

**THE EFFECT OF GARNISHEE ORDERS ON THE PERSONNEL OF THE
DEPARTMENT OF HEALTH, RUSTENBURG**

by

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*Slight was the thing I bought,
Small was the debt I thought,
Poor was the loan at best-
God! but the interest!*

Paul Laurence Dunbar

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DECLARATION

I do hereby declare that the research report entitled: “The effect of garnishee orders on the personnel of the Department of Health, Rustenburg”, is my own work and that as far as possible all sources of information have been fully acknowledged.



Kabelo Moloantoa
April 2013

DEDICATION

I dedicate the study to my wife Thapelo, my boys Lethabo and Tlotlo and to my mother who is the epitome of humility...

“Call it a clan, call it a network, call it a tribe, call it a family. Whatever you call it, whoever you are, you need one. ~Jane Howard

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ABSTRACT

The goal of the study was to explore the effect of garnishee orders on the personnel of the Department of Health, Rustenburg. The researcher utilised a qualitative research approach to gain deeper understanding of the effects of garnishee orders on the employees. The study used a non-probability sampling technique with volunteer sampling to select the sample of ten participants.

Semi-structured interviews conducted with the use of an interview schedule in conjunction with a recording device were used to gather data. A qualitative analysis was used to grasp the richness of themes derived from the narrative of participants. In analysing data the researcher was guided by the analytical spiral of Creswell (1968) as stipulated by De Vos (2005:334) which involves planning and recording of data, data collection and preliminary analyses, managing and organising data, reading and writing memos, generating categories, themes and patterns, coding the data, testing the emergent understanding, searching for alternative explanations and representing and visualising.

The empirical findings reveal that employees and management were confronted by the phenomenon of garnishee orders on a daily basis. The majority of participants view external factors to be the cause of their financial difficulties. The participants further revealed that they feel trapped by over-indebtedness resulting in psycho-social and occupational maladjustments. Ironically, some of the participants reported positive effects of garnishee orders. Furthermore, the study revealed that the participants felt that they would benefit from regular guidance and training with regard to personal financial management.

KEY CONCEPTS

Garnishee order

Personnel

Department of Health

CHAPTER ONE

INTRODUCTION AND GENERAL ORIENTATION

1.1 INTRODUCTION

Personal credit extension has more than doubled exceeding R1 trillion in 2008. There were 16.9 million credit active consumers at the end of September 2007 of which 6.38 million or 37.7% had an impaired credit record. According to the Department of Trade and Industry, the consumer credit market in South Africa is worth some R361 billion and comprises some 20 million accounts. However, the market is distorted by the fact that most low income consumers only have access to very expensive credit with an average of 175% per annum (Fihrst Management Services, 2007:1; The negative impact ...2009:1). In the context of the above, it often happens that employees are not able to service their debt on an ongoing basis as they are overextended in terms of the total payments that need to be made.

After the formal institutionalising of micro lending in 1992, lenders, collectors and attorneys have found that garnishee orders have come to be the most efficient collection mechanism. Garnishee orders are more successful than debit orders, payroll deductions and cash deposits, and can be inexpensive to implement (Legal Wise, 2010:5). The reliance and ease of use of garnishee orders as a collection mechanism is best shown in the significant increase in garnishee orders (approximately a 67% increase) in the public sector (Will the real garnishee stand up, 2004:1).

There are concerns about the 216,857 public servants who made garnishee related payments and the amount paid during 2006/2007, which suggests that a large proportion of public servants are over-indebted. According to data provided by the Personnel Salary System (PERSAL), the total cost of payments as a result of garnishee orders that were issued to public servants amounted to R101 billion during the 2006/2007 financial year (Public Service Commission, 2007:11). The figure amounts to a staggering 20% of the total number of public servants employed within the Public Service (Public Service Commission, 2007:6). Of the R101 billion, about R235 million (23%) is attributed to the garnishee debt of public servants based in national departments. The balance of about R776 million (77%) is attributed to the debt of public servants based in provincial departments.

It was found that the over-indebtedness of public servants as a result of micro-lending and garnishee orders has the following implications for the Public Service, namely, ill-health due to financial distress, low productivity and irregular remunerative work outside the Public Service (Kabongo, 2012; Masase, 2012; Molefi, 2012; South African Police Services, 2006:109). Mamabolo (2012) emphasises that they ignore their duties as stipulated in chapter 2 of the National Health Act 61 of 2003 which states that health care users have the right to professional form of treatment as outlined in section 5 to 20.

The primary aim of the study is to explore the effect of garnishee orders as reported by the affected employees. At the moment research studies focus on the effect of orders as observed by the employers. Moremi (2009) believes that the effect on the employee is so severe that some employees develop acute medical and psychiatric conditions after the attachment order has been implemented. Mpele (2012) further stated that some employees manifest with perceptual disturbances which indicate immediate hospitalisation. The researcher believes that there are long-term effects on the employee that the field of research has not spent enough time on to study. Daya (2010)

believes that debt and garnishee orders result in severe adjustment disorders affecting general psycho-social and occupational functioning of an employee. Moroeng (2010) believes that understanding an employee's condition is better than understanding the effects on the employer.

The study will help the employer to better understand the primary effect of a garnishee order on an employee before the employer and other employees' areas of functioning are affected.

1.2 DEFINITION OF CONCEPTS

Garnishee order is an instruction by court to the employer of the debtor to deduct on a monthly basis a specified amount from the salary of the debtor or an amount of money owed by the debtor to a third party (American Payroll Association, 2011:1; Arde, 2012:1; Cobbert, 2004:9; Hahn & Hahn Attorneys, [Sa]; Public Service Commission, 2007:3). The deduction requires the consent of the debtor (Allwright, 2013; Roux, 2010:4).

Personnel refers to members of an organisation employed in a full time or contractual basis according to appropriate labor contract to perform specific duties guided by policies and performance standards and are duly remunerated in terms of agreed upon contract (Letebele, 2009). Segoe (2012) describes personnel as the body of persons employed by or active in an organisation, business, or service.

Department of Health refers to a state department rendering primary, secondary and tertiary health services to all the people of the Republic of South Africa (Diphoko, 2009). Mosue (2012) defines it as a division of a local or larger government responsible for the oversight and care of matters relating to public health.

1.3 LITERATURE REVIEW

Masemola (2003:5) conducted a research study at the Department of Social Services, Population and Development (Ermelo District), and found that 60% of the staff had financial problems. The research further indicated that the 40% who reported that they did not have financial problems could have been in denial or they could believe that financial problems are private matters. The fact that 53% of the respondents in Masemola's study maintained that financial problems affected them negatively shows that financial problems can be a serious concern to employers.

Judging by the micro-lending debt owed by public servants and especially the cost of the garnishee orders issued against them, it can be argued that some public servants have gone through a debt spiral, which eventually leaves them over indebted. In support of the above, the Life Office Association 13 (2006) in its media release of 25 August 2006 reported that "this extremely high level of indebtedness is causing employees to resign from their jobs to access retirement funds and to escape garnishee deductions".

In the event that a borrower fails to make payments or defaults in making repayments of a micro-loan, a micro lender may approach the courts to apply for a garnishee order to ensure the full recovery of the debt (Appeal Debt managers, 2011:6; Topal Financial services, 2006:1). A garnishee order is an order to compel the borrower to make repayments of a specified amount within a specified period (Van der Merwe Attorneys,

2008:3). The debt is often accompanied by legal fees for collection and administration of the debt and therefore the debt has escalated significantly (Coombe & Associates Attorneys Incorporated, 2012:2; Van Huyssteen Inc Attorneys and Administrators, 2008:1; Vermaak Attorneys, 2008:1).

If the borrower also fails to keep up with the required payments as stipulated in the court order, then the micro-lender can apply for a garnishee order (Appeal Debt Managers, 2011:1). The latter is a legal instruction to an employer to deduct a specific amount from the salary of an employee every month until his/her debt is paid up in full. Once a garnishee order has been served, the employer has to comply by ensuring that the required payments made are at the stipulated period of the month (Hillebrandt, 2012).

In terms of the Magistrates' Court Amendment Act 120 of 1993 (as amended) and the National Credit Act 34 of 2005, where a debtor is unable to pay the amount of any judgment obtained against him in court, or meet his financial obligations, his assets will be placed under administration for the purpose of selling them and distribute the proceeds amongst the creditors. The court may also find the garnishee or debtor in contempt and punish him/her by a fine or may enter judgment against the garnishee for such an amount as the court deems reasonable and proper, including the expenses and attorney fees of the judgment creditor (Marud, 2010:1; National Debt Mediation Association, 2012).

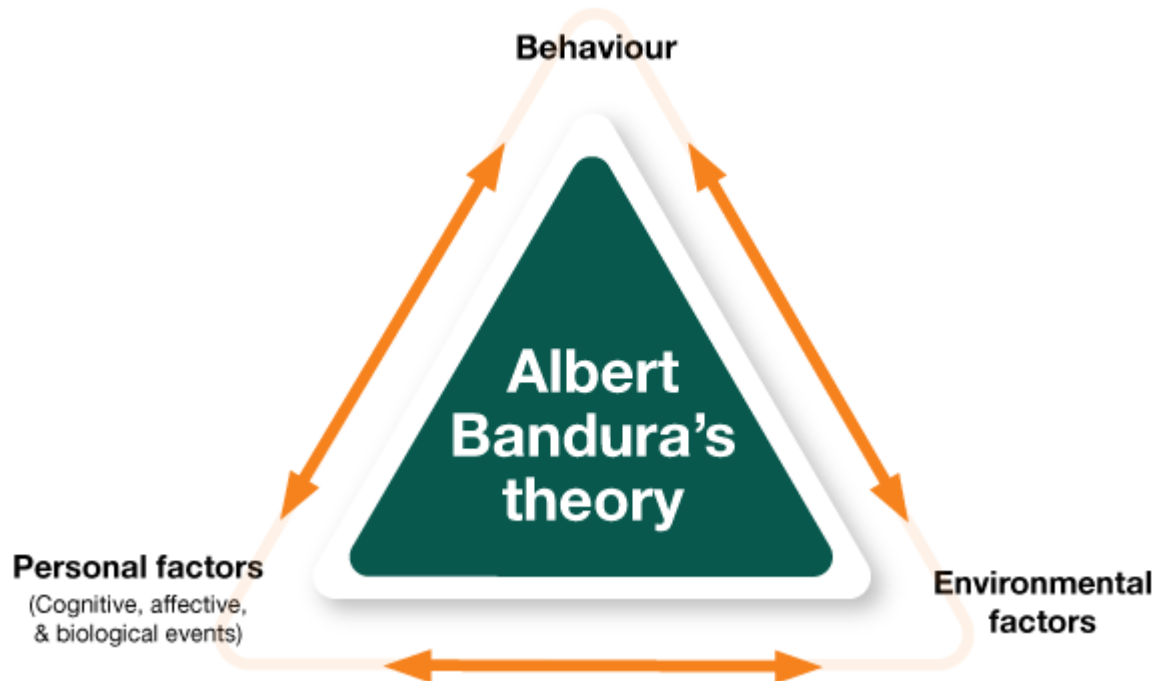
1.4 THEORETICAL FRAMEWORK

The Social cognitive theory will help us understand the phenomenon of the effect of garnishee orders on personnel. The employer addresses the matter using a behavioral approach whereby an employee with financial problems will manifest with unsatisfactory

occupational output believing that the environment causes certain behavior. However, behavior can also causes environmental processes as well as certain psychological processes (Pajares, 2011:1).

Employees are viewed as self-organising, proactive, self-reflecting rather than reactive organisms shaped and shepherded by environmental forces. From the theoretical perspective, employee reaction to garnishee orders will be viewed as the product of a dynamic interplay of personal, behavioral, and environmental influences (Boeree, 2011:1). The fact that behavior varies from situation to situation may not necessarily mean that behavior is controlled by situations but rather the person is construing the situations differently and thus the same set of stimuli, such as a garnishee order may provoke different responses from different employees or from the same employee at different times (Social Cognitive Theory, 2011:1). Bandura (1986) as quoted by Hepworth, Rooney, Rooney, Strom-Gottfried and Larson (2006:393) describe behavioral responses as a function of the cognitive processes of attention, retention, production and motivation, as well as of rewarding or unrewarding consequences. Thus, what people think and feel exist within a cultural and environmental context. Bandura's theory is illustrated on the next page (Boeree, 2008).

Figure 1: Albert Bandura's theory



There are several limitations of SCT, which should be considered when using the theory in public health. Flamand (2013:1) illustrated the following limitations of the model:

- The theory assumes that changes in the environment will automatically lead to changes in the person, but it may not always be true.
- The theory heavily focuses on processes of learning and in doing so disregards biological and hormonal predispositions that may influence behaviors, regardless of past experience and expectations.

However, the theory cannot be disregarded as insignificant because it posits a unique understanding of the dynamic interrelationship between an individual's personality, environment and behaviour (Flamand, 2013:1). Social Cognitive Theory emphasizes

the dynamic composition of individuals and does not simply claim that people are either completely self-contained rational subjects, completely determined by personal factors or simple products of their conditioning or environment (Flamand, 2013:1). Through the Social cognitive theory, the researcher attempts to indicate what could be influencing employees to over-commit themselves financially and the effects of over-commitment. Therefore the hormonal and biological predispositions are not considered relevant for the study.

1.5 RATIONALE AND PROBLEM FORMULATION

The Department of Health (DOH) in Rustenburg has 427 employees (Rustenburg Sub-District Corporate Services, 2008:3) and its finance unit receives an average of four garnishee orders per month, which constitutes 10% of the entire workforce per annum (Moremi, 2009). Letebele (2009) emphasises that employees who are issued with garnishee orders are likely to be booked off sick. The mentioned statistics prove that an actual problem exists with regard to the alarming number of garnishee orders on the personnel of the DOH in the Sub-District of Rustenburg (Fouché & De Vos, 2005:99; Tlhowe, 2012).

Many indebted employees have their income stripped because of garnishee orders. The most common type of garnishment is the process of deducting money from an employee's monetary compensation (Debt Collection, 2004). Wage garnishments continue until the entire debt is paid, or arrangements are made to pay off the debt. Garnishment can be taken for any type of debt (Garnishment, 2009).

Debt collectors know that government employees are particularly vulnerable. Their salaries are often garnished again and again until their take-home pay is almost

nonexistent (Security and Safety, 2006). Moremi (2009) stated that as soon as the employee of the DOH in Rustenburg Sub-District completes the attachment order payment, it is usually followed by another order with the same case number, reference number, magisterial jurisdiction and amount owed but with a different court date. Employees are then likely to continue paying an order until they retire. The University of Pretoria Law Clinic (2008:11) refers to the follow up of another order as Duplication of debt.

The Social cognitive theory will indicate how employees end up being indebted and how they cope with debt as employees have a tendency to react differently to the same financial stressor. The research will bring understanding to the DOH about the effect that garnishee orders have on employees. As the effect of garnishee orders on the employees will be explored (Fouché & De Vos, 2005:101) the following research question will be formulated. **What is the effect of garnishee orders on the personnel of the DOH?**

1.6 GOAL AND OBJECTIVES

The goal of the study is to explore the effect that garnishee orders have on employees of the DOH. To obtain the goal, the researcher will focus on the following objectives.

- To develop a theoretically based research report on prevalence and outcome of garnishee orders, including a detailed analysis of the reaction of the employer towards financially troubled employees, identification of gaps and recommendations.
- To review relevant legislature that regulates the implementation of garnishee orders.
- To clarify the primary effect of garnishee orders on financially unstable

employees.

