

**THE INVOLVEMENT OF TEACHER UNIONS IN THE  
IMPLEMENTATION OF THE EMPLOYMENT OF EDUCATORS' ACT  
76 OF 1998**

**by**

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## DECLARATION

I declare that **THE INVOLVEMENT OF TEACHER UNIONS IN THE IMPLEMENTATION OF THE EMPLOYMENT OF EDUCATORS' ACT 76 OF 1998** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

.....  
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## **DEDICATION**

This thesis is dedicated to my late my adorable parents, my mother Elizabeth Ntombi Zengele and my late father Abel Mfanimadoda Zengele. My late adorable siblings, Sibusisiwe, Ncamisile, Nokuthula, Ntokozo and Thami. My late adorable aunt Rose Ntombani Hlalele. Your souls have been an inspiration to me. My surviving siblings Bongji, Bongani and Thandiwe you were the drive for me to complete this thesis.

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## ABBREVIATIONS

<b>AFT</b>	<b>American Federation of Teachers</b>
<b>ANC</b>	<b>African National Congress</b>
<b>COSATU</b>	<b>Congress of South African Trade Unions</b>
<b>DoE</b>	<b>Department of Education</b>
<b>EEA</b>	<b>Employment of Educators Act 76 of 1998</b>
<b>EI</b>	<b>Education International</b>
<b>ELRC</b>	<b>Education and Labour Relations Council</b>
<b>GDE</b>	<b>Gauteng Department of Education</b>
<b>HoD</b>	<b>Head of Department</b>
<b>IDSO</b>	<b>Institutional and Development and Support Official</b>
<b>JOCOTAN</b>	<b>Joint Council of Teacher Associations in Natal</b>
<b>LRA</b>	<b>Labour Relations Act (Act 66 of 1995)</b>
<b>LRO</b>	<b>Labour Relations Officer</b>
<b>NAPTOSA</b>	<b>National Association of Professional Teachers Organisation of South Africa.</b>
<b>NEA</b>	<b>National Education Association</b>
<b>SA</b>	<b>South Africa</b>
<b>SACE</b>	<b>South African Council of Educators</b>
<b>SADTU</b>	<b>South African Democratic Teachers Union</b>
<b>SASA</b>	<b>South African Schools Act, Act 84 of 1996</b>
<b>SGB</b>	<b>School Governing Body</b>
<b>SMT</b>	<b>School Management Team</b>
<b>TFC</b>	<b>Teachers Federal Council</b>
<b>USA</b>	<b>United States of America</b>

## **ABSTRACT**

This study investigates the involvement of teacher unions in the implementation of the Employment of Educators Act (Act 76 of 1998) at school level. Union involvement at school level is still characterized by controversy when it comes to the filling of promotional posts and the redeployment of educators. The inappropriate involvement of unions by ignoring their observer status, may lead to the infringement of educators' rights if it goes unchecked by the DoE. This may consequently result in poor performance by educators who may feel discriminated against during the redeployment and the filling of promotional posts. Teacher unions have the responsibility to ensure that educators are not victimized. If unions abdicate this responsibility and attend to only key union members when promotional posts are filled, they will cease to be effective unions. Unions who protect non-dedicated and unqualified educators from redeployment will lose the respect of the teaching fraternity, and eventually their membership numbers will dwindle.

This was a qualitative and exploratory study based on the grounded theoretical approach. It was conducted in Districts 11 and 12 of the Gauteng Department of Education using focus groups and one-on-one interviews with the various stakeholders from the Department of Education, and leaders of the South African Democratic Teachers' Union, and the National Association of Professional Teachers' Organizations in South Africa. The findings indicate that during the filling of promotional posts, the unions tend to use undue influence to have their members promoted, to the detriment of deserving and better qualified educators. During the redeployment process they protect their members against principals who declared them in excess. It was reported that principals make use of the redeployment processes to get rid of educators who are often absent from school because of union work during school hours. If the Department of Education does not seriously take control of the situation in respect of the filling of promotional posts and the redeployment of educators, then the teacher unions will take over.

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**Key words:** teacher unions; policy; implementation; educators; redeployment.



