

**ASSESSMENT OF COMMON MISTAKES COMMITTED IN
TERMINATING EMPLOYEES OF PRIVATE SECURITY COMPANIES**

A Case Study Gardaworld and SGA Security Companies in Kinondoni

Dar es Salaam, Tanzania

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Master Degree in Labour Laws Mediation and Arbitration

Institute of Social Work

November 2024

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By

Ikupa Adam Mwaigomole

**A Dissertation Submitted in Partial Fulfilment of the Requirements for the
Award of a Master Degree in Labour Laws Mediation and Arbitration of the
Institute of Social Work**

November 2024

CERTIFICATION

The undersigned certifies that she has read and hereby recommends for acceptance by the Institute of Social Work a dissertation titled: ***“Assessment of Common Mistakes Committed in Terminating Employees of Private Security Companies: A Case Study Gardaworld and SGA Security Companies in Kinondoni Dar es Salaam, Tanzania”*** in partial fulfilment of the requirements for the Degree of Master of Labour Laws, Mediation and Arbitration of the Institute of Social Work.

.....

Dr. Zena M Mabeyo
Supervisor

Date:.....

DECLARATION AND COPYRIGHT

I, **Ikupa Adam Mwaigomole**, hereby declare that this dissertation is my original work and that it has not been presented and will not be presented to any other institution of higher learning for a similar or any degree award.

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Date:

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DEDICATION

To My beloved Mother, Subila Lukasa and all participants who willingly participated in the study, their willingness and contribution made the study possible.

(There is one more soul for Christ: Luke 15:7)

I am very grateful!

LIST OF ABBREVIATIONS

CAP	Chapter (used in Tanzanian Legal References)
CMA	Commission for Mediation and Arbitration
E.U	European Union
ELRA	Employment and Labor Relations Act
F	Female
Form IV	Secondary Education (Equivalent to High School Level in Some Countries)
Gardaworld	Gardaworld Security Company (Specific Company Mentioned)
GBV	Gender-Based Violence
GN	Government Notice
HR	Human Resources
HRM	Human Resource Management
ILO	International Labour Organization
LO	Labor Organization
M	Male
Master's Degree	Postgraduate Academic Qualification
MOHR	Ministry of Human Resources
N	Frequency (Number of respondents)
NNF	Negation Normal Form
RE	Revised Edition
SGA	SGA Security Company (Specific Company Mentioned)
UN	United Nations
VAC	Violence Against Children

ABSTRACT

This study explored the mistakes made by private sector employers in terminating employment contracts in Tanzania, with a focus on Gardaworld and SGA Security companies in Kinondoni Municipality. Three specific objectives guided the study: assessing training and awareness, identifying private sector termination mistakes, and determining alternative measures to reduce termination mistakes in private sectors within Kinondoni municipality. It employed two theoretical frameworks: the unjust dismissal theory, which advocates for employee protection and fair treatment, and the procedural justice theory, which emphasises the fairness of decision-making processes. The study utilised a case study design, focusing on Kinondoni Municipality with a sample size of 14 participants, including terminated employees, HR managers, and mediators from the Commission for Mediation and Arbitration (CMA). Data were collected through in-depth interviews and documentary reviews. The study employed a thematic analysis method to analyse data. The findings revealed that employers, especially in the private sector, often lack an understanding of termination laws, leading to unlawful terminations. The study recommends the need for employers to improve documentation, enhance communication, and adhere to legal requirements to avoid disputes. It recommends increased training for HR personnel on labour laws, the implementation of alternative dispute resolution mechanisms, and providing alternatives to termination, such as performance reviews and voluntary separation packages.

TABLE OF CONTENTS

CERTIFICATION	i
DECLARATION AND COPYRIGHT	ii
ACKNOWLEDGEMENTS	iii
DEDICATION	iv
LIST OF ABBREVIATIONS	v
ABSTRACT	vi
TABLE OF CONTENTS	vii
LIST OF TABLES	xi
CHAPTER ONE	1
INTRODUCTION AND BACKGROUND OF THE PROBLEM.....	1
1.1 Introduction	1
1.2 Background to the Problem	1
1.2 Statement of the Problem	5
1.3 Objective of the Study	6
1.3.1 General objective	6
1.3.2 Specific objectives	6
1.4 Research questions	6
1.5 Limitations of the Study	7
1.6 Significance of the study	7
CHAPTER TWO	8
LITERATURE REVIEW.....	8
2.1 Introduction	8
2.2 Definition of Key Terms	8
2.2.1 Private Sector.....	8
2.2.2 Mistakes	8
2.2.3 Employer.....	8
2.2.4 Employment.....	9
2.2.5 Termination of Employment.....	9
2.2.6 Misconduct.....	9
2.2.7 Unfair termination.....	10

2.3 Types of Termination of Employment	10
2.4 Theoretical Framework.....	13
2.4.1 Unjust Dismissal Theory.....	13
2.4.2 Strengths of Unjustice Dismissal	13
2.4.3 Weakness of Injustice Dismissal	14
2.4.2 Procedural Justice Theory.....	15
2.5 Empirical Literature Review	17
2.5.1 Employers' knowledge of termination of employment.....	17
2.5.2 Mistakes Conducted by Private Sector Employers While Terminating Employees Due to Misconduct	18
2.3.3 Measures Employed to Reduce Mistakes Made by Employers in the Termination of Employment Relationship.....	21
2.5 Research Gap.....	23
CHAPTER THREE	24
RESEARCH METHODS.....	24
3.1 Introduction	24
3.2 Research Approach.....	24
3.3.1 A Case Study Design	24
3.4 Study Area	25
3.5 Study Population.....	26
3.6 Sample Size	26
3.7 Sampling Techniques	27
3.7.1 Purposive Sampling	27
3.8 Data Collection Methods.....	27
3.8.1 Primary Data	27
3.8.2 In-depth Interviews	27
3.8.3 Secondary Data Collection	28
3.8.4 Documentary Review.....	28
3.9 Data Analysis Procedure.....	28
3.10 Rigor and Trustworthiness of Qualitative Data	30
3.11 Triangulation	30
3.12 Dependability.....	30

3.13 Credibility.....	30
3.14 Reliability of Research Instruments.....	30
3.15 Ethical Considerations.....	31
CHAPTER FOUR.....	32
DATA PRESENTATION, ANALYSIS AND DISCUSSION.....	32
4.1 Introduction	32
4.2 Socio-Demographic Characteristics of the Respondents	32
4.2.1 Age Distribution of Respondents.....	32
4.2.2 Gender of Respondents.....	33
Table 2: Gender of the Respondents	33
4.2.3 Educational Level of Terminated Employees.....	34
4.3 Employers' knowledge of the termination of employment among mediators and human resource personnel	34
4.3.1 Knowledge About Termination Versus Actual Practice.....	35
4.3.2 Awareness of Labor Laws among Respondents	37
4.4 Common Mistakes Made by Employers During Employment Termination....	39
4.4.1 Poor Documentation	39
4.4.2 Inadequate Communication	40
4.4.3 Poor Compliance and Adherence to Legal Requirements	42
4.4.4 Failure to Consider Employee Rights	44
4.5 Measures Employed to Reduce Mistakes Made by Employers in Terminating the Employment Relationship	47
4.5.1 Improve Documentation and Record-Keeping.....	47
4.5.2 Institute Alternative Dispute Resolution Mechanisms	49
4.5.3 Enhance Communication and Transparency	50
4.5.4 Adopting Alternative Measures to Termination	52
CHAPTER FIVE.....	54
SUMMARY, CONCLUSION AND RECOMMENDATIONS	54
5.1 Summary	54
5.2 Conclusion.....	55
5.3 Recommendations	56
5.3.1 Recommendations to Employees.....	56

5.3.2 Recommendations to Employers	56
5.3.3 Recommendations to the Government.....	57
5.4 Areas for Further Studies.....	57
REFERENCES.....	58
APPENDICES.....	60

LIST OF TABLES

Table 4.1: Distribution of Respondents by Age.....	32
Table 4.2: Gender of Respondents	33
Table 4.3: Distribution of Terminated Employees by Education	34

CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE PROBLEM

1.1 Introduction

The termination of employment relationships is one of the most challenging labour issues today. There has been an increasing number of labour disputes in Tanzania's private sector (Suphley, 2022). This is against the Employment and Labor Relation Act, CAP 366 R.E/2019, which requires employers to observe substantive and procedural issues before termination of employment. Studies are scant regarding the assessment of mistakes made by employers in the private sector in terminating their employees' employment contracts due to misconduct. This study aims to fill this gap (Kumalasari, 2022). Profit motives, market competition, and efficiency concerns influence most termination decisions in the private sector. This practice in the private sector results in poorly executed terminations. Evidence compares the public sector to the private sector, revealing a more bureaucratic yet secure process. This chapter is an introductory one. It presents the historical background of the study, the statement of the problem, the research objectives, the research questions, and the significance of the study (Sokro, 2016).

1.2 Background to the Problem

Termination of employment is part of the work-relations process across public and private sectors, which ends work relationships. Termination of employment refers to the act of ending a contract of employment with valid reasons and through fair procedures. Ogunniyi (2004) defines employment termination as the employer's repudiation of an employment contract and the process of terminating the contract under the contract's established procedures. The employer's initiative to terminate employment can take various forms, which are primarily based on the employee's conduct and capacity, as well as the employer's operational needs.

Global Literature Common Mistakes in Employee Termination Lack of Proper Documentation: Failure to keep records of employee misconduct or performance issues can lead to wrongful termination claims. Research by Collings & Wood (2009) emphasises that globally, HR mismanagement, including poor documentation, is a

frequent mistake leading to legal disputes. Failure to Follow Legal Procedures: Terminations that do not comply with local labour laws often result in lawsuits. Stone & Deadrick (2015) highlight that procedural fairness and legal compliance are essential in mitigating risks of wrongful dismissal. Insufficient Communication: Lack of clear communication about performance expectations or termination reasons is a recurrent problem. Studies by Gallo (2017) on workplace management show that inadequate feedback mechanisms lead to misunderstandings and resentment. Bias and Discrimination: Decisions based on gender, race, or age bias are common globally and constitute unlawful termination. Research from the International Labor Organization (ILO) identifies discrimination as a leading cause of unfair dismissal cases.

In Sub-Saharan African Literature: Common Mistakes in Employee Termination Non-Adherence to Labor Laws: Inconsistent application of labour regulations remains a significant issue in sub-Saharan Africa. Studies by Kanyenze et al. (2011) in Zimbabwe and South Africa highlight frequent non-compliance with procedural requirements. Cultural and Informal Practices: Managers often rely on cultural norms rather than formal employment contracts. Example: Ndikumana (2013) notes that in many sub-Saharan African countries, informal practices lead to unfair terminations. Insufficient Severance Pay or Compensation: Inadequate financial compensation and failure to meet statutory severance pay requirements are common. Example: Research by Fashoyin (2010) on African labor relations points to non-compliance with severance policies as a significant cause of disputes. Lack of Employee Representation: Terminations often occur without providing employees with the opportunity to defend themselves or consult union representatives. Example: Studies from Nigeria (Okafor, 2012) reveal that the absence of grievance-handling frameworks exacerbates disputes. Tanzanian literature: common mistakes in employee termination. Non-compliance with the Employment and Labour Relations Act (ELRA): Section 37 of the ELRA, which emphasises fair reasons and procedures for termination, is often overlooked by private-sector employers. Example: Research by Mbilinyi & Munishi (2018) shows that private employers in Tanzania often overlook procedural requirements, leading to wrongful termination claims. Inadequate Grounds for Termination: Terminations without valid reasons, such as misconduct, incapacity,

or redundancy, are a recurring issue. A study by Nyoni (2020) on labour practices in Dar es Salaam highlights this as a prevalent error among private employers. Failure to provide warnings and hearings: Employers fail to issue verbal or written warnings or conduct disciplinary hearings before terminating employees. Example: Research by Mukama (2021) shows that many Tanzanian private employers disregard the procedural fairness emphasised in Tanzanian labor laws. Bias in Decision-Making: Discrimination based on gender, tribal affiliations, or nepotism affects termination decisions. Mwamunyange (2015) reports that favouritism in hiring and firing practices is a persistent challenge in the Tanzanian private sector.