- To propose guidelines to manage the effect of garnishee orders on the employees of the Department of Health, Rustenburg.

1.7 TYPE OF RESEARCH

The aim of the study is to have firsthand information regarding the primary effect of garnishee orders as reported by the affected employees. As the study aims to solve a practical problem in the workplace, Daniel (2012:14) refers to the type of study as applied research. The study will bring an understanding to the DOH regarding the primary reaction and effect of a garnishee order on affected employees.

1.8 ETHICAL CONSIDERATIONS

The researcher will be guided by ethics or moral principles in order to ensure that interests of participants in the research are safeguarded (Hollway & Jefferson, 2004:83; McNeill & Chapman, 2005:12). Ethics will serve as a yardstick and the basis upon which the researcher will evaluate his own conduct throughout the research process (Marshall & Rossman, 2011:47). The following aspects will be attended to.

- **Informed consent**

Information regarding the purpose of the study will not be kept from the participants. Since each of the participants has the ability to understand the language used, the researcher will adapt the presentation of information according to the abilities of the participants (McNeill & Chapman, 2005:13).

Participants will be provided with sufficient information regarding the study and will not be coerced into participating (Barbour, 2008:72). The consent form will include specific elements such as the right of the participant to withdraw voluntarily from the study at any time, the central purpose of the study and the procedure to be used in data collection. The right of the participants to confidentiality, a statement about known risks associated with participation in the study and the expected benefits to accrue to the participants will also be included (see Appendix B) (Horrocks & King, 2010:110).

Participants will sign an informed consent form before they engage in the research. The form will acknowledge that participants' rights will be protected during the study (Creswell, 2009:89; Flick, Von Kardorff & Steinke, 2004:225).

- **Avoidance of harm**

Participants will be protected against foreseeable physical, psychological or social harm or suffering that may be experienced in the course, or as a result of the research. The potential benefits to the participants and the importance of the knowledge gained outweigh the risk of harm to the participants and thus support a decision to carry out the research study. Qualitative interviews on the topic may provoke powerful emotional responses from the participants (Strydom, 2011:115) and if necessary, debriefing will be done.

- **Violation of privacy, anonymity and confidentiality**

Privacy refers to the right to secrecy and confidentiality of the participants, and the ability of the researcher to maintain that secrecy. As the researcher will know the participants due to the nature of the research, anonymity cannot be guaranteed (Babbie, 2004:35). Confidentiality however, will be maintained due to the fact that

the participants' names will not be made known at any stage and the information will only be used for purposes of the study (Bless et al., 2006:181; Kvale, 2007:27). No data will be reported that may identify the participants (Denzin & Lincoln, 2008:142).

- **Action and competence of the researcher**

All matters regarding consent to conduct the study were obtained through the office of the sub-district manager (see Appendix A). The researcher will be guided by the profound conviction of the value and dignity of the promotion of knowledge and will recognise the particular responsibilities imposed on him. Therefore, the researcher will among other things, dedicate his energy to the development and improvement of his academic competence. The researcher will also exercise critical self-discipline and judgment in his decision regarding the use, expansion and dissemination of knowledge (Badenhorst, 2008:189). The study will be conducted in a particularly academic and responsible manner through constant supervision and guidance by the supervisor at the University of Pretoria.

- **Release or publication of the findings**

The findings of the research will be introduced to the reading public in written form. The report will be compiled as accurately and objectively as possible and will contain all the information necessary for readers to understand what is written and all due recognition will be given to sources consulted and people who collaborated (Bui, 2009:90). The participants will be informed about the findings in an objective manner without offering too many details or impairing the principle of confidentiality (Strydom, 2005a:66).

- **Debriefing of participants**

Debriefing sessions during which participants get the opportunity, after the study, to work through their experiences and its aftermath, are one possible way in which the researcher will assist participants and minimise harm (Strydom, 2005a:66). In instances where emotional problems surfaced in the course of data collection, the participants were referred to the Employee Assistance Programme (EAP) offices, of the Bojanala health district (Lalamani, 2011).

1.9 DIVISION OF THE RESEARCH REPORT

The report will be divided into the following five chapters.

Chapter one: Introduction and general orientation.

The goal and motivation of the study will be introduced. The research problem, ethical consideration, limitation of the study and the division of the study will be discussed.

Chapter two: The effects of garnishee orders on the employee and employer.

An in-depth discussion of literature on the effects of garnishee orders will be provided.

Chapter three: Research methodology, empirical study and analysis

The research design and methodology utilised will be explained. Aspects such as the population, sampling and the data collection instrument will be included.

Chapter four: Data analysis and interpretation

Chapter four will focus on the presentation, analysis and interpretation of the empirical findings.

Chapter five: Conclusions and recommendations

Conclusions drawn, recommendations for practice and future research suggestions will be provided.

1.10. LIMITATIONS OF THE STUDY

One of the challenges in compiling the study was that the phenomenon of the effect of garnishee orders on the employee is poorly researched and available data rather focuses on effects of garnishee orders on the organisation.

One of the limitations of the research includes the context in which the study was conducted. The interview took place in the context of the employees consulting rooms where one was exposed to destructive noises of patients and participants preoccupation with medical emergencies. The study was therefore exposed to vulnerabilities that were as a result of outside interference.

Two of the participants were reluctant to have their comments voice recorded and the knowledge that the tape is running might have inhibited honest responses regarding the effect of garnishee orders on their work performance. Through reassurance that the data collected will remain confidential and no one except the research supervisor and the University of Pretoria would have access to the collected data, the participants became relaxed and able to respond.

1.11 SUMMARY

In chapter one the researcher provided an introduction of what the study entailed. The goal and objectives of the study were attended to as well as the research question, the rationale for the study and the type of research conducted. The feasibility of the study as well as the ethical issues pertaining to the research was discussed.

In chapter two the researcher will discuss the literature review pertaining to the garnishee orders in order to create a better understanding of the phenomenon. The researcher will in addition, conduct a further review of literature on the relevant legislature and the contribution of the scholars regarding the prevalence, causes and effects of the attachment orders.

CHAPTER TWO

THE EFFECTS OF GARNISHEE ORDERS ON THE EMPLOYEE AND EMPLOYER

2.1 INTRODUCTION

Until recently, the two most important acts governing the credit law in South Africa were the Usury Act 73 of 1968 and the Credit Agreements Act 75 of 1980. However, in June 2006, the two acts were repealed to make way for the National Credit Act 34 of 2005. The act codifies a number of basic rights that the consumer has with regard to the credit market. In the past, some consumers, especially the illiterate, were being unjustifiably exploited (Allwright, 2013; Roux, 2010:4).

The complicated nature of credit agreements often resulted in individuals entering into credit agreements with a large business and being rendered defenseless (Benjamin, 2012:1; International Law Office, 2013:1). Leading retail banks are thus motivated to sign an agreement with National Treasury undertaking to stop using garnishee orders against credit defaulters, with immediate effect (Arde, 2012:1).

Statistics revealed at the debt summit held at Midrand indicate that there are approximately three million garnishee orders in circulation, covering between 10% and 15% of employees (International Law Office, 2013). According to the National Credit Regulator, more than 70% of the South African's households are living from pay cheque to pay cheque (Garnishee Audit Services, 2012:1).

The researcher conducted a review of the existing scholarship or body of knowledge to see how other scholars have investigated the topic of garnishee orders. The focus of chapter two is to theoretically contextualise what have been the causes for issuing garnishee orders. The debt collection process will be discussed within the national and international framework. Chapter two will be concluded with an in-depth discussion of the effects of garnishee orders on employees.

2.2 THE DEBT COLLECTION PROCESS

A creditor who has not been paid has the right to apply to a magistrate to have the income, money or property of the debtor attached, whether in the possession of the debtor or another person (Calcadot, 2009:5). If a salary or income is involved the order is known as an garnishee attachment order which exists in terms of Section 65J of the Magistrate Court Act 32 of 1944. Garnishee attachment is defined as an order issued by the court in favor of a judgment creditor attaching the garnishees at present, or in future, owing or accruing to the judgment debtor by or from his or her employer to the amount necessary to cover the judgment and the costs of the attachment (Public Service Commission, 2007:5).

In terms of Section 72(1) of the Magistrates' Court Act 32 of 1944 (as amended), the court authorises an application to attach debt owed (or to become due) to the creditor applying for the order. Technically, it allows a creditor to take the property of a debtor who has defaulted on a legal agreement and owes money and it is made possible because, for the time before an employee's pay check is issued, his/her 'property' or salary is in the hands of a third party. An employee is forcibly made aware of his/her situation by deductions on his/her pay check as his/her first notification even though the law states that you have to be notified when a garnishee order has been taken out against you. Consumer rights agencies assist as many as 20% of South Africans

crippled by often fraudulent demands and deductions (South African National Consumer Union, 2007:1). The Consumer Protection Act 68 of 2008 section 42(4)(b) abolishes participation in fraudulent financial transactions.

The National Credit Act No 34 of 2005 indicates that a credit provider may begin with legal proceedings as early as 20 days into the period of the consumer being in arrears, followed via the correct channels. Section 129 of the Act places an obligation on a credit provider to notify the consumer of its intention to hand him/her over for the commencement of legal proceedings prior to doing so (Allwright, 2013; Arde, 2012:1; Cobbert, 2004:9; Kallinowsky, 2008:7). Simultaneously, the credit provider must advise the consumer of his/her right to visit a debt counselor (Ombudsman for Banking Services, 2012:7). Debt counsellors should register with the National Credit Regulator in terms of the National Credit Act No 34 of 2005.

In terms of section 56 of the Magistrates' Court Act 32 of 1944, before issuing the summons, it is advisable to send a letter of demand to the debtor as an indication of the seriousness of the matter. If one wishes to claim interest on the debt (at 15.5% per annum) as allowed for in the Magistrates' Court Act No 32 of 1944, it is advisable to send a letter of demand. The letter of demand must have a heading stating that it is a letter in terms of the Magistrates' Court Act No 32 of 1944 and must describe the nature and purpose of the claim. In other words, there needs to be sufficient information for the debtor to identify what the claim is for and how much it is for. The letter should give the debtor a period of ten business days to pay the amount claimed or an opportunity to make a payment arrangement with the creditor (Cobbert, 2004:9).

Should the claim not be settled by the debtor after receiving the letter of demand, it will be necessary to file a summons with and have it issued by the clerk of the Magistrates' Court Act No 32 of 1944 if the amount being claimed is less than R100 000 or the Registrar of the High Court if the claim is more than R100 000. A summons is usually drafted in a standard format and has the particulars of the claim attached to it (Allwright, 2013). The Plaintiff may draft the summons him/herself and attach a copy of the initial loan agreement to it (Kallinowsky, 2008:12). When the summons is drafted, the credit provider is listed as the Plaintiff and the debtor is listed as the Defendant (Kallinowsky, 2008:6). The summons needs to be stamped by the clerk of court and the Plaintiff may arrange to have it served on the defendant by the sheriff of the court (Kallinowsky, 2008:12) operating in the jurisdiction of the Defendant (Allwright, 2013). The particulars of the claim are a detailed account of how the claim arose and what amount is being claimed (Kallinowsky, 2008:6). Once the sheriff has served the summons, he/she notifies the clerk of the court and the Plaintiff by handing over a return of service stating the time and manner of service (Allwright, 2013). It is best to get the debtor to sign an acknowledgement of debt and consent to the garnishee order being placed on his/her salary before making an application for the garnishee order to the court (Allwright, 2013).

Once the garnishee order has been granted by the court, a copy must be served on the debtor's employer (Allwright, 2013). It is best to attach an instruction letter explaining to the employer exactly what is required of the company. Such a letter and the court order should be delivered directly to the salaries department to avoid unnecessary delays (Kallinowsky, 2008:10). Payments made by the employer serve as a partial discharge of the employer's obligations towards his/her employee, the judgment debtor (Smith, 2013:1). Failure to respond creates a situation where the garnishee employer can be held in contempt of court and can be held liable for any funds of the debtor they gave to

the debtor instead of to the creditor (National Debt Mediation Association, 2012:2). Failure on the part of the garnishee-employer to make payment to the judgment creditor also constitutes a breach of obligations to the employee, who may sue the employer for breach of contract (Kallinowsky, 2008:10).

2.3 GARNISHEE ORDERS ON NATIONAL AND INTERNATIONAL LEVEL

In 2008, global economies witnessed one of the direst impacts of unsound credit extension policies ever experienced in the world (Nicolson, 2012:1). The collapse of the sub-prime mortgages in the United States of America (USA) caused extensive losses on financial markets and shook the foundations of the global banking industry (American Payroll Association, 2011:1). The crisis placed the international spotlight on unsustainable credit extension, which has been a concern for the South African government and other role players for some time (Department of Finance, 2012:3). The South African Reserve Bank's Monetary Policy Committee has expressed continued concern over levels of consumer indebtedness (Chapman, 2009:131; Kiyosaki, 2006:89; Le Roux & Douglas, 2010:121; Rossouw, 2008:23) based on the country's high household debt-to-income ratio (Duncan, 2012a:1).

Every two years the American Payroll Association surveys its membership on various aspects of the profession. In its 2011 survey of Salaries and the Payroll Profession, members reported the pertinent information set out below.

- More than 28% of respondents said that between one and three percent of their workforces were subject to creditor garnishment in 2010.
- More than 20% of respondents reported making more than 1,250 garnishment payments in 2010 (American Payroll Association, 2011:1).

The Federal Reserve Board indicated that in 2008 Americans amassed over 2.5 trillion dollars in personal consumer debt, an average of \$8.565 per household (Boltz, 2009:1). The "true size" of the federal government stands at 14.6 million employees with eight out of ten employees identifying money as a significant source of their stress. An American Psychological Association survey found that, in addition to other life stressors, 81% of Americans experience a significant amount of stress due to their personal finances (Boltz, 2009:1). Vogel (2006:1) quotes the president of the American Institute of Stress at the New York Medical College on the cost of employee financial stress in the United States workplace as saying "it is estimated between \$200 and \$300 billion annually"(Roberts, 2006:13; Swartz, 2010:5).

In the USA garnishment payments are limited by federal law to 25% of the disposable income that the employee earns (Garnishment, 2009). However, in South Africa, what employers and judgment debtors do not realise are that a number of laws that are being breached, and payments are being inflated on the orders. The University of Pretoria Law Clinic (2008:4) found gross irregularities in the procedure of attaching the salaries of state employees. The laws are not being enforced at the magisterial level, and as well as the system is not monitoring the on-going payments, and as a result the duty is passed down to the employer to implement the checks and enforce the rules in order to ensure the an employee is not abused. In May 2008 alone, 105,427 summonses were issued for debt and 54,755 judgments granted (University of Pretoria Law Clinic, 2008:4). About 3 million South Africans are tied to garnishee orders (Nicolson, 2012:1).

In contrast, to levy a garnishment in Canada a creditor must file suit in court and receive a judgment in his/her favor. Once that judgment is entered, he/she can further petitioned the court for an order to garnish or otherwise intersect the person's wages. If

a creditor has a garnishment order, he/she can intercept the funds that would otherwise be paid as wages, provided the order is served upon the employer within a week of payday. In the USA the state of Ohio provides employers only five days to respond to a garnishment order once it is received (American Payroll Association, 2011:3). Garnishing funds for more than a week requires renewal of the weekly order for as many weeks as are necessary to pay the debt (Roux, 2010:1). Greek courts do not render garnishee orders or any judgment ordering directly a third party to pay to the creditor (Cotsaki, 2012:5).

