evidence of workers with formal education who cause significant societal challenges. This underscores the insufficiency of formal education by itself. The over-emphasis of formal education at the expense of other components of skill such as appropriate attitudes, values and ethics, creates a favourable environment for the proliferation of 'problematic' workers.

Skills acquired through formal education are narrow in nature as they predominantly enhance job-specific capabilities. The focus of school subjects is on their particular areas of knowledge. For example, a Chemistry student learns about mixing chemicals but not about the ethical and socially responsible use of such chemicals with respect to people. Similarly, skills acquired through socialisation or background are also narrow in nature as they predominantly enhance interpersonal skills, communication, responsibility, integrity, empathy, teamwork, sociability and the like.¹⁴ However, the amalgamation of the various forms of narrow skills acquired through schooling, socialisation, culture, background and otherwise, translates to the acquisition of broad skills. The notion of broad skills involves the idea that labour (ability to do a job) is a product of many varied elements and is determined by the total human being.^{3 5} For this reason, Gichure¹⁵ notes that 'work, as a human activity requires intentionality and voluntariness'.

This study argues that the 'problematic' workers phenomenon at the BCMM is a result of the lack of the various dimensions of knowledge ('know that', 'know why', 'know how') as well as appropriate attitudes, ethics and values. Validating this argument requires a proper examination of broad skills in order to determine which of the components of the broad skills that are required are not being applied by the workers. It also requires identification of gaps in the BCMM management

system which make it possible for this phenomenon to exist.^{3 23}

It is important to emphasise that this study does not downplay the importance of formal education. The importance of formal education at the BCMM is unquestionable as it is crucial for enhancing economic growth, social development and other municipal objectives. However, this study argues that the uncritical acceptance of formal education as a panacea for socio-economic challenges translates to a failure to critically analyse the skills required to undertake a particular task. This is underscored by the inappropriate job behaviour and performance practices committed by people with formal education throughout society.^{1 16 31 38} These practices range from simple to complex, erroneous to purposeful, and the role players include government employees, private citizens, and organisations. The ripple effect of these practices is severe, because they exacerbate poverty and underdevelopment. Corruption is a classic example in this regard, because money that could have been used for service delivery, poverty relief, community development, education, health, crime prevention and other socially useful purposes is often spent by a few individuals on mostly non-essential expenses.^{4 17 24}

Impact of internal organisational factors

Effect of acting positions on transgressive workers

The responses from the participants indicated that some managers struggled to exercise control in their respective departments due to internal factors. Many people in BCMM management were in acting positions. They hoped for permanent appointment, which they believed depended on pleasing the relevant stakeholders. One respondent

referred to the BCMM as 'Hollywood, because everyone is acting in a position they are still studying to be in or on sick leave. BCMM is an extended wing of St Mark's Hospital'. The acting capacity of many workers rendered them indecisive when tough and unpopular decisions had to be taken. For instance, some respondents suggested that a line manager may follow all the procedures for dealing with transgressing workers without success. When managers exhausted the applicable corrective measures without achieving the desired outcomes, then punitive ones were required to be used, including the option of dismissals. The municipal manager as the accounting officer of the municipality is invested with the authority to hire and fire workers after all proper procedures have been followed. Since all municipal managers were in acting positions from November 2008 to March 2012 when a municipal manager was appointed permanently, they did not want to jeopardise their chances of permanent employment in this position. Consequently, they tended not to discipline workers who were found to have transgressed. Instead, they asked the line-manager concerned, who had no authority to dismiss anyone, to deal with the matter, thereby expecting him or her to use corrective measures indefinitely. This compromised management authority and under such circumstances, some workers were able to take advantage of the environment because they knew that no negative consequences would follow their inappropriate job behaviour and performance.

According to 38% of the respondents, the BCMM viewed mismanagement of assets like money, vehicles and telephones as a serious offence; 31% believed that it did not view it as a serious offence and another 31% had no opinion on this issue. Some respondents, however, suggested that if the municipality were serious about its assets, there would not be

many employees in acting positions because they strongly believed that this made the municipality vulnerable by weakening decision-making on inappropriate job behaviour. This was because of the view that acting staff did not want to jeopardise their chances of permanent employment, and were thus reluctant to take tough decisions. The reverse argument, however, was that people in acting positions could take advantage of the situation and take tough decisions in an effort to prove that they were capable of doing the job to which they should therefore be appointed permanently.