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# CHAPTER 1

## 1. INTRODUCTION AND BACKGROUND TO THE STUDY

### 1.1 Introduction

The Employment of Educators' Act 76 of 1998 (EEA) was enacted by Parliament with the aim, according to Collective Agreement no 2 of 2005, to make provision for the employment of educators by the State. The rationale was to regulate their conditions of service, discipline, and to oversee their retirement and discharge. The demise of apartheid in 1994 saw the formation of one non-racial education department, and also the need to address the imbalances of the past in terms of human and material resources. The exodus of learners from poorly to suitably resourced schools caused educators to become redundant and to be declared in excess, because of decreased learner enrolments in poorly resourced schools. In some schools educators experienced a bigger workload on grounds of the increased enrolments in the well resourced schools. This led to new and promotional posts being created in other schools while in some schools some posts were declared to be in excess.

In order to prevent the retrenchment of the educators in excess, a plan for the appointment, promotion and transfer of educators to schools with vacancies was formulated in the Education Labour Relations Council (ELRC). On the ELRC website ([www.elrc.co.za](http://www.elrc.co.za)) it is stated that the ELRC consists of representatives of the Department of Education (DoE) and all the teacher unions that make up the required threshold in the Chamber in terms of membership numbers. The teacher unions currently represented in the Council Chambers are The South African Democratic Teachers' Union (SADTU) and the National Professional Teachers Organization of South Africa (NAPTOSA). SADTU enjoys the maximum representation, consisting of more than 70% of educators in South Africa ([www.sadtu.org.za](http://www.sadtu.org.za)).



The filling of promotional posts in Gauteng has been marked by controversy despite regulatory measures in the form of circulars 42/2006, 43/2006, 47/2005 and 55/2008 of the Gauteng Provincial Government and the EEA, which provide guidelines for the filling of posts and the redeployment of educators. Collective Agreement No 2 of 2005, which was established in terms of the Labour Relations Act (Act 66 of 1995 (LRA) in the ELRC, indicates the role of teacher unions during the above mentioned processes as that of observers.

There seems to be a trend that educators who are outspoken regarding school leadership, and also those who perform poorly at school, are automatically declared in excess by principals, and are subsequently unprocedurally redeployed to other schools. As a result, being declared in excess carries the stigma of being an unproductive and undesirable educator who needs to be removed from the classroom. In the same tone, educators who are active in union work outside the classroom seem to be receiving more recognition and support from their unions when promotions are made. This happens despite legislation that the appointment and transfer of educators should be recommended by the School Governing Body (SGB) while unions remain observers. The appointment and transfer should thus be finalized by the Head of the Department (HoD).

Expectations for promotions are brought about by the increasing instances of the promotion of past union officials since 1994. As an example can be noted, Mr Duncan Hindle, a former educator and a past SADTU president, is now the Director General of the Department of Education (DoE). Another former educator and past SADTU president, Membathisi Mdladlana, with the support of SADTU which is a COSATU affiliate, became the Minister of Labour when the ANC was voted into government in April 1994. COSATU forms a tripartite alliance with the ANC and the South African Communist Party (SACP). The Secretary General of SADTU, Mr Thulas Nxesi, was sworn in as a Member of Parliament in April 2009. There are scores of senior positions within the DoE, including school management positions that have been filled by strong SADTU activists. There seems to be a tendency for educators to get themselves fully involved in union work in order to be rewarded with promotions, or to avoid redeployment by principals with the support of the unions.

Gershwin Chuenyane (City Press 11 June 2009) reported on 8 June 2009 that SADTU affiliated educators who form 96% of district 12 of the GDE embarked on a strike for two full weeks because the GDE district director refused to endorse the appointment of 2 principals who were candidates that were preferred by SADTU. Although the GDE explained to the union that this was the responsibility of the SGB they refused to teach. Gershwin again reported in the City Press on 14 June 2009 that a GDE employee who refused to be identified stated that one of the recommended principals had 18 years experience as an administration clerk and only six months as an educator. The other candidate, it was reported (ibid), was the wife of a SADTU official with a teaching diploma while other candidates with higher degrees had been sidelined during interviews. The GDE, parents and the national SADTU leadership severely criticized the strike action (ibid). The SADTU president Thobile Ntola was reported on 17 June 2009 on [www.sabcnews.com](http://www.sabcnews.com) saying that leaders of the strike were to be expelled from the union or lose their positions within it. In the same report the GDE announced that any striking educator by 15 June would be arrested by the police.