In 2005 BMW South Africa took the initiative to address indebtedness amongst workers within the automotive industry, and approached the German Development Corporation to become involved (Kallinowsky, 2008:2). Over a period of two years 199 employees at BMW took part in the Financial Wellness Programme and achieved a total debt reduction of 57%; a 32% reduction in judgments and a 50% reduction in creditors (Procare, 2009:1). The initiative was based on the belief that nearly all of the symptoms associated with employee debt are costly and counterproductive to an organisation's performance. People have a hard time compartmentalising the different facets of their lives (Hofstede, Hofstede & Minkov, 2010:4), so worries about personal financial problems spill over into the workplace (Human Potential Accounting, 2009:4).

2.4 CAUSES FOR ISSUING OF GARNISHEE ORDERS

Financial problems are perceived as personal failures in a society that places a high premium on success and possessions. Economic stress can have a negative psychological and social impact on employees and families (Boltz, 2009:1; Pilgrim, 2009:164). Research shows that people today live with 65 % more stress than they did 20 years ago (Public Service Commission, 2007:7). There seems to be a correlation between economic stress and increased levels of anxiety, stress, depression somatic

complaints, anger, poor health and lowered self-esteem. Some of the causes for garnishee orders, relevant to the study, are highlighted below.

2.4.1 Socio-economic causes

For the past 14 years, there has been a roller coaster ride with regard to the household debt in South Africa, with consumer spending in 2005 reaching an all-time high with the low inflation and interest rates. Household debts changed dramatically with increased fuel prices, rising inflation and subsequent increased interest rates between the end of 2007 and 2008 (Rossouw, 2008:14). Economic experts forecast that South Africans will be paying much more for the basics in future (Cameron, 2010:15). The announcement of 25% electricity increase in 2011 lead to housing-related inflation to 7% which is above the upper Consumer Price Inflation target limit of 6% (Cameron, 2010:15). Salaried taxpayers are getting less and less for their tax money, which means they must pay so much more of their disposable income for expenses like private healthcare, security and decent education for their children (Cameron, 2010:15).

The financial problems experienced by any employee are usually influenced by dynamics within social, psychological, economic and occupational factors (Chapman, 2009:131; Harvey, 2005:24; Kiyosaki, 2006:25; Zastrow, 2004:79). Employees become over-indebted as a result of irresponsible borrowing, predatory and reckless lending, excessive finances, collection charges and also uneducated and ignorant borrowers or abusive collectors. Lender practices that over-deduct and/or overcharge already distressed borrowers also play a role (Kiyosaki, 2006:83-89; University of Pretoria Law Clinic, 2008:4).

2.4.1.1 Micro-financiers

The National Credit Act No 34 of 2005 states that the South African population consists predominately of low-income earners who have not had recourse to channels of credit granting other than micro-financiers. The micro-financiers have earned themselves a negative market reputation for over-pricing debt repayments and capitalising on the vulnerable market and contravening section 42(2)(b) of the Consumer Protection Act No 68 of 2008. The result was a large number of consumers being heavily over-indebted and unable to service their monthly debt repayments (University of Pretoria Law Clinic, 2008:4).

Rossouw (2008:41) estimated that the micro lending market grew from 30.4 billion to 38.4 billion in 2010. Virtually all lenders subscribe to at least one credit bureau and are given access to all a person's personal credit information. Ironically, in order to have a good credit profile, a person needs to get into a lot of debt (Cobbert, 2004:9). Employees with low income find themselves forced to access micro-lending and become caught in a vicious cycle of over-indebtedness, making credit their worst enemy (Rossouw, 2008:23).

2.4.1.2 Poor personal financial planning

Employees are unable to find ways in which they can review their current personal financial information (Nedbank, 2012:4). Therefore, they fail to determine future realistic financial goals, develop a financial plan, money managing skills or budget planning of how to save in order to meet the goals (Chapman, 2009:131; Crankshaw, 2006:5; George, 2010:84; Harvey, 2005:24; Ingram, 2011:13; Kiyosaki, 2006:237; Le Roux & Douglas, 2010:121; Lwanga-Nanziri, 2012:2; Nokes & Kelly, 2003:195; Persse, 2007:92; Richardson, 2010:102; Stoop, 2012:1; Willmott, 2012:2). The employees are thus

impulsive and ill-disciplined when making their purchases decisions and can be psychologically or environmentally driven (Du Plessis, Strydom & Jooste, 2012:84; Parumasur & Roberts-Lombard, 2012:5; Phoshoko, 2012:3; Ruzane, 2010:50). Visa indicated that more than 70% of South Africans survive on a month-to-month salary with no emergency or contingency funds and committing every free cent they have to a loan (Duncan, 2012b:1; Newton, 2005:101; Orr, 2004:41; Otto, 2010:39; Portny, Mantel, Meredith, Shafer & Sutton, 2008:376).

2.4.1.3 Poor saving

It is universally acknowledged that South Africans do not save money and that they have actually saved negative amounts in recent years because they have been borrowing more than they save and earn (Duncan, 2012b:1). In a survey done by Old Mutual Savings and Investments Monitor, 37% of the respondents said they were now saving less than a year ago and only one in ten working metro households are satisfied with their financial position (Clark, 2012:1). Households save too little for future liabilities which led to 16% rise of unsecured loans (Clark, 2012:2; Lwanga-Nanziri, 2012:2).

2.4.1.4 Gambling

Gamblers are usually not in a position to plan for current needs (Otto, 2010:39; Slutske, Zhu, Meier & Martin, 2011:743) and make provisions for the future and are in most instances shocked to discover how much debt they are in (Botha, Rossini, Geach, Goodall, Du Preez & Rabenowitz, 2011:158). Over-indebtedness will then result in reckless lending and borrowing at interest. It will invariably occur when a gambler can no longer service all his/her debts or where the level of debt servicing is depleting the household funds (Swartz, 2010:5).

2.4.1.5 Death and funerals

Case, Garrib, Menendez and Olgati (2008:6) documented the funeral costs and financing for death that occurred in South Africa between 2003 and 2005. The authors found that on average, households spend the equivalent of a year's total costs of food and groceries on funerals alone. Costs appear to be dictated by the status of the deceased and the observable household resources (Case et al., 2008:39). Employees take out burdensome loans for burials and place a considerable strain on their regular income (Malczyk, 2011:9).

2.4.1.6 Holiday seasons

Holiday seasons lead to growth in the number of festivals and expensive holiday trips that manifest in undisciplined buying habits and create many debts (Botha et al., 2011:166; Kruger, Botha & Saayman, 2012:343; Lwanga-Nanziri, 2012:2; Malczyk, 2011:13; Ndebele, 2011:16). People forget to pay their bills, which accumulate a 17% per annum interest on late payment, which have become a habit (Jones, 2006:15). Kruger et al. (2012:346) found in their Tourism Research in Economic, Environs, and Society that there are huge financial benefits for the tourism industry during December festivals.

There is a reason why the December period has become known as the “silly season” in South Africa as many people give into the temptation to spend money without thinking and manifest poor self-control (Ndebele, 2011:16; Otto, 2011:39). People have a difficulty deciding where to shop due to the information overload of the media advertisements (Ruzane, 2010:49) and marketing (Becatti, 2007:18). Overspending occur (Ndebele, 2011:16) before realising that they are likely to face substantial cash

outlays on school uniforms, fuel or transport, school fees, and other living costs at the start of the new year (Malczyk, 2011:9; Ndebele, 2011:16).

2.4.1.7 Dating

Friends with benefits, courtship and falling in love can create severe financial problems (Howe, 2012:143). Couples already start to bemoan the expenses of taking their lovers out for a meal, chocolates and flowers, spending more than R600 on the whole exercise (Jones, 2006:16; Stoop, 2012:1). As the relationship starts, everyone is excited and manifesting poor ability to delay the gratification needs (Otto, 2010:39). Love involves financial risk taking, concludes Howe (2012:173).

2.4.1.8 Wedding and marriage

Market research shows that planning a wedding is very expensive and the average wedding costs over R70 000 (Taljaard, 2013:1). A wedding can create a bad debt that leaves a person with no extra cash to spend on necessities (Malczyk, 2011:9).

2.4.1.9 Divorce

Most people who marry think it will last forever. Despite their best intentions, however, almost half of couples fail to stay together (Howe, 2012:405). Custody battles between fathers and mothers are becoming common in divorce cases (Howe, 2012:412; Zastrow, 2004:202). Typical custody battles may take as long as two years and cost thousands of rands for attorneys (Zastrow, 2004:202).

2.4.1.10 Failure to pay maintenance of children

If a spouse or a person held legally liable to pay maintenance in terms of chapter 3 section 18 (2) (d) of the Children's Act No 38 of 2005 fails to do so, an application can be made in terms of section 26 (1) (ii) of the Maintenance Act No 99 of 1998 to the court for the authorisation of the issue of a warrant of execution to attach his/her salary (Bergman Attorneys, 2013; Maletse, 2006:13).

2.4.1.11 Religious factors

The emerging literature on values and religion provides consistent and compelling evidence that individuals strongly committed to their religious beliefs (regardless of their specific tradition) exhibit values that emphasise conservative tendencies (Rindfleisch, Wong & Burroughs, 2010:169). Financially troubled employees usually hope for quick miracles including divine grace, eternal life, blessings, healing, improved moral behavior, peace and deeper spiritual life and discernment (Blackaby & King, 2009:7; Galen, 2012:876; George, 2010:360; Lake, 2010:69-78, 157; Le Roux & Douglas, 2010:9; Lessin, 2005:8; Murray, 2007:1; Omartian, 2009:8-16, 31, 69; Ormerod, Oslington & Koning, 2012:394; Ozrovec, 2013:150; Patel, Ramgoon & Paruk, 2009:267; Peltzer, 2011:361; Peterson, 2010:15; Young, 2012:12-15). The troubled employees end up over-committing themselves financially in the form of pledges and generous offerings (George, 2010:359; Omartian, 2009:27; Peterson, 2010:13).

2.4.1.12 Social class

For more than 100 years, social scientists like Karl Marx have known that social class is a profound dimension of social life (Calhoun, Gerteis, Moody, Pfaff & Virk, 2007:96; Callinicos, 2007:93; Crossly, 2005:290; Kraus, Piff, Mendoza-Denton, Rheinschmidt &

Keltner, 2012:546). Social cognitive theory contends that an individual's social class is a context rooted in both the material substance of social life and the individual's construal of his/her high-class rank, the bourgeoisie (Calhoun et al., 2007:96; Callinicos, 2007:93; Crossly, 2005:290). It is a core aspect of how a person thinks of the self and relates to the social world (Kraus et al., 2012:546). The condition Kraus et al. (2012:548) refer to as display behaviour is where employees of the same social class will socialise with each other and will have the same type of lifestyle (Van Tonder, 2003:46; Crossly, 2005:290; Callinicos, 2007:93; Parumasur & Roberts-Lombard, 2012:7).

The customer's social class is a useful indication of the type of product that he/she would buy (Parumasur & Roberts-Lombard, 2012:7). Customers buy more expensive vehicles and houses because they can afford higher monthly payments, but they never pay off their debt until it is too late (Ingram, 2011:13). The need to conform will be stronger when the benefit gained by the compliance with social class will outweigh the cost involved hence living way beyond their means (Cobbart, 2004:8; Van Tonder, 2003:46). Many employees cannot manage their means because they like to show off to their lower ranking (proletarian) colleagues (Calhoun et al., 2007:96; Callinicos, 2007:93; Cameron, 2010:16; Crossly, 2005:290).

2.4.2 Intrapersonal and interpersonal causes

2.4.2.1 Values

Values are the absolute standards by which people order their lives (Van Tonder, 2003:44). Values are influenced in many ways. In fact, learning and experience are the two greatest forces in shaping an individual's values (Hofstede et al., 2010:28; Pettinger, 2010:87). One way of examining values is in terms of terminal and instrumental values. A terminal value is expressed in terms of a desired goal or end. An instrumental value is the means for achieving the desired goal (Van Tonder, 2003:22;

Hodgetts & Hegar, 2008:89). To attain terminal values such as a comfortable life and family security, an employee utilises instrumental values (means) to achieve goals. Van Tonder (2003:8) is in disagreement as some employees are likely to utilise other instrumental values such as courage, a positive attitude and ambition to achieve the terminal values (Radmanovic, 2008:13).

2.4.2.2 Perception

Perception is a cognitive process by which individuals organise, interpret and understand the sensory impressions from their environment (Hodgetts & Hegar 2008:96; Kammrath, Mendoza-Denton & Mischel, 2005:607; Morrison, 2006:54; Pettinger, 2010:61; Van Tonder, 2003:20; Werner, 2003:36). People base their decisions on emotions, perceptions, learning, attitude and motivation (Glomb & Tews, 2004:1; Van Tonder, 2003:20).

Employees end up with garnishee orders not because they are having financial problems but because of the selective reality or cognitive shortcuts (Hilbert, 2012:212) which they use in interpreting the lifestyle of their own colleagues. A new recruit, for example, who buys a new house through a bank bond, is likely to be regarded as progressing well in life and will, therefore, influence others to make more or less the same decisions, creating what Parumasur and Roberts-Lombard (2012:7) refer to as a frame of reference. Hitt, Miller and Colella (2006:136) however refer to the above kind of influence from others as inaccurate perception or perceptual errors (Pettinger, 2012:66).

Werner (2003:38) argues that social perception is more complex than object perception, as human qualities such as intelligence, attitudes, self-control, feelings choice,

emotional self-awareness and emotional intelligence are significant yet not directly observable (Coetzee & Schreuder, 2010:158; Radmanovic, 2008:17; Singh, 2006:39).

2.4.2.3 Stereotyping

One of the most common perception problems is that of stereotyping, which is the process of generalising a particular trait or behaviour to all members of a given group (Hodgetts & Hegar, 2008:97; Hilbert, 2012:222). Pettinger (2012:73) maintains that too often a stereotype is based on an oversimplified or mistaken attitude, opinion, or judgment which is likely to be associated with self-fulfilling answers and employees who believe that they are low-level earners who have to go out and borrow money recklessly.

2.4.2.4 Attitude

Feelings about activities, events and other people are termed attitudes and are learned over time and are a major factor in determining an individual's behaviour (Hodgetts & Hegar, 2008:98; Quick & Nelson, 2011:108). The components of attitudes include cognitive, affective and behavioural components (Morrison, 2006:52; Ngidi, 2005:16; Van Tonder, 2003:49). Once an attitude has been formed, it will be difficult to convince the person otherwise (Van Tonder, 2003:42).

2.4.2.5 Personality

The relatively stable set of characteristics and tendencies that determine the similarities and differences between people is termed personality (Farganis, 2008:341; Quick & Nelson, 2011:75). Personality involves both common and unique characteristics (Carrim, 2006:98; Hodgetts & Hegar, 2008:106; Roberts, Walton & Viechbauer, 2006:1; Werner, 2003:41). Personality has been shown to influence behaviour patterns and

interpretation of objective situations in a variety of life situations (Wayne, Musisca & Fleeson, 2004:111). In consumer research, personality can be described as the same response by an individual, at all times, to certain stimuli (Van Tonder, 2003:43). The author further argues that personality characteristics influence the employee's confidence when he/she intends to take out a personal loan.

Hodgetts and Hegar (2008:109) listed character traits such as, self-awareness, self-esteem, self-regulation and social skills as significant in basic decision-making and that a weakness in them is likely to make an employee vulnerable to certain socio-occupational factors such as a salary attachment (Otto, 2010:41; Quick & Nelson, 2011:79; Singh, 2006:39). Hodgetts and Hegar (2008:109) emphasise that employees with challenging character traits, tend to make hasty financial decisions and lack the ability to understand complex situations (Singh, 2006:39). Werner (2003:214) refers to a disturbance in the character traits as poor emotional intelligence.

