

Your off-duty conduct matters

What an employee does after hours can have an impact on his employers

By **Mpho Mashigo**

The recent publicity around senior government officials and members of senior management in the private sector, and their alleged behaviour or conduct outside of the “workplace”, raises a number of questions for employers.

To what extent does a person’s conduct outside the company impact on the employer? And does the employer have recourse against the individual?

Jennifer da Mata, managing director of Strata-g Labour Solutions, says off-duty misconduct is often viewed in a dim light.

Both employers and employees are often under the mistaken impression that no action can be taken against an employee in circumstances where the misconduct is committed outside the workplace.

“What an employee does after working hours is generally of no concern to his or her employer. If an employee has an affair or drinks outside of working hours, the employer has no



SA Auto Supplies suspended Lance O’Leary after he was shown on video attacking motorist Christopher Price, 71, in an apparent act of road rage. / Facebook

The higher you are in an organisation, the more your behaviour outside impacts on its reputation

recourse against him or her, that is unless it can be shown that the employer has some interest in the person’s conduct or there is a nexus between his or her conduct and the employer’s business,” Da Mata says.

There are instances where an employer does have recourse, for example, if an employee assaults someone after work wearing a uniform or driving a company car.

Even though that conduct is not linked to his job in any way, the fact that he is linked to the company via his clothing and vehicle, means his conduct can be associated with the company.

The recent suspension of the managing director of Southern African Auto Supplies, Lance O’Leary, is a prime example.

The company confirmed it has suspended O’Leary after he was shown on video attacking motorist Christopher Price, 71, in an apparent act of road rage on London Road in Johannesburg.

Advocate Tertius Wessels, the legal manager at Strata-g, says the higher you are in an organisation, the more likely it is that your behaviour outside the organisation can be linked back to it and potentially impact on its reputation.