The involvement of educators in union work without proper authorisation by means of Time Off in terms of Chapter G section 3.1 of the EEA compromises on teaching and learning activities. Time Off will be explained in the next chapter. The main purpose of teacher unions is to look after the interests and well-being of educators. Various studies by Bascia (2000), Poole (1999) and Peterson (2002) on teacher unionism indicate that in the United States of America (USA), unions have become indispensable partners with education departments for the successful implementation of educational policies at school level. The researcher is of the opinion that the redeployment of educators and the filling of promotional posts should be done on such a basis that it is to the benefit of the learners. For this to happen, unions have a key role to play to ensure that educators are neither discriminated against when promotions are made nor harassed when educators in excess are identified. Unions should ensure that suitable educators are promoted and that the curricular needs of institutions are considered when redeploying educators.

Chapter 1 Section 1(d) of the LRA provides a framework within which employees and their trade unions can collectively bargain to determine the salaries and the terms and conditions of employment for educators. The principal, as a representative of the employer at school level, has to ensure that policies are properly implemented so that educators can work in an atmosphere that is free of threats, discrimination and harassment. The researcher is also of the view that educators need the support and protection of their unions so that they are not discriminated against when it comes to redeployment and the filling of promotional posts.

These two aspects of the EEA are crucial in the sense that if poorly handled; learners may end up under the care of under qualified educators while schools are left with unsuitable leaders. If this happens, the researcher argues that teaching and learning will be compromised. In addition, deserving educators may feel discriminated against and ultimately leave the teaching profession. According to chapter 3, section 3.6 of the EEA, the powers to transfer, promote and appoint educators are left in the hands of the SGB under the authority of the HoD. Section 3.7 of the Act stipulates that the process has to be based on

- the ability of the candidate, and
- the need to redress the imbalances of the past in order to achieve broad representation in the civil service.

Section 3.2.1(d) of Collective Agreement no. 2 of 2005 of the LRA states that there should be one union representative per union that is party to the ELRC during the short-listing, interviews and the compilation of the preference list. It further stipulates that the union representative shall be the observer during the above processes and the recommendation of candidates for appointment. By means of this study the researcher wishes to determine if the union representatives indeed become observers or assume other roles contrary to the provision of the said collective agreement. It is also the aim of the researcher to determine if the principal and the Institutional Development and Support Officer (IDSO) assume

the role of observer and the status of resource person during the appointment and redeployment processes.

The resource person is the departmental representative who sees to it that all processes take place according to regulations. He/she also has to advise the panel members of the SGB of certain aspects of the procedures if they are in doubt, but does not, however, have the power to vote. The decision to recommend applicants lies with the panel of the SGB that consists of elected educators and parents. The HoD has the final say in the appointment and transfer of educators.

The effect of teacher union involvement during the policy development process is remarkable and effective at the ELRC. Thereafter, the district officials have to deliver the policies by means of circulars to the schools where the principals have to implement them at school level. Every year principals are called by the IDSO to the district office to be informed as to whether schools are understaffed or overstaffed. Where schools are understaffed, the filling of vacant posts has to commence, while redeployment has to take place where there is over-staffing.

Circulars are sporadically distributed and read to educators by principals during staff meetings, and the members are not to challenge their implementation, as they have been agreed to at the ELRC. This is similar to the conditions reported by Thembela and Walters (1984:49) when describing the relationship between the principal, the educators, and the inspector, namely obedience by “respecting and accepting all instructions by inspectors”.

It is worth noting that the South African Schools Act (Act 84 of 1996 (SASA) does not make any provision for teacher union representation at school level in management and governance. Educators have to constantly report to their unions if there are problems in schools. This leads to union delegations mandated to confront principals on matters of concern. This confrontation may lead to the harassment of union members by some principals, thus leading to redeployment.

At school level, some policies may be interpreted differently by the various SGB stakeholders, particularly by the parent wing, because many parents, especially in

certain township communities, have a low level of education. It is here where there is the likelihood for occasional conflict between union representatives at school level, the SMT's and the department of education officials during the processes of redeployment and the filling of promotional posts.