2.4.2.6 Learning

Learning can be defined as the process by which experience leads to changes in knowledge and behaviour (Goodman, Ullman & Tenenbaum, 2011:110; Van Tonder, 2003:48). There is also considerable evidence in support of the significance of informal learning which widely recognises that informal learning often has an adaptive and instrumental character (Ellstrom, 2006:43). The environment, the individual and the interaction that occurs determine the quality of that which is learned (Hitt et al., 2006:120; Mac Donald, 2009:28; Pettinger, 2012:99).

2.4.2.7 Gender, family and workplace

In many discussions of gender and reproductive differences are assumed to be directly reflected in a whole range of other differences such as bodily strength and speed, physical skills, sexual desire and intellectual abilities (Connell, 2009:53; Lee & Ndaba, 2012:3; Rahman & Jackson, 2010:15; Roberts, 2011:112). The idea that natural difference provides the basis for the social patterns of gender takes many forms (Grabe, Ward & Hyde, 2008:460; Howe, 2012:76).

The workplace and family are deeply interconnected. The family income organises family life as well as economic life, expressing an idealised view of what the family is and should be (Kimmel, 2004:119). There is pressure on men to earn enough money to give their wives luxuries and comforts, which means that men often make work their sole outlet for personal pride and achievement (Howe, 2012:79). If a man cannot achieve financially, he may feel useless, or worthless (Howe, 2012:80) and opt for personal loans that he may ultimately be unable to service.

2.4.2.8 The group factor

Schultz and Werner (2003:7) indicated that collectively, individuals form groups of people and almost everyone in an organisation finds him/herself as a member of one or more groups. Swann, Jetten, Gomez, Whitehouse and Bastian (2012:441) refer to a visceral feeling of oneness with the group as identity fusion where the feeling is associated with unusually porous, highly permeable borders between the personal and social self. Employees rely on group life for their well-being, comfort and other positive outcomes (Baumeister, De Wall, Ciarocco & Twenge, 2005:589).

Employees in groups develop their own hierarchies, identity and leaders and group pressures can exert a major influence on the behaviour of an individual group member

(Hitt et al., 2006:401; Schultz & Werner, 2003:7). Hodgetts and Hegar (2008:127) support Schultz and Werner, by maintaining that employees may act on their own, but the perceptions, values, norms, beliefs and attitudes that cause their behaviour are often a result of group interaction (Biehl, 2004:71; Henningsen, Henningsen, Eden & Cruz, 2006:37; Pettinger, 2010:97; Van Tonder, 2003:46; Werner, 2003:28). An employee needs to be psychologically associated with the group as it becomes his/her reference or basis for comparison (Hoe, 2004:221; Parumasur & Roberts-Lombard, 2012:7; Van Tonder, 2003:46; Yakovleva, Reilly & Werko, 2010:79). In addition to survival benefits, a group serves an important regulatory function, argues Taylor (2012:32) in her explanation of the Tend and befriend theory.

Emerson's power dependence theory (Sell, Lovaglia, Mannix, Samuelson & Wilson, 2004:47) indicate that the more dependent an individual is on a group, the less power that individual has. Groups are likely to have favourite brands or stores and form habits when choosing them, which reinforces the group's existence as a general characteristic (Ruzane, 2010:52). The process of conceding to a group's way of doing things is referred by Baumeister et al. (2005:589) as a need for self-regulation, supported by Arrow, Poole, Henry, Wheelan and Moreland (2004:84) in their robust equilibrium models theory. Henningsen et al. (2006:37) refer to the process as concurrence seeking tendencies. The achievement of self-regulation, robust equilibrium and concurrence results in what Hardin, Fuller and Valacich (2006:66) call group self-efficacy.

Employees end up making defective decisions when they experience financial problems based on a need to establish group self-efficacy (Henningsen et al., 2006:38). They make an incomplete survey of the alternatives, an incomplete survey of the objectives, and they fail to examine the risks associated with making loans. They also fail to

reappraise alternatives and to provide contingency, resulting in a failure to come up with high quality decision (Augustinova, Oberlé & Stasser, 2005:619). Subsequently an employee becomes unable to repay the debts and ends up with a garnishee order.

2.5 THE EFFECTS OF GARNISHEE ORDERS ON EMPLOYEES

Feelings of hopelessness, guilt and self-blame might negatively affect an employee's socio-occupational functioning (The negative impact..., 2009). According to Moromane (2009) 30 employees of the DOH at Swartruggens Hospital Complex were referred to the EAP and psychiatric services for management of feelings affecting their functioning. Relevant to the study, some of the psychological and physical effects of garnishee orders will be discussed with specific focus on the individual, the family and work.

2.5.1 Psychological effects

Financial stress affects the physical and psychological well-being of the employee (Newell, 2002:46; Vogel, 2006:1). The following aspects are discussed.

2.5.1.1 Anxiety, stress and depression

A garnishee order is experienced first with shock and anxiety by the employee, then by a feeling of defeat, entrapment and a state of confusion (Taylor, Gooding, Wood & Tarrier, 2011:391). A rush of adrenaline, a faster heart rate, a sudden sensation of heat or hot flushes, raised blood pressure heightened muscle tension, headaches, emotional exhaustion, feelings of uneasiness and chronic worry are common symptoms (Boswell, Olson-Buchanan & LePine, 2004:169; Hanisch, Hantsoo, Sullivan, Freeman & Coyne, 2008:247; Hitt et al., 2006:242; Howe et al., 2012:325; Mosotho, Louw & Calitz, 2011:437; Newell, 2002:46; Taylor et al., 2011:391).

An employee will then start manifesting with stress which Coopmans (2007:5) describes as a condition in which the individual is confronted with a demand related to what he/she desires and for which the outcome is perceived to be both uncertain and important. There may also be sadness, a slowed activity level, an altered sleep quality and pattern, tiredness, discouragement, hopelessness and suicidal ideations to mention a few (Harrisberg, 2008:16; Iacoviello, Alloy, Abramson & Choi, 2010:459; Preece, Cayley, Scheuchl & Lam, 2005:68; Pilgrim, 2009:175; Soffer-Dudek & Shahar, 2011:719; Taylor et al., 2011:392). Bhaga (2010:50) conducted a study on the impact of working conditions on the productivity of nursing staff in the midwifery unit of the Pretoria West hospital and found that some stressed nursing staff withdrew from interaction with co-workers and patients.

If an employee does not seek psychological help it may lead to changes in affect, lack of interest in pleasurable activities, avoiding of social contact, thought disturbances, poor hygiene, self-loathing, coming to work late and leaving early (Eyers & Parker, 2010:21; Rakuba, 2008:60; Treadway, Bossaller, Shelton & Zald, 2012:553; Taylor et al., 2011:392). Pilgrim (2009:24) refers to the condition as depression. Depression can be described as is a psychological disorder that affects a person's mood, physical functions and social interactions, and is marked by persistent low mood, poor affection, absence of positive effect, reduced reward anticipation, low self-worth and guilt (Cosgrove, Shaughnessy, Wheeler, Austad, Kirsch & Bursztajn, 2012:186;Thompson, 2009:3; Uliaszek, Zinbarg, Mineka, Craske, Griffith, Sutton, Epstein & Hammen, 2012:4).

2.5.1.2 Shame

Shame is fundamentally a social emotion, arising in instances of threats to the social-self, and motivating behaviours aimed at limiting damage to social standing (Kim,

Thibodeau & Jorgensen,2011:73). The experience of personal responsibility for over-indebtedness and the negative outcomes (garnishee orders) may yield maladaptive guilt that would be predicted to show robust links to psychological maladjustment, including depressive symptoms (Kim et al., 2011:74).

2.5.1.3 Guilt and self blame

The employee usually blames him/herself and wishing that he/she could have settled his debts in time and retrace where he/she went wrong by ending up with a garnishee order. Blame usually occurs where immediate escape is blocked or seems impossible (Taylor et al., 2011:393). The employee perceives his/her financial state as being uncontrollable, unremitting, inescapable and hopeless. Thus, it is likely that perceptions of entrapment are central to suicide tendencies (Taylor et al., 2011:408).

2.5.1.4 Self-harm

Self-harm which Pilgrim (2009:36) refers to as being deliberate and non-accidental injury can occur to an employee who received a garnishee order. Self-harm is typically linked to tension release in order to feel better about being alive and indicates an intro-punitive stance towards the self. Financially troubled employees may engage in sexual indiscretion or poor self-regulatory control of sexual behaviour as a way of addressing financial responsibilities (Bartholow, Henry, Lust, Sauls & Wood, 2011:173; Jahng, Solhan, Tomko, Wood, Piasecki & Trull, 2011:573; Quinn, Stappenbeck & Fromme, 2011:543).

2.5.1.5 Behavioural changes

If the financial situation does not improve, an employee usually reacts with utilising perceptual defence mechanisms by being ignorant or denying the seriousness of their

financial situation. Denial is the stage where an employee starts to behave as though he/she does not have financial problems and that everything in his/her life is fine. Ignorance is likely to affect other areas of functioning as the employee may even ignore going to work (absenteeism), and meeting deadlines (poor productivity) (Pettinger, 2010:80). Mount, Ilies, and Johnson (2006:591) refer to ignorance as counterproductive work behaviour, whereas Devlin (2007:123) refers to it as poor service delivery and negligence, which could lead to unnecessary lawsuits

2.5.1.6 Personality change

A garnishee order can lead to distress that can change an employee's personality to such an extent that recurrent interpersonal dysfunction in employees can occur, which elicit offence and distress in their colleagues (Gomez & Crowther, 2007:19; Pilgrim, 2009:31). The personality change can also be identifiable by a disturbance in self-awareness, inability to make decisions, lack of motivation and an incapability of regulation of emotional expression and motor behaviour (Howard & Levenson, 2009:45; Sands & Gellis, 2012:51).

2.5.2 Physical effects

Financial stress aggravates the possibility of illnesses such as hypertension, migraines, headaches, insomnia, ulcerative colitis, diabetes, herpes and multiple sclerosis (Hitt et al., 2006:242; Zastrow, 2004:396). Research shows that men are more likely to suffer heart attacks and strokes (Momsen, 2004:25), and to commit suicide than women (Howe, 2012:80). Stress that continues for long periods can lead to poor concentration, tinnitus, irritability, anger, and poor judgment (Hébert, Canlon & Hasson, 2011:324). When an employee is exposed to the stressful event of having his/her salary attached for a long time, he/she becomes overwhelmed; his/her energy depleted and results in exhaustion (Bhaga, 2012:50; Coopmans. 2007:6;Potgieter, 2003:208). The body can now become susceptible to health problems (Hitt et al., 2006:242; Vogel, 2006:7).

2.6 THE EFFECTS OF GARNISHEE ORDERS ON FAMILY LIFE

The effect of a garnishee order is likely to be first noticed by the family members rather than the employer. Violence occurs in many families and is noticed by the decline in the relationship with the wife and children, as the employee is unable to take the responsibility deemed significant for the survival of the family, such as buying groceries (Hanson, 2011:270; Howe, 2012:360; Mckie, 2005:47).

South Africa has one of the highest rates of intimate partner violence in the world with the death of women at the hands of a partner being six times that of the global average (Boko, 2011:80; DOH, 2010:13; De la Harpe & Boonzaier, 2011:147; Kometsi, 2004:33; Zastrow, 2004:206). Economic stress among men is associated with feelings of helplessness, dissociative experiences (Rakuba, 2008:57). Depression and anger can lead to domestic violence (Barkhuizen, 2004:161; Boko, 2011:45). The Sociology of Gender Theory shows that the ways in which couples organise money within the household has an independent effect on power; over and above the resource which each partner contributes (Gcabo, 2003:30).

2.7 THE EFFECTS OF GARNISHEE ORDERS ON THE EMPLOYER

From an employer's perspective, there are far reaching consequences if you have an employee trapped in debt. Financial stress has several negative effects such as impaired performance and effectiveness, a reduction in productivity, a diminished level of customer service, health problems, absenteeism, a decline in turnover, industrial accidents, alcohol and drug usage and destructive behaviours (Boltz, 2009:1; Department of Finance, 2012:4; North West Department of Health, 2011:9; Public

Service Commission, 2007:10; Van der Colff & Rothmann, 2009:1; Wilson, 2004:253). The effects of garnishee orders that are relevant to the study are described as follows.

2.7.1 Low morale and motivation

Expertise, knowledge and skills will not produce good results if employees are unmotivated (Bagraim, 2003:52; Gallos, 2006:635). The most widely accepted explanation of why people are motivated to work and perform is rooted in what psychologists call the Expectancy theory. Expectancy theory argues that people are mostly rational decision-makers who think about their actions and act in ways that satisfy their needs and help them reach their goal (Grobler, Warnich, Carrell, Elbert & Hatfield, 2006:140; Hodgetts & Hegar, 2008:65).

The Expectancy theory points to the fact that people are motivated by the promise of a reward (Gallos, 2006:637). The best theory for motivation is Abraham Maslow's Hierarchy of Needs theory which postulates that within every person there is a hierarchy of five needs; as a lower level need becomes substantially fulfilled, the next higher order need increases in strength and thus becomes a powerful motivator (Hodgetts & Hegar, 2008:51). Bhaga (2010:51) maintains that garnishee orders decrease the motivation of employees resulting in poor overall performance.

2.7.2 Absenteeism

Employee absenteeism is a worldwide phenomenon (Garnishee Audit Services, 2012:1; Human Potential Accounting, 2009:4), which, due to the financial impact on a nation's economy, is an important subject on the international agenda (Langenhoff, 2011:3). In South Africa, it is estimated that R12 billion is lost annually through absenteeism and

loss of productivity (Vogel, 2006:1). The amount equates to more than what the combined economies of Lesotho and Swaziland generate in one year (Paul, 2008:21).

Terrence Goodlace, CEO of Impala Platinum Mines reported that operational performance was greatly affected by absenteeism, and production declined by 20% in 2011 (Implats, 2012a:3). Lonmin Platinum, a signatory to the United Nations Global Compact, and the third largest producer of platinum in the world, reported a R32 million loss due to absenteeism among personnel (Marikana Strike..., 2012:3). Government Employees Medical Scheme (2010:37) reported a 63% increase in claims and settled claims to the value of R12.5 billion compared to R7.6 billion in 2009. The percentages correlate with Bhaga's study conducted at the Pretoria West Hospital in which 32 (94.11%) of the respondents believed that financial stress increases the rate of absenteeism among nurses and 31 of them became ill (Bhaga, 2010:91) thereby increasing the financial strain on the medical aid schemes (Government Employees Medical Scheme, 2010:37).

While employee absence often is described as sickness, there are more aspects, which play a role or have an effect on the absence behaviour of employees. Paul (2008:30) describes absenteeism as an essential problem, because it is actually a variety of behaviours with different causes masquerading as a unitary phenomenon. Employee absenteeism is a costly yet poorly understood organisational phenomenon (Langenhoff, 2011:5, Paul, 2008:21). Paul (2008:30) continues that employees usually ask themselves whether they should continue to go to work or not after receiving a garnishee as the number of months that they have to work with the order still attached to their salary are so many. Paul (2008:3) concluded that ironically, employees perceive their absence from work as having little impact on aspects such as employee morale, cost, production and customer satisfaction.

2.7.3 Industrial actions

As an employee's financial crisis increases, it can lead to illegal strike actions or a stoppage of work (Grogan, 2006:382; Kearney, 2009:221). In South Africa, such actions have been common throughout the last decade (Coetzee & Schreuder, 2010:469; Grogan, 2011:19). Many of the strikes were met with violence (Kearney, 2009:221). Over-indebtedness is believed to be one of the catalysts of the Lonmin strikes, and in one incident, a miner was found to have paid legal fees as high as 10 times his loan amount (Arde, 2012).

