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ESPIRIT 2015Vol. 2 Issue 4



EDITORIAL

It requires great courage to stand by what you believe, even when all the odds are stacked against you. The talk that Robert Garbett from South Africa gives to the students doing their PhD at the Da Vinci Institute of Managerial Studies highlights this kind of attitude. While staring at huge monetary loss and a quick-fix solution on one hand and something more lasting, more valuable; something experienced rather than explainable; with a tougher, more difficult route to traverse through on the other; Bob and Christine Garbett showed exemplary courage to stand for and do what is right.

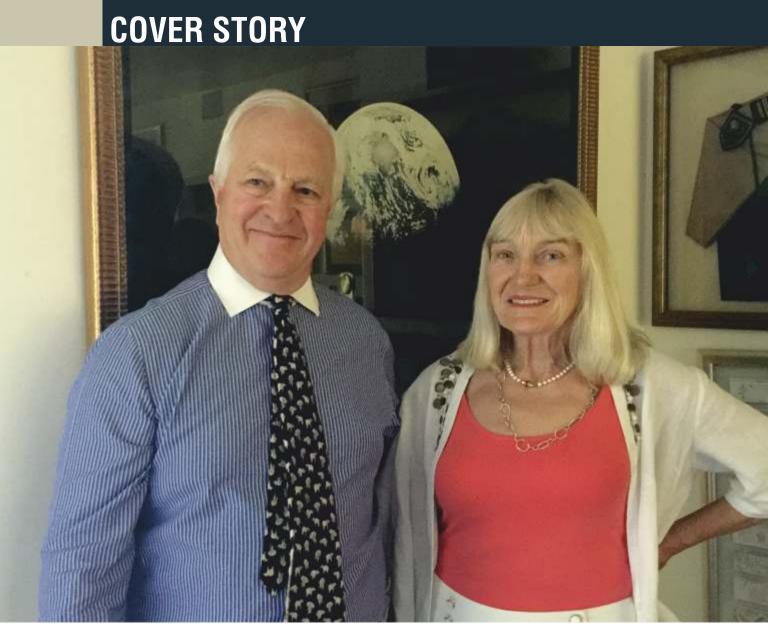
Caux Initiatives for Business is honoured to have the privilege to cover their story. I feel certain that it will be of great encouragement to you as it did to the few amongst us that read it. While reading the story, it would no doubt trigger the question within you, "Would I have been able to do what they did?"

In this issue, we also carry another short story of a company that had to take a tough call of shut-down for six months with huge financial implications versus safety and concern for its employees.

It is stories like these that inspire. It is stories like these that CIB eSPIRIT is desirous of bringing to you each time. Real-life stories, actual case studies of practicing business persons all around the world. The intention is clear. We all are capable of making the right choices. But in a cruel, harsh, dark world where evil appears to triumph over good, what we all need is encouragement. We hope its purpose would be met as you read.

Charles Fernandes

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A talk given in October 2015 to students doing their PhD at the Da Vinci Institute of Managerial Leadership, South Africa

have entitled my talk business and love. I have done this so as to be certain you will stay awake until I, at least, reach the love part!

My name is Bob Garbett. I am CEO of Professional Aviation Services established in 1979. We employ around 400 people mainly in the logistics and cargo security field. I am an Honorary Director, for life, of the Commercial Aviation Association of Southern Africa, a life Fellow of the Institute of Directors and I serve on the Council of the Johannesburg Chamber of Commerce and Industry (JCCI).

I thought it would be of interest to provide you with some of my business background to illustrate that I

speak from varied, and sometimes painful, experience. This will lend credence to my later advice.

I started my career in 1965, after my national service in the army and a short stint on a drilling rig, as a wharf clerk in cape town for one of those old fashioned, almost Dickensian, clearing and forwarding houses (as they were then called). This was before containerisation which made the Duncan docks a very, very exciting place. The smells of the world were everywhere. I am ashamed to say, although I had no qualms at the time, that bribery (the word corruption was not really used in the same sense in those days), was

part of my job. When the mail ship arrived, i was given thirty rand, quite a lot of money in those days, with which to ensure that our biggest client got the fastest possible ex docks delivery of their merchandise. Ten Rand went to the Stevedore (a firm or individual engaged in the loading or unloading of a vessel), ten Rand to the Wharf Foreman and ten Rand to Cartage(cost of carting). It was easy to recognise the wharf foremen as almost all of them had fingers, hands and even arms missing - they had come through the train shunting ranks, a very dangerous occupation. It was at the time of decimalisation and, as my name is Bob, the wharf foreman inevitably shouted when I arrived at the wharf, "Hierkomou ten sent alweer". ("Here comes old ten cent again.") A bob was, of course, the popular name for a shilling.

