

Enforcement of Law, Work Rules and Regulations

In every work place or work environment within the formal sector, there is the expectation that basic rules and regulations would be followed. These specifically relate to governing the operations, practices and the way employees conduct themselves. Those who are self-employed or work within the informal sector are also expected to conform to the laws, rules and regulations set by the state which governs their operations. The reality that our society is rules based, underlines the fact that there is an understanding by the populace of the need for conformity.

The biggest challenge that presents itself to ensuring discipline and order are observed and maintained in the workplace, starts and ends with enforcement. Where there is a lapse, or where there is evidence of inconsistency, indecisiveness or partiality being exhibited in the enforcement process, then the process will become chaotic and subjected to compromise. Where this problem is left unattended, it can lead to serious fractures and also undermine confidence in the system which is meant to ensure standard setting and compliance.

In the setting up of a business, there are some established legal requirements which must be followed for the entity to be registered as a sole proprietor, an incorporated enterprise, or a not for profit organization. Where an enterprise proceeds to recruit employees, it has to follow the law in providing a contract of or for service, which sets out the terms of engagement. Where the enterprise has employees, it is mandatory that it meets the statutory obligations as determined by the state. Where the members of staff are unionized, most established business would have a workplace procedural manual or handbook which clearly sets out the company's policies, standards, practices, expectations/requirements of the employees.

The fact that there are established processes and procedures in place, suggest that there is an expectation that employees will observe these, and failing to do so, can subject themselves to the consequences as set out in the disciplinary procedures. Where indiscipline and/ or defiance is manifested by an employee in an organization or enterprise, as reflected is the blatant disregard for the rules, regulations or the law, this is a cause for serious concern. Such behavior is unlikely to be condoned by trade unions. As organizations which are held in high esteem, they can well be accused of circumventing the ideals that they themselves are called upon to promote.

This raises the issue of how best to organizations/enterprises can go about enforcing the rules and regulations that are in place, as well as ensuring that there is compliance with the law. This should not be a headache for management in the formal employment sector, since it is expected that there would be regulatory procedures, accountability measures and monitoring

systems put in place. Within the informal sector, the enforcement is left primarily to the regulatory agencies of the state to ensure that there is compliance. Those who proceed to establish business operations ought to be aware that they remain subject to the laws of the land which govern their operations.

Where the relevant agencies fail to act to ensure compliance with the law, this inevitably contributes to the inept behaviour by those who flout the law or take things for granted. In the informal sector there is presumably a greater possibility that individuals would attempt to defy the law or rules that guide how they operate. As sole proprietors who are either vending or conducting some other form of business, there is tendency for those persons to adopt an aggressive approach to conducting their business within environs where there is frequent pedestrian traffic. For example, way side mechanics something poses problems to traffic and pedestrians using the road ways. Where this is allowed to happen without the authorities seemingly taking the required action, this gives the offenders the license to conduct business as usual. This tardiness or blind eye approach adopted by the authorities in moving to address the issue cannot appear to be one of convenience.

In the developed countries of the world, it would seem that the authorities exercise a no nonsense policy to any illegal action by businessmen within the formal and informal sector. At the end of the day, applying the rule of law should not be seen an action that is directed at putting persons out of work. However, where a decisive approach to enforcement is taken, the problem of noncompliance would hardly be an issue.