A set of values, typically in the form of policies, guides the interaction between employers and workers, subjecting any contractual outcome to determination based on established guiding principles. Conversely, failure to adhere to termination procedures can result in unfair termination (Kiweha, 2021). Both international and local enactments contain narratives about employees' right to fair termination. The formation of the International Labor Organization (ILO) in 1919 produced international labour standards and best practices for its member states. These have taken the form of conventions and recommendations and continue to do so today. The key instruments that provide a course of action regarding employment termination are the Termination of Employment Convention (No. 158) and Recommendation No. 166, both of 1982. These instruments cover practical aspects such as the justifications required before termination of employment and the procedures to be considered when terminating an employment contract.

Since the enactment of the aforementioned international instruments, the world has adopted best practices and standards for termination of employment, recognising the inherent principle of natural justice in the ILO instruments (Busayo, 2022). Aside from this good practice, employers' non-observance of termination of employment procedures is a common occurrence across the African continent. For instance, according to Busayo (2022), there is no shortage of wrongful dismissal incidents in Nigeria. The Law Reports, replete with employer-caused cases, shed light on this. The law gave powers to employers to terminate employment at any time without giving

any reason unless a statute or agreement between parties provided otherwise (Mosha, 2022). In South Africa, an average of 280 employees in the private sector formal economy face dismissal each year, with half referring their cases to the relevant authorities for resolution (ILO, 2011).

As in other parts of the world and Africa, Tanzania, as a member state of international and continental labour organisations, has taken initiatives to enact laws that could provide for practical aspects of labour relations at the workplace and how to go about ending employer-employee relationships. The pre-colonial era (the 1920s to 1950s) saw the initiation of these initiatives, as colonial regimes introduced several legislations to control workers for economic purposes. This period witnessed a recurrence of workplace unrest (Munisi, 2022), prompting measures to manage it. The 2000s saw the enactment of two key pieces of legislation to modernise the administration of labour matters. These laws include the Employment and Labor Relations Act, Cap 366 RE 2019; the Employment and Labor Relations (Code of Good Practice) Rules, 2007 (GN No. 42, 2007); and the Labor Institutions Act, Cap 300 RE 2019. Their provisions give, among others, a clear meaning of unfair termination of employment by interpreting the application and describing unfair termination grounds (Kiweha, 2021).

However, the trend of terminating employment in Tanzania has been a major source of disputes arising in the workplace. Statistics from the Commission for Mediation and Arbitration (CMA) (2015-2020) show that in the last five years, the Commission has recorded 2,784 cases of termination. The available evidence indicates that employers' non-compliance with the established rules and procedures when termination is the only viable option accounts for the majority of reported cases (Davidov, 2021). Different mistakes committed by employers in the course of terminating employment contracts are reported to contribute to a large number of the cases handled by the CMA. GardaWorld and SGA Security Companies are prominent players in the private security industry in Kinondoni, Dar es Salaam. Both companies have significant workforces and play vital roles in providing security services. However, reports indicate that Gardaworld and SGA engage in terminations without proper disciplinary

procedures, inadequate documentation, and disputes over final payments (CMA Report, 2022).A

Furthermore, several studies and reports have highlighted common mistakes made by employers in Tanzania during employment termination. These mistakes include failure to adhere to the Employment and Labor Relation Act, CAP 366 RE 2019, such as providing appropriate notice and severance pay. The documentation of termination reasons and processes is inadequate. Employees are not informed about the reasons for termination and their rights, and weak internal mechanisms for resolving termination disputes result in escalations to external bodies like the Commission for Mediation and Arbitration (CMA). Unlike the Employment and Labor Relations Act Cap. 366/2019 and the Labor Relations (Code of Good Practice) Rules /2007, which mandate an employer to form a disciplinary committee to consider the case, the Disciplinary Committee consists of a single individual (Kisanda, 2018).

1.2 Statement of the Problem

GardaWorld Security Company and SGA Security Company, operating in Kinondoni, Dar es Salaam, are the largest private security firms in Tanzania. There have been multiple allegations and documented cases of wrongful termination practices within the companies. Those mistakes include lack of notice, failure to provide compensation pay, poor documentation, and insufficient communication regarding the reasons for termination. These practices result in numerous disputes that escalate to the Commission for Mediation and Arbitration (CMA).

The Commission for Mediation and Arbitration's reports (CMA Quarterly Reports (2020/2023)) show that out of the other disputes referred, 2,784 cases challenged termination of employment, 752 cases challenged contract breaches, and only 203 cases involved other claims. All the cases reported above originate from the private sector, as Section 32 A of The Public Service Act CAP 298 R: E 2019 limits CMA's jurisdiction to handle disputes from the public sector. However, inadequate communication between two parties, inconsistent policy application, lack of transparency, and inadequate support or resources for employees transitioning out of

their roles can lead to mistakes in the public sector during employment termination (Madinda, 2014).

Furthermore, according to the Commission for Mediation and Arbitration Report (2015-2020), employees referred more than 95% of the disputes to CMA, and more than 90% of these disputes involved employment termination challenges. These trends indicate that employers often make mistakes when terminating employment relationships with their employees (CMA Quarterly Reports 2020–2023). Therefore, the researcher assessed mistakes conducted by private-sector employers in the termination of employment in Tanzania by comparing two private organisations, SGA Security Company and Garderworld Security Company.

1.3 Objective of the Study

1.3.1 General objective

The study aimed to assess the common mistakes that private security companies in Kinondoni Municipality make when terminating their employees, focusing on GardaWorld and SGA security companies as a case study.

1.3.2 Specific objectives

- i) To assess employers' knowledge on termination of employment in Kinondoni Municipality.
- ii) To identify mistakes made by employers in the private sector during employment termination in Kinondoni Municipality.
- iii) To determine alternative measures employed to reduce mistakes made by employers in terminating the employment relationship at Kinondoni Municipality.

1.4 Research questions

- i) To what extent do employers in Kinondoni Municipality understand the grounds for lawful termination of employment?
- ii) What are the mistakes made by private sector employers during the employment termination process in Kinondoni Municipality?

- iii) What alternative strategies are used by private sector employers to reduce mistakes during termination of employment in Kinondoni Municipality?

1.5 Limitations of the Study

Data collection was one of the study's limitations, along with other issues, including information access, as it was challenging to get precise and comprehensive data from the companies because of confidentiality, time constraints, and methodological limitations.

1.6 Significance of the study

This study is significant and timely as its findings provide information that can facilitate change, particularly the correction of mistakes regularly committed by employers when terminating employment, thereby contributing to the promotion and protection of employees' rights. Secondly, the findings could potentially lead to policy changes and legal amendments, particularly those on the sanctions imposed on employers who violate the rules of procedure when terminating employment contracts, intending to prevent further breaches by the employers. The study provides academicians in the field of labour laws with insights into the mistakes made by employers during the termination process of employment. This information aids them in filling the existing gaps through training programs offered by universities and other higher learning institutions, which are crucial in preparing individuals for the labour market. The study serves as a foundation for future research in Tanzania, specifically focusing on labour matters.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents the findings of the reviewed literature to provide a picture of what other scholars and authors have investigated concerning the topic under study. Both theoretical and empirical literature were reviewed. The subsequent thematic areas organise the review's findings. They include definitions of key terms, findings from theoretical and empirical literature reviews, and research gaps.

2.2 Definition of Key Terms

2.2.1 Private Sector

Private individuals or companies own and operate the private sector of the economy. The sector encompasses businesses, corporations, and organisations with the primary goal of generating profit (United Nations (UN), 2022). This study utilised this definition.

In this study, the private sector refers to the portion of the economy which is not under government control. Private individuals and groups control these businesses and enterprises to generate profits (Mali, 2018). It comprises companies and organisations run by the state, which are considered to be the public sector.

2.2.2 Mistakes

Mistakes refer to a variety of errors or oversights that occur during the process (Mihalskaya, 2024). Employers may make various mistakes when terminating an employee, such as inadequate documentation, inadequate communication, violation of company policies, insufficient notice, and failure to offer severance, among others. This definition was adopted by the study.

2.2.3 Employer

An employer is conceptualised as an individual or organisation that hires and pays people to work for them. Employers provide jobs, set work expectations, and compensate employees for their services. The relationship between an employer and employee is typically defined by a contract or agreement outlining terms such as

salary, working hours, and job responsibilities. ELRA (2004). For this study, "employer" means any person, including the government and an executive agency, who employs an employee.

2.2.4 Employment

This is defined as a two-way relationship, usually based on a work contract, in which one party is the employer and the other is the employee (ILO, 2022). For this study, employment refers to the relationship between an individual and an employer where the individual provides labour or service in exchange for compensation. It plays a crucial role in economic systems, shaping individuals' livelihoods and contributing to overall societal productivity. Employment can take various forms, including full-time, part-time, and temporary.

2.2.5 Termination of Employment

It refers to the end of an employee's association with a company. It can occur for various reasons, including resignation, retirement, layoff, or dismissal. For this study, termination of employment means bringing an employment contract to an end. Termination of employment refers to the end of an employee's duration with an employer. The employer or the employee can initiate this for various reasons.

2.2.6 Misconduct

Misconduct is defined as doing something that is against the law or contrary to the employer's policy and codes of conduct. Examples of misconduct include stealing, violence at the workplace, absence from work without permission, negligence, insubordination, etc. (Ref. Rule 11(1) & 12(3) Employment and Labor Relations (Code of Good Practice) Rules, 2007). Once an employee commits one of these acts or any other act falling in the purview of the term "misconduct," the employer has no legal right of outright dismissal. Rather, the employer must ensure that he has evidence to justify the alleged misconduct and that the required disciplinary procedures are followed step by step to the conclusion that termination is warranted.

2.2.7 Unfair termination

A termination of employment by an employer is unfair if the employer fails to prove that the reason for termination is valid, that the reason is related to the employee's conduct, capacity, or compatibility, or based on the operational requirements of the employer, and that the employment was terminated under a fair procedure.

2.3 Types of Termination of Employment

Sections 36 and 37 of the Employment and Labor Relations Act of 2004, along with Rules 4 to 25 of the Employment and Labor Relations (Code of Good Practice) Rules of 2007, delineate various forms of employment termination. Each form has its procedures, reasons, and resulting implications.

a) Termination by Agreement

When the employer and the employee(s) agree to terminate employment, and both parties duly sign it in writing, this form of termination takes place. Only when the employee gives their consent to the termination of employment can we use this mechanism?

b) Automatic Termination

This type of termination happens when an employee completes a specific task, loses the qualifications necessary for the job, or passes away.

c) Expiry of the Contract of Employment

This occurs when the contract of employment comes to an end. This form occurs when an employee has legitimate expectations of renewal. Therefore, the employer may perceive the refusal to renew as an unfair termination.

1. Retirement

This termination occurs when the employment contract ends under the Negotiated Normal Form (NNF) Act. This applies to contractual staff. Retirement at the age of sixty is mandatory under the law, while voluntary retirement is at fifty-five unless addressed in the voluntary agreement.

2. Resignation

This type of termination occurs when an employee chooses to give notice to terminate their employment, regardless of the reason. This avenue for termination is available only to employees. The employer cannot just decide to terminate.