Kumba Iron Ore, South Africa's largest iron producing company was extremely successful in its first full year of operation in November 2006, with a record production of 32.4 million tons and revenue up 33% to 11.5 billion (Kumba Iron Ore, 2012:1). Kumba has a workforce numbering 4,600 that includes, the Kolomela, Sishen and Thabazimbi mines. During 2007, R11 million was paid to employees of Sishen Iron Ore company through a dividend received by Envision (Kumba Iron Ore, 2012:2). In spite of the payment, employees of Sishen embarked upon a two-month long illegal pay raise strike caused by employees' significantly high debts and a desperate need to service their loans, which resulted in a loss of revenue for the company. Goodlace, refers to the year 2012 as an extremely challenging year dominated by changing workforce dynamics dominated by industrial actions (Implats, 2012b:1). Goodlace further states that the company's financial performance was significantly impacted by the six weeks illegal strike resulting in a loss of revenue calculating to R2.8 billion, that equals a 46% or 230 000 ounces of platinum (Implats, 2012b:2).

2.7.4 Substance abuse

Jahng et al. (2011:572) supported by Mata, Thompson, Jaeggi, Buschkuehl, Jonides and Gotlib (2012:297) view alcohol as an attempt to regulate a negative emotional state. The 2007 treatment profile for SANCA shows that about 40% of persons who seek treatment for addiction are employed full time (Kilian, 2008:7). The South African Association for Social Workers in Private Practice estimates that between 6% and 20% of the workforce is likely to be drug dependent (Kilian, 2008:7; Vergés, Littlefield & Sher, 2011:868).

Male employees use alcohol to cope with garnishee orders and other related financial difficulties more frequently than females and they are likely to stay away from work due to medical conditions such as heart disease, personality change, neurological degeneration and some form of cancer due to prolonged use of alcohol (Bhaga, 2010:50; Madoc-Jones & Heath, 2009:29; Sands & Gellis, 2012:314; Steenkamp, 2011:16; Pilgrim, 2009:39; Quinn et al., 2011:543).

2.6 CONCLUSION

Chapter two attended to an in-depth discussion of the effect of garnishee orders on the functioning of a person as an individual, family member and an employee. It is clear that garnishee orders affect all areas of an employee's functioning, which includes social, psychological, occupational and physical levels.

Chapter three will explain the research design and methodology implemented in the study.

CHAPTER THREE

RESEARCH METHODOLOGY, DATA ANALYSIS AND INTERPRETATION

3.1 INTRODUCTION

In Chapter Three a detailed account of the method that was used to carry out the research will be provided. Specific attention will be given to the approach, the design, sampling method, how information was collected and data analysis and the writing of the final report. The researcher will also discuss the process by which data was analysed, taking into account the similarities and differences in order to derive themes and sub-themes out of the raw data collected from the participants.

3.2 RESEARCH APPROACH

A qualitative approach was utilised as the researcher was interested in the rich data from employees' explanations as to why they behaved in a particular manner psychologically, socially and occupationally (Creswell, 2007:36). The researcher intended to explore and understand the experiences, attitudes and behaviour of employees with regard to their salaries being attached through an order of the court. The researcher focused on each individual's description of an experience and meaning or interpretation of that experience. The focus was on how employees put the experience of the salary attachment together in the manner that made sense to them.

3.3 RESEARCH DESIGN AND METHODS

A series of interrelated activities aimed at gathering good information on the effect of garnishee orders on personnel was utilised. An important aspect in the process was to

find personnel to form part of the study, to gain access to the personnel, and to establish rapport so that they could provide meaningful data (Alston & Bowles, 2003:67; Creswell, 2007:118). The following aspects were addressed.

3.3.1 Research design

The researcher utilised a qualitative research design to explore the phenomenon of garnishee orders so as to understand its effect on the personnel of the DOH Rustenburg Sub-District (Crankshaw, 2005:51; Payne & Payne, 2004:33; Yin, 2011:19). A collective case study furthered the understanding of the garnishee orders and its effect on the personnel, as the individual cases were studied extensively (Christensen, 2007:67; Fouché, 2005:272, Kotzab, Seuring, Muller & Reiner, 2005:238). The researcher selected a collective case study design to identify different perspectives on the issue of the effect of garnishee orders on the personnel (Creswell, 2007:118). Wisker (2008:216) argues that one of the purposes of using case studies is that an in-depth situation can be explored fully. The researcher was of the opinion that, although it needed time and money to devote to such an undertaking, a rich, thick description and analysis of the above-mentioned phenomenon was desired.

3.3.2 Study population and sampling

The population that was included in the study was the forty nine personnel of the DOH. North West Province, Rustenburg Sub-District, with the specific characteristic of garnishee orders against their salaries (Keppel, 2009:132; Strydom, 2005b:193). Rustenburg Sub-District is divided into five clusters namely: Boitekong, Bafokeng, Tlhabane and Marikana and the Sub-District's head office. The clinics provide comprehensive health care services to more than half a million community members of the Rustenburg local municipality. Each cluster has a twenty-four hour operating Health Centre. Community members work at the nearby mines of Lonmin, Impala Platinum

and Anglo Platinum. Employees reside within thirty kilometer radius of their work station and they commute daily to work. Employees work eight hour shifts and twenty hour per week overtime. Eighty percent of the employees are female. Every employee is fluent in Setswana, English and some in IsiXhosa and Fanakalo (an unofficial pidgin language commonly used in the mining industry).

The Human Resources (HR) department identified employees with garnishee orders against their salaries. The HR practitioner communicated with them regarding the study and whether they were willing to participate in the study. Employees who gave permission were then referred to the researcher for further briefing regarding the intended study.

Non-probability sampling was selected for the study whereby the probability of each personnel to be drawn into a sample was not known (Strydom, 2005b:201). In order to have the participants that would yield the most relevant and plentiful data in the study, the researcher used volunteer sampling to identify and target the employees with garnishee orders against their salaries (Davies, 2007:58; Yin, 2011:88).

The HR manager ensured that the personnel with garnishee orders were aware of the study and the first two from the five clusters to volunteer formed part of the sample of ten participants. Volunteer sampling gave the personnel the confidence that they were not being coerced into being part of the study and that their right to privacy would not be violated. Nevertheless the researcher guarded against hidden agendas that might at times motivate the personnel into volunteering to be part of the study (Strydom & Delport, 2011:394). The first two volunteers from each of the five clusters were selected after being made aware of the study by the HR manager. Only African racial groups formed part of the study, as there were a limited number of other racial groups in the

DOH and their right to privacy would have been compromised if they had been included in the study.

3.3.3 Data collection

To study the phenomenon of garnishee orders, semi-structured interviews were the predominant mode of data collection. Interviews are deeply and unavoidably implicated in creating meanings that ostensibly reside within participants (Greeff, 2005:287). The researcher conducted one-on-one interviews because he could directly observe the behaviour, feelings, or how personnel interpret the effect of having their salaries attached (Creswell, 2009:179; Greeff, 2005:286).

A semi-structured interview was utilised to give participants an opportunity to share their story, pass on their knowledge, and provide their own perspective on garnishee orders (Barbour, 2008:119; Boeije, 2010:62; Creswell, 2009:181). One major advantage of the interview was its adaptability (Bell, 2010:161; De Vos, 2005:347), as the researcher was able to follow ideas, probe responses and investigate motives and feelings. An interview was able to provide information that a written response would conceal (Bell, 2010:161; Kvale, 2007:14). A set of predetermined questions on an interview schedule was used, but the interview was guided by the schedule rather than be dictated by it. The participants were regarded as the experts on the subject and were therefore allowed maximum opportunity to tell their story (see Appendix C). The advantage of the semi-structured interview was its opportunity to gather the intended data and the ability to provide interesting and unexpected data that emerged (O'Leary, 2010:195).

Every possible precaution was taken during interviews to explain the objectives and background of the study, and questions were structured in such a way that there was no prejudice and bias towards the participants (De Vos, 2005:347). The reliability of the

information was determined through the assessment of the congruency and consistency in responses (Maree & Van der Westhuizen, 2007:38; Pietersen & Maree, 2007:215). This was determined by ascertaining whether there were responses that manifested two different themes in one response. Constructive confrontation, reassurance, probing, paraphrasing and re-asking the same question on different time spans was used to tackle the issue of reliability and validity of responses. The researcher also took into account his own judgment and feelings regarding the effect of garnishee orders so that these would not influence the data (Babbie, 2004:308). Data collected will be safely stored for 15 years at the Department of Social Work and Criminology, University of Pretoria.

The interviews were conducted in Setswana and subsequently translated to English by the researcher. The interviews took place at the clinic consulting room during the participants' lunch breaks so as not to disrupt their normal daily occupational activities. The interviews took place in the last quarter of the year 2012 and the first quarter of the year 2013. During this time, there were no major activities in the health calendar apart from a World AIDS day. The department did not organise any sub-district events for the activity. It was observed that the personnel were slightly relaxed although they were bothered by the uprisings at Marikana Township that resulted in a loss of lives of 44 civilians of Marikana and employees of Lonmin platinum mines (Holmes, 2013:1). The interviews were tape-recorded for accuracy and lasted for approximately one hour. Since not everything could be written down, and since the researcher was not certain what was important enough to write down, both the tape recorder and manuscript were utilised (Bui, 2009:151; Merriam, 2009:109).

3.3.4 Data analysis

The researcher began the task of making sense out of the data by consolidating, reducing and interpreting what personnel had said about garnishee orders (Merriam,

2009:176). In analysing data the researcher was guided by the analytical spiral of Creswell (1968) as stipulated by De Vos (2005:334), which involves planning and recording of data, data collection and preliminary analyses, managing and organising data, reading and writing memos, generating categories, themes and patterns, coding the data, testing the emergent understanding, searching for alternative explanations and representing and visualising. The steps were not followed rigidly as some steps are interrelated and can occur simultaneously (Creswell, 2007:150).

- **Planning and recording of data**

Interviewing as a data collection method ensured greater validity in the measure as the researcher was there to observe the personnel and gain insight into the complexities of the effect of garnishee orders (Babbie, 2004:308). The researcher planned for data to be recorded in a systematic manner that was appropriate to the setting and the participants. The researcher was familiar with the operating functions of the audio recorder and was carrying extra batteries. A short hand notes taking technique was used so as not to inhibit the interview process. The researcher planned a system to ease retrieval for analysis. Notes were colour coded to keep track of dates, titles and descriptions of setting that were important for piecing together patterns and defining categories for data analysis (Schurink, Fouché & De Vos, 2011:404).

- **Data collection and preliminary analyses**

Data analysis began while the interview was underway. The preliminary analysis was able to tell the researcher how to redesign questions to focus on the central themes (Kumar, 2011:278; Mouton, 2001:196). Field notes were also made during the interview in case the audio failed to work. Inscribed notes were somewhat incomplete because of the difficulty of asking questions and writing answers at the same time. The notes were useful as they provided additional information such as non-verbal cues that could not be

captured by the tape recorder. The combination of audio equipment and field notes complemented each other well (De Vos, 2005:334; Gibbs, 2007:1).

- **Managing and organising data**

The management and organisation of the data was the first step in data analysis away from the site, following a period of data collection (Schurink et al., 2011:408). The researcher organised data into file folders and converted the files to appropriate text units made up of sentences for analysis by hand (Creswell, 2007:150).

- **Reading and writing memos**

After the organisation and conversion of data, the researcher continued the analysis by getting the feeling of the whole database. The transcripts were read and listened to in their entirety several times for the researcher to be immersed in the details and gain the sense of the interview as a whole before breaking it into parts. As De Vos (2005:337) puts it, “reading, reading, and reading once more through the data forces the researcher to become familiar with the data in an intimate way”. The researcher continued to write notes in the margins of field notes in the initial process of exploring a database. The memos were short phrases and key concepts that occurred to the researcher (Schwandt, 2007:147).

- **Generating categories, themes and patterns**

The researcher generated categories, themes and patterns by identifying salient themes, recurring ideas or language and patterns of beliefs. Data was reduced to small, manageable set of themes to be written into the final narrative. The researcher formed broader opinions of what was going on with personnel who were having salaries attached (De Vos, 2005:338).

- **Coding the data**

The researcher applied coding to the categories and themes (Gibbs, 2007:38). During the process of open coding, data was broken down into discrete parts, closely examined, and compared for similarities and differences, and questions were asked about the garnishee order as reflected in the data (Alston & Bowles, 2003:212; Babbie, 2004:377; Boeije, 2010:96; Richards, 2009:106).

- **Testing the emergent understanding and searching for alternative explanations**

The researcher used the same procedure when collecting data from all the participants in order to achieve consistency, stability or repeatability of the results (Christensen, 2007:209; Hlengani, 2006:65). The researcher determined whether garnishee orders had an effect on the personnel of the DOH Rustenburg Sub-District. If the observed effect, as measured by a dependent variable, is caused only by the variation in the independent variable, then internal validity has been achieved, and if the findings of a study can be generalised beyond the present study, external validity has been achieved (Christensen, 2007:217).

- **Representing and visualising**

Representing and visualising represent the final phase of the spiral where the researcher will present the data in text, tabular and figure form in Chapter Four (Creswell, 2007:154; Schurink et al., 2011:418).

3.4 PILOT STUDY

Pilot testing of the interview schedule was done to allow the researcher to familiarise himself with some of the practical aspects of establishing access, making contact and conducting interviews, as well as becoming aware of his own level of interviewing skills (Creswell, 2007:113; Mnisi, 2005:22; Strydom, 2005c:205). As the actual study was conducted in the Rustenburg Sub-District Health Department, the pilot testing was administered in the Kgetleng Sub-District Health Department. The researcher thus exposed two participants who were similar to the planned main inquiry to exactly the same procedures in order to modify the measuring instrument. The participants who were utilised for the pilot testing were excluded from the actual study. The pilot testing revealed that the participants were not sure about the garnishment procedure. The participants considered social factors such as family and community functions to be the cause of their financial difficulties. The questions were not adjusted as it appeared that the participants were able to understand those questions and responded appropriately.

3.5 SUMMARY

Chapter Three attended to a description of the process that was undertaken to conduct the research study. The researcher chose to use a qualitative research approach which relied more on words to gain insight into the effect of garnishee orders on the personnel. A collective case study provided an opportunity for the study to focus on a specific population within a specified time frame. Data was collected through the use of semi-structured interviews conducted for 45 to 60 minutes.

In the next chapter the researcher will analyse the responses of participants. The interpretations arising will be used to generate themes and sub-themes and linked with literature reviewed in Chapter Two of the report.

CHAPTER FOUR

DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

Chapter Four focuses on the presentation, analysis and interpretation of the empirical data based on themes and sub-themes identified from the participants' responses. The aim of the research was to explore the effect of garnishee orders on the personnel of the DOH, Rustenburg Sub-District. The ten interviews took place in the last quarter of the year 2012 and the first quarter of the year 2013. The researcher was able to obtain precise descriptions of the experiences of participants, which contained many ideas and different themes. Richness allowed depth interviews to unravel the complexity of the participants' world (Rubin & Rubin, 2005:135).

4.2 PRESENTATION OF DATA

The demographic information of the participants is presented in the form of figures followed by discussions and an analysis of the information presented.

