# WEEKLY LABOUR BULLETIN

**Commercial Farmers Union Bulletin #22**
**Part 2**




6th August 2026

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# COMMON PROCEDURAL MISTAKES THAT LEAD TO LABOUR DISPUTES: PART 2 - MANAGING EMPLOYEES DURING EMPLOYMENT - RECORD KEEPING, CONSISTENCY, AND ABSENTEEISM

## INTRODUCTION

In Part 1; *the previous bulletin*, we discussed how disputes can arise from mistakes made when establishing the employment relationship, particularly through the improper use of employment contracts and failure to provide written terms of employment.

Even where the employment relationship is properly established, disputes can still arise during employment. These may arise if employers fail to maintain proper records, apply workplace rules inconsistently, or incorrectly manage employee absenteeism. These issues frequently become the subject of labour disputes because they directly affect an employer's ability to justify decisions and defend claims.

This bulletin highlights some of the most common mistakes made during the employment relationship and how they can be avoided.

## INADEQUATE RECORD KEEPING

One of the biggest challenges employers face when defending labour claims is the absence of proper records. Many disputes are lost not because the employer acted incorrectly, but because there is insufficient evidence to prove what occurred. Labour Officers, Designated Agents, Arbitrators, and courts generally rely on documentary evidence when determining disputes. Where records are incomplete or unavailable, employers may struggle to support their version of events.

Employers should maintain accurate and up-to-date records of:

- Contracts of employment;
- Attendance registers;
- Leave records;
- Wage and benefit payments;
- Written warnings;

- Disciplinary proceedings; and
- Any other documents relating to the employment relationship.

Proper record keeping is particularly important where an employee has committed repeated acts of misconduct. While a single offence may not justify dismissal, a history of misconduct may support more severe disciplinary action. Without proper records, previous incidents may be difficult to prove. Good record keeping is therefore not simply an administrative exercise; it is an important risk management tool.

## INCONSISTENT APPLICATION OF WORKPLACE RULES

Another common cause of labour disputes is inconsistency in the enforcement of workplace rules. Problems often arise where one employee is disciplined for misconduct while another employee who committed a similar offence receives no disciplinary action or receives a significantly lighter penalty.

In such circumstances, the disciplined employee may allege unfair treatment, victimisation, or discrimination. Even where misconduct is proven, inconsistency can weaken the employer's position and result in disputes over the fairness of the disciplinary process. Employers should therefore strive to:

- Apply workplace rules uniformly;
- Ensure similar offences attract similar penalties;
- Keep records of previous disciplinary outcomes; and
- Consider past practice before imposing sanctions.

Consistency promotes fairness, improves employee confidence in workplace procedures, and reduces the likelihood of disputes.

## FAILURE TO PROPERLY MANAGE ABSENTEEISM

Absenteeism remains one of the most common forms of misconduct encountered in the agricultural sector. However, disputes often arise where employers act without following the correct procedure.

Before disciplinary action is taken, employers should make reasonable efforts to establish the employee's whereabouts and determine the reasons for the absence. Assumptions that an employee has abandoned employment can often lead to disputes where the employee later returns and disputes the employer's actions.

The Code of Conduct contained in S.I. 41 of 2022 provides categories of absenteeism offences and prescribes the penalties that may be imposed.

The number of days an employee is absent may affect the seriousness of the offence and the appropriate sanction. However, regardless of the apparent seriousness of absenteeism, employers should still follow the prescribed disciplinary procedures before imposing disciplinary penalties.

## TREATING DESERTION AS AUTOMATIC TERMINATION

A common mistake occurs where employers simply remove an employee from the payroll because they have been absent for an extended period. Even where an employee appears to have deserted employment, employers should still institute disciplinary proceedings and properly record the outcome.

Where reasonable notice of a disciplinary hearing has been given and the employee fails to attend, the hearing may proceed in the employee's absence. This creates a proper record of the employer's actions and assists in defending future claims. Failure to follow this process may expose the employer to allegations of unfair dismissal if the employee later reappears and challenges the termination of employment.

## PRACTICAL TIPS FOR EMPLOYERS

To reduce the risk of labour disputes:

- Maintain complete and organised employment records.
- Keep attendance registers up to date.
- Document all disciplinary action taken against employees.
- Apply workplace rules consistently across the workforce.
- Investigate absenteeism before taking disciplinary action.
- Follow the Code of Conduct when dealing with absenteeism cases.
- Conduct disciplinary proceedings even where an employee appears to have deserted employment.

## CONCLUSION

Many labour disputes arise because employers cannot produce records, cannot demonstrate consistency in their decisions, or fail to follow the correct procedures when dealing with absenteeism. By maintaining proper records, applying workplace rules fairly, and ensuring that absenteeism matters are handled in accordance with the Code of Conduct, employers can significantly reduce the risk of costly labour disputes.

***Disclaimer: This article is issued to serve as a general guide to farmers and does not substitute legal advice that may be required to address a particular situation with peculiar circumstances.***

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