3. Constructive Termination

The employer creates a work environment so unbearable that it compels the employee to resign. In these situations, the law mandates constructive termination, which is equivalent to the employer terminating the employee.

4. Termination due to misconduct

This type of termination occurs when the employee fails to conduct themselves appropriately. The misconducts are categorised into those punishable by warnings or reprimands on initial commissions according to the levels and those punishable by the termination of employment on first commissions.

5. Termination due to Incapacity

This encompasses the overall inability to perform the assigned tasks due to subpar performance, poor health, or injury.

6. Termination due to incompatibility

This entails the unsuitability of the employee due to his/her character and dispositions or that he relates badly with fellow employees and clients or with other persons key to the business.

7. Termination due to operational requirements

Retrenchment typically facilitates this type of termination. The law allows retrenchment on three grounds: economic, technological, structural, or similar needs of the employer. However, the retrenchment process is complex, particularly because it necessitates consultation with the trade union and agreement on the terms and conditions of such action failure. To address this, the employer must initiate a matter before the High Court Labor Division, which then becomes a case before the court.

a) Termination by Abscondment

This type of termination occurs when the employee has disappeared from the workplace without notice. It constitutes misconduct if an employee is absent from work for five consecutive days. Common mistakes in employee termination include lack of proper documentation, failure to follow legal procedures, insufficient communication, bias, and discrimination, non-adherence to labour laws, cultural and informal practices, inadequate severance pay or compensation, lack of employee representation, and non-compliance with the Employment and Labour Relations Act (ELRA).

Global literature highlights the importance of proper documentation, compliance with local labour laws, and clear communication about performance expectations and termination reasons. In sub-Saharan Africa, inconsistent application of labour regulations, reliance on cultural norms, insufficient severance pay or compensation, and lack of employee representation are also common issues.

In Tanzania, private-sector employers often fail to adhere to Section 37 of the ELRA, which emphasises fair reasons and procedures for termination. Inadequate grounds for termination, such as misconduct, incapacity, or redundancy, are recurring issues. Failure to provide warnings and hearings before terminating employees is another common mistake. Many Tanzanian private employers disregard procedural fairness emphasised in labour laws. Bias in decision-making is another common issue, with discrimination based on gender, tribal affiliations, or nepotism affecting termination decisions. Addressing these issues is crucial for ensuring fair and fair termination practices worldwide.

Critics have pointed out that the International Labour Organization (ILO) has failed to address gender issues concerning labour law compliance and labour inspection themes. Zanzibar deemed the project, which aimed to bring gender concerns to the attention of stakeholders, as "medium-high." However, we could have made more efforts to increase awareness and knowledge about gender issues with labour law compliance and labour inspection themes. The ILO should monitor the inspection system reform process, enhance its capabilities to meet international standards for technical

cooperation projects and guarantee the recruitment of national project coordinators in projects managed by a CTA. The ILO should also adopt practical approaches to leadership and membership in program advisory committees to facilitate the implementation of future technical cooperation. The ILO Dar office should follow up on developments regarding labour law compliance issues in the mainland and Zanzibar, aided by the ILO UNDP coordinator and/or the ILO Labour Law official. The ILO should intensify its efforts to enforce its gender policy and encourage projects to openly discuss sensitive issues.

Midterm project evaluations, preferably independent reviews, are necessary to redirect activities, oversee original plans, and set new priorities. The ILO should continue supporting constituents and partners on the mainland and in Zanzibar, using the momentum created in certain areas to further contribute to the establishment of systems that promote and reinforce labour law compliance (International Labor Office, 2012).

2.4 Theoretical Framework

This study was guided by two theories discussed in the subsequent sections.

2.4.1 Unjust Dismissal Theory

The **Unjust Dismissal Theory** by Alan B. Krueger 1991 is more of a legal and regulatory concept than a theory developed by a specific individual. Its principles are often embedded in labour laws and employment standards legislation. The formulation and evolution of these laws are influenced by legal scholars, policymakers, labour unions, and social justice advocates who have worked to establish fair and equitable practices in employment relationships.

2.4.2 Strengths of Unjustice Dismissal

- Ensuring job security and adhering to employment standards is crucial.
- Emphasises "just cause" for termination.
- Reduces fear of unfair dismissal.
- Ensures legal remedies for wrongful termination.
- Acknowledges power imbalances between employers and employees.

- Anti-discrimination laws and inclusivity prevent workplace discrimination.
- It enhances procedural fairness with clear termination procedures.
- Promotes employer accountability through evidence-based reasons for termination.

2.4.3 Weakness of Injustice Dismissal

- Employees may exploit dismissal protections to avoid consequences, reducing workplace efficiency.
- Legal disputes over dismissals can be costly and time-intensive.
- Fear of litigation or complex procedures may discourage hiring.
- 'Just Cause' interpretation can vary, creating ambiguity and inconsistency.
- Overregulation risks can stifle managerial flexibility.
- Effective enforcement relies on robust mechanisms, which may be weak or underdeveloped in some jurisdictions.
- The concept might conflict with cultural or economic norms.
- Unjust dismissal protections may face legal and cultural resistance in regions where "at-will employment" dominates.
- Legal remedies may lack proactive mechanisms to prevent unjust dismissals.

This theory is a conceptual framework that underlines the notion that employees should not be subject to arbitrary, unfair, or unjust dismissals by their employers. It is often associated with labour and employment laws that seek to protect workers from wrongful termination. The unjust dismissal theory is based on several key assumptions.

- The principle of Assuming Employees' Right to Protection dictates that employers should not terminate employees without reasonable cause or in violation of legal standards.
- Advocates for Fair Treatment of Employees: Employers should act fairly and treat employees fairly during termination.
- Ensuring adherence to employment contracts and policies is crucial for employers to ensure a fair termination process.

- Anti-discrimination laws consider termination based on protected characteristics as unjust and prohibit it.
- Recognises Power Dynamics: Underlines the necessity for legal safeguards to prevent undue disadvantage in termination.
- Advocates for Access to Remedies: Employees should have access to legal remedies for unjust dismissals.
- Advocates for Just Cause: Employers should demonstrate valid reasons for termination.
- Emphasizes Procedural Fairness: Employees should have a fair process before termination, including adequate notice, an opportunity to respond to allegations, and an appeal process.

2.4.2 Procedural Justice Theory

Procedural justice theory is often associated with the work of Tom R. Tyler, a psychologist and professor of law and psychology. Tyler has been a leading scholar in the field and has extensively researched the dynamics of procedural justice and its impact on people's perceptions of authority and compliance with decisions (Tyler, 1990).

Procedural justice theory is a concept within the field of social psychology and organisational behaviour that focuses on the perceived fairness of the procedures used in decision-making processes. In addition to the outcome itself, it suggests that people evaluate the fairness of the procedures leading to the outcome. The study of unfair terminations benefits from the application of procedural justice theory, which underscores the significance of fair procedures in decision-making. Employees who perceive the termination process as fair are more inclined to accept the decision, regardless of their disagreement, and courts and labour tribunals can evaluate the adherence to due process in termination cases.

Key Assumptions of Procedural Justice Theory

The following are key assumptions of the theory; -

a) Fair Procedures Matter

Procedural justice theory asserts that individuals value decision outcomes and fair procedures, even if unfavourable outcomes are achieved, as they are more likely to accept them.

b) Voice and Participation

Individuals value participation in decision-making processes as it contributes to procedural justice and allows them to express their views and concerns.

c) Impartiality and Lack of Bias

Procedural justice is enhanced when decision-makers are perceived as impartial, based on consistent and objective criteria, leading to a more fair perception of procedures.

d) Transparency and Explanation

Clear and transparent information about decision-making processes, criteria, and reasons improves procedural justice perceptions, increasing acceptance of outcomes.

e) Respect and Dignity

The theory emphasises the importance of treating individuals with respect and dignity during decision-making processes, ensuring respectful communication, acknowledging their perspectives, and upholding their dignity.

f) Trust in Authority

Procedural justice enhances trust in decision-makers by ensuring fair procedures, even if the outcome may not favour the individual.

g) Consistency and Neutrality

The theory suggests that consistency in procedures and neutrality across cases enhances perceptions of procedural justice, as individuals perceive fairness when similar procedures are followed for similar cases.

Therefore, procedural justice theory is relevant to this study as it focuses on the procedures employers must follow before terminating employees in Tanzania. These

procedures include providing advance notice of termination, allowing employees to present their side of the story, ensuring consistency and non-arbitrariness, having an impartial decision-maker, ensuring a timely and efficient process, and communicating reasons for termination.

Employees must receive advance notice of termination and an opportunity to provide their perspective to ensure procedural fairness. If an employer's actions during termination are inconsistent with established policies or past practices, it may be considered procedural misconduct. An impartial decision-maker who evaluates facts objectively is essential for a fair termination process.

Despite the availability of clearly stipulated procedures, acts of unfair termination still exist, prompting the researcher to conduct this study. The study aims to address the challenges faced by employers in ensuring fair termination practices in Tanzania.

2.5 Empirical Literature Review

This study reviewed a variety of literature and research conducted from the global perspectives, sub-African countries as well as Tanzania as reflected in research-specific objectives as described below;

2.5.1 Employers' knowledge of termination of employment

Vogel (2024) conducted a study in America. This study builds on online reviews of more than 5,000 U.S.-based organisations by more than 200,000 current and former employees, using their recommendations as a behavioural and consequential measure of employer attractiveness. The results of a relative weight analysis indicate that public employees, compared to their private sector counterparts, place less importance on altruistic and intrinsic attributes when recommending or not recommending their employers. However, they place more importance on social attributes, with no sector-specific differences observed for extrinsic and prestige attributes.

Fitzner (2016) asked the respondents in his study how well-informed they felt about their rights at work. Sixty-five per cent of respondents felt either very well informed or well informed about their rights at work: 15 percent of respondents felt very well informed, and a further 51 percent felt well informed. Twenty-eight percent did not

feel very well informed, and six percent did not feel well informed at all. Forty-four percent of respondents felt they knew enough about their workplace rights, while 55 percent felt they could learn more. Three-quarters of all respondents (76 percent) would know where to find out information about their rights at work if they needed to.

The Employment and Labor Relations Act of 2004 (ELRA), which came into force in December 2006, states in section 37 that it is unlawful for an employer to terminate the employment of an employee unfairly. The Act further stipulates that an employer's termination of employment is considered unfair if they fail to demonstrate a valid and fair reason for the termination and a fair procedure for termination. The employer bases a 'fair' reason on the employee's conduct, capacity, or compatibility with the employer's operational requirements. The ELRA repealed previous legislation that allowed summary dismissal.

The laws of Tanzania allow termination of employment. Either party to the employment contract may terminate it, provided she or he observes all duly stated reasons that justify termination and prescribed procedures. If the termination follows the law, it can be considered fair, but if it doesn't, it can be considered unfair.

2.5.2 Mistakes Conducted by Private Sector Employers While Terminating Employees Due to Misconduct

The study by Sadigova (2020) in Europe revealed mistakes made by employers in the private sector, including poor documentation. The study revealed that a significant number of employers in the private sector fail to properly document the order or subject matter. Contrary to procedures, before terminating an employee, employers must write a termination order that includes the following information: the name of the enterprise, legal address, order number (decree, decision), date, the position and name of the employer who signed it, and the full name of the employee. Other necessary things include the employee's position as stated in the employment contract, grounds for terminating the employment contract, the relevant article, part, and clause, the day, month, and year on which the employment contract was terminated, and official documents considered as the grounds for the order (decree, decision) terminating the employment contract. Moreover, other forms of mistakes were made.