SECTION A

4.2.1 Demographic Information

4.2.1.1 Age distribution

Figure 2: Doughnut of age distribution

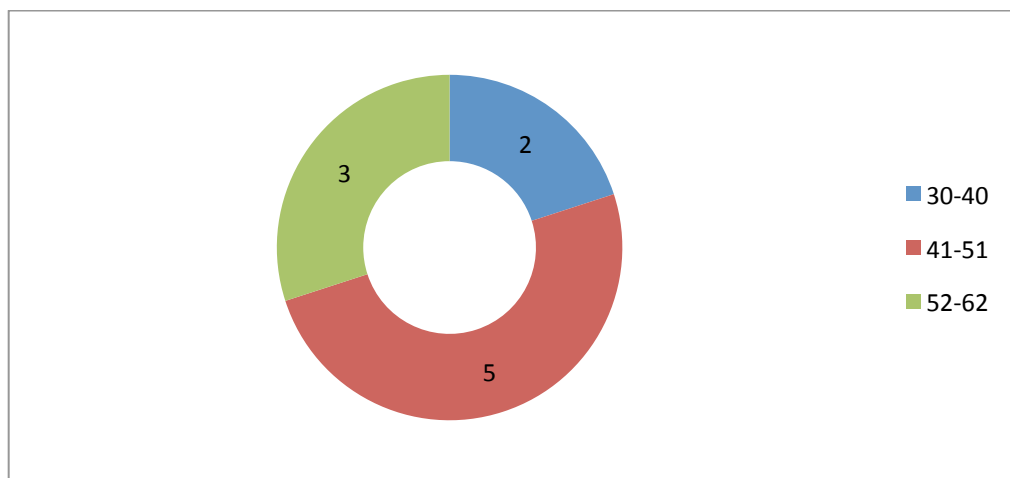


Figure 2 indicates that 50% of the participants are in the age group of 41 to 51 years, 30% of the participants are in the age group of 52 to 62 years while the youngest age groups of 30 to 40 years are presented by 20% of the participants. The figure indicates that employees who still have between 15 to 20 years of service remaining are more likely to have the garnishee orders imposed on them.

4.2.1.2 Gender

Figure 3: Pie chart of gender

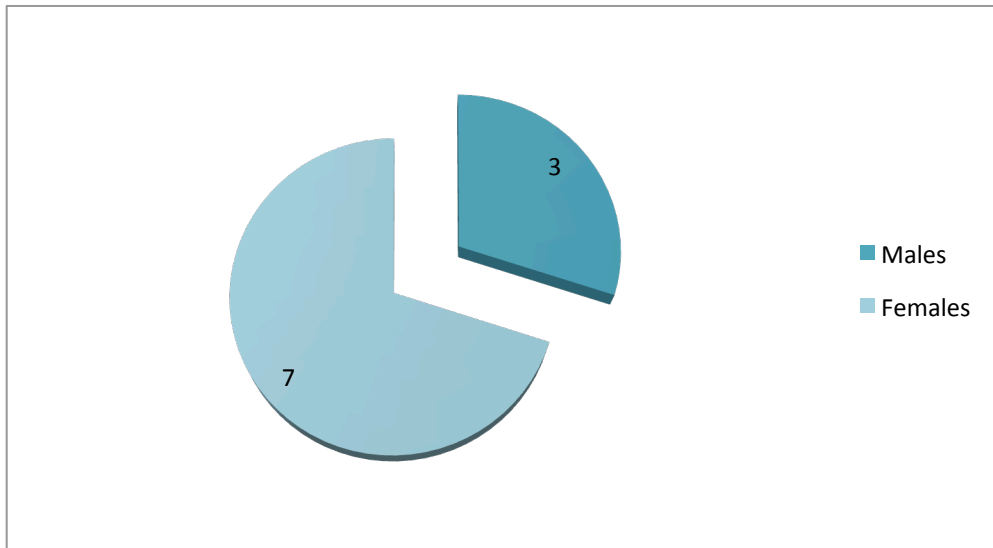


Figure 3 reveals that seven of the ten participants who volunteered to participate in the study are females. Eighty percent of employees of the DOH are females and 20% are males. The figure indicates that as many as 10% of male employees are likely to have the garnishee orders imposed on them than female employees.

4.2.1.3 Marital status

Figure 4: Pie chart of marital status

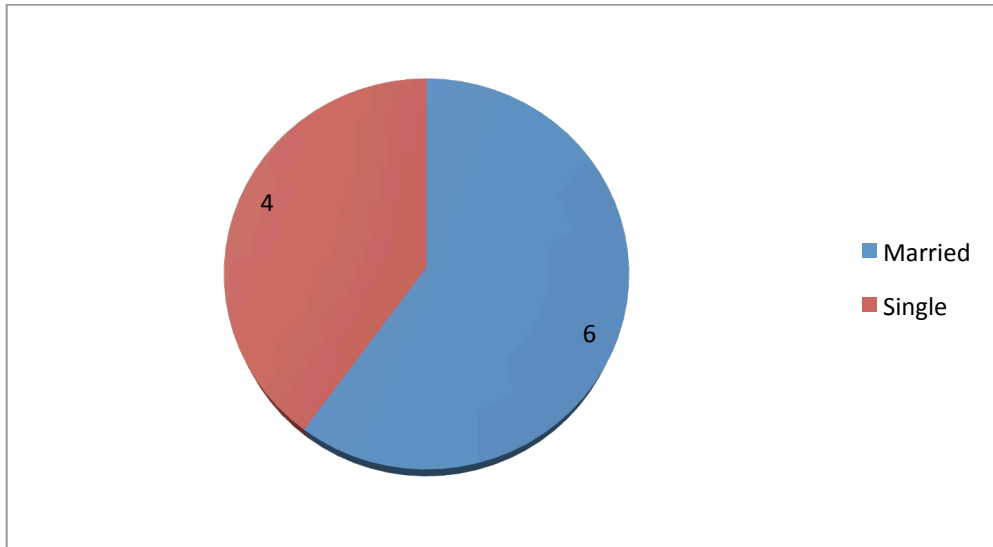


Figure 4 reveals that six of the participants are married. The figure indicates that the demands and responsibilities that accompany marriage expose couples to over-indebtedness and salary attachments.

4.2.1.4 Job description

Figure 5: Columns of job description

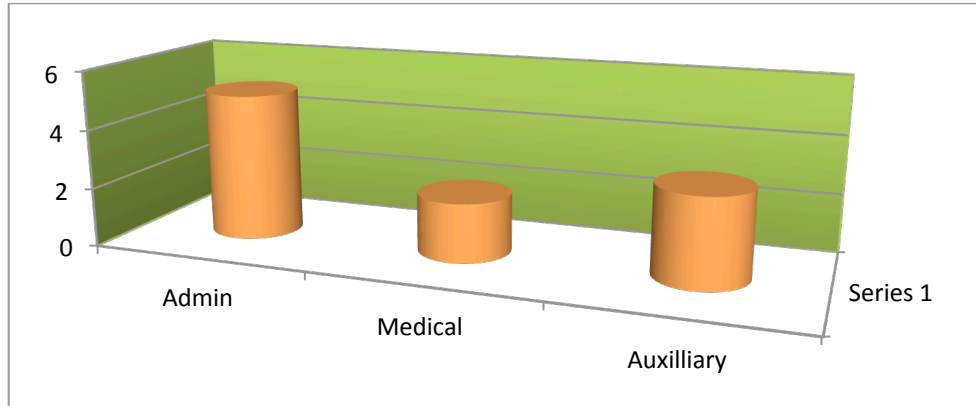
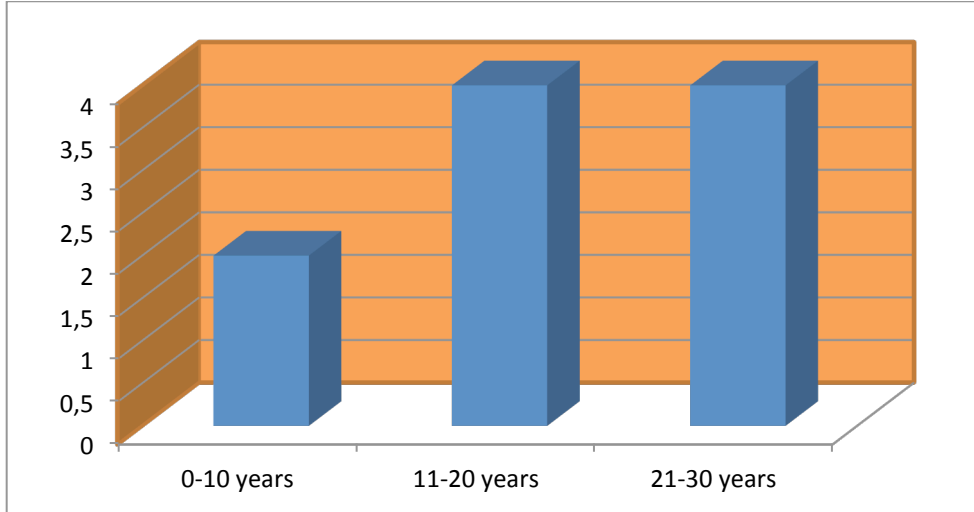


Figure 5 indicates that 50% of the employees are employed at the administration section of the Department of Health. Thirty percent are auxiliary service workers and only 20% are medical professionals. The administration section of the DOH provides an important form of support to the medical team in terms of the procurement of medical equipment and the results indicate that the administration section of the department experiences salary attachment more frequently.

4.2.1.5 Years employed by the DOH

Figure 6: Histogram of years employed by the Department of Health



From Figure 6 it is clear that three of the participants have been working at DOH Rustenburg for a period of ten years or less, four participants have been employed between 11 to 20 years and four participants have between 21 and 30 years of experience at the department. The figure indicates that experienced employees are more likely to end up with salary attachment than less experienced employees.

SECTION B

4.2.2 Central themes

De Vos (2005:338) maintains that “identifying themes, recurring ideas or language patterns of belief that link people and settings is the most intellectually challenging phase of data analysis”. Information gathered from the main study is categorised into the following themes and sub-themes presented in the table below.

Table 1: Themes and Sub-themes

Themes	Sub-themes
Understanding of the garnishee order process	
Causes of garnishee orders	<ul style="list-style-type: none"> • Poor budgeting • Low salary • Micro lenders • Inter-personal factors • Social causes • Intra-personal factors
The effects of garnishee orders on the employee	<ul style="list-style-type: none"> • Social effects • Psychological effects • Physical effects
The effects of garnishee orders on the employer	<ul style="list-style-type: none"> • Absenteeism • Low morale and motivation • Substance abuse
Benefits of obtaining a garnishee order	
Active management involvement	

THEME 1: UNDERSTANDING OF THE GARNISHEE ORDER PROCESS

The first theme identified is the knowledge of the participants of the process by which the garnishee order is obtained by the judgment creditor. The garnishee order grants the judgment creditor the opportunity to receive weekly or monthly installments from the judgment debtor through a process of monthly deductions made from the judgment debtor's wage or salary by the judgment debtor's employer before the judgment debtor receives such wage or salary (University of Pretoria Law Clinic, 2008:30).

Participants indicated that an employee receives a salary attachment when he/she fails to properly service his/her loan amount as agreed in the credit loan agreement. The participants were unable to provide a detailed description of how the creditor obtains an authority to garnish his/her salary. The following responses are an indication of the responses of the participants.

- “To tell you the honest truth, I do not understand anything about the garnishee order, I only got told that so and so has garnished me.”
- “I got a garnishee order only due to poor payment of my debts. The garnishee order is bad because as soon as the debtor thinks that he/she has finished paying, she/he will receive a second order that instructs the HR department to deduct the interest which might be higher than the first garnishee payment. At times when I think I have finished with the payment of the interest fees, the third garnishee payment usually comes as payment for administrative fees. So it takes longer than expected.”
- “The garnishee order originates when employees fail, avoid or ignore to pay their debts.”
- “The creditors decide to garnish the debtor at any time and attach any amount that they decide on from the salary of the debtor, whether the debtor can afford it

or not. They get the money from the salary department without the debtor's consent."

- "The debtor only gets notified to come and sign for the garnishee order by the HR department."
- "I do not have an understanding of the process of a garnishee order apart from the fact that it occurs as a result of lack of payment of debts."
- "I asked for help from many debt counsellors and debt administrators regarding my garnishee order and I only found myself in even more debt."
- "I only know that garnishee order occurs only when the debtor fails to service his/her loan."
- "The difficulty of a garnishee order lies with the repayments of interests that are higher than the original debts."
- "All I know is that the HR department violated my confidentiality by attaching my salary."

The responses reveal the lack of precise understanding regarding the process of obtaining garnishee orders and are in support with the findings by the University of Pretoria Law Clinic's investigation into the undesirable practices relating to garnishee orders in South Africa that employees' salaries are attached without prior notice or consent to judgment. In many instances, clerks of the court lack the necessary knowledge and skill to administer the orders (UP Law Clinic, 2008:9).

THEME 2: CAUSES OF GARNISHEE ORDERS

The second theme identified was the causes of garnishee orders. The researcher identified poor budgeting, low salary, micro-lenders, inter-personal influence, social causes and intra-personal factors as the sub-themes.

Sub-Theme 1: Poor budgeting

Participants feel it is their poor financial planning that caused their salary attachment. The following excerpts are an indication of the responses of the participants.

- “When I see something interesting I just go ahead and make a purchase without first evaluating if I can afford it.”
- “I take out loans of about four year repayment terms and before the end of the year I take out another loan. The loans then pile up and make it difficult to repay them. At one point I only earned about R140.00 per month due to salary attachments.”
- “I buy on credit from retail stores and also buy clothes on a monthly basis.”
- “My child pressurises me to get into debts so as to meet the standard of his friends.”
- “I want to live a descent life. As a result, I ended up buying things I cannot afford just to meet the expected social standard.”

From the above excerpts, it is clear that participants appear to be in agreement that poor financial planning results in over-indebtedness and eventual salary attachments. The excerpts correlate with the view of Persse (2007:92) who indicates that employees fail to determine realistic financial goals. Employees are thus impulsive and ill-disciplined when making their purchases decisions and can be psychologically or environmentally driven (Du Plessis, Strydom & Jooste, 2012:84).

Sub-theme 2: Low salary

There seems to be a noticeable agreement among participants that their low salary causes their financial difficulties and garnishee attachments. The following are the quotes of the participants.

- “It is because of my low salary that I ended up with a garnishee order.”
- “Low salary caused me to frequently borrow money from cash loans.”
- “Garnishee orders are caused by my low salary level.”
- “My salary would not allow me to pay my debts.”
- “The money that I earn is too little and I cannot afford to do what I wish with it. As a result I end up borrowing money from the cash loan, which at the end I am unable to pay back.”
- “The salary is too little, too little” As a result I frequently need the services of the micro lenders.”
- “I earn a very low salary which contributes to my financial difficulties and I have since started to hate my job.”
- “The salary is too little so that at times I would not be able to even buy food.”
- “Due to low salary I end up being desperate for money and take out the loans without consideration for the interest incurred.”
- “My salary is nothing.”
- “I cannot meet the following responsibilities due to my low salary; a child who is at the college, transport money to work, social functions such as marriage and maintaining external families.”

The above quotes give an indication that the need for a salary increase is seen as a vital measure in addressing salary attachment. The view that low salaries are the reason for their attachments, created an acceptance that it is normal to have financial problems or even garnishee orders as long as you are within a low-level salary scale.

The argument concurred with The National Credit Act No 34 of 2005, which states that the South African population consists predominately of low-income earners. The prophecy or prediction is false but is made true by a person's actions (Wisegeek, 2013:1). The lifestyle and decision-making therefore relies on the prophecy and garnishee attachment is viewed by the participants as unavoidable.

