

What role, if any,  
should mary's past  
work record play in  
this case?

[Business](#), [Work](#)



Mary's past record could be used to support her ability to perform her job satisfactorily without focusing on her absenteeism. Her previous record showed that she was a model employee, therefore, the past 3 years wherein her absenteeism became a company problem was based on external variables that was not present in her first 6 years in the company. The cause for her absenteeism had been the genuine presence of illnesses and declining health, which is in effect a valid reason.

Her termination was based only on her being absent from work and not from the quality of her output. Mary's past work performance had been above average or exceptional, which means that she is capable of working and do it efficiently and effectively. Mary could also justify that her previous records have not showed any oral or written warning about her absenteeism and that her termination is not based on documented evidence, while, Mary's claim of unfair termination can be supported by her previous records.

2. Does management have a right to know why employees refuse to work overtime? Explain. Management do have the right to know why employees refuse to work overtime since it directly affects the operation and productivity of the company, for example, Mary's refusal to work overtime would hamper and limit the productivity of the department, and the failure to produce the services required of them would spell losses for the company.

Moreover, the company if it pays for overtime work can demand from the worker the commitment to work more than the required hours as part of the psychological contract between employees and management (Belcourt, 2004 p552). If employees expect to be paid and treated humanely in the

workplace, the company also expects that employees are responsible for their work and should work on it when asked. 3. Evaluate the arguments of Mary Schwartz and management in this case. Mary is correct in saying that she had been discharged unfairly since it was not in accordance with the published company policies.

She was never informed nor was it documented in her records, thus the termination was not based on factual evidence and that the company did not follow its own rules. The management is justified in giving out disciplinary actions to Mary, since she had been a chronic absentee and did not show any signs of improvement over the last 3 years. Her refusal to work on overtime severely affects the quality output of the department and that it is costly for the company to maintain her employment when she is not present to fulfill her duties.

4. If you were a member of the company's peer-review complaint committee, how would you vote in this case? What facts would cause you to vote this way? I would vote in favor of Mary because the company's actions had not followed its own policies, the absence of documentation would also be more damaging if Mary took her complaint to the courts because management do not have the factual evidence to say that due process had been given to Mary.

Her termination was not a result of a carefully designed process which by law should include oral and written warnings, informing the employee of her misconduct and making her aware of its consequences (Belcourt, 2004

p554), moreover, the justification for not informing her is weak and shallow.

If Mary had been absent chronically for the past years due to an illness which is actually a valid reason and does not warrant termination.

## **References**

Belcourt, M. (2004). *Managing HR* 4th ed. Canada: Thomson Nelson pp. 550-591. Hollenbeck, N. & Wright, G. (2007). *Fundamentals of Human Resource Management* 2nd ed. Boston: McGraw Hill.