Moreover, other mistakes include not making the final wage payment, terminating the employment agreement during vacation, and failing. Odongo (2018) conducted another study on mistakes. Odongo (2018) conducted this study in Kenya to explore mistakes made by employers during the termination process. In the study, the researcher insisted that when terminating an employee's services, it is important to consider the legal implications. He further suggested that avoiding the following common mistakes during termination will minimise the risk of litigation:

Failing to follow the correct procedure: An employer needs to determine the correct circumstances under which the employee is leaving. The process may involve summary dismissal, termination, or redundancy. The employer ought to also follow the procedures stipulated for each of the modes of separation. Failure to adhere to the correct procedure could result in the employer facing a 12-month compensation order for unfair termination. Failure to pay the requisite terminal dues is another mistake to avoid. The majority of employment cases stem from the failure to pay terminal dues. It was further explained that it is more economical to pay to an employee terminal due at the time of termination as opposed to after an order by the court. The court may order the employer to pay terminal dues, suit costs, and interest. Such terminal dues may include any accrued leave days, one month's pay in lieu notice, and any other unpaid amounts owed to the employee.

According to Odongo (2018), it's important to avoid giving employees preferential treatment when terminating their employment. This study suggests that employers should treat employees who are facing termination at the same time equally unless there are exceptional circumstances that warrant preferential treatment. Consideration of this condition is crucial, particularly in cases of redundancy terminations. Giving preferential treatment to some employees over others could result in a claim for discrimination against the employer. Avoid making the mistake of not providing a certificate of service. It was explained that an employee is entitled to a Certificate of Service after four consecutive weeks of employment. Often, employers may pay terminal dues but forget to issue a certificate of service. Note that a certificate of service is not a recommendation, which gives positive feedback on the employee, but rather proof of employment.

Another mistake that was suggested to be avoided is failing to accord an employee an opportunity to be heard, where an employer wishes to terminate an employee's services due to misconduct, poor performance, or physical incapacity. He must explain the situation to the employee, provide him with the opportunity to clarify the alleged misconduct or poor performance and allow another employee to represent the accused employee. This reduces the likelihood of unjust termination claims. Consequently, the aforementioned researcher identified several mistakes that employers should avoid. This will aid in the review of employers' current practices. The current study investigated the mistakes that private sector employees continued to make.

Madinda (2014) conducted a study in Tabora, Tanzania. The study focused on assessing unfair termination of employment at workplaces. The study specifically identified various incidences as unfair reasons for termination of employment based on its findings. The incidents include when an employee discloses information that they are not entitled to, fails, or refuses to do what the employer may not lawfully permit or require them to do. Other incidences include belonging to a trade union, participating in its lawful activities, including lawful strikes, and being terminated due to pregnancy, disability, or discrimination.

Mali's (2018) study on the Tanzanian mainland revealed several reasons for terminating an employment contract. These reasons include misconduct, incapacity, incompatibility, and operational requirements. These reasons align with Rule 9(4) of the Employment and Labor Relations (Code of Good Practice) Rules, 2007 (GN No. 42, 2007). Examples of misconduct include stealing, violence at the workplace, absence from work without permission, negligence, insubordination, etc. (Ref. Rule 11(1) & 12(3) Employment and Labor Relations (Code of Good Practice) Rules, 2007).

A report by Halili (2015) provided that a contract, either oral or written, is an agreement to hire another person as an employee, and the person agrees to provide his services as an employee (Mumtaj, 2016). Once an employee signs the contract, the employee is considered to agree to any of the terms of the contract (Harlida, 2015). However, this relationship will terminate upon termination of service under a contract

of employment. The termination of employment signifies the end of a relationship, which can occur excellently and smoothly, free from any conflict or circumstance (Baskaran, 2019). Each service contract must contain a clause or terms detailing the termination process. In these circumstances, any party may terminate the contract at any time it deems necessary.

Loginova (2023) conducted a study called "Differences in the procedural order of terminating employment relations on various grounds." This study looked at and talked about the differences in how the law governs the different reasons for ending an employment relationship. However, the article discussed the key aspects of procedures related to an employee's dismissal at the employer's initiative, cases of dismissal due to exceptional circumstances, and when the employment contract expires. The article drew attention to the problems that arose during the procedural procedure for termination of employment: special attention is paid to the analysis of possible conflicts and controversial situations that may arise in the process of termination of employment, and ways to resolve them are proposed.

2.3.3 Measures Employed to Reduce Mistakes Made by Employers in the Termination of Employment Relationship

Mihalskaya (2024) assessed the stability of labour relations in modern conditions upon the termination of an employment contract at the initiative of the employer. The author identifies four stages of 21st-century events that directly determine the stability of labour relations during the termination of an employment contract with proactive employers in both the Russian Federation and foreign countries. The author concludes that to maintain sustainable economic stability in the labour market, the state must take support measures not only for producers but also for employers.

The study by Othman (2022) analysed the factors of employment termination in the Malaysian private sector from an industry perspective. This study employed a qualitative approach, conducting interviews with the industrial relations officer of the Ministry of Human Resources Malaysia (MOHR). Interview sessions were held face-to-face with semi-structured techniques to facilitate in-depth study and comprehensive information. Five respondents were selected from experienced officers dealing with

termination cases based on service contracts. Interview sessions lasted approximately 60 minutes per respondent. The transcription process has been made before analysis. The thematic analysis methods were used, whereby each data point is coded based on the related theme. Furthermore, this study makes a significant contribution to the current policy for the implementation of labour law in Malaysia, particularly for the Ministry of Human Resources. Based on the conducted study, recommendations have been made to the three actors in the industrial relations system to reduce terminations based on employment contracts in the private sector of Malaysia.

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2.5 Research Gap

This study assessed termination practices by private sector employers, with a case study of Garderworld and SGA Security Companies in Kinondoni, Dar es Salaam. Therefore, previous studies, such as Kamal Halili (2015), have extensively explored the general principles of labour law and employment termination globally. Studies have highlighted the legal frameworks and common challenges faced by employers in various sectors (Mihalskaya, 2024). Othman (2022) conducted a study to analyse the factors of employment termination in the Malaysian private sector. Mali's (2018) study on the Tanzanian mainland revealed several reasons for terminating an employment contract. These reasons include misconduct, incapacity, incompatibility, and operational requirements. However, when it comes to knowledge gaps, the private security sector in Tanzania has received little specific attention (Madinda, 2014). Since there is significant literature on termination practices in developed countries, there is a lack of context-specific studies focusing on the Tanzanian private sector, particularly the security industry.

The study also identified methodological gaps. Most reviewed studies, such as Mumtaj (2016), Rick Vogel (2024), and Loginova (2023), employed a qualitative approach, while Soyipov (2024), Mumtaj (2016), and Mumtaj (2016) exclusively used quantitative methods. There is a need for mixed-method approaches to capture both the statistical and experiential aspects of termination practices.

The researcher identified theoretical gaps due to the application of generalised labour law theories in reviewed studies, which were not tailored to the unique regulatory and cultural context of Tanzania. Therefore, the current study aimed to test and refine various theories, such as the unjust dismissal theory and procedural justice theory, within the Tanzanian private sector. Furthermore, the researcher discovered that there were chronological gaps due to the limited number of termination practices in Tanzania's private security sector. Research on the impact of recent regulatory changes and economic conditions on these practices has not been comprehensive. This study aimed to evaluate the errors made by private-sector employers when terminating employees in Tanzania.

CHAPTER THREE

RESEARCH METHODS

3.1 Introduction

This chapter explains how the study was conducted. It described the research approach, research design, study area, study population, sample size, sampling procedure, data collection methods, data analysis techniques, rigour, and trustworthiness of the data.

3.2 Research Approach

This refers to the overall strategy or plan that guides the design, execution, and analysis of research. It provides a framework for the researcher's gathered and interpreted information to answer the research questions (Msabila and Nalaila, 2013). This study employed qualitative research, which focuses on understanding people's experiences, behaviours, and social contexts rather than quantifying them. It uses non-numerical data like words, images, and observations, providing a deeper understanding of complex phenomena. Qualitative research is contextually relevant; it often occurs in natural settings and allows for exploring subjective experiences like feelings and beliefs. Its adaptability allows new insights to emerge during data collection, making it beneficial for studying dynamic social environments or processes.

Creswell (2014) defined Research design as the overall strategy and plan for conducting a research study. It outlines the procedures, methods, and techniques that researchers use to collect and analyse data to answer their research questions. Therefore, this study employed a case study design, which is further described in the following subsection.

3.3.1 A Case Study Design

A case study design is a method of in-depth investigation into a specific issue, event, or phenomenon within a real-life setting Creswell (2014). It focuses on specific instances where employer mistakes during employee termination occur and analyzes them in detail. The study was conducted on several companies within the private sector, with purposive sampling to select participants involved in termination processes. Hence, Case studies offer rich, contextual insights into specific mistakes

employers make during termination, providing a deeper understanding of the dynamics and factors influencing these mistakes.

Furthermore, Case studies are a valuable research design for investigating complex, multi-faceted issues, emphasising the importance of context and providing comprehensive data. They offer flexibility in research design, allowing for multiple data collection methods and capturing unique or rare cases. Case studies help develop and test theories by grounding abstract concepts in real-world observations and connecting empirical evidence to theoretical frameworks. They focus on understanding processes rather than outcomes, uncovering mechanisms and interactions that lead to specific results. Case studies address "how" and "why" questions, providing explanations and insights into underlying dynamics. They contribute to practical applications by providing evidence-based recommendations for practitioners and policymakers. They bridge the gap between theory and practice, making abstract concepts tangible.

3.4 Study Area

The term “study area” refers to the specific geographical or thematic space that is the focus of the research study (Yin, 2014). This study was conducted in Kinondoni Municipality in Dar es Salaam, Tanzania. The reason behind the choice of this Municipality is that it is the most populated Municipality in the country. According to the Population and Housing Census (2022), Kinondoni Municipality has a population of 1,775,049, followed by Temeke Municipality (1,368,881) and Ilala Municipality (1,220,611). Despite mainly being populated, Kinondoni Municipality has many private companies registered with BRELA (Brella Report, 2023). These companies employ many workers. There is also evidence that many companies in this Municipality have been firing their employees when they violate rules and procedures, which has caused several complaints from workers.

Furthermore, according to the CMA Annual Report (2023), any cases reported about workers who were terminated without following the procedures appeared from the Kinondoni Municipality. The report (Ibid, 2023) shows that in 2023, about 722 cases were reported at CMA from Kinondoni Municipality, of which 327 had a termination

nature. The report also indicates that about 700 cases were reported from Ilala Municipality, with 252 being related to the nature of termination. The same report also shows that 431 cases were reported in Temeke, whereas 237 cases were of termination in nature. Meanwhile, Ubungo Municipality had 252 cases, 122 of which were terminated in nature. This situation suggests that Kinondoni Municipality has the potential to provide the researcher with relevant and required information for the study.

3.5 Study Population

The study population refers to the entire group of individuals that meet the criteria for inclusion in a research study. It represents the broader group from which the researcher intends to draw conclusions and generalise findings (Kothari, 2012). The study recruited the following informants: (i) Terminated employees, (ii) Human Resource Officers, and (iii) Mediators and Arbitrators from the CMA. Each of these categories of the study population was selected based on specific reasons and grounds based on the part they play in termination and the information possessed. Terminated employees were included because they are the victims of the termination process. They also held first-hand information regarding unfair termination procedures that were conducted against them. On their part, Human Resources Officers were included because they are the key actors in the process of termination. They play a critical role in managing the termination process with professionalism, empathy, and legal compliance. They are also required to ensure that terminations are handled effectively and by company policies and legal requirements. Failure to which acts termed as unlawful may occur. Last but not least in importance, mediators were included in the study population because they play a crucial role in labour dispute resolution through mediation and arbitration, thereby ensuring a fair and just process.