Effect of collective decision-making

Despite the challenges with acting municipal managers, it is important to note that the enforcement of disciplinary measures was not solely this official's responsibility. According to the BCMM Key Performance Indicators (KPIs) Achievement Report,⁸ the Labour Relations Division of the Human Resources Department 'is responsible for employment relations and maintenance of discipline at the workplace'. The report further noted that the responsibility of the Labour Relations Division also included ensuring that line managers were capacitated in all aspects of labour relations so as to be able to exercise control and diligently discharge their duties. The Labour Relations Division also ensured the implementation and enforcement of the collective agreement disciplinary code. Consequently, 'during the 2010/11 financial year, a total of one hundred and forty six (146) disciplinary hearings were conducted and thirty one (31) suspension cases and disciplinary enquiries were handled and finalised'.⁸ Of the 86 submitted grievances, 33 were resolved (ibid.). To prevent further occurrences of job misbehaviour, the Labour Relations Division conducted road shows to educate workers about the expected job behaviour and made them aware of the common

misdeemeanours that lead to punitive measures against offenders.

It is important to note that the 146 disciplinary hearings conducted in the 2010/11 financial year took place when the municipality still had an acting manager. This challenges the suggestion that there was indecisiveness which translated to inaction against problematic workers. The collective decision-making process in the disciplinary hearings may have assisted in this regard by mitigating the effects of punitive decision-making by managers who were in acting positions. Furthermore, the Local Government Municipal Systems Act²³ required municipalities to 'take measures to prevent corruption'. It was commendable that the BCMM was acting against job misdemeanours such as fraud and corruption as evidenced by the suspensions, dismissals and issuing of written warnings to problematic workers.

Policies and practices for dealing with problematic workers

In spite of the good practices for ensuring that transgressing workers were dealt with, it was also evident that there were opposing forces that sought to undermine this. Consequently, the BCMM measures for preventing corruption seemed to be under threat. Expanding on the question, 'Does the BCMM have an effective policy to get rid of unproductive workers?' one respondent argued that:

The only policy this place has is to try and get rid of good people and cover up corruption. Take the City Manager, he points out the wrong doings of all ..., suddenly he is in the firing line, wonder why, maybe because tenders are not going the way they used to and the CM [City Manager] knows how to say no. BCMM IS CORRUPT TO THE CORE [sic].

It also transpired that some BCMM councillors were accused of corruption, even though the Local Government Municipal Systems Act²³ states that a councillor must 'perform the functions of the office in good faith, honestly and in a transparent manner; and at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised'. To curb corruption, the requirements of the Act need to be applied. The same Act²³ required the municipality, in accordance with the Employment Equity Act¹³ to develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration, including (a) the recruitment, selection and appointment of persons as staff members; (b) the supervision and management of staff; and (c) the monitoring, measuring and evaluation of staff performance.

The Local Government Municipal Systems Act²³ required that there be 'a culture of public service and accountability amongst staff'. It is, however, difficult to know whether this had been achieved at the BCMM because most of the respondents (53%) were neutral on the question about whether workers were mindful of the impact of their actions on others. However, 38% believed that the workers were mindful while only 9% felt that they were not. With regard to whether workers cared if others suffered as a result of them doing their jobs badly, 34% of the respondents agreed, 36% dissented and 30% were neutral. In terms of the same Local Government Municipal Systems Act,²³ the code of conduct for municipal staff members required them to 'foster a culture of commitment to serving the public'. However, while 31% of respondents observed that the quality of service discouraged customers from dealing with the BCMM again, 37% thought it did not. This shows that more still needs

to be done at the BCMM in line with section 95 of the Local Government Municipal Systems Act²³ which seeks to 'establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for payments, and the municipality'.³³

Enabling environment for problematic workers

Responding to the question as to why some workers engaged in inappropriate job behaviour and performance practices, although they had formal education qualifications, one respondent stressed that:

It is because there is no or little communication by Management of all relevant policies and procedures when employees are newly employed in BCMM. Management is inconsistent in the application of such policies ... it depends whether the Manager likes or dislikes you and that will determine the outcome of the specific issue. Staff who outshine, and go the extra mile in their work are not recognised as there is no performance management system in place, so employees just come and do 'that much' and go home, whether it's in line with policy or not, who cares. Lack of genuine care, respect, trust and positivity for each other has greatly diminished and the spirit of Ubuntu is almost dead/ already dead. Management too don't comply with the policies, they are just there in black and white, but few if any comply or review such policies. I think for unskilled/ semiskilled employees it could be that they are less educated and need someone to educate them in their mother tongue about the repercussions of non-compliance.

The argument made by this respondent that lack of policy understanding could be responsible for problematic behaviour among the 'less educated' workers was, however, challenged. According to 88% of respondents, some workers knew what was right, but still did what was inappropriate. This was indicative of the shortage of broad skills. In fact, evidence suggested that poor decision-making and judgment, on the one hand, and the work environment, on the other, could be fuelling 'problematic' worker behaviour. Hence, Singh's³⁴ caution, 'the human factor is not secondary' to the labour process. It was difficult to ascertain if the policies and practices at the BCMM were consistent in addressing unethical conduct since 52% of respondents had no opinion in this regard, while 34% thought that they were consistent and 8% thought they were not. Similarly, it was difficult to ascertain if the BCMM provided enough protection for people who disclosed corruption because 59% of respondents had no opinion in this regard, 38% thought the BCMM did not provide enough protection and only 2% thought it provided enough protection.

The 38% of respondents who thought the BCMM did not provide enough protection could be indicative of its progress towards the achievement of its good governance strategic objectives for 2011/12. The strategic objectives included the 'development of fraud awareness and culture capable of mitigating fraud in a responsible manner'.⁹ If most people felt vulnerable as a result of exposing fraud and corruption, then very few would have the courage to risk their lives. This was especially so in light of the death threats the municipal manager and his family received as a result of his fight against corruption, and these threats attest to the determination by some individuals to continue with corruption by removing people who sought to prevent it.^{22,39} This is not unique to the BCMM as

whistle-blowers were victimised in other municipalities such as the Sol Plaatjie Municipality.^{19 35}

The fight against fraud and corruption was also weakened by the alleged inefficient treatment of suspension cases at the BCMM. Suspension on full pay and appointment of someone to act in that position means an increase in the municipality's salary expenses because the suspended worker is paid and the one acting has to be paid an acting allowance. These expenses continue until the suspended worker is proven guilty or not guilty by a disciplinary committee or court of law. The longer the disciplinary and/or court processes take, the longer the municipality suffers increased salary expenses. It is then not surprising that many respondents (38%) believed that the BCMM had no effective policy to get rid of unproductive workers, while 28% were of the view that it did and 33% preferred to remain neutral. Despite the fact that the respondents were promised anonymity, there was a high percentage of noncommittal responses, and this could be indicative of lack of trust due to the victimisation through political camps that takes place at the BCMM.

Evidently, BCMM measures for preventing fraud and corruption were insufficient because the use of

BCMM resources for personal purposes continued. Table 1 shows the extent to which specific resources were used for personal purposes. This happened despite the stipulation in the Local Government Municipal Systems Act²³ that 'a staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has no right'. That being said, 36% of respondents observed that workers used what did not belong to them without permission from the owners, while 13% thought this did not happen and 51% had no opinion in this regard.

Table 1 shows that according to 81% of the respondents BCMM workers accepted rewards for favours received which was against BCMM policies. These included getting inside information regarding tenders, inducements, rewards and gifts, as well as favours to municipal officials for the purpose of getting contracts. This corroborated the conviction of the BCMM municipal manager that BCMM 'is corrupt to its core at an administration and supply chain management level'.³⁷ According to 60% of the respondents, BCMM's time was used for personal purposes, and 55% of the respondents observed that some workers used their leave benefits in dishonest ways. Dishonest use of

leave benefits included acquisition of fraudulent certificates, and not reporting for duty on account of being sick while in reality one was not. For this reason, Tanzi³⁶ emphasises that 'not all acts of corruption result in the payment of bribes'. For example, a public employee who claimed to be sick but went on vacation was abusing his/her public position for personal use. Thus, s/he was engaging in an act of corruption even though no bribe was paid.

