



Be cautious when representing a fellow colleague during a disciplinary enquiry or negotiation. In *BIFAWU & Another v Mutual & Federal Insurance Co Ltd* the Labour Appeal Court held the following:

*“An employee, even when s/he is representing a fellow employee at a disciplinary enquiry or arbitration hearing, owes certain duties to an employer such as honesty. ... After all, when an employee represents a fellow employee, s/he does so precisely in that capacity of being a fellow employee. The fellowship does not modify the employment relationship between the employer and the representing employee.*

*... the right and duty to represent a fellow employee to the best of one’s ability is not an unbridled license; it is constrained by the duty to do so honestly and with integrity. Without honesty on the part of the representatives of the parties, the system would be unviable.”*

Emerging from the above is the fact that an employee cannot be victimised if he represents a colleague effectively, with integrity and honesty as there is an obligation to the employer to conduct oneself in a responsible manner.

Should one engage in disorderly or disrespectful conduct, discipline can be meted out effectively. The test is whether a representative’s conduct can be said to fall within the realms of fair and acceptable bargaining conduct and whether it can be said to be reasonably related to the required performance.