3.6 Sample Size

In this study, a tentative sample of fourteen (14) informants was reached. However, the actual sample size was obtained when the saturation point was reached. Therefore, this study included two (2) Human resource officers from two security companies. HR is responsible for documenting the termination process, including reasons for termination, performance issues, and any disciplinary actions taken. Proper documentation is crucial for legal compliance and potential future inquiries. Two (2)

mediators and (1) Arbitrators are included in the study population because they play a vital role in labour dispute resolution through mediation and arbitration. Lastly, five (5) participants were taken from the Gardaworld security company, and five (5) were taken from the SGA security company.

3.7 Sampling Techniques

According to Kothari (2010), sampling techniques refer to the processes used in selecting several individuals from a population. This study employed a purposive sampling technique, as discussed in the subsequent sections.

3.7.1 Purposive Sampling

Saunders (2019). Purposive sampling is defined as a non-probability sampling technique in research where researchers deliberately choose participants based on specific criteria that align with the research objectives. This sampling technique involves the use of one's judgment or intuition to identify a sample unit and sample out of it. Purposive sampling prefers to select key informants with rich information on the central issues studied. Thus, purposive sampling was used to choose fourteen (14) participants, including employees terminated from employment, HR officers, and mediators, because each category had specific information.

3.8 Data Collection Methods

Kothari (2008) defines data collection as the process of acquiring subjects and gathering information needed in a study. In this study, the researcher collected both primary and secondary data. The primary information was collected by using only an In-Depth Interview (IDI), and secondary data was collected by using a documentary review, as explained in the subsequent sections.

3.8.1 Primary Data

Creswell (2014) defined primary data as the first-hand information gathered by a researcher. The researcher collected primary data through an in-depth interview.

3.8.2 In-depth Interviews

Saunders et al. (2009) state that in-depth interviewing is a qualitative research technique that involves conducting intensive individual interviews with a small

number of informants to explore their perspectives on a particular idea, program, or situation. The rationale for selecting this method in this study stems from its effectiveness in gathering information about the informants' experiences and providing opportunities for the researcher to delve deeper into the given situation. Additionally, it provides a more relaxed atmosphere in which to collect information. People felt more comfortable having a conversation with the researcher through this process. The researcher conducted an in-depth interview with human resource managers/officers and mediators. The researcher prepared an in-depth interview guide in Swahili and then translated it back to English for the report write-up. During the data collection process, the interview guide assisted the researcher in covering all essential aspects of the interview.

3.8.3 Secondary Data Collection

Creswell (2014) defined secondary data as information already gathered from primary sources and easily accessible to researchers. Secondary data sources are extremely useful in the study. Secondary data sources enable researchers and data analysts to identify extensive, high-quality databases that aid in problem-solving. Consequently, this study employed a documentary review method.

3.8.4 Documentary Review

Documentary review in research involves systematically analysing and evaluating documentaries as sources of information and evidence. These sources include journals, books, articles, reports, and research.

3.9 Data Analysis Procedure

Collected qualitative data was analysed using a Thematic analysis approach that involved reading through the transcribed text of each interview and identifying responses relevant to the study's main questions. The approach also involved shortening the text (reduction, distillation, and condensation) and creating categories. The analysis followed the six phases of thematic analysis, as illustrated by Braun and Clarke (2006).

Familiarisation. This was a crucial part to be undertaken. This part involved organising the narrations between the researcher and field interviewees to facilitate the transcription process. Electronic devices recorded the data, which prompted the transcription process. Before starting the analysis, we read and reread the transcribed interviews to familiarise ourselves with the data. Memos that were written during interviews were read repeatedly as part of the process of becoming familiar with emerging patterns and as a way to begin to understand the data.

Coding: During the transcription phase, the researcher identified the initial codes to distinguish the key informants and their arguments. In this study, the initial code consisted of letters, which aided in identifying the key themes. The researcher initially developed deductive codes based on the individual interview questions. The in-depth interview process sought the original information, which these codes reflect.

Searching for themes: The initial codes helped the researcher identify the key themes. Categorizing the initial codes initiates the identification of themes, signifying the start of data interpretation in the inductive phase of the process. Repeated patterns in the responses were identified and grouped accordingly.

Theme Review: In this phase, the researcher reviewed themes. The researcher also refined the themes further to facilitate the combining of similar themes. Themes that were not repeated in the data were eliminated. The process was done to identify the key themes reflected in the key questions as responded to by the key informants. The identified themes were carefully rechecked, some improvements made, and appropriate themes generated.

Defining and naming the themes: The themes were further explicated and named. Data were reviewed again with the defined themes in mind to ensure support for and the validity of the themes as identified. It is not straightforward to generate and define the key themes. In this study, the names of the themes accurately reflected the contents of the research.

Report Production: Following all the processes, the researcher produced a research report that summarised the key findings from the study.

3.10 Rigor and Trustworthiness of Qualitative Data

Cypress (2017) asserts that aligning the questions in the research instruments with the study's objectives enhances rigour and trustworthiness. Assuring the researcher of data from knowledgeable and experienced informants on the research topic also ensures rigour and trustworthiness. Therefore, the following sections explain key strategies to develop rigour and trustworthiness in qualitative research.

3.11 Triangulation

This entails using several sources of information, including in-depth interviews, observations, documents, or multiple researchers, to confirm findings. Triangulation serves to validate and strengthen the credibility of qualitative findings by mitigating the impact of individual biases or limitations inherent in a single data source or researcher's perspective.

3.12 Dependability

Lincoln and Guba (2004) explain that the dependability of data occurs when the duplication of the study in another context can lead to the generation of the same results, including methodology. Therefore, although the general ideas of dependability and reliability are almost the same, ensuring consistency is crucial to the study results. By using multiple data collection tools and carefully selecting study participants, the researcher ensured the dependability of the research data.

3.13 Credibility

Credibility is the process of evaluating what the study expects (Hadi, 2016). This study achieved credibility through the use of various research instruments and sources, a process known as triangulation. Therefore, the quality of the data was not solely dependent on a single source or instrument but rather on a variety of sources and instruments. The study collected data using multiple tools, including interviews, to ensure its credibility.

3.14 Reliability of Research Instruments

According to Kothari (2004), reliability is the percentage to which the research instruments produce stable and consistent results. In this study, a high level of

reliability was achieved by retesting the research instruments during the pilot study. The researcher ensured the questions were designed and communicated in the simplest way to ensure consistency in the responses. The assurance of reliability is achieved through effective objectives and questions with strong assistance from research.

The pilot study aimed to test research instruments, such as questionnaires and interview guides, to ensure clarity, validity, and reliability before full-scale data collection. A small, representative sample was used to identify potential issues. The instruments were administered twice to the pilot group to measure the stability of responses over time. Feedback from participants was gathered, and necessary adjustments were made to improve reliability. Consistent answers during the pilot study indicated the instruments were reliable and capable of yielding stable results across different contexts. Clear alignment between research objectives and questions ensured each item addressed the intended area of study. The instrument design was further strengthened by grounding it in established literature and frameworks. The results and insights from the pilot study were documented to demonstrate the rigour of the testing process and provide a basis for refining the instruments.

3.15 Ethical Considerations

The study adhered to all ethical principles and considerations that guide social science research. First, the privacy and welfare of the informants were protected to avoid any harm. Ethical clearance was sought from the Institute of Social Work. The objectives, benefits, and any other information about the study were communicated to study participants to ensure that they were well informed about the study before consenting to participate. Furthermore, the researcher directly identified the disclosed private information with the participants and did not share it with anyone else. The researcher also kept confidential information effectively by creating a password on a laptop and burning the recorded materials after the study ended. Moreover, the study adhered to the principles of honesty, self-determination, avoiding plagiarism, and respecting cultural diversity.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.1 Introduction

This chapter presents analyses and discusses the findings of the study. It begins by outlining the socio-demographic characteristics of the respondents, followed by the presentation of the study's key findings that align with the research-specific objectives. This study involved 14 respondents, including two HR managers from two security companies, namely Gardaworld and SGA, one mediator and one arbitrator from the Commission for Mediation & Arbitration (CMA), and ten terminated employees. The study reached saturation, indicating the actual sample size. Therefore, these respondents provided sufficient insights into the research questions.

4.2 Socio-Demographic Characteristics of the Respondents

4.2.1 Age Distribution of Respondents

The study wanted to understand the age distribution and frequency of stakeholder involvement in workplace disputes and terminations, including human resource managers, mediators, arbitrators, and terminated employees. The data helped assess patterns and trends in age-related perspectives on workplace disputes and terminations. We provide a table that presents respondents by category, number, and age group. Table 4.1 presents the summary of respondents by age.

Table 4.1: Distribution of Respondents by Age

Age Group (Years)	Frequency (N)	Percent (%)
25 - 36	7	50.0
36 - 45	5	35.7
Above 45	2	14.3
Total	14	100

Source: Field Data (2024)

Table 1 summarises the terminations of 15 employees, primarily from Gardaworld. Seven respondents were aged 25-35. The majority were younger, with ten employees aged 36–45 and no respondents aged 46–60. Two human resource managers aged 35–

45 were involved in workplace decision-making and dispute resolution, while one mediator and one arbitrator were aged 45–50. This suggests an age-related trend in job terminations. Or disputes with middle-aged professionals in HR management and arbitration.

4.2.2 Gender of Respondents

In the data collection process, the researchers intended to ensure that there was an equal representation of male and female respondents to get balanced views. The actual results are presented in Table 2.

Table 2: Gender of the Respondents

The data collected aims to explore gender dynamics in workplaces, particularly among terminated employees, mediators, arbitrators, and human resource managers. Understanding the gender breakdown helped assess trends and disparities that influenced workplace outcomes, decisions, and experiences. Table 4.2 summarises the gender distribution among 14 respondents.

Table 4.2: Gender of Respondents

Gender	Frequency (N)	Percent (%)
Male	9	64.29%
Female	5	35.71%
Total	14	100%

Source: Field Data (2024)

The study found that the majority of respondents were male, accounting for 64.29% (9 out of 14), while females made up 35.71% (5 out of 14). This suggests a potential gender imbalance in workplace situations, with male respondents dominating the represented categories. This indicated that men are more involved in disputes and terminations. The lower percentage of female respondents indicated fewer women being described in these roles. The study underscores the importance of gender considerations in workplace dynamics.

4.2.3 Educational Level of Terminated Employees

The study sought to collect information on the educational backgrounds of the fired employees in order to determine any possible relationships between educational attainment and vulnerability to wrongful termination, as well as between termination and employees' capacity to defend their rights at work. The results on the academic backgrounds of the fired employees are shown in Table 4.3.

Table 4.3: Distribution of Terminated Employees by Education

Education Level	Frequency
Standard Seven	3
Form IV	9
Master's Degree	2
Total	14

Source: Field Data (2024)

The majority of respondents have a secondary education level, making them vulnerable to unlawful termination. Form IV Graduates (64.3%) hold lower to mid-level positions in the private sector, making them more vulnerable to unlawful termination. Standard Seven Graduates (21.4%) hold low-skill or manual labour jobs with weaker protections against unlawful termination. They face higher risks of job loss due to employer mistakes and lack of legal support access. Master's Degree Holders (14.3%) hold higher-level positions with a lower risk of unlawful termination due to their knowledge of labour laws and access to professional legal advice.

4.3 Employers' knowledge of the termination of employment among mediators and human resource personnel

The researcher was interested in finding out if the Mediators and Human Resource personnel had training and awareness on termination. Hence, interviews with key stakeholders are conducted to assess training adequacy, legal understanding, and the impact on fairness and effectiveness of termination. The major theme above produced the following sub-themes: Training Programs and Awareness of Labor Laws; these sub-themes are explained below.

