



# THE TRUTH WIRE

**D&K Management Consultants' monthly newsletter – an absolute MUST for anyone  
dedicated to protecting themselves and their business interests!  
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## The Captain's Log ...



Kyle Condon, MD of D&K  
Management Consultants cc

I was recently asked by a friend to assist him in opening and registering a case at the Bedfordview Police Station. During the process, I was quickly reminded that, by far, one of the most terrifying consequences of crime in South Africa is the actual visit to the police station to lodge the complaint.

I am never surprised when I hear that victims of a crime are afraid to report the case. This is not because they fear some repercussion from the criminals but, rather, they do not have the courage, patience, time or enough anti-depressants required to get through the process.

Here are a few tips to help you, should you ever (God forbid) find yourself in the awful position of having to visit your local SAP branch:

1. If you immigrated to South Africa today, there's a good chance you will have been mugged by lunchtime or, at the very least, scammed out of a large chunk of your hard-earned cash. DON'T rush off to the police station just yet ... our cops don't work during lunchtime, rather have a drink and wait until 15h00.
2. Should you have to phone the police station at around 15h00, while the phone is ringing, place it on speaker and continue with whatever you were busy doing. Leave the phone to continue ringing while you go and soak in a relaxing Radox bath. Trust me, while you're doing this, the phone will not be answered. Just as you are getting ready for bed, a constable might answer the phone. Be patient now because, take my word for it, he/she will not fully understand what it is you are saying. DON'T shout – it doesn't help and will only serve to wake up your kids. Agree to go to the police station in person the next morning. DON'T stress about the crime only being reported a full 24 hours later, the police weren't going to act on it anyway ... well, at least not until you had offered to pay for Friday's station braai!

3. When preparing to go to the police station yourself, you will need to have a few essential items with you. A packed lunch, a red and black pen, examination pad, English-Afrikaans-Zulu dictionary, surgical gloves, ear plugs, hand sanitiser and, most importantly, your own bog roll. It might also be a great idea to take a Valium prior to entering the charge office. By the way, it's not called a charge office because criminals are formally charged with a crime here, no, it's actually called a charge office because you, the victim, will be charged a 'small service fee' should you want your case registered.
4. If you find that the constable behind the counter is too retarded to accept your bribe, walk out and call any of my team at D&K Management Consultants. We deal with this incompetence daily and will be more than willing to help!

## The Legal Beagle



### Sentencing offenders in absentia

Many employers will have been frustrated at times by employees presenting medical certificates covering the day/s on which the employee is required to attend a disciplinary hearing. It is, of course, quite possible that the employee could be genuinely ill, and must be afforded time to recover prior to attending a disciplinary hearing. However, on occasion, such medical certificates are merely an attempt to frustrate the continuation of a disciplinary hearing.

The question which arises in these circumstances is, can an employer continue with a disciplinary hearing when the employee being charged with misconduct has been booked off sick by way of an apparently legitimate medical certificate?

The Supreme Court of Appeal (SCA) judgement, *Old Mutual v Gumbi* (2007), suggests that there are circumstances in which an employer can justifiably proceed with a disciplinary hearing in the absence of an employee who has been booked off sick.

Case law abounds with authority confirming that an employee who fails to take advantage of such an opportunity to be heard, cannot subsequently claim that their dismissal was procedurally unfair. The *Old Mutual* SCA judgement addressed this very issue, concluding that disciplinary hearings may well, in certain circumstances, justifiably proceed in the absence of an alleged offender who has, at face value, a medical certificate booking them off sick for the day/s on which the hearing is scheduled to proceed.

In this case, the employee was summoned to a hearing after having become abusive towards and threatened to assault his superior when he was asked to explain claims for subsistence and traveling expenses. The employee produced a medical certificate before the hearing which was, none the less, held in his absence. The employee was dismissed.

## News

Strikes are looming ...

Our strike reaction teams are currently undergoing refresher training in crowd violence and how to deal with various forms of intimidation during strikes. Companies, especially those affiliated to NUMSA, are advised to engage with us now in order to get our help in planning for the expected wave of strikes commencing at the end of the month.

D&K Management Consultants' strike protection units have now also acquired state-of-the-art personal protection armour and will be deployed to our clients' sites ready to "hold the fort" during the accompanying chaos and violence, which has become synonymous with labour unrest.



Please do not leave the security of your people, assets and premises to chance! Rather allow us to assist in managing and protecting your company during this time!



Our Background Screening and Verifications department have finally received the latest fingerprint scanner to check for criminal records and previous convictions. Don't let your biggest asset, your employees, become your biggest threat! For further information, please call our offices on 011 824 0334.

## Exposed!

Congratulations to Barry, Vincent and their undercover agent working at one of Johannesburg's most exclusive hotels. Through the agent's committed hard work, the team were able to orchestrate the bust of four (4) employees involved in the theft of high-value products from the hotel's premises.

More importantly, the bust was done without the cover of the agent being exposed! Nicely done boys!!!

## Cell Block Humour



Three guys were sitting in a biker bar. A man came in, already drunk, sat down and ordered a drink. The man looked around and saw three men sitting at a corner table.

He got up and staggered to their table, leaned over, looked the biggest one in the face and said, "I went by your momma's house and I saw her in the hallway butt naked. Man, she's fine!"

The biker looked at the man and merely shook his head, not saying a word.

His buddies were confused because he would normally fight at the drop of a hat.

The drunk leaned on the table again and said, "I got it on with your momma and, shit, she was good, probably the best I ever had!"

Still, the biker said nothing and merely shook his head. His buddies were now starting to get pissed off.

The drunk leaned in even closer this time and said, "I'll tell you something else, your momma loved it!"

Suddenly, the biker jumped up, took the drunk by the arm and said, "Damn it Pa, you're drunk, just go home!"

## Quote of the Month

"Winning is a habit. Unfortunately, so is losing".

*Vince Lombardi (Coach)*

**Thank you for reading our newsletter and, please feel free to submit any suggestions or feedback, including any topics you would like us to cover.**



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