The rate of absenteeism of BCMM workers was high. Although the internationally accepted rate of absenteeism is 3%, for sick leave only, the BCMM recorded 2.8%, 3.9% and 4.4% in April, May and June 2011 respectively.⁸ The council then established the Absenteeism Management Committee, whose responsibility was to monitor the rate of absenteeism, investigate its motivation and propose measures to reduce it. It also investigated worker absenteeism, but at the time of writing this policy brief, the results of this investigation had not yet been made public.

Vehicles, according to 57% of the respondents; equipment, according to 56%; and money, according to 31% were used for personal purposes, yet the Local Government Municipal Systems Act²³ prohibits this practice. This suggests that one has to dig deeper in order to understand the 69% of respondents who noted that there was a shortage of material to use for doing their jobs. Logically, there was bound to be a shortage of such material if workers used it for personal purposes.

The fact that 41% of respondents held that all BCMM workers could be depended upon to honestly undertake the work assigned to them needs to be viewed with caution in light of the respondents' views of the high level use of BCMM resources for personal purposes. This caution is underscored

Table 1: Extent to which specific resources are used for personal purposes

Resource	Percentage of staff who observed these attributes
Use of BCMM's vehicles for personal purposes	57%
Use of BCMM's phones for personal purposes	36%
Use of BCMM's money for personal purposes	31%
Use of BCMM's time for personal purposes	60%
Use of BCMM's equipment for personal purposes	56%
Use of positional authority in the BCMM to pursue personal interests	15%
Deceitful use of leave benefits	55%
Rewards for favours received against the BCMM policies	81%
Bribery of BCMM workers	58%
Delaying decisions in order to pursue personal interests	37%

by the fact that 54% of respondents thought that insincerity is a form of inappropriate job behaviour that occurs in their respective departments.

Beating the system

The 37% of respondents who observed delaying of decisions in order to pursue personal interests could also be referring to the R3.1 million spent on 'emergency requisitions'.²⁹ The BCMM's supply chain management (SCM) policy suggested that 'in the normal course of business, procurement of goods and services are allowed either by way of price quotation or through a competitive bidding process'.³² However, National Treasury²⁶ rules state that in emergency cases, that is, 'cases where immediate action is necessary in order to avoid a dangerous or risky situation or misery' these processes may be dispensed with and procurement may be done in any manner that is in the best interests of the department or municipality concerned. Some respondents suggested that some workers took advantage of this and created emergency cases by delaying procurement decisions in order to procure from their accomplices. Such cases made it impossible to ensure procurement that was fair, equitable, transparent, competitive and cost-effective as stipulated in article 217(1) of the Constitution, because standard procurement processes were bypassed.^{7 27} Defining situations as emergencies made it possible for the selected supplier to charge uncompetitive prices and thereafter share the profits with the official who created the emergency.

Recommendations

Continually practice and teach appropriate attitudes, ethics and values. A holistic approach is needed for the production of a trustworthy and reputable workforce that is also technically,

socially, culturally and emotionally competent. The cultivation of such a workforce is a responsibility of many stakeholders who include teachers, parents and communities. The stakeholders need to be constantly reminded of this responsibility and encouraged to practise and teach attitudes, ethics and values that are not detrimental to fellow humans.

Ensure implementation of effective performance management systems. The significant role of the human factor in the labour process and the complexity of work processes require organisations to ensure the establishment of effective arrangements, structures and policies for monitoring performance.

Conclusion

This policy brief demonstrated that focusing on the positive contributions that education makes to society and overlooking its negative contributions and limitations can be a fertile ground for having transgressive workers as they will know the rules well enough to break them effectively. The perpetual 'problematic' workers phenomenon at the BCMM challenges the assertion that formal education alone translates to fewer social problems. An ethical, responsible and moral approach is a prerequisite for undertaking any job-related responsibility. An efficacious application of management principles is crucial for guarding against compromising attitudes and tendencies at the workplace, because the growth and development of every economy hinge on how resources are judiciously managed and increased.

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