4.3.1 Knowledge About Termination Versus Actual Practice

During an in-depth interview, we inquired about the participants' training on termination procedures and awareness of such protocols. The findings indicate that some respondents believed that these officers had received training on termination procedures and processes. However, despite the level of training and awareness about termination procedures by human resource managers, unlawful termination is significantly increasing, particularly in Tanzania's private sector, especially within security companies. The results show that human resource managers make termination decisions based on allegations against security guards. These human resources managers then receive the hearing documents and prepare termination certificates and notices, allowing the employee to claim their contributions from the National Social Security Fund (NSSF). As a result, the HR managers are not actively involved in the pre-stages of termination, which hinders them from offering legal advice to the panellists on conducting appropriate and legitimate terminations. The following quotation demonstrates this degree of involvement.

"As an HR manager, I get angry a lot because our role isn't given enough attention, even though we know the laws and our duties in the firing process." It's disappointing when choices are made without us having a say, leaving us with unanswered questions about fairness and compliance. We should be at the head of these conversations to make sure that firings are done in a way that is legal and moral" (HR- Manager).

On the other hand, the findings also show that the officers lack adequate knowledge. For instance, the CMA mediator revealed that most HR managers lack knowledge regarding the laws governing employee termination. This is due to a variety of factors, such as their limited legal knowledge and their tendency to make hasty decisions that could potentially violate the law, thereby exposing the group to potential legal issues. Furthermore, the mediator's experience suggests that HR's limited understanding of legal requirements has resulted in poor decision-making during the firing process. Despite training in labour laws and best practices, Stone and Deadrick (2015) reveal that HR professionals often make decisions under pressure, bypassing proper procedures and resulting in unlawful terminations. A study by Collings and Wood

(2009) suggests that HR managers frequently operate within rigid organisational hierarchies, where higher management or legal panels make decisions. Moreover, Mbilinyi and Munishi's (2018) study underscores the frequent relegation of HR managers to administrative roles in Tanzania's private sector, particularly in industries like security services, which limits their influence over termination processes.

Based on the views of this respondent, HR managers need more training. For example, during an interview, the mediator commented that;

"In my experience of mediating disputes, it has become evident that many HR personnel, including those in security companies, are not fully aware of the legal frameworks governing employee termination. This lack of understanding often leads to hasty decisions that disregard proper procedures, leaving both the employees and the companies vulnerable to legal repercussions" (Mediator, 2024).

Therefore, the presented HR manager and mediators' comments highlight several important issues and themes regarding the training of HR in employee termination processes and lack of full engagement in the process, undermining their authority and ability to ensure compliance with laws and ethical standards. The lack of knowledge has led to hasty and potentially unlawful decisions, exposing both employees and organisations to legal risks. Thus, increased training and more engagement would lead to more informed, fair, and compliant termination processes. Strategic HR involvement would align practices with legal requirements and ethical standards, fostering a more equitable and legally compliant workplace. The results are in line with Nyoni's (2020) study, which says that illegal firings happen a lot in the private security industry in Dar es Salaam. This is typically due to weak internal procedures and HR's lack of involvement in the early stages of disagreements.

Findings of this nature are not new. Krueger's theory has emphasised these findings, suggesting that unlawful terminations can still occur even with available training for the officers executing the termination. Mediators argue that disputes often arise from employers deliberately ignoring termination procedures, not just a lack of training.

However, given that some respondents reported a lack of training, this finding aligns with the findings of Sharma's (2022) study, which emphasised the critical role of employer training in managing employment conflicts and terminations. According to this author, training and development examine the essence of acquiring knowledge, expertise, techniques, and practices. It prioritises workers, who are the organisation's assets and essential for enhancing performance at individual, team, and organisational levels. Moreover, Smith (1999) asserts that the concept of organisational learning emerged from the notion that prior attempts to promote learning concentrated on its commercial benefits and lacked concrete data on human learning.

4.3.2 Awareness of Labor Laws among Respondents

Views of ex-employees, mediators, and Human Resource Officers regarding their awareness of labour laws and their connection to the unlawful termination of employees were sought. The findings indicate that more than 8 (85%) of the ex-employees who were employed by GardaWorld Security Company argued that their termination was due to the employer's lack of understanding of labour laws, as they were not allowed to defend themselves and no thorough investigation had been conducted. This indicates a lack of awareness and understanding of the right procedure as stated by the laws. Findings also show that employers of the two companies lacked adequate knowledge concerning termination laws and regulations as most of their decisions were deemed unlawful, as evidenced by the following quotes:

"My employer failed to allow me to defend myself on the allegations against me nor investigated the allegations. The Employer fired me without valid reasons, and he also ignored the procedure." (Ex-employee)

The ex-employee's quote highlighted that decision-makers' ignorance or disregard of labour laws is the primary cause of termination. This reflects Krueger's theory, which states that unjust terminations frequently occur when employers overlook legal requirements and fail to provide employees with due process. On his part, the mediator insisted that the disputes presented in the findings stem from employers' ignorance of labour laws. He suggested that proper training and awareness raising of termination

legal requirements are necessary to prevent many disputes from reaching mediation, as the quote illustrates;

" Termination of employment in the private sector is a serious issue. As a mediator, I have been receiving several disputes, most of which are caused by employers' negligence in following the procedure" (Mediator).

Finally, the Human Resource Manager acknowledged that more than 75 per cent of supervisors from security companies are unaware of labour laws that could help them implement lawful procedures during the termination of employees. Therefore, the findings highlight the need for increased awareness among employees and supervisors about these legal frameworks.

"We realise that once an employee is terminated, they feel cut off from support. It's something we're working on, making sure that our exit process includes information on termination benefits and potential legal resources."
(HR Manager).

Therefore, the findings revealed a significant lack of understanding of labour laws among employers, particularly decision-makers in security companies, leading to unlawful terminations. Employees, mediators, and HR officers agree that ignorance of labour laws is a key factor in wrongful terminations. Around 60% of decision-makers lacked knowledge of industrial relations laws, resulting in unlawful termination decisions. Mediators suggest awareness training on termination legal requirements could prevent disputes from escalating to mediation.

The analysis in Stone & Deadrick's (2015) study revealed that employers in low-regulated sectors such as security often lack knowledge about termination legal requirements. They recommend training programs for managers. A study by Okafor (2012) in Nigeria found supervisors' limited understanding of labour laws led to increased labour disputes, emphasising the need for awareness campaigns. Additionally, Mbilinyi & Munishi (2018) conducted a study in Tanzania that revealed a lack of procedural knowledge among supervisors in the private sector, suggesting that organisations should incorporate legal compliance into their HR training

programs. This is consistent with the study of Krueger, which reveals that employers' lack of legal awareness often led to violations of the law and unjust terminations, with both employees and HR managers claiming termination disputes stem from employers' ignorance.

4.4 Common Mistakes Made by Employers During Employment Termination

The study intended to get the views of respondents regarding what they consider common mistakes made by employers during employment termination. Interviews with terminated employees, mediators, and HR personnel reveal that poor documentation, inadequate communication, non-adherence to legal requirements, and disregard for employees' rights are the primary causes of these mistakes, as presented in the following sections.

4.4.1 Poor Documentation

An interview with the human resources manager, employees, and mediators revealed that poor documentation is a common mistake during employment contract termination. This was illustrated by the quote;

"One of the mistakes employers make is poor documentation." Poor documentation manifests itself in the dispute resolution process, particularly during mediation. When parties argue over an issue, the mediation process can easily conclude by presenting the relevant documents. The employee should provide the necessary documents, such as a copy of the employment contract, identity card, salary slip, warning letters, and termination letter, among others. Parties may fail to negotiate on the issues in dispute and also to reach the agreement point due to a lack of clear documents" (mediator).

In the same vein, one of the interviewed Human Resource Managers remarked:

"Lack of adequate documentation leads to unclear information about the manpower that the company has. Also, poor record-keeping creates unnecessary disputes, especially in cases like misconduct, poor performance, and underperformance. Without references from the documents, it can be challenging to justify the termination of an employee. Although this practice

may be time-consuming, it fosters a positive relationship between the employer and the employee, according to the Human Resource Manager.

Supporting the HR, an interviewed employee added,

“I was never issued a warning letter, nor was I allowed to explain the issue of poor performance before my termination. How can they claim poor performance when there are no documents to assess my performance?”
(Employee)

As evidenced, the respondent above claimed that the employer never issued a formal warning or a letter asking them to improve performance. On the other hand, they were not involved in the termination process, which they believe is because of a lack of documentation.

This aligns with the study by Collings and Wood (2009), which underscores the significance of proper recordkeeping in HR mismanagement, asserting that it is not only an administrative obligation but also a fundamental component of fair employment practices. Moreover, Ndikumana (2013) finds that in many sub-Saharan African countries, informal practices and reliance on verbal agreements hinder proper documentation.

4.4.2 Inadequate Communication

Research reveals that poor communication is another common mistake. Inadequate workplace communication negatively impacts conflict resolution, employee engagement, and organisational performance, as per quotes from mediators, HR professionals, and employees. This is demonstrated by an ex-employee who remarked;

“In most cases, the Employer does not associate us with issues concerning work performance I believe communication between me and the employer is on records kept by the human resource department. But when a dispute occurs, they decide to terminate us without complying with the laid down procedure. Lack of transparency and accountability in termination decisions undermines trust and morale, leading to unfair terminations”(X-employee).

This lack of clarity and transparency makes employees feel alienated and disconnected from the organisation. Confusion and speculation-driven workplace culture result from poor communication, potentially weakening employees' sense of belonging. Madinda's (2014) study in Tanzania on unfair terminations revealed that insufficient or ambiguous communication often leads employees to perceive terminations as unjust, especially when they lack information about the reasons for their termination or the opportunity to defend themselves. The study by Stone and Deadrick (2015) indicates that transparent communication is crucial in ensuring employees feel valued and respected. Their findings align with the idea that a lack of accountability and clear communication in termination decisions leads to alienation and reduces trust in management. Similarly, in African labor relations, Fashoyin (2010) noted that inadequate communication practices in many organisations foster a culture of speculation, weakening employees' sense of belonging. The finding was supported by a contracted mediator who said,

“Poor communication often leads to workplace conflict between employers and employees, but workers' participation in issues concerning their legal rights may moderate the rise of disputes at a workplace. *Conflicts can arise in the workplace when employees perceive their employer disregarding their ideas, neglecting their claims, and failing to provide feedback, leading them to feel as though they are not a part of the organisation*” (Mediator).

The mediator emphasises the importance of open and structured dialogue between employees and management to prevent workplace disputes. They argue that conflicts often escalate when employees feel unheard, but providing spaces for grievances can lead to compromise and resolution. Proper communication can prevent misunderstandings from arising. Structured dialogue, such as regular feedback sessions or grievance procedures, can reduce misunderstandings and foster a more collaborative work environment. This has been emphasised by Madinda's (2014) study in Tabora, Tanzania, which assessed unfair termination of employment in workplaces. According to this study, factors considered unfair include employee disclosure. This is testified by the following quote;

“Human resource officers are not given full authority to terminate employees when they are involved, especially in any misconduct and found guilty. So, to have good communication, let employers invest full powers and authority to human resource officers.”

These findings bolster Krueger's theory, which underscores the importance of clear communication between employers and employees, particularly concerning performance and conduct issues. Insufficient communication can lead to unjust terminations and a dearth of corrective opportunities. Moreover, it suggests that unjust terminations stem from a breakdown in employer-employee communication, which contributes to misunderstanding and perceived unfairness. According to Collings and Wood (2009), empowering HR departments with decision-making authority is critical for fostering clear communication and procedural fairness in termination processes. Furthermore, the findings from Nyoni (2020) in Dar es Salaam revealed that lack of proper communication about performance evaluations or misconduct often led to disputes, as employees were unaware of the specific reasons behind their termination. The study also found that engaging employees in open discussions before making termination decisions reduced grievances and increased trust in management processes.