I was picked, these days you call it head hunted which meant something entirely different at that time and occurred in Borneo, by an associate of the Clearing and Forwarding agent in Johannesburg, MIC Kaplan, to head up their aviation division in Johannesburg.

I was, a few years later, given the greatest gift that God has given any man. I met my beautiful, charming, exceptionally intelligent, wonderful wife Christine, to whom I have been married for 35 years. Christine had started a small aircraft sales company in which she was very busy, had no debt but made little money, I came on board and together we really stirred up the market being the only non-dealership at the time to sell corporate turbo props and jets. Christine is the main brain in our business.

Christine's second most admirable trait (the first



being a loving nature) is modesty which I do not share. She is one of the few women in the world to have flown alone in single engine aircraft to Europe seven times—this against the background of arriving in South Africa by ship because originally she was a nervous flyer.

It is the klap (blow) that is the most important part of the life exercise because it is only from the klap that you learn your real strengths and weaknesses, and those of the people around you. It is from the klap that you develop the most important part of your make up.

We concluded a partnership with the Stocks and Stocks Group in 1997 and purchased, with their money and our aviation expertise, a company owning a number of aircrafts including four turbine DC3's which is the old DC3's that had been upgraded to the tune of some two million dollars each with turbo jet engines, extended fuselage, modern avionics and so on.

Our most important life experience, and perhaps you could call it moral lesson, began at this point. This being my (and of course I include Christine in my 'my') "Powerfully hard Development period" or PhD. By the way I did a little research on what a PhD entails, an academic put it this way "a PhD is less like hacking through the jungle with a machete, and more like crawling around on the ground with a magnifying glass—less major discovery of new lands, more painstakingly detailed investigation of familiar ones"

Back to my PhD. We had dissolved our JV with stocks and were left with full ownership of one turbine DC3 valued at around two million dollars. The aircraft was unfinanced, although everything else we had was financed to the hilt. We managed to negotiate a contract in Kenya. The contract was very lucrative and our tails were right up in the air. Now let me tell you aspiring achievers, business life has a way of building you up and then giving you a firm 'klap' (blow). It is the klap that is the most important part of the life exercise because it is only from the klap that you learn your real strengths and weaknesses, and those of the people around you. It is from the klap that you develop the most important

part of your make up. I deeply believe that reliance on God in these circumstances is the vital element that gives you the strength, not only to survive the klap, but to enhance your spiritual well-being and, indeed, your business strength and confidence.

We were contacted in 1998 by a registered exporter of cigarettes who was authorised by the Rothmans group, to export cigarettes into Africa. They asked whether we would deliver a consignment to Beira in Mozambique en route during the positioning flight to Kenya. I contacted the Kenya client and told them it was their lucky day, they were paying for the ferry of the aircraft from Lanseriato Kenya and would therefore enjoy income from the cigarette consignment. I think the amount was around 30,000 Rand.

We waived our most valuable asset bon voyage as she took off from Lanseria Airport after the aircraft had been loaded under customs supervision. She also carried spares for the basic maintenance during the duration of the contract in Kenya. The next day, we received a shock call from Mozambique from an organisation known as the Crown agents who have a checkered reputation going back over a hundred years in England and elsewhere. They were in Mozambique to train Mozambique customs. The British accent told me that they had detained our aircraft but not to worry as if there was nothing amiss the aircraft would be released shortly. This went on for days which turned into weeks, we supplied all the documentation that they requested, which was all 100% in order, including documentation proving that the cigarettes had been exported under customs supervision as they are excisable in South Africa. We produced the preflight clearance documents, which gave the details of the aircraft and the cargo, cigarettes of course, time of arrival, names of the pilots and so on (this information had been faxed to Mozambique prior to the flight's departure). It was based upon this information that we received clearance from Mozambique to overfly their territory and land in Beira to discharge the cargo. The detention continued. There was no due process or hearing and no reply to correspondence some of which we had translated into Portuguese.