Occasional stand-offs between the unions and education officials in schools may stifle the smooth implementation of policies at school level. As a result learners may have to suffer the consequences. It is for this reason that this study aims to look at ways in which cooperation between the unions and other stakeholders, especially principals, could be enhanced for the successful implementation of the policies.

## **1.2 Background to the study**

The background to teacher unionism forms the basis for the discussion of the origin of unions in the next chapter of this study. The discussion on the origins of teacher unionism will enable the reader to identify the origins of the need for unionism and determine if the values are still upheld by union leaders.

According to Behr, (1984: 106) during the apartheid era, Black educators had no meaningful representation in governmental structures, except for the White educators, by means of the Teachers Federal Council (TFC) which negotiated for them in all labour-related issues. Black teachers had to accept everything which was the result of the negotiations between the State and the TFC (ibid). In 1976 the Joint Council of Teacher Associations (JOCOTAN) was established in Natal (ibid). It consisted of teachers of all race groups. Its purpose was to promote professional contact among educators at grassroots level. According to Behr (1984:106), it was loosely structured, which can be ascribed to the fact that it was an association, not a union. Policies were enacted without any consultation with stakeholders, and educators were expected to implement all the policies without question, or suffer dire consequences. Hartshorne (1990, in: Jansen, 2001:243) says that "...the teacher was conceived as a state functionary with limited autonomy". Moreover, Hartshorne (ibid) says that "...the teacher was an obedient

servant that executed well defined instructional tasks according to the official syllabus”.

Thembele and Walters (1984:49) echoed the same sentiment by stating that in the apartheid era the principal had to respect and accept all instructions from the school inspectors because they represented the Department, and it was their duty to implement its policies. This is further manifested in section 15 of the Bantu Education Act of 1953 (Act 47 of 1953) where Dr H.F. Verwoerd, the then Minister of Native Affairs, stated that the Black teacher must learn “...not to feel above his community with a subsequent desire to become integrated into the life of the White community” (Behr, 1984:183). The emergence of teacher trade unionism came about as a result of the continued harassment of Black educators by the government of the day during apartheid. The researcher got his first teaching post in Soweto in the place of a female educator who had been forced to resign due to pregnancy out of wedlock. In 1985, it was still considered as gross misconduct for a female educator to fall pregnant out of wedlock, and the penalty was expulsion. This demonstrates that South Africa then, as an authoritarian state, did not have any regard for the rights of educators.

The harassment of educators did not only take place in South Africa but in the United States of America (USA) as well. In Brooklyn, USA, there was a case reported about an educator, Mary Murphy who, in 1901, was charged for gross misconduct for getting married, and was fired. Female teachers were then not allowed to marry, but she sued the Board and won her case, because getting married was not regarded as misconduct (Ravitch, 2007:2). Then there was Bridget Pexitto, a teacher with 18 years experience, in the Bronx. She took advantage of the right to get married and subsequently fell pregnant. She was charged with gross negligence by “...being absent in order to have a baby”, and was expelled. Thereafter the district superintendent was sent to check in the schools if there were other pregnant educators. Fourteen more educators were found to be pregnant and were suspended. Bridget Pexitto successfully defended her case in court, and won (Ravitch, 2007:2). These are some of the cases that have necessitated the establishment of teacher unions.

Nina Bascia, (1998:911) an American expert on teacher unionism, mentioned, “No other organisation except teacher organisations has a responsibility for representing educators in discussions about educational practise.” She further asserted that educators need union “presence, vigilance and representation.” Bascia’s statement bears testimony to the militant and vigilant manner that one of the major teachers’ unions in South Africa, the SADTU, has adopted since its inception in 1990. The SADTU adopted this stance in order to make the voice of educators heard during the policy formulation and implementation process. It is the same vigilant and militant attitude of the SADTU members at school level that seems to irritate some principals.

The background to the various attitudes adopted by the unions will be discussed in the next chapter.

### **1.3 Problem statement**

In terms of the EEA, chapter 3 section 6(3), any appointment, promotion or transfer to any post at a public school may only be made on the recommendation of the School Governing Body (SGB). The SGB is the highest school decision-making body, consisting of parents, educators and non-educator members. Section 7(1) of the EEA states that the filling of a post should be based on the ability of the candidate. Secondly, the imbalances of the past have to be addressed without any discrimination. Section 8(2) indicates that the transfer of an educator can only be done with the approval of the SGB.