4.4.3 Poor Compliance and Adherence to Legal Requirements

The study wanted to know if employers adhere to legal requirements. Findings indicate that around 4 (25%) employers neglect legal procedures during termination processes, leading to unfair terminations as observed by one of the **employees who argued that;**

My supervisor called me and instructed me to appear before the disciplinary committee. The composition of the committee was deemed inappropriate when I discovered that one of the officers who had accused me of misconduct was not a witness but rather a decision-maker. In this situation, I understood that the legal system's structure would prevent any fairness. I questioned how the accused individual contributed to the decision to terminate my job” (Employee).

The foregoing revelation is a clear indication that the employee criticised the disciplinary process for its lack of fairness. The procedure was full of bias, lacked proper appeals processes, and was inconsistent. Employers must observe the labour laws, as their non-observance could result in unfair labour practices. These findings also support Krueger's theory, which suggests that unjust terminations often result from employers not adhering to legal termination frameworks, leading to economic inefficiency and litigation costs. They emphasise the importance of strict legal adherence to fair employment practices. Echoing the finding, an interviewed mediator stated,

"Most employers terminate employees unfairly due to misconduct, but they fail to comply with termination procedures as provided by the law." (Mediator). Had they adhered to the process, we could have avoided this situation entirely" (Mediator).

The mediator's concern regarding employers' non-compliance with the legal framework highlights their failure to adhere to established protocols. The mediator emphasises that employers often neglect the process of issuing warning letters, an opportunity to appear before the disciplinary committee, which leads to unfair termination. The mediator's statements highlight systemic issues in the termination processes at the workplace. In support of the finding, the interviewed HR said:

"We acknowledge our failure to fully adhere to the legal procedures for termination." This was a serious oversight, and we are making efforts to ensure future compliance with laws on termination procedures" (HR).

The HR remarked further;

"Failure to follow the necessary legal protocols will ultimately make the termination unfair. We are now reviewing all internal policies to ensure full compliance with termination procedures." (HR)

The HR acknowledged that the termination did not adhere to legal standards, taking it as an oversight. This is an important acknowledgement, as it suggests internal

awareness and the need for change. HR's willingness to review policies implies recognition of internal authority in handling disciplinary actions. Mali (2018) conducted a study on the Tanzanian mainland, which revealed several reasons for terminating an employment contract. These reasons include misconduct, incapacity, incompatibility, and operational requirements.

Krueger emphasises the importance of upholding employee rights, including the right to appeal and due process, to prevent unjust terminations. Employees often feel that their rights were overlooked during termination, resulting in unjust terminations that lack due process and respect for their rights. The Mali (2018) study highlighted various reasons for termination, such as operational requirements for misconduct and incapacity, which necessitate full compliance with the law's procedures. Additionally, Nyoni's (2020) study emphasises that terminations without valid grounds, such as misconduct or redundancy, frequently stem from non-compliance with Tanzanian labour laws, thereby exposing widespread flaws in termination protocols.

4.4.4 Failure to Consider Employee Rights

Another mistake regarding employee termination involves a lack of proper procedures and violations of rights, with a focus on procedural fairness, institutional accountability, and the power dynamics between employers and employees. While these two security companies, being international companies, may promote and uphold human rights, the actual situation for employees is significantly worse, as illustrated by the following quote:

“I felt deeply hurt by the employer's decision to terminate my employment without allowing me to voice my concerns. I confronted the human resource manager to clarify the situation, but he referred me back to the human resource officer, thereby deferring my concerns. Finally, I decided to go to the CMA to complain about unfair treatment and claim my rights” (Employee).

The findings above suggest that the employee, despite seeking assistance from department heads and human resource managers, was unhappy with the employer's

decision to terminate them without complying with the laws. The findings reveal that the employee's grievance remains unresolved, highlighting a significant failure on the part of employers to address their employees' issues. This situation highlights the absence of internal channels for employees to seek redress. The study by Ndikumana (2013) emphasises that non-compliance with procedural requirements often leads to labor disputes in many sub-Saharan African countries, including those with international companies. Despite the existence of formal policies, informal practices and power imbalances impede employees' ability to seek effective redress. However, Gallo (2017) states that international companies often adopt human rights-based rhetoric but fail to implement these principles in practice. This creates a disparity between policy and reality, as demonstrated in the case of the employee's termination without due process. The failure to pay salaries constitutes a violation of their rights, as illustrated by the following comment;

*“When an employee is fired without receiving their salary and terminal benefits, it can lead to a dispute over their rights. Additionally, if the employer disregards their claims and eliminates their right to be heard, it could jeopardise the harmonious relationship between the employer and employees, as well as the stability of the company (**Mediator**).”*

The mediator's above comments highlight the fact that employers often disregard the welfare of their employees, viewing them as mere tools to enhance their capital and maximise profits. The practice of noncompliance with the termination procedure and the tendency to eliminate employees' benefits is a violation of the laws that regulate the employment relationship. This finding contradicts those of the study by Sadigova (2020), which was conducted in Europe, which provided that this is contrary to procedures because it is a requirement that before terminating an employee, the termination order must be accompanied by payment of all entitlements of the salary.

Besides not being compensated, findings also show that their appeals are not well-handled. The Human Resource officer acknowledges that employee appeals to company directors are often ignored, indicating a failure to create a fair and transparent system. They suggest an independent body like a labour commissioner to oversee

termination procedures for accountability and fairness. In confirmation of this, an Ex-employee said:

"Termination of my Employment was not fair because the employer failed to investigate to understand whether I was involved in the allegation against me, and also was not valid because he also failed to justify the reason for termination before the commission for mediation and arbitration (CMA) where I lodged a case of my termination" (Ex-Employee).

An employee asserts that the employer failed to adhere to the termination procedure and rights, leading to no investigation. Another violation is bias in termination. A mediator testifies to this;

"During the disciplinary hearing, an act of bias and a lack of neutrality is observed." This has been observed when the chairperson of the committee becomes the same person who alleged against the employee." Again, it is not fair when the committee suggests the termination of an employee based on evidence of words without proof" (Mediator).

The mediator draws attention to a wider problem of "evidence of words without proof," in which employers take actions based on unconfirmed issues that remain uninvestigated. This fosters a culture of arbitrary terminations, leading to the dismissal of employees without valid reasons. Generally, bias in imposing disciplinary action and inadequate investigation of the allegations leave employees with limited options within the organisation, thus resulting in external escalation of the matter. The internal structures of most organisations are not powerful and lack commitment as a result of unjust outcomes and violations of the law.

These findings support the views of Alan B. Krueger's Unjust Termination Theory, which posits that unfair termination can lead to economic inefficiency, labour market distortions, and litigation costs. It argues that employees have implicit job security rights, and unjust terminations can disrupt productivity, increase turnover, and demoralise the workforce. Employers often face legal disputes and reputational damage when they fail to uphold fair termination practices. Krueger's theory aligns

with the challenges presented in this section regarding the failure of employees to respect the rights of employees as a violation of their rights.

4.5 Measures Employed to Reduce Mistakes Made by Employers in Terminating the Employment Relationship

The study investigated alternative methods to reduce the mistakes employers make when terminating an employment relationship, involving interviews with employers, ex-employees, human resource managers and officers, mediators, and all respondents. The researcher organised the findings from different stakeholders around the major themes presented in the subsequent sections.

4.5.1 Improve Documentation and Record-Keeping

Respondents emphasised the importance of keeping records during the existence of the employment relationship in any organisation. This role of documentation and record-keeping is vested to the Human Resources Department, from which officers are required to keep all information concerning the life of employees from the day of commencement of the job, his day-to-day progress, till the day of the end of the job. The findings indicate that accurate documentation is crucial for trust, responsibility, and accountability, it also helps to track progress and evaluate performance. Lack of proper records may result in misunderstandings, conflicts, and disputes at the workplace. This point of view is illustrated by the interviewed mediator;

“Accurate documentation is vital in employment relationships as it ensures trust and fairness and builds a spirit of accountability for both the employer and employees. Record keeping is a legal requirement when the information in another scenario may be taken as evidence. (Mediator)”

Another mediator said,

“Records are useful in the assessment and evaluation of the progress of the undertaking. It is also useful in a workplace when it comes to the point of termination due to operational requirements; the employer will use the same information to implement the process. (Mediator)”

As demonstrated by the following respondents, documentation plays a crucial role in employee relations management by serving as a legal requirement, guiding decisions and actions, and preventing arbitrary decisions related to performance, disciplinary action, and performance appraisal, as stated by an interviewed HR;

"For the Human Resources office, documentation is not just a legal requirement but a critical aspect of managing employee relations. It provides a clear path of actions to be taken and reach a fair decision, especially in performance appraisal and disciplinary procedures"(Human Resource Manager).

"From an employee point of view, proper documentation is more useful when it comes to issues concerning employees, having clear records ensures fair treatment. Also is a reference to motivation as a result of high commitment at work hence increase in production"(Ex-employee).

Generally, mediators, HR professionals, and employees emphasise the importance of documentation and record-keeping. Accurate documentation is widely believed to cultivate trust, fairness, commitment, and accountability. This facilitates the tracking of progress and performance evaluation. An employer plays a crucial role in deciding on performance-related issues and disciplinary actions. Studies by Collings and Wood (2009) emphasise that failure to document performance issues or misconduct is a frequent mistake leading to wrongful dismissal claims. Documentation not only supports decision-making but also protects against legal challenges, especially in situations involving terminations. The International Labour Organization (ILO) also stresses the importance The ILO (2015) emphasises the importance of accurate recordkeeping in the management of employment relations, noting that it is a cornerstone of legal compliance and conflict resolution. Therefore, the above arguments confirm the importance of documentation in reducing mistakes in employment termination.

These findings correspond with those of the study by Kovacevic (2017), which emphasised the importance of documentation and proper recordkeeping before and

during the termination process. The findings suggest that there is a possibility of an employee committing a crime at work or about their job. An employee may perpetrate this crime against property, individuals, or the rights of an employer, another employee, or a third party. The Criminal Code delineates such offences as falsifying official documents, disclosing confidential information, embezzlement, bribery, or theft, which an employee can commit while performing their duties. These crimes present justifiable grounds for dismissal, contingent upon a guilty verdict from the court. It is important to note that the original wording of the law concludes an employer's right to terminate employment if an employee commits a crime at work. Certain employers saw this legal requirement as a pretext to terminate an employee before a determination of guilt. Sub-Saharan Africa often cites the lack of proper documentation as a significant issue leading to unfair dismissals. Kanyenze et al. (2011) noted that employers often fail to document performance issues or disciplinary actions, contributing to disputes when employment relationships end. This lack of documentation makes it difficult to prove or defend termination decisions, particularly in regions with weak labour regulations. Studies from countries like Zimbabwe and South Africa underline that better recordkeeping can mitigate such challenges by offering an objective basis for decisions. Fashoyin (2010) similarly argues that in African contexts, documentation and recordkeeping play a critical role in avoiding arbitrary dismissal decisions and legal claims.

4.5.2 Institute Alternative Dispute Resolution Mechanisms

The above sub-theme suggests that current employer practices may not align with legal or ethical standards, offering an alternative to addressing mistakes and challenges in dispute resolution mechanisms, particularly mediation. This was echoed by a mediator during an interview;

"Most employers fail to comply with the termination procedures provided by law, particularly in cases of misconduct." There is a sense of negligence in the procedure by most employers, and when they are summoned to appear before the Commission for Mediation and Arbitration for the Resolution of a dispute, employers send their representatives with a negative stand during

mediation. As a result, the mediation process ends with unresolved issues. (Mediator).

