

SOUTH AFRICAN LIBERATED PUBLIC SECTOR WORKERS UNION

PRESS STATEMENT 02February 2016

“Every single major push in education has made it worse and right now it's really bad because everything we've done is de-humanizing education. It's destroying the possibility of the teacher and the student having a warm, friendly, intellectual relationship.” **William Glasser**

Our organisation is disheartened to learn about the repressive and arrogant manner with which the Gauteng Department of Education has treated the grievances and dispute of the Institutional Development and Support Officials (IDSOs) since 26th September 2012.

We have noted that the grievance and dispute of these workers centres itself on the unilateral change to and/or tempering with the terms and conditions of employment of these officials. This has taken place with the arrogant implementation of the departmental structure or what the employer has termed the re-organisation of the department.

From the onset; we must state that we are troubled by the fact that these workers were never consulted on the matters related to their terms and conditions of employment but remain unsurprised by the discovery that these workers were denied protection by a trade union to which they pay their subscription. It is unfortunate that SADTU has chosen the employer over workers; worse its

own members by refusing for years to represent their aspirations; defend their interests and pursue their aspirations.

These workers; eighty six (86) of them from all the district offices of the department at the time were aggrieved by the following issues:

1. Job descriptions or lack thereof
2. Gross violation of labour rights
3. Unfair conditions of service and undermining of their rights by departmental authorities
4. The unclear or unreasonable scope of the functions of the IDSOs
5. Lack of clear line function and reporting structures
6. Discrepancies in the post levels and salaries

As if all this was not bad enough, the Gauteng Department of Education, continued to rob these workers of their rights to be consulted, especially considering that in 2006 the same department unilaterally drafted and endorsed IDSOs job descriptions. It is recorded that despite these workers submitting objections to the relevant offices; particularly the office of the then Head of Department; they were ignored.

The Gauteng Department of Education has unfortunately decided to ignore the findings and recommendations of a report from an independent body. It is prudent that such a report be made available since it was funded from the public purse.

As an organisation preoccupied with defence of the rights of workers; we must declare without any glimpse of doubt that these workers' rights are being trampled upon by their employer (Gauteng Department of Education) in that they are expected to work beyond the regulated working hours

in terms of the Basic Conditions of Employment Act without proper remuneration or any remuneration.

Clearly the BCEA protects the workers by declaring that chapter 2 section 6 on regulation of working time makes an exception for section 7 not applying to senior managerial employees; employees engaged as sales staff who travel to the premises of customers and who regulate their own hours of work; employees who work less than 24 hours a month for an employer which the IDSOs are not and no evidence by the employer has been available to dispel this conclusion.

It is unfortunate that the definition and determination of working time for these workers is in disregard of their duties and responsibilities in so far as the schools are concerned and in so far as the prescription of ordinary hours of work is concerned. Contrary to the BCEA the Gauteng Department of Education requires them to work more than 45 hours in a week as they monitor the Secondary Schools Improvement Programme on Saturdays; attend weekend and evening meetings in schools and are expected to do much more.

As an organisation we have further noted that these workers have had numerous meetings with both the HOD and MEC for Education in Gauteng who have made promises to resolve the matters raised but without avail. This has further forced the workers to solicit resolution by the Education Labour Relations Council by declaring a dispute which has been on the roll for more than three years now. We are accordingly infuriated by the fact that even at this crucial level the matters has not been resolved since it was raised in 2012. This has led to the union studying the dispute and all its related documentation; including correspondence between the workers and the council and concluding that this

matter is leading to nowhere.

It is seriously ghastly that the workers are expected to wait for an undefined period of time while some task team continues not to complete its mandate and the ELRC continues to allow the matter to linger on unresolved. It is notable that our intervention is also propelled by the fact that the last postponement of this case was on 2nd March 2015 on the basis of a report by the Senior Counsel who represented the Gauteng Department of Education in arbitration that Gauteng Department of Education decided on 27th February 2015 to freeze all further appointments of Circuit managers pending the outcome of negotiations in the ELRC.

The same Senior Counsel continued to report that the issue relating to conditions of service; grading and implementation of certain agreements concerning the posts of Circuit Managers; CTM and CM as being investigated by a task team was expected to be concluded in the ELRC within few days after the date of postponement.

It is because of these that we believe the workers have been unfairly prejudiced and their rights spat on by both the employer and the ELRC. They are treated with disdain and this cannot be allowed to continue.

To prove the scorn with which the workers have been treated by the Gauteng Department of Education we have noted the advertisement and filling of posts of Circuit Managers in various districts after the 2nd March 2015 and this happened under the watch of the ELRC which continues to claim that the matter must await availability of dates. The meaning of this has not been clarified to the workers despite numerous correspondences having been sent to the ELRC.

Clearly these workers find themselves in a state of frustration and feeling destitute because of the situation they find themselves in; and this situation can best be explained as follows:

1. They remain victimised; undermined and insulted by the department and the ELRC;
2. It is unavoidable to conclude that the collusion between SADTU and the GDE needs serious challenging;
3. The workers have no option but to look for alternative ways of dealing with this matter and find a permanent solution;

As an organisation we will assist the workers with this matter by engaging in a number of urgent processes and actions that include the following:

1. A meeting of the affected workers will be convened as a matter of urgency to reconsolidate the views and demands of the workers;
2. We will establish a provincial education sector task team which will visit the offices of the ELRC in Centurion to demand answers from the General Secretary of council including a date on which the matter will be returned to arbitration;
3. We will convene a full day workshop of all workers to study the current situation and the implications of the ongoing appointments and failure by the GDE to respond to the demands of these workers;
4. We will develop a detailed solidarity campaign to

mobilise other workers in the sector to join the action plan which will be adopted by the workshop we have advocated in paragraph 3.

5. We will seriously consider staging pickets and demonstrations at the offices of the department and the provincial; as well as head offices of the ELRC and mobilise workers to go on numerous other actions.

Issued by SALIPSWU SECRETARIAT

For more information contact:

1st Deputy SG : Paul Mbhele

079 6250178