# Fired for buying a chocolate – why even minor dishonesty in the workplace is a dismissible offence.

Dishonesty in the workplace is universally considered serious misconduct, yet employers often grapple with proportionality when the offence involves minimal financial value. Can an employee truly be fired for stealing something as small as a chocolate? The answer from the South African Labour Court, in the recent case of **JDG (Pty) Ltd t/a Hi Fi Corporation v Larry Shear & Others (JR1014/18)**, is a definitive yes.

In this matter, the court reaffirmed the seriousness of dishonesty in the workplace, even when it involves minor instances. This case involved a sales manager at Hi Fi Corporation, who used company petty cash on two occasions to purchase chocolates for personal consumption. She failed to disclose these purchases to management when handing in the receipts and never made any attempt to inform or to repay the company for the expenses incurred.

After a disciplinary hearing, she was dismissed for misconduct. The matter proceeded to arbitration, where the commissioner found that the dismissal was a harsh sanction. The commissioner found that the employee had not intended to conceal the purchase, as she had submitted the till slips, and had a clean disciplinary record. As a result, the CCMA ordered reinstatement without back pay.

The employer then referred the matter to the Labour Court to review the commissioner's ruling, arguing that the employee's actions amounted to dishonesty and the trust relationship has irretrievably broken down.

The Labour court held that the use of petty cash for personal purchases without permission constitutes dishonesty. Also, submitting the till slips did not negate the dishonesty, as the employee still failed to disclose the personal use of funds.

Lastly, the Labour Court held that the employee's senior position as sales manager aggravated the misconduct as she had a responsibility of setting an example to other employees. The court set aside the arbitration award and held

that the dismissal was substantively fair.

This case illustrates the importance of honesty in the workplace.  Dishonesty can lead to dismissal, even for employees in positions of trust and even in minor incidents.

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