In terms of Collective Agreement no. 2 of 2005 section 3.1, the SGB has to establish a selection sub-committee responsible for the short-listing and interviewing of candidates, and for the compilation of the preference list. The selection committee has to report to the SGB. Section 3.2 states that the selection committee has to comprise of the following members:

- The Institutional Development Support Official (IDSO) or the principal as the resource person and observer.

- SGB members, excluding the educator members who are the applicants for the advertised posts at the particular school.
- One union member that is part to the ELRC.

According to section 3.2.1(d) of the same agreement, the role of the union representative is that of observer during the short-listing and interviewing, and the compilation of the preference list. It is further mentioned that the union representative should not be the applicant at the particular school. Section 8(2) of the EEA indicates that the transfer and redeployment of an educator, as well, has to be recommended by the SGB.

The involvement of teacher unions at school level in the implementation of the EEA is still characterized by controversy when it comes to the filling of promotional posts and the redeployment of educators. The inappropriate involvement of unions by ignoring their observer status, may lead to the infringement of educators' rights if it goes unchecked by the DoE. This may consequently result in poor performance by educators who may feel discriminated against during the redeployment and the filling of promotional posts. The researcher believes that the proper implementation of the above-mentioned processes will result in the retention of suitable and eligible educators who are needed for the benefit of learners. The poor implementation thereof may lead to the loss of dedicated personnel to other employment sectors. Educators who remain in the profession may develop severe low levels of morale. This, in the mind of the researcher, would be detrimental to the learners, and ultimately to the image of the teaching profession.

Against the above background a need exists to verify the role of teacher unions in the implementation of the EEA as a problem area. The following questions, therefore, facilitate the demarcation of the problem:

### **1.3.1 The research questions:**

- How should unions be involved in the filling of promotional posts and in the redeployment process?



- How do unions actually get involved at school level during the filling of promotional posts and the redeployment process?
- How should unions be the involved at school level in the filling of promotional posts and the redeployment process?

#### **1.4 The aim of the study**

The study aims to find ways in which teacher unions can be effectively involved without compromising on the ideals of the EEA. Another aim is to ensure that the EEA is implemented in a way that does not infringe on the educators' rights, as enshrined in the Constitution of the Republic of South Africa.

#### **1.5 Theoretical framework**

This study falls under the broad umbrella of governance and management in education. Burchell (1993:267-282) describes 'governance' as an act for acting on the actions of others. In this study 'governance' will refer to the principal reacting to the actions of educators at school level. The researcher has an alternative outlook on governance and management, namely when educators react on the principal's actions that is perceived to be lacking in leadership skills, by taking over his position. In simple terms, it may happen that one or two educators are elected to manage a school in order to resolve a crisis that the principal was not able to do. This can be another form of governance to avert a crisis.

In this respect reference can be made to the Gaining Educational Masterly Academy in the USA (Ohio) that was suggested by Francine Lawrence, the Toledo Federation of Teachers' president, to introduce a school without a principal that was instead to be run by two elected educators, one for preparation and the other one for tuition. The two educators would thus replace the principal of a non-performing school ([www.toledoblade.com](http://www.toledoblade.com)).

Participatory governance that includes teacher unions at school level is viewed by the researcher as having a potential impact on maximum transparency and the

sharing of information in a process that will lead to shared decision-making where feasible, as is also supported by Schneider (1999:521). Nuitjen, (2004:115) says that appropriate participation is easier to achieve if the people involved have clear and explicit rights to negotiate decisions. This leads to the agreement that real participation starts when all stakeholders are both committed and genuinely involved in the decision-making processes.

The participation of teacher unions at the ELRC runs the risk of being rejected by educators at school level if the educators are of the opinion that their representatives at higher levels offer little support when school-based officials seemingly fail to implement the policies as tabled by parliament. This may be as a result of the top union officials having lost touch with the actual conditions at school level. Nuitjen neatly concludes this where she says that "...the participation of stakeholders can also be an effective strategy by government to diminish the clients' resistance" (2004:115). This resistance is likely in cases where union officials have either been seconded or appointed to national and provincial departmental structures.

