

DECLARATION

I declare that "THE PROCESS OF RETRENCHMENT IN A PUBLIC INSTITUTION WITH REFERENCE TO THE INDEPENDENT ELECTORAL COMMISSION" is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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ABSTRACT

The dissertation examines the process of retrenchment in a public institution with reference to the execution of such a process by the Independent Electoral Commission (IEC). The aim is to establish whether or not the retrenchment was substantively and procedurally fair as required by legislation.

Notwithstanding the fact that the staff may have been disadvantaged by the short retrenchment notice (the staff did not have representation prior to the announcement, and the swiftness of the process did not, under the circumstances, provide the staff with enough time to comprehensively apply their mind to the underlying issues), the dissertation finds that the retrenchments had been substantively fair given the fact that the IEC could not retain all staff because of budgetary constraints. The dissertation also finds that the process had been procedurally fair in accordance with section 189 of the Labour Relations Act, 66 of 1995.

KEY TERMS:

Retrenchment; Process; Independent Electoral Commission; Public Institution; Commission for Conciliation, Mediation and Arbitration; Substantive fairness; Procedural fairness; Rationalisation; Dismissal; Labour Relations; Prior consultation.