A little aside at this point, which will demonstrate



the importance of imagination and lateral thinking in whatever you do. Planning for the 1998 aviation and defence show (the largest in Africa), I looked at the moon and suggested to Christine that we exhibit a piece of the moon – she thought I had flipped. We signed a contract with NASA, which demanded tight security, sent a courier to collect the moon rock, from the USA, which arrived amongst great fanfare.TV, radio and the other news media met the arriving aircraft. We coined the phrase "travelling through space – our business". We received a call from Madiba's (Nelson Madela's) office, they mentioned that Madiba had shown interest in seeing the lunar rock we had the privilege and honour of meeting the great man twice at his home, once with the rock and the second time to present him with photographs and other memorabilia covering the momentous occasion - a colour photograph of Madiba holding the moon rock appeared on the front page of the Star. We exhibited the space relic at many schools and other venues.

Incidentally I had met Madibasome months before, just as he exited the loo at Lanseria Airport.

I said to him, "Sir, can I shake your hand?"

He said (in his typical accent), "Yes, you can shake my hand."

I shook his hand. So I like to tell people that I shook his hand soon after he had shook himself!

We eventually travelled to Mozambique, appointed a Mozambican attorney and it was then that the true motive of the detention became apparent. scourge of Africa raised its ugly head. To be fair to the Crown agents, I do not think it was their motive, theirs was to produce a badge of success and hang on to it at all costs but the motive of the Mozambicans is really what I am referring to. We were told by the attorney that a Twenty Thousand Rand bribe would release the aircraft. Christine and I debated our position, gathered our strength, prayed and told the attorney that under no circumstances would we pay any sort of bribe. Please understand, ladies and gentlemen, that our financial future was on the line. Remember that the aircraft was valued at Two Million US Dollars,

insured, by the way, for One Million Eight Hundred Thousand US Dollars, we had heavy bonds on almost everything else we owned. I must admit, at this point, if it had not been for the support and strength of Christine, and our belief in God, I may have cracked and paid the bribe. The backwards and forwards with the Crown agents, and the Mozambique authorities, went on and on and on often interspersed with various individuals in Mozambique, and in South Africa, assuring us that the payment of Twenty five Thousand and up to Fifty Thousand Dollars in some cases would secure the release of the aircraft immediately. We were even told that our reputation for not paying bribes was well known and that all we needed to do was pay them in South Africa and they would do the necessary palm greasing in Mozambique. We were adamant and even told these middlemen that if the aircraft appeared in South Africa, and a bribe had been paid, we would report them to the authorities



immediately.

We had the Lloyds Insurance policy and all Lloyds Underwriters, we naively, as it turned out thought, are honourable. Claims were lodged through our broker, the Lloyds agent and, of course, the Underwriter under the war section of the policy as this was a confiscation claim covered in that section.

We lost many millions but gained far, far more important rewards than almost any amount of money could have given us.

We were astounded when we experienced the same backwards and forwards from the Lloyds Underwriter that we had endured from the Mozambique authorities. The shock when the Underwriter advised us that they were suspicious of the whole thing and would not be paying the claim, made us cold to our bone marrow. We asked for specifics and received platitudes in return.

We forced a meeting with the Underwriter and met them in London with me carrying, I remember, a cricket bag full of documents so that everything would be available to the Underwriter. We met, in a pub, and of course disclosed whatever documents to prove the legitimacy of the claim and provided whatever information they requested. We returned to South Africa and were again informed that they were not going to settle the claim. We issued summons, jumped through all the legal hoops, which drained our finances in the extreme, after over two years the case reached the High Court in Pretoria. We had previously sued a creditor who was due to pay us a commission on the sale of an aircraft but reneged. The commission case appeared before Judge Brian Southwood who our advocate told us was one of the finest judges on the bench at that time, and the case was decided in our favour. The day before the judge was to be allocated in the Lloyds matter, we prayed and asked God to give us, if it was His will, Judge Southwood and our prayers were answered. He was appointed. The case dragged on for days and days. The judgement was handed down, which was completely in our favour, under case no. 35243/99. We celebrated with our legal team and were, of course, ecstatic.

I must tell you that the Lloyds policy is a patch work of clauses, stitched together over decades, any of which single clauses, or combined with other clauses, could be used to bring any claim to court. Lloyds is something of a franchise organisation. It is the individual Underwriter who decides if claims should be settled or not and consequently it is the integrity and honour of the Underwriter on whom one relies. The Lloyds legal nuts cracker, note the plural, is sometimes used.