Govender (2004:267) attributes the appointment of union officials to senior governmental positions to the notion in Mexico where the National Union of Education Workers was established with the strong backing of the Institutional Revolutionary Party which won the elections. In return for their loyalty, union leaders were rewarded with management positions and were appointed to key positions in government. He mentions this resemblance with the relationship between the SADTU and the ANC prior to the first democratic elections in South Africa. The SADTU, as an affiliate of the Congress of South African Trade Unions (COSATU), played a significant role in helping the ANC to win the 1994-elections.

There are many other SADTU officials who were promoted to senior management positions after 1994. These included school principals who were likely to be viewed with suspicion by classroom-based educators because of possible poor policy implementation. Sayed (2002: 30) states that such appointments were problematic in the sense that the new political appointees were amalgamated with the "old technocrats" of the apartheid era in some structures. He further asserts

that the new appointees were not “well versed in relation to system management” (ibid). This conclusion might be attributed to Jansen (2001:243) where he maintains that “...how educators see themselves professionally and how they see themselves politically are two different realities in education”. These appointments can also be seen as contributing to shaky situations experienced by educators at school level.

Nuitjen (2004:115) further asserts that this seems to be the case because the formulation and implementation of policy are far apart. The researcher therefore believes that if the persons involved in policy formulation are not the same as those involved in the implementation thereof, there exists a likelihood of confrontation and anarchy. Warner (in: Nuitjen, 2004:118) says that even where there exists anarchy there is some form of governance at work. The governance becomes that of the union structures like the site committee members when they organize for resistance against the implementation of policies in a perceived unconstitutional manner. The site committee consists of SADTU members at school level, with as its leader a site steward, who reports to the SADTU branch executive on school developments. This action can easily be labelled as anarchy by principals and other education department officials who seem to be resisting change.

## **1.6 Position of the study in the social sciences**

This is a qualitative study aimed at determining ways in which teacher unions can participate at school level for the effective delivery of policies. In order to present a proper theoretical analysis of stakeholder circumstances in schools the researcher will adopt a critical theoretical perspective, the reason being that critical theory seeks to disclose the true interests of different groups (Gall, Gall & Borg, 1999:362). The researcher will approach the field with an open mind, as recommended by Denscombe (2007:90-91), where he says that when following the principles of grounded theory the researcher “...embarks on a voyage of discovery”. Gall, *et al.* (1999:362) also hold the view that those who are privileged always have an interest in preserving the *status quo* in order to protect their positions. This may be the case when union leaders in management positions

recommend the appointment of dedicated union activists at school level to promotional posts. Also, when principals use the rationalization and redeployment process to get rid of educators who seem to be challenging their authority and those presumed to be lazy may be considered as preserving the status quo.

## **1.7 Literature preview**

The researcher will review the relevant sections of the South African Schools Act 84 of 1996 (SASA) pertaining to the working conditions of educators. The SASA provides the basis for the formation and powers of the School Governing Body (SGB). The Employment of Educators Act (Act 76 of 1998 (EEA) chapters 5, 6, 7 and 8 refers to conditions of service of educators. The appointment and promotion, and the redeployment of educators will also be studied with a view of determining policy implementation at school level. The role of the unions is explained in Collective Agreement No 2 of 1995. The Education Labour Relations Council (ELRC) will be looked at with the aim of identifying the extent of teacher union involvement in policy implementation in terms of the South African Council of Educators Act (Act 31 of 2000 (SACE)). The Labour Relations Act (Act 66 of 1995 (LRA)) outlines the provision of a framework within which educators and their unions can collectively bargain regarding the terms and conditions of employment.

Gilmour (2001:9) says that these various Acts represent the "...culmination of a long line of discussion and briefing documents" and the "...evolution of a policy track and debate that began well before 1994". The DoE policy documents and circulars referred to earlier will be reviewed to determine whether the rights of educators are violated when policies are implemented.