Sub-theme 3: Micro-lenders

The high repayment interests to micro lenders results in an inability of the participants to service their loans. The participants ultimately ignore and avoid repaying the loans until the salary is attached. The following statements are an indication of the responses of the participants.

- “In order to prevent myself from paying all four micro-lenders, I made arrangements with the fifth micro-lender to settle my debts with the four micro-lenders. Now, although I paid interest to all four micro-lenders, when the fifth micro-lender settled all my debts (with the four micro-lenders), I had to pay interest to the fifth micro lender as well. So, I ended up paying two lots of interests on the same debt handled by two different micro-lenders. A debt of R20,000 came to R56,000. Then a repayment became impossible to meet and as a result I ended up with a garnishee order.”
- “I have been using the services of micro-lenders for more than 15 years.”
- “Micro-lenders are the cause of my financial problems.”
- “The Cycle of creating monthly micro-loans is a means for survival.”
- “At the end of the year I had already made three micro-loans and could not service the debt.”
- “Micro-lenders do not use the regulations of the National Credit Act.”
- “I borrow money from micro-lenders without planning because I want to maintain my children and the extended family.”

From the above responses participants give an indication that they felt trapped within the cycle of borrowing money from the micro-lenders. The participants agree that micro-loans offer an immediate relief and rescue to their financial needs but offer long-term difficulties of over-indebtedness. As a result of inability to service the loans, employees tend to ignore and avoid the repayment. The responses are in agreement with what Mount et al. (2006:591) said that employees deny that they have loans to repay. Devlin elaborates further (2007:123) that negligence could lead to unnecessary lawsuits

Sub-theme 4: Interpersonal factors

Another trend that the researcher identified concerns the need to conform to pressure from the family, community and colleagues. The following are extracts from the participants.

- “I have learned from a colleague that the way to deal with financial difficulty is to ignore other debts.”
- “My colleagues advised me regarding good micro-lenders.”
- “In order to maintain my social status, I have at least four micro lenders that I owe.”
- “I heard about the services of micro lenders from my colleagues and thought I should go and try my luck.”
- “I buy designer clothes as a way to meet the standards of my colleagues.”
- “I decided to date men who can to give me money and to enable me to reach my goals in life.”
- “Competing with the neighbours also contributes to my poor budgeting.”
- “I want to live a decent life. As a result I ended up buying things I cannot afford just to meet the expected social standard.”

The extracts above confirm that the participants change their behaviour, belief and thinking to align with others and to appease and gain approval of the group members. The need to belong causes the participants to conform in order to be liked and accepted by the colleagues and the community. Employees who suffer significant fear are more likely to become much more compliant with a group's ideas and be easily influenced hence sacrificing personal values (Radmanovic, 2008:13).

The above comments also indicate that a lack of a stable set of character traits, contributes to financial difficulties. The participants give an indication that they are influenced into making poor financial decisions by the need to comply with external forces and their individual desires. This shows the tendency of a lack of self-regulation and basic decision-making ability. The extracts are in line with what was said by Hodgetts and Hegar (2008:109) that employees with weaknesses in character traits tend to make hasty financial decisions and lack the ability to understand complex situations.

Sub-theme 5: Social factors

It was interesting to note that participants regarded social factors as causing their salary attachments. The following are the statements of the participants.

- “Most of the time we focus on funeral planning.”
- “Illnesses in the family and other social functions that I cannot avoid.”
- “The church conferences, trips and to pay tithes.”
- “The fact that I am not married.”
- “My husband's negligence and poor use of money.”
- “I am the only breadwinner at home.”

The participants regard social organisations, institutions, functions and activities as the cause of their salary attachment. Peterson (2010:13) states that employees over-commit themselves financially in the form of pledges, tithes and generous offerings and this is supported by Case et al. (2008:39) who further indicate that employees take out burdensome loans to service funerals.

Sub-theme 6: Intra-personal factors

The researcher identified employee character challenges as contributing to financial difficulties and ultimate garnishee orders. The following are responses from the participants in support of the sub-theme of intra-personal factors.

- “I failed myself.”
- “I know it is wrong but I do it anyway.”
- “I do not have any other options.”
- “I incur debts because of my inability to postpone needs.”
- “I want to have enough money and spend it as I wish even though on the other side I know that I have debts.”

The statements above give an indication that the participants concur that informal learning and sacrificing personal values both result in salary attachment. Ellstrom (2006:43) indicates that informal learning often has an adaptive and instrumental character and that learning and experience are the two greatest forces in shaping an individual's values (Pettinger, 2010:87). Employees find themselves having to deal with over-whelming information about micro-lenders, which finally alters their value system. Once learning has occurred, employees develop an attitude, which is consistent with their sacrificed values. Employees then develop an arousal or a need for self-regulation, which further creates a state of disequilibrium (Baumeister et al., 2005:589). Unplanned expenditure is therefore an attempt by an employee to return to a state of homeostasis as suggested by Mac Donald (2009:37).

Sen (2011:1) states that people with distorted self images are easily influenced by the opinions. They find it difficult to make decisions. They are highly volatile when faced with a challenge and they feel guilt and shame about some natural drives or impulses in themselves.

THEME 3: THE EFFECTS OF GARNISHEE ORDERS ON THE EMPLOYEE

Figure 7: Bubbles of causes of garnishee orders

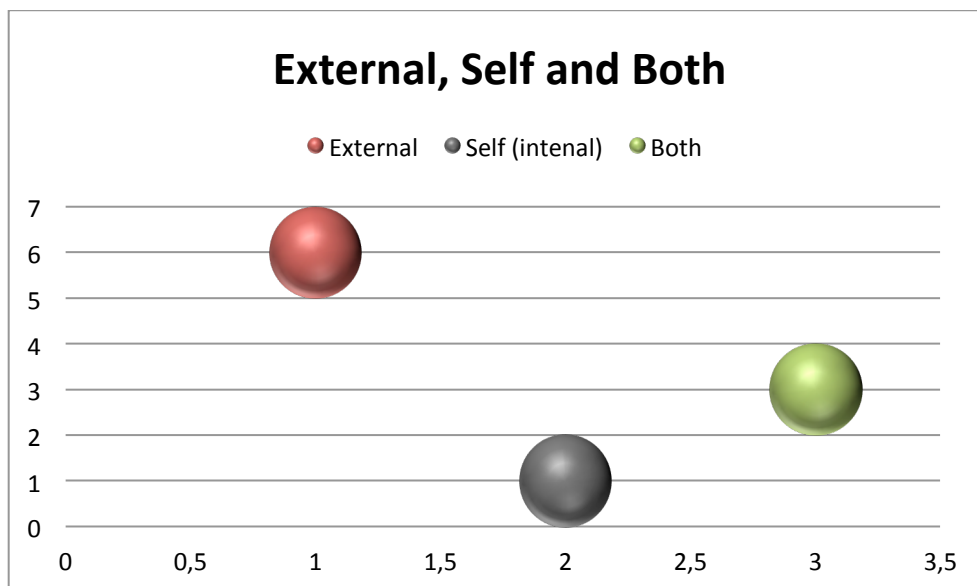


Figure 6 indicates that 60% of the participants view external factors such as death, social functions, illness and church activities as the major causes of their financial problems and ultimately garnishee orders. Thirty percent of the participants consider both personal and external factors to be the cause of their financial problems, while only 10% see themselves as directly responsible for their financial difficulties. The findings are in line with the view of George (2010:359) that troubled employees end up over-committing themselves financially in the form of pledges and generous offerings to the

church. The author also found that households spend the equivalent of a year's total costs of food and groceries on funerals alone; costs appear to be dictated by the status of the deceased and the observable household resources (Case et al., 2008:39). Employees take out burdensome loans for burials that place a considerable strain on their regular income (Malczyk, 2011:9). The findings also concur with the fact that a wedding can create a bad debt that leaves a person with no extra cash to spend on necessities (Malczyk, 2011:9).

The third theme identified was the perspective of the participants regarding the effect of salary attachments. The participants' views of the effect of attachments were divided into four sub-themes indicating the social, psychological, emotional and physical effects.

Sub-theme 1: Social effects

Every time an employee receives a salary attachment, his/her social functioning is affected because of a decrease in income. The following statements are an indication of the participants' responses.

- "I am unable to meet the needs of my family."
- "Causes conflict at home, particularly with my wife."
- "I have since decided to eat only a little in order to save food."
- "At home it is worse and there is no life as I am continually fighting with my children."
- "Most people in the village call me a beggar."
- "My family is struggling due to a lack of food."
- "It feels that if I was not married and had no children I would survive well. Sometimes I wish I was not married and did not have children."
- "My wife left me due to my financial difficulties."
- "Separated with husband due to their financial difficulties."

- “As a result of the loans I become unable to afford to pay for accommodation, school fees, transport, social clubs, illnesses and funeral schemes.”

From the quotes above, it can be concluded that participants experience feelings of hopelessness, survival difficulty, and decline in the relationships as the dominant social effects of the garnishee orders. Immediate family members are the first to experience the effects of garnishee orders. The argument is in support of what was said by Zastrow (2004:80) and Boko (2011:45) that financial difficulties result in family adjustment problems. Violence occurs in many families and this is revealed by the decline in the relationship with the wife and children, as the employee is unable to take the responsibility deemed significant for the survival of the family, such as buying groceries (Hanson, 2011:270; Howe, 2012:360; Mckie, 2005:47).

Sub-theme 2: Psychological effects

The statements below from the participants are a confirmation of what was said by Pilgrim (2009:164) that economic stress can have a negative psychological impact on employees. The following statements are an indication of the participants' responses.

- “It is a nightmare to live with a garnishee order, there is no way out of garnishee.”
- “It is very traumatic to have a salary attachment.”
- “Garnishee tarnishes my dignity.”
- “My situation became severe after the birth of my baby. At one point I developed feelings that I was scared I might hurt my baby.”
- “It creates a lot of stress and I become irritable towards my wife and kids.”
- “I started to self-medicate with panado syrup and allergex.”
- “I started becoming involved in sexual indiscretions and regard sex as just a means for survival.”

- “It took time for me to accept that I had a garnishee order attached to my salary even though I knew that I owed the creditor who garnished me.”
- “I was diagnosed with depression as a result of financial difficulties and was admitted to a psychiatric hospital for a period of three weeks.”

From the above responses, it can be deduced that participants believe that garnishee orders cause anxiety, stress and depression. This confirms the view of Taylor et al. (2011:391) who stated that the employees experience a feeling of defeat and entrapment. The authors continue that employees often show discouragement and physical, psychological and socially destructive behaviours. Keedwell (2008:1) supports Boswell et al. (2004:165) that an employee can use depression as a way to continue to survive the distress of garnishee orders. Financially troubled employees may engage in sexual indiscretion or poor self-regulatory control of sexual behaviour as a way of addressing financial responsibilities (Bartholow et al., 2011:173)

Sub-theme 3: Emotional effects

A garnishee order can first be met with shock and anxiety then by a feeling of defeat, entrapment and a state of confusion. The following excerpts are an indication of the responses of the participants.

- “I blame myself.”
- “I regret it every time I take out a loan, I really cannot believe it.”
- “It brings shame, guilt and sadness.”
- “No one can understand the heaviness that you go through, and the first three months are difficult.”
- “It is very tough, you are dead, the garnishee order is killing.”
- “It makes me feel mad. The garnishee order is a total mess.”
- “At times I walk in the middle of the busy road, oblivious of the traffic.”

- “It is very very painful to have a salary attachment.”

The above responses accord with the common symptoms of emotional exhaustion, feelings of uneasiness and chronic worry (Boswell et al., 2004:169). These views also show that feelings of hopelessness, guilt and self-blame may negatively affect an employee’s socio-occupational functioning (The negative impact..., 2009). Taylor et al. (2011:393) indicate that an employee usually blames him/herself and wishes that he/she could have settled his/her debts in time. Shame is fundamentally a social emotion, arising in instances of threats to the self and motivating behaviours aimed at limiting damage to social standing (Kim et al., 2011:73).

Sub-theme 4: Physical effects

Often employees are constantly sick due to financial difficulties. Hitt et al. (2006:242) assert that the body of the employee becomes susceptible to health problems as a result of financial difficulties. The following statements are an indication of the responses of the participants.

- “My sugar level is too high and I have hypertension due to financial stress.”
- “I have migraine headaches and bodily pains since my salary was attached.”
- “I developed uncontrollable gynecological complication due to financial stress.”
- “I started feeling very down, miserable, stressed, confused and frustrated.”
- “I was feeling dizzy like a drunkard; my head was spinning as if it was separated from my body. I felt like I had just woken from a deep sleep. I felt like someone who just recovered from a coma, very disorientated.”
- “I experienced palpitations, rapid heartbeat, heat and coldness sensations and a fear of losing my mind. The garnishee order has made me loses hope in life.”
- “It can be comparable to a loss of a family member because you weep uncontrollably, have poor sleep, poor appetite as everything is tasteless (porridge

tastes like sponge), self-blame, regret, general body pains, tinnitus, fatigue, a need to be alone and feelings of irritability.”

- “Your head feels too big that you would fall down if you could try to bend.”
- “Garnishee order causes heart ache, especially the first day of receiving it.”

The above responses confirm that participants experience an inability to adjust physically to the demands of garnishee orders and that stress that continues for long periods can lead to poor concentration, tinnitus, irritability, anger, and poor judgment (Hébert et al., 2011:324). When an employee is exposed to the stressful event of having his/her salary attached for a long time, he/she becomes overwhelmed, his/her energy depleted and this results in exhaustion (Bhaga, 2012:50).

THEME 4: THE EFFECTS OF GARNISHEE ORDERS ON THE EMPLOYER

The fourth theme identified from the data collected revealed the effects of garnishee orders on the organisation. Within theme four the following sub-themes were identified; absenteeism, low morale and motivation, and substance abuse.

Sub-theme 1: Absenteeism

Garnishee orders cause employees to fail to come to work. Employee absenteeism is a worldwide phenomenon (Garnishee Audit Services, 2012:1; Human Potential Accounting, 2009:4) which is a costly yet poorly understood organisational phenomenon (Langenhoff, 2011:5). The following quotes are an indication of the responses of the participants.

- “On the fifteenth of the month (pay day) I make sure that I am not at work.”
- “It affects my work as a result of my absence.”
- “My absence creates conflict with colleagues.”

- “I consulted the doctor who booked me off for about a week.”
- “At times I do not come to work.”
- “I stopped going to work when I realised that I was earning less than a R1000 on my salary.”
- “I have been on temporary disability leave for the past four months.”

The quotes are in line with the opinion of Paul (2008:30) who states that employees lack motivation to go to work after receiving a salary attachment. He concludes that employees perceive their absence from work as having little impact on aspects such as employee morale, cost, production and customer satisfaction.

Sub-theme 2: Low morale and motivation

Often employees who have garnishee orders experience decreased morale and motivation which also affect their colleagues. The following are statements that indicate the responses of the participants.

- “I started to hate my job.”
- “I only work to survive for that month but I have no plans that in future I might buy a house or a car.”
- “I don’t feel like coming to work on a pay day.”
- “I think about the problems daily without seeing a solution.”
- “On a pay day I sometimes sleep while on duty, especially when thinking about money.”

The statements above suggest that employees feel a lack of motivation to work after receiving the salary attachment. Poor motivation ties in with what was mentioned by Grobler et al. (2006:140) that people think about their actions and act in ways that satisfy their needs and help them reach their goal. Employees seem to think that there is no need for their hard work due to the reason that pay-day does not provide rewards

but frustration. The statements correspond with the opinion of Bhaga (2010:51) who maintains that garnishee orders decrease the motivation of employees resulting in poor overall performance.