We continued to fight for the release of the aircraft. We were in regular contact with the department of Foreign Affairs, Trade and Industry, Transport and even the office of the South African Presidency and the International Civil Aviation Organisation. Letters of support from many organisations were sent to Mozambique including the JCCI, the Department of Transport, the Commercial Aviation Association of Southern Africa (CAASA), the Institute of Directors in Southern Africa (IoD), even from the local Lloyds representative, on Lloyds' paper, confirming that the aircraft, and I quote "was on a legitimate, properly documented flight". We were warned, off the record, by Foreign Affairs that it might be dangerous for us to travel to Mozambique as we had stirred up a hornet's nest.

We also received a letter from the SA Acting High Commissioner in Maputo stating that he had been told officially that the aircraft would be released.

The indications that only bribes would work continued.

The Underwriters applied for leave to appeal, appeared before Judge Southwood who told the





Lloyds advocate, before he had even started his argument, that he was not inclined to grant leave to appeal. The advocate argued valiantly and when he had finished, the judge turned to our advocate and said "I suppose you are not going to accept what council has just put before me?" and the leave to appeal was turned down. Here again our optimism rose to great heights but you will recall my klap advice, well the klap came. Lloyds have very, very long pockets. They decided to petition the Chief Justice for leave to appeal, which is allowed in our law, subject to meeting certain criteria and certain conditions the Chief Justice will grant the petition which is exactly what happened. Another two years passed during which time the calls for bribes were strident. The day before the Supreme Court of Appeal hearing in Bloemfontein, we were told, by one of the Lloyds sub Underwriters that they would be prepared to offer Eight Hundred Thousand Dollars and were confident that they could persuade the lead Underwriter to follow this suggestion.

Christine and I again debated and I must tell you we had many long hours of debate over every aspect of the Lloyds policy and other aspects of this dreadful experience. We decided not to accept the offer and told the Underwriter, in writing, that we had paid our premiums and had done nothing that merited the claim being turned down; and therefore would not accept the offer. Our credit cards were maxed and our nerves were frayed.

The Supreme Court of Appeal is housed in an elegant sand-stone building in Bloemfontein. The court in which we appeared displayed stinkwood panels, brass rails and red curtains. By this time the Underwriters had appointed the well-known

advocate WimTrengrove to argue their case. Before the five judges entered the court, I noticed a broken chair and took the arm rest over to WimTrengrove and said, "I suppose," looking back in a quite cheeky way, "I think you are going to need this." We were told by both our senior and junior counsel, before the hearing, that they had both seen, and I quote, "strange things happen in this court." Well strange things did happen. The judges took an illogical line and overturned the High Court judgement mainly for the reason, as it turned out, that they said the clause that commenced with, "this policy will not apply" and the policy then listed a whole lot of circumstances in which the policy would not apply including that if the aircraft was used for an illegal purpose, the policy would not apply. It was put before the court that duty had not been paid on cigarettes in Mozambique for years.

The SCA judgement, when it eventually came, concluded that adding duty to the cost of the cigarettes, and transport costs, would make the transaction uncommercial hence smuggling must have been the intention of the Importer. Their argument went that because the cigarettes were intended to be smuggled into Mozambique, by the Importer in Mozambique, nothing to do with us, the flight was illegal. The cigarettes had not even been unloaded from the aircraft, the aircraft still stood in the bonded area of the airport and no customs declaration had been made. However, they said for this reason, the flight was one for an illegal purpose. They also ruled that whilst the aircraft was being used for such a purpose the whole policy, including the safety net clauses, were in suspense. By the way, both courts specifically stated that there was no evidence that we were aware of any intended illegal activity. We were stunned. We wrote to the President of the Supreme Court of Appeal, setting

We fought through the web of debt and depression with which we lived for years, sold off many assets, developed our business and recovered to the point where we now own a business that employs almost 400 people, we have no debt and feel that we can look back and, frankly, be invigorated by the fact that we resisted the temptation



out the inconsistencies and blatant errors in the judgement. He replied in polite fashion and stated that never in his career had a litigant reacted in this way. He further pointed out that once the court had handed down judgement it could not be reversed.

We decided to approach the Constitutional court on the grounds that we had not received a fair trial, which is our constitutional right. The judges had got it so wrong that we did not receive a fair trial in the Supreme Court of Appeal. We had run out of money and so drew the Constitutional court documents ourselves consulting the University of South Africa (UNISA) legal library for guidance. We produced twenty five copies of a sixty page submission plus supporting documents. Unfortunately we, through ignorance, sighted the Lloyds Underwriter as the respondents rather than the Minister of Justice which we surmise was the reason that the senior Constitutional court judge, Judge Chaskelson at that time, decided that the matter would not be placed before the court.