The researcher will also review teacher unionism in the United States of America (USA), with special reference to the American Federation of Teachers (AFT) and the National Education Association (NEA). These are two major unions representing more than four million educators in the United States. The aim is to try to understand the participation and involvement of teacher unions in American educational policy matters. Besides the researcher's acknowledgement of the political and economic differences between the USA and South Africa, certain

similarities exist between the two countries in terms of the abuse of human rights in the past, and the origins of teacher unions. It is also relevant to explain that the SADTU is viewed by some as radical in its approach, the same as the AFT in the USA, while the NAPTOSA is viewed as conforming, just like the NEA in the USA. Govender, when addressing the SADTU NEC (1998:267), asserted that "...the NEA during the 1960's was viewed as a handmaiden of the state, and functioned as an agent for the preservation of the *status quo*". The aim of the researcher is, amongst others, to determine what can be learned from the experiences of these two major unions. The SADTU has sent delegations to the NEA and the AFT leaders to determine the possibility of future partnerships, as reported on their website, ([www.sadtu.org.za](http://www.sadtu.org.za)). This study will be followed by implications for teacher union involvement in the USA with regard to South Africa. Violations of human rights in the USA were also revealed, as indicated on their website ([www.pbs.org/onlyateacher/timeline.html](http://www.pbs.org/onlyateacher/timeline.html)).

The role of Education International (EI) will be reviewed in chapter 3 of this study. The EI is the world's largest global teacher union federation with more than 30 million education workers in 171 countries ([www.ei-ie.org](http://www.ei-ie.org)). It is also worth noting that the current President of the EI is Thulas Nxesi, who is the Secretary General of the SADTU and a Member of Parliament in the South African government. The SADTU is also a member of the EI.

The literature review will also aim at revealing the reasons for the emergence of teacher unionism in South Africa. The birth of South Africa's two major teacher unions will be explained within the South African political context. The study will concentrate more on the SADTU, the biggest teacher union in South Africa which, with more than 235 000 members, covers more than two thirds of the educator population (SADTU Voice: 2008; [www.sadtu.org.za](http://www.sadtu.org.za)). The NAPTOSA, in comparison, is an amalgamation of various smaller unions, consisting of about 50 000 educators ([www.naptosa.org.za](http://www.naptosa.org.za)).

The opposing views of Bascia, Poole, Ravitch, Peterson and South African media critics like John Qwelane and Gordon Sibiya, on the involvement of teachers unions in education, will finally be looked at. The researcher would like to indicate

that it is not easy to find literature on the negative influence of teacher unions. Various international and local journals of education on teacher unions, and other sources such as newspaper articles will, however, be reviewed.

The purpose of studying these documents will be to establish whether the involvement of teacher unions in educational matters is viewed positively or negatively by other stakeholders, including the public.

### **1.8 Relevance of the study**

The involvement of teacher unions during policy implementation is viewed as an impediment to learner success when democratic governance is regarded as non-existent. The literature indicated that where there has been collaboration between the education department and the unions, such collaboration is viewed as a key to the successful implementation of policies (Bascia 1998:210-213, Poole 2000:698-725).

Souden (2001:33-43) argues that educators in different provinces and schools in South Africa reacted differently to new policies because of the unequal levels of professionalism and development, including their readiness for change. Chisholm, Souden, Vally and Gilmour (1999: 386) agree that "...the achievement of equity is a central component of attempts to restructure education in post-apartheid South Africa".

The implementation of policies at school level has been marred by conflict between School Management Teams (SMT's) and union members. Chisholm *et al.* (1999:398) reported on incidents in the Western Cape where schools refused to implement rationalisation policies, and even principals were threatened with "disciplinary procedures" by departmental officials. It was further reported that where schools refused to rationalize, the department of education instructed educators to leave.

The perceived status of unions as watchdogs of educators' interests and the departmental officials as custodians of government policy make it difficult to create

a culture of cooperation among the various stakeholders. This leads to problems that hinder the smooth implementation of policies meant to benefit learners. Sayed (2002, 29) refers to this as the “policy gap”, that is understood as the mismatch between policy intention, policy practice and outcome. It is also for this reason that Bob Peterson (1993:4), editor of the series “Rethinking Schools” and a teacher unionist, says that “...school governance is potentially the most controversial issue confronting teacher unions.”

Despite schools being places where the exercise of power and institutional hierarchies abound, the researcher has the challenge to believe that:

- if the relations between teacher unions and school management can be improved, there will be a better delivery of policies at school level; and
- schools will be places that are free from perceived intimidation and harassment, to the benefit of teaching and learning.

## **1.9 Methodology**

This was a qualitative study, and it became exploratory, where it measured the extent of the attitude of stakeholders towards policy communication and implementation. The study also became descriptive when the origins of teacher unionism and the meanings of the main concepts used in the study were discussed.