The aforementioned comments suggest that employers frequently disregard termination procedures, and when summoned to a resolution meeting, they tend to steer clear of the mediation process because they perceive the penalties as insignificant. The mediator emphasised the importance of instituting an alternative dispute resolution mechanism to prevent workplace disputes. According to the study by Kovacevic (2017), regulations in the Republic of Serbia govern the disciplinary liability of private sector employees for breaches of work obligations or noncompliance with workplace discipline, and they establish alternative disciplinary measures as alternatives to dismissal.

4.5.3 Enhance Communication and Transparency

Findings show that the reduction of mistakes in the termination process communication and transparency in termination processes should be enhanced as explained hereunder:

“The mistake made by our employers is that whenever they are required to take a disciplinary action, they sometimes fail to communicate with us on their intention. In implementing it, again, they avoid conducting a disciplinary hearing. They also avoid giving us a chance to defend ourselves against the allegations. All in all, the process is vague due to a lack of transparency. Therefore, if justice is to be attained, then communication and transparency should be enhanced (Employee).

The above findings indicated that the lack of transparency was mentioned by the ex-employee, who was dismissed without being informed of the complaints or concerns leading to their termination. This reflects a failure to maintain clear and ongoing communication, which is essential for managing expectations and addressing issues before they escalate. Shaw et al. (2013) emphasise in their study that poor communication during termination processes can lead to employees feeling

disenfranchised and demoralised, especially when they don't receive clear reasons for their termination. Another ex-employee had this to say:

"There was no transparency about what was happening. I was not informed about the allegations against me that led to my termination until I found myself out of the employment"(Ex-employee).

The ex-employee, who was terminated without being informed of the intended action leading to their termination, highlights the lack of transparency. This reflects a failure of the employer to maintain clear communication, which is essential for managing expectations and addressing issues before they escalate. The urgency of managing expectations is underscored by the fact that professionals also supported the views of the ex-employee, as indicated in the quotes below;

"Employers fail to offer acceptable reasons and follow correct processes, which causes workers to doubt whether or not their termination was fair"
(Ex-Employee)

"I have experienced that lack of transparency from management tends to demoralise employees from being committed to work. Clear communication is key to avoiding the rise of crises at the workplace and raising a spirit of solidarity and unity among employees "(Mediator).

"Communication breakdown played a major role in creating a vague Employment Relationship, so there is a need to improve this aspect"(HR).

All the above quotes suggest that lack of communication leads to unfair termination, and if we are to improve termination, then communication should be improved. Therefore, enhancing communication and transparency cannot be escaped. Generally, lack of transparency and poor communication during termination processes led to feelings of betrayal, reduced morale, and created an adversarial culture at a workplace cult. This violates procedural fairness, building an injustice and reducing trust. Failure to communicate effectively during an employee tenure leads to emotional responses, such as anger and distress, strikes, and lockout. Thus, Lind & Tyler's (1988) study

emphasises the significance of procedural fairness in maintaining organisational justice. Employees not informed about decision-making reasons or allowed to defend themselves perceive these actions as unjust, leading to lower morale and dissatisfaction. The study's lack of transparency supports this theory, as workers feel betrayed and unfairly treated.

4.5.4 Adopting Alternative Measures to Termination

Another suggestion for enhancing employment relations is to steer clear of termination. Employers should provide an alternative to termination. This was because of different faults in the process. Arguing along the same line, an interviewed ex-employee said:

“I felt blindsided when I was terminated without proper cause. There was no warning, no review, nothing. It was like they made the decision overnight. Moreover, I wasn’t given a chance to explain my side. I think if there had been a mediation process, things could have been resolved differently” (Ex-employee).

Another Ex-employee added that:

“If the company would have talked to me first, we could have worked out a performance improvement plan. I didn’t want to lose my job—I just needed guidance. Also, entraining could have been a more suitable solution than immediate termination” (Ex-Employee).

Apart from the ex-employee, a HR Manager also commented that:

“Our goal is to avoid termination wherever possible. Options like performance reviews, additional training, and even voluntary termination packages have led to better outcomes” (HR).

Generally, views regarding alternatives to termination emphasise the importance of structured, evidence-based measures like performance improvement plans, training, intervention, and voluntary separation packages. These measures can reduce the frequency of unfair terminations, affecting employees and organisations. By

improving HR policies, ensuring due process, and promoting transparency, employers can create a stable, productive, and fair work environment. Interventions that prioritise employee development and dispute resolution can lead to sustainable employment relationships and improve organisational outcomes. The evidence above shows the need to avoid terminating employees. In connection with this, research in organisational psychology suggests that abrupt terminations can cause significant emotional distress, reduced self-esteem, and distrust in management, leading to negative outcomes for both employees and employers. Therefore, providing warnings, feedback, and avenues for employees to explain their side can help mitigate these adverse effects.

These findings align with the findings of Othman's (2022) study, which suggests that offering alternatives to termination improves the implementation of Malaysia's labour law, especially for the Ministry of Human Resources Malaysia. Moreover, the study by Stone & Deadrick (2015) found that regular performance assessments, coupled with feedback and development opportunities, reduce the likelihood of misunderstandings and disputes, which might otherwise lead to termination. Further, Kulik et al. (2018) highlighted that employee development, including targeted training, leads to better job performance and a stronger sense of engagement, thus reducing the need for dismissals.

Therefore, the general assessment is that adopting alternative termination measures is crucial for managing employee performance and conflict resolution. Prioritising interventions like performance improvement plans, training, and mediation can prevent unfair dismissals, enhance employee satisfaction, and maintain legal compliance. These strategies contribute to healthier employment relationships, higher engagement, and better organisational outcomes.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

This study aimed to explore the mistakes made by private sector employers in terminating employment in Kinondoni Municipality, specifically Gard World and SGA Security Companies. It examined the level of training and awareness on termination procedures among managers and human resource personnel, identified common mistakes made during employment termination, and determined alternative measures to reduce these mistakes. The study employed a qualitative approach and a Case study design. Involved 14 diverse respondents, including ten (10) former employees, two (2) HR officers, and two (2) mediators, to provide insights into termination procedures and the mistakes conducted in that process.

The study examined the training and awareness of mediators and human resource personnel in Tanzania's private sector, particularly within security companies. Despite some respondents' perception of adequate training, unlawful termination is increasing, particularly in the security sector. The study revealed that HR managers still make termination decisions based on allegations against security guards, leading to quick decisions that disregard proper procedures. The lack of knowledge about labour laws and ethical standards has led to quick and potentially unlawful terminations, exposing employees and organisations to legal risks. Increased training and engagement would lead to more informed, fair, and compliant termination processes. Studies by Nyoni (2020) and Sharma (2022) emphasise the importance of strategic HR involvement in managing employment conflicts and terminations. Increased awareness training on termination legal requirements could prevent disputes from escalating to mediation. Organisations should include legal compliance in HR training.

On the common mistakes made by employers, the findings indicated poor documentation, inadequate communication, lack of adherence to legal requirements, and failure to consider employee rights are significant mistakes in termination processes. These mistakes negatively impact dispute resolution, employee engagement, and organisational performance. Employees frequently experience a

sense of alienation and disconnection from the organisation, resulting in a culture of confusion and speculation within the workplace. Transparent communication is crucial for ensuring employees feel valued and respected, and empowering HR departments with decision-making authority is essential for fostering clear communication and procedural fairness in termination processes. Neglecting legal procedures during termination results in unfair terminations, biased disciplinary processes, a lack of proper appeals processes, and inconsistency, all contributing to unfair labour practices.

This supports Krueger's theory, which posits that unjust terminations often result from employers not adhering to legal termination frameworks, leading to economic inefficiency and litigation costs. Employee termination is a complex issue involving a lack of proper procedures, rights violations, and power dynamics between employers and employees. This leads to economic inefficiency, labour market distortions, and litigation costs. While international companies may be able to enhance human rights by adhering to procedural fairness, institutional accountability, and power dynamics, the situation is worse for employees, as issues often need to be solved. The study concludes that the failure of employees to respect their rights is a significant issue in termination processes. Employers must prioritise procedural fairness, institutional accountability, and power dynamics to ensure fair termination practices and maintain a harmonious relationship with their employees.

Furthermore, the study explores alternative ways to reduce employers' mistakes in terminating employment relationships. It involved interviews with employers, ex-employees, HR managers, mediators, and respondents. The major themes discussed include improving documentation and recordkeeping, which is crucial for trust, responsibility, accountability, tracking progress, and evaluating performance. Lack of proper documentation can result in misunderstandings, conflicts, and disputes in the workplace. In sub-Saharan Africa, failure to document performance issues or misconduct frequently leads to wrongful dismissal claims.

5.2 Conclusion

The study highlighted several mistakes that culminate in unlawful terminations. Lack of training and awareness of labour laws led to disputes, and providing comprehensive

training programs on these laws can prevent misunderstandings and conflicts. Regular performance evaluations and feedback based on training outcomes are crucial for avoiding unlawful terminations. Proper documentation is also essential, as it builds trust and accountability, protecting employees and employers from unjust outcomes. Improved communication between management and employees is also recommended to prevent conflicts from escalating into legal issues. The study recognises that alternatives to immediate termination, such as performance improvement plans, additional training, and voluntary separation packages, are suitable alternative strategies as they foster a more collaborative and fair approach to resolving workplace conflicts.

5.3 Recommendations

Having arrived at the above findings and drawn the aforementioned conclusions, the researcher recommends that various stakeholders implement the following measures to enhance the termination process of employees in the private sector.

5.3.1 Recommendations to Employees

Employees should do the following;

- Employees should be educated on their legal rights and obligations under labour laws to recognise and address unfair termination practices.
- Employees should keep records of their performance, reviews, feedback, and communication with employers to protect against unlawful termination claims.
- Employees should proactively seek feedback and participate in performance evaluations that will help clarify expectations and align with company goals.

5.3.2 Recommendations to Employers

It is recommended that employers should:

- Invest in comprehensive training programs to ensure an understanding of labour laws and policies.
- Improve documentation practices for employee performance, disciplinary actions, and terminations.
- Establish clear communication protocols for performance expectations, disciplinary actions, and termination decisions.

- Explore alternatives to immediate dismissal, like performance improvement plans, regular meetings, additional training, and voluntary separation packages.
- Adhere strictly to the Employment and Labor Relations Act (ELRA) and other labour laws.
- Offer post-termination support like legal advice and severance information to reduce post-termination disputes.

5.3.3 Recommendations to the Government

It is recommended that the government and policymakers should do the following:

- The government has to review labour laws and introduce strict penalties for employers violating termination procedures, enhancing enforcement mechanisms to ensure compliance with termination laws.
- The government has to revise the Employment and Labor Relations Act (ELRA) to provide clearer guidelines on mediation processes, employee rights, and employer responsibilities to prevent unfair dismissals.
- The government has to mandate the use of Alternative Dispute Resolution (ADR) mechanisms like mediation and arbitration before terminations, particularly in disputes arising from performance and misconduct.
- The government has to strengthen external oversight bodies like labour commissioners to monitor terminations, ensure legal compliance, and uphold employee rights.

5.4 Areas for Further Studies

Future research should investigate legal compliance in HR practices, focusing on systemic issues causing disputes and unlawful terminations. It should also examine employee awareness of labour laws and how this knowledge affects their interactions with employers. Additionally, research should analyse the effectiveness of training programs for management and employees in reducing unlawful terminations and fostering better workplace relations.

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APPENDICES