The aircraft still sits in Beira rotting away and will cost, we estimate, at least One Million US Dollars to become airworthy again. We hold all the log books and maintenance records without which the aircraft is just a pile of metal. The aircraft is still on the South African Aircraft Register and can only be removed from the register by South African High Court order.

The pressure upon us to bribe has continued over the years—the bribers voicing the same sort of refrain. We have been unwavering, no bribes.

We lost many millions but gained far, far more important rewards than almost any amount of money could have given us. Let me tell you that whatever your goals and intentions may be at this time of your life, whether driven by ego, financial ambition or whatever it is, if you are fortunate, I would even say blessed, to be faced and to have experienced what we experienced, this will give you real strength and develop your character more than almost anything else could.

We fought through the web of debt and depression with which we lived for years, sold off many assets, developed our business and recovered to the point where we now own a business that employs almost 400 people, we have no debt and feel that we can look back and, frankly, be invigorated by the fact that we resisted the temptation, we resisted the urge, we resisted that little voice that says, "So what, get the aircraft back, pay the bribe and you can do more good with the aircraft than without it."

You have all, no doubt, been waiting for the love part of my presentation – well here it is. Love is the most vital weapon we all have. From love stems honour, integrity, fair play, respect, ethics and power – yes power. I believe that if you practice and introduce all the aspects of love into your business, and personal life, with passion, you cannot fail to succeed in both. After all, our Creator represents love and He is not only in control but has caused, and causes, all positive things to happen. God guides those who ask for guidance.

By the way, I am also a member of the Caux Initiatives for Business known as CIB, established in Caux, Switzerland in 1973 and represented now



Prof. David Block, Professor of Astronomy, University of Witwatersrand and Nelson Mandela listen to Rob Garbett

in several countries including India, which has a tarnished reputation for corruption. Regular conferences are held in various parts of the world attracting delegates from many countries. Their credo is "remaining competitive while being ethical". The Chairman, Sarosh Ghandy, always ends his letters with, "with regards and love, because only love is real".

Some of you may have heard the Cherokee Indian two-wolves folk tale:

One evening, an elderly Cherokee brave told his grandson about a battle that goes on inside people. He said "my son, the battle is

between two 'wolves' inside us all. One is evil—it is anger, envy, jealousy, sorrow, regret, greed, arrogance, self-pity, guilt, resentment, inferiority, lies, false pride, superiority and ego. The other is good—it is joy, peace, love, hope serenity, humility, kindness, benevolence, empathy, generosity, truth, compassion and faith. The grandson thought about it for a minute and then asked his grandfather: "which wolf wins?" The old Cherokee simply replied, "the one that you feed."

Here are seven summarising points:

- Loyalty combined with smart thinking is always recognised.
- Remove the blinkers that society has forced upon you. Let your imagination soar without restraint.
- Believe in the God of justice, peace and love and rely upon Him for strength. You will become far stronger than you think you are.
- When faced with potential disaster, do not go it alone.
- Always encourage humour in yourself and others.
- Be dogged in your determination.
- Remember the klap waiting around the next corner.

Thank you for listening to me.



The Professional Aviation Services Office at Lanseria Airport

Note from the Editor of CIB eSPIRIT

A number of questions and comments followed the speech. I have picked out the ones that brought out answers that could be further inspiring.

1. It is a wonderful story, but not a good one to hear.

Well! It is a good story to hear. This is because the Mozambicans have learnt and many others have learnt that there are people who will stand up to the huge temptation of bribery and corruption.

2. How much did it cost you in legal fees as compared to the bribe that you were asked to pay?

Four Million Rand. But, when you have stood for what is right, it is worth it all.

3. Is it possible to have a corrupt free world?

We must remember that we are made by God with as much perfection, including freedom of choice which God has given to us. So when we are corrupt, we all know that it is not the right thing. To the question, "Can we have a corrupt free world?" Well! I don't think so because we all have sin within us. But we can have a world that is a lot less corrupt than it is today.

4. What would the world and this continent be like if there was no corruption?

I think it would be a healthier, wealthier, happier world.



A Psychologist walked around a room while teaching Stress Management to an audience.

As she raised a glass of water, everyone expected they'd be asked the "Half empty or Half full" question.

Instead, with a smile on her face, she inquired: "How heavy is this glass of water?"

Answers called out ranged from 8 oz. to 20 oz.

She replied,

"The absolute weight doesn't matter. It depends on how long I hold it.

If I hold it for a minute, it's not a problem.

If I hold it for an hour, I'll have an ache in my arm.