Sub-theme 3: Substance abuse

The participants acknowledge the danger signs connected to alcohol abuse due to their financial problems, and their views are quoted below.

- “If I had no children, I would be dead or I would be an alcoholic, I would be drinking Chibuku.”
- “I abuse alcohol to help me sleep and to be happy.”
- “I go to work drunk to relieve myself of the stress, particularly on pay day.”

The above responses confirm that financial stress has several negative effects such as health problems, alcohol and drug usage and destructive behaviours (Boltz, 2009:1). It is clear from the responses that the participants view alcohol as being something to help them regulate a negative emotional state (Jahng et al., 2011:572), supported by Mata et al., (2012:297).

THEME 5: BENEFITS OF OBTAINING A GARNISHEE ORDER

Salary attachment results in an opportunity for employees to learn about their challenges and improve their coping strategies in times of a crisis situation. The attachment motivates them to be even more committed to their work (Boswell et al., 2004:169). The fifth theme identified is the view of the participants on the benefits of a garnishee order as indicated by the responses from the participants.

- “At times I comfort myself that I am not the only person with financial struggles.”

- “Talking to relevant people heals”.
- “The HR department has been supportive since I received the garnishee order.”
- “I had to motivate myself.”
- “Consult the relevant professional instead of talking to anybody.”
- “Work until you pay off all the debts.”
- “The most important thing is to save money.”
- “I have discipline in using my money.”
- “Be careful and have a budget.”
- “Garnishee teaches self-financial management skills.”

The above statements give an indication that the participants have identified both sides of the effect of the garnishee order; that is the negative and the positive effect of having the salary attached. The participants used logic to determine the difference between what is right and what is wrong in a personal situation. Participants used their experiences by assessing the morality of the action and weighing that against its consequences. This type of reasoning allowed the participants to indicate that although garnishee order has negative effects there are actually positive elements that could be learned from it. This is in line with the argument of Baumeister, De Wall, Ciarocco & Twenge, (2005:589). that stress may not always be deleterious for an employee or organisation.

THEME 6: ACTIVE INVOLVEMENT by MANAGEMENT

Managing employee salary attachments is an indication of an organisation keeping track of its own affairs. As shown already, the garnishee order is not only about employee financial difficulties but includes other factors such as disruption of operations. Since HR practitioners are at the forefront of managing the garnishee orders, ideally they should be thoroughly trained on how to deal with this as and when it occurs. The South African Reserve Bank’s Monetary Policy Committee has expressed

continued concern over levels of consumer indebtedness (Chapman, 2009:131; Kiyosaki, 2006:89; Le Roux & Douglas, 2010:121; Rossouw, 2008:23), and the HR department of the DOH should also play a pivotal role in early identification of tendencies and raising awareness of risky behaviours that can cause financial difficulties. The last theme identified through data collection was the recommendations of the participants regarding the management of garnishee orders. The views of the participants appear below.

- “Management should appoint a financial advisor.
- ”A financial advisor should visit us at home and advise our children about financial matters.”
- “Financial advisors are important to help manage the salary.”
- “There needs to be in-service training for employees regarding their occupational issues, by the state accountants, the HR officers and the labour relations officers.”
- “The department should send a financial adviser to help the employees regarding the right way of using money.”

From the above statements it is apparent that participants feel that there should be a financial management programme that can be used as the point of reference. Roux (2010:4) states that some consumers, especially the illiterate, were being unjustifiably exploited. The needs of the participants emphasise the importance of the exposure of the employees of BMW to a Financial Wellness Programme where they achieved a total debt reduction of 57% and a 50% reduction in creditors (Procare, 2009:1). The initiative was based on the belief that nearly all of the symptoms associated with employee debt are costly and counterproductive to an organisation’s performance.

4.3 SUMMARY

All participants had sufficient history of over-indebtedness prior to the attachment of their salaries, allowing in-depth exploration of their experiences. Lack of knowledge by the employee and HR management regarding the process of salary attachment emerged as a significant factor according to the interpretation of results due to the disruptive effects of garnishee orders on the organisation and the employee.

The results showed that the participants were aware of their emotional, social, physical and occupational experiences and embraced their responsibilities in managing the cause and effects of the garnishee orders. However, in order to proceed with the process, empirical findings showed clearly that the employees as well as the HR department and the key professionals within the departmental administration, needed to be trained regarding the management of garnishee orders, and that employees also need to be trained regarding financial management.

In the last chapter conclusions will be provided and recommendations made to the HR department.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The goal of the study was to explore the effects of garnishee orders on the employees of the Department of Health Rustenburg Sub-District. An empirical study of a qualitative nature was undertaken and the personnel with a garnishee attachment on their salaries were interviewed to share their experiences. Relevant literature was reviewed in Chapter Two and this confirmed that salary attachment is a widespread phenomenon and its effect is felt by both the employers and the employees. Data was gathered using semi-structured interviews from ten participants with garnishee orders.

Chapter Five will serve as the final evaluation of the research process. Certain conclusions and recommendations will be made in order to provide an effective research report.

5.2 CONCLUSIONS

The following conclusions are made from the findings of the empirical study.

- The employees' reveal a considerable lack of factual information regarding the procedure of obtaining the garnishee orders (pages 54-55).
- The creditors do not follow the correct procedure in obtaining the salary attachment (pages 54-55).

- The participants do not know much about the creditors, their interest rates and their reputation (pages 57-58).
- The employees do not negotiate their contracts and they do not know whom to consult when they cannot service their debts or when they have complaints (pages 57-58).
- Employees have a clear understanding of factors that ultimately cause them to have their salary attached (pages 55-61).
- Employees experience social problems due to salary attachment (pages 63-64).
- Garnishee orders have a negative effect on the employees' mental well-being and physical health (pages 64-66).
- Garnishee orders have a negative effect on the functioning of the organisation (pages 67-69).
- Employees are able to learn something positive from the negative effect of having a salary attachment (pages 69-70).
- Management is an important factor in the understanding and facilitation of the garnishee process (pages 70-71).

5.3 RECOMMENDATIONS

The following recommendations are made to the HR department of the Department of Health as possible guidelines for managing over-indebtedness and garnishee orders.

- Employees should be given training to improve their financial management skills. The training should be initiated during the induction process and should be an ongoing process. It is through training that Sub-District managers will be able to create a climate in the Sub-District that will enable employees to improve their financial decision-making skills.

- Training should also be provided to the HR practitioners regarding the legislation and their role as far as garnishee orders are concerned.
- Regular surveys should be conducted to establish the financial positions of employees.
- The HR department should provide financial well-being workshops to create awareness to the employees regarding proper financial management.

5.4 RECOMMENDATIONS FOR FURTHER STUDY

It can be said that the subject of garnishee order will continue to be an issue of debate, especially where its impact on employee performance is involved. Unfortunately it seems that many researchers are concentrating on its effect on the effect that garnishee orders have on work production and they tend to forget the wide effect. As a result of the above, not enough progressive research is being done on the subject.

The present study might have reached its aim as indicated in the summary, but it is critical to mention that the present study was exploratory, based on the fact there is a dearth of literature and similar studies conducted in South Africa. In addition, it is of paramount importance to note that the findings and implications of this study need not be regarded as being all conclusive. Instead they need to be viewed as an indication that the issue of garnishee orders still needs to be researched further. The recommendation is that there is a need for such similar studies so as to verify the findings of the present study.

The study could be extended to include other Sub-Districts in the Bojanala district and the public sector in other areas of the North West Province.

5.5 SUMMARY

The study provided a multi-dimensional perspective on the effects of garnishee orders on employees. At the same time, the study emphasised the contextual aspects based on the interview situation between the researcher and the participants. Consequently, the specific areas of interest which arose from the literature review were also used to determine the extent to which such factors affect employees with garnishee orders. The themes that emerged from the interview sessions were also identified and analytically discussed. The goal of the study was to explore the effect of garnishee orders on the personnel of the Department of Health, Rustenburg. The goal was guided by the objectives which are set out below.

- The first objective was to develop a theoretically based research report on the prevalence and outcome of garnishee orders, including a detailed analysis of the reaction of the employer towards financially troubled employees. The objective was accomplished in Chapter Two.
- The second was to review relevant legislature that regulates the implementation of garnishee orders. The objective was accomplished in Chapters One and Two during the in-depth discussion of the process of debt collection.
- The third objective was to clarify the primary effect of garnishee orders on financially unstable employees. The objective was attained in Chapter Four whereby the empirical findings were presented in detail. The data collected through semi-structured interviews were clearly analysed, presented and interpreted.
- The final objective was to propose guidelines to manage the effect of garnishee orders on the employees of the Department of Health, Rustenburg. The

objective has been achieved in Chapter Five, where the researcher presents the recommendations based on the findings.

The researcher will therefore conclude that the goal and objectives of the study have been accomplished through the investigation.

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APPENDIX A



HEALTH
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RUSTENBURG SUB-DISTRICT OFFICE

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TO: MR.K. MOLOANTOA
RUSTENBURG SUB DISTRICT
RUSTENBURG
0300

FROM: MR.L.K. TLHOWE
SUB DISTRICT MANAGER
RUSTENBURG

DATE: 15TH MAY 2009

SIR,

SUBJECT: APPLICATION TO INDUCT RESEARCH ACTIVITIES IN
RUSTENBURG SUB DISTRICT

PURPOSE

To give response to your request to conduct academic research activities in Rustenburg Sub District.

BACKGROUND

The North West Department of Health through its research policy encourages research activities that positively contribute to the development and advancement of health care services. Such activities however must be conducted with the framework of the law and the appropriate Ethical consideration.

AUTHORIZATION

Your request is authorised on condition that the above Ethical and Lawful considerations are complied with during and after the research.

Kind regards


L.K. TLHOWE (MR)
SUB DISTRICT MANAGER



Healthy Living for All

FACULTY OF HUMANITIES

RESEARCH ETHICS COMMITTEE

Informed Consent Form

Prospective Research Participant: I am Kabelo Moloantoa working for the Department of Health Rustenburg Sub-District. I am doing research on garnishee orders which is a common way of collecting debts by the debtor. Please read the consent form carefully and ask as many questions as you like before you decide whether you want to participate in the study or not. You are free to ask questions at any time before, during, or after your participation in the research.

Name of the Principal Researcher	Kabelo Moloantoa
Name of the Research supervisor	Dr Florinda Taute
Contact Details of the Researcher	(Tel): 014 592 0302 (Cell): 073 463 8787 (Fax): 086 5657 299 Email: kabelomoloantoa@ymail.com
Department	Social Work and Criminology
Field of Study	M Social Science (Employee Assistance Programmes)

Title:The effect of garnishee orders on the personnel of the Department of Health, Rustenburg.

Purpose of the research: Many employees of the Department of Health are having their salaries attached through garnishee orders. The researcher wants to gain insight into why and how employees end up having their salary attached and the effect the attachment has on employees.

Procedure: You will be asked to give details about the process of obtaining a garnishee order and how the attachment has affected you. It will be a one-on-one discussion at your work station and during your lunch hour. The entire discussion will be tape recorded and also written down without identifying your name for confidential purposes. The information collected will be stored safely for 15 years at the University of Pretoria.

Possible Risks and Discomfort: You do not have to answer any question or take part in the discussion if you do not feel comfortable with sharing some personal information. You do not have to give me any reason for not responding to any question, or for refusing to take part in the discussion.

Benefits: There will be no direct benefits, but your participation is likely to help find out more about how the garnishee order affects the employee. Guidelines will be suggested to the Department of how to assist indebted employees.

Participants' rights: You do not have to take part in the research if you do not wish to do so, and choosing to participate will not affect your job or job-related evaluations in any way. You may stop participation in the discussion at any time that you wish without your job being affected. There is no penalty for discontinuing participation.

Confidentiality: Your name and identifying information will not be associated with any part of the written report.

Right of access to the researcher: If you have any questions, you can ask them now or later. If you wish to ask questions later, you may contact me on any of the following, kabelomolantoa@gmail.com or 073 463 8787. The report has been reviewed and approved by the University of Pretoria Research Ethics Committee, whose task it is to make sure that research participants are protected from harm.

Authorisation: I have read the aforementioned information. I have had the opportunity to ask questions about it and any questions asked have been answered to my satisfaction. I agree to participate in the study that I understand will be submitted in partial fulfillment of the requirements for the M Soc Sci. (EAP) degree. I understand that I will not be identified by name in the research report. I understand that data collected will be limited to the use or other research related usage as authorised by the University of Pretoria. I am aware that all records will be kept confidential. I acknowledge that the contact information of the researcher has been made available to me. I understand that the data I will provide are not to be used to evaluate my performance as an employee of the Department of Health, Rustenburg Sub-District. I consent voluntarily to be a participant in the study.

Name of participant.....

Signature: _____ Date _____

Researcher: _____ Date _____

Supervisor: _____ Date _____

APPENDIX C

THE EFFECT OF GARNISHEE ORDERS ON THE PERSONNEL OF THE DEPARTMENT OF HEALTH, RUSTENBURG

SEMI-STRUCTURED INTERVIEW SCHEDULE

SECTION A: DEMOGRAPHIC INFORMATION

1. Age in completed years
2. Position
3. Gender
4. Marital status
5. Job description
6. Years employed by the DOH

SECTION B: GARNISHEE ORDERS

1. What is your understanding of a garnishee order?
2. Why do employees end up with garnishee orders?
3. What motivated you to make debts?
4. Why were you unable to repay your debts?
5. How did it happen that your salary get attached? Please explain the whole procedure that was followed to end up with a garnishee order
6. How have your experiences with the garnishee order been? Please explain your experiences from the moment you learned that your salary has or will be attached until now
7. How did you get the notification that your salary is or will be attached?
8. How did you feel after receiving the notification?
9. Is there anybody you blame for your salary to be attached?
10. How has the garnishee order affected your life?
11. How has the garnishee order affected your work performance?
12. Who is aware that your salary is attached?
13. How do they react towards you?

14. How does that make you feel?
15. What recommendations do you have regarding garnishee orders for employees?
16. What recommendations do you have regarding garnishee orders for the employer?

APPENDIX D

BERNICE BRADE EDITING

FREELANCE WRITER, PROOF READER AND EDITOR

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28th April 2013

To whom it may concern

This letter serves to confirm that in **April** I did the proofreading and the language editing of the dissertations of **KABELO MOLOANTOA Student Number 9822565**

Entitled *The effect of garnishee orders on the personnel of the Department of Health, Rustenburg*

This document is being submitted in partial fulfilment of the requirements for the degree

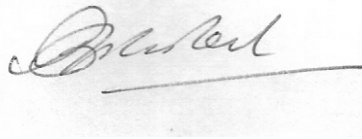
MASTER OF SOCIAL SCIENCE (EAP)

In the **Faculty of Humanities**

In the Department of Social Work and Criminology

At the **UNIVERSITY OF PRETORIA**

I have proofread and edited these five chapters but not any list of references or appendices. This editing principally involves proofreading, language, style and grammar editing; and also checking the text for clarity of meaning, sequence of thought and expression and tenses. I have also noted any inconsistencies in thought, style or logic, and any ambiguities or repetitions of words and phrases, and have corrected those errors which creep into all writing. I have written the corrections on the hard copy and have returned the document to the author, who is responsible for inserting these. Please note that this confirmation refers only to editing of work done up to the date of this letter and does not include any changes which the author or the supervisor may make later.



April 2013

Bernice McNeil



Proprietor: Bernice McNeil BA Hons, NSTD <http://www.angelfire.com/journal/edit/aboutbba.html>