If I hold it for a day, my arm will feel numb and paralyzed.

In each case, the weight of the glass doesn't change,

But the longer I hold it, the heavier it becomes.

She continued,

"The Stresses and Worries in Life, are like that Glass of Water...

Think about them for a while and nothing happens.

Think about them a bit longer and they begin to hurt.

And if you think about them all day long, you will feel paralyzed – incapable of doing anything."

When safety consciousness goes beyond profit

for and with the company at this plant, rides

as the primary decision parameter in taking

this bold, strategic business decision by the

MD, supported by the company's Board. On

this day the genuine concern for the safety of

others won over rational business sense of

cost versus profit and loss.

Close to a century ago, at a remote location near the West coast of India, company TDG set up a plant to manufacture soda ash. This is an account of a fairly recent episode in that company; about 12 years ago or so. The company head office is in Mumbai.

One night at this plant, a diligent Supervisor while carrying out his walk around the plant, spotted that one of the major operating boiler units presented an apparent abnormality that manifested on its outer casing. This observation aroused his curiosity and he recorded the observation on his log book. The next morning, this observation was brought to the

attention of the Plant Engineer In-charge. His The concern for the lives of those who work initial diagnosis pointed at a possible flaw in the boiler casing. He advised the Plant Head that they would require a specialist inspection team to examine the apparent flaw. The Plant Head promptly approved the inspection by

an external specialist team. Evaluation of the apparent flaw indicated that the outer casing of this boiler unit had suffered a fair degree of material fatigue. Extensive inspection and diagnosis of the boiler unit (inner and outer casings) could be possible only after the unit was shut down. The key finding from this preliminary inspection indicated that the boiler unit could continue to function normally and the risk of a blow out was minimal. Besides, an unplanned plant shut down for repair of this boiler would halt production by about 45 days; as a result, a high cost would be the burden of loss. Given the worst case scenario however, the boiler unit was covered under a comprehensive annual maintenance contract and therefore, should any untoward incident occur the company could sue the third party for consequential damages, if at all.

Within a week, the Plant Head reported his findings

to the MD of the company, at the Head Office. The MD promptly requested the Plant Head to evaluate the cost of replacing rather than repairing the faulty boiler unit with a new one and estimate the cost of this replacement in conjunction with the cost burden due to loss of production. The plant head studied the scenario yet again and sent a second report to the MD within a week's time. In a nutshell, the second report conveyed that the shut down and replacement of the boiler unit would entail a huge cost apart from a plant shut down for six months.

The MD deliberated this scenario with his

leadership team and ascertained that the company would most likely incur a loss of xxs Crores of Rupees to ensure safe and sustainable operations at the plant thereafter. He was caught in a dilemma situation. A monetary cost cum profit and loss benefit

analysis could justify the business decision to continue operating the plant during the term of the AMC. However, when the estimated cost of damage to the Brand in terms of unsafe conditions at the plant was viewed in conjunction with possible loss of life or limb to people in and around the plant, the decision matrix shifted to one driven by human values rather than profit/loss from the business. The MD made up his

The MD duly supported by the Board took the bold decision of directing the shutting down of operations at the plant, within a period of 72 hours.

mind in favour of the latter cause.

As a result, the plant was shut down for a period of six months to permit the requisite replacement of the boiler equipment to be effected. consequence of this decision by the company, no life was lost and the faith in the Brand emerged as the winner in this episode.

Lessons learnt

This true story is one that demonstrates a responsible business organisation, upholding values that underpin the Brand. It helps others view the decision makers in the company for "who they are" and "what they stand for". This story helps shine a bright light upon decision making at the highest level in a business operation; it showcases the trade-off between a rational business decision and an ethical one, and the significant differentiation as a result.

From an ethically principled approach, the focus upon safety consciousness is worthy of emulating. It reads, quote "We shall not compromise safety in the pursuit of commercial advantage. We shall strive to provide a safe, healthy and clean working environment for our employees and all those who

work with us", unquote.

From an ethical perspective again, the value of Integrity does reflect within the fabric of the company's code of conduct. (INTEGRITY- We must conduct our business fairly, with honesty and transparency. Everything we do must stand the test of public scrutiny.)

From a human perspective, the element of compassion is played out demonstrably in this episode. The concern for the lives of those who work for and with the company at this plant, rides as the primary decision parameter in taking this bold, strategic business decision by the MD, supported by the company's Board. On this day the genuine concern for the safety of others won over rational business sense of cost versus profit and loss.