Data was collected by means of focus group interviews with principals and educators and through unstructured one-on-one interviews with members of the Department of Education (DoE) and Teacher Union officials. The reason for not having focus group interviews with these officials was that it was not easy to assemble them in one place for a prolonged period because of their busy schedules.

A sample was drawn from the D 11 and D 12 Districts of the Gauteng Department of Education (GDE) because of their representativity in terms of race, ethnicity and

demographics. Groups of three to nine persons were interviewed per category, making use of open-ended questions.

A Sony ICLD digital recorder was used, operating on the Dragon Naturally Speaking Preferred Voice to Print software. A tape recorder was also used as back-up during the recording of interviews. The ICLD allows for the digital recording of interviews and verbatim digital transcription of recorded data onto a laptop or desktop monitor for reading, printing and ease of data analysis.

### **1.9.1 Data analysis**

Data was constantly compared and analysed. The themes were coded and identified. By means of purposive sampling the validity of the data was ascertained, and the reliability was assured by using the same questions for all categories of respondents. Purposive sampling helped to ensure that participants came from schools where the educators were members of the two unions, the SADTU and the NAPTOSA, who represent the vast majority of educators in South Africa.

### **1.9.2 Ethics**

All respondents were assured of their anonymity, and all records were kept safely and then they were to be destroyed after the study was completed. A letter from the University requesting for permission to interview the respondents was sent to the education department. The individual respondents were requested to sign the consent form for the interview to be recorded. Recorded data transcripts were to be destroyed after 3 years. All interviews with the educators and principals took place outside teaching hours in order to avoid disruption at schools.

### **1.10 Dissemination of the findings**

The findings will be disseminated by means of a publication in an accredited journal and by the delivery of a research paper at a local and/or international conference. The DoE will receive a copy of the thesis as means of reference when



reviewing future policy implementation strategies. The South African teacher unions will each receive a copy to consult when considering recommendations to the National Department of Education. Another copy will grace the library shelves of the University of South Africa, and the Limpopo Provincial Education Department has already requested a copy.

### **1.11 Delineation and limitations**

This study was restricted to Districts 11 and 12 of the GDE, as they are representative of the country's racial composition. Most of the contributions came from SADTU respondents, since fewer educators are NAPTOSA members in the province. The general findings are therefore based more on SADTU involvement in the EEA implementation, although this was not the intention of the researcher.

The researcher could not conduct focus group interviews with senior officials of the GDE and the teacher union senior officials because of their reported busy schedules. Therefore, one-on-one interviews were conducted with these officials, and they may not necessarily represent the views of all senior personnel. Educators and principals expressed their fear of victimization by the union if they divulged sensitive information on union activities. They agreed to disclose information on nepotism only off-the-record which the researcher could not divulge, on grounds of ethical reasons.

### **1.12 The study programme**

This study has been clearly demarcated as follows:

**Chapter 1:** Introduction and a brief background to the study, the research question, the identification of the problem and the aim of the study.

**Chapter 2:** Literature review on the origins of teacher unionism in South Africa, and existing operations within the National Education Department.

**Chapter 3:** Literature review on the origins of teacher unionism in the USA, including their existing operations.

**Chapter 4:** The research methodology, *i.e.*, procedures, design, data collection and the presentation of the collected data.

**Chapter 5:** The presentation of the findings and analysis of the data.

**Chapter 6:** Recommendations based on the findings, including the conclusions that will provide a summary of the study.

### **1.13 Conclusions**

This chapter highlighted the rationale and aims of the study with a view to explaining teacher union involvement during the implementation of the EEA. The theoretical grounding was done with the intention of establishing the relevance in terms of what other authors have written on similar issues. The research design was discussed in order to explain how data would be collected.

It was also important to touch briefly on the literature study that was considered relevant. The literature preview is based on South African and American literature on teacher unionism. The aim is to compare and contrast the various activities of the unions in both countries. This is important, in order to determine if South Africa may implement some of the strategies employed by American unions to increase the effective implementation of policies at school level.

The analysis of the data was briefly discussed to explain how the data were changed into meaningful information that would be used to extrapolate on findings, and to provide suitable conclusions at the end of this study. The chapter was concluded with the ethical considerations that were to be followed.

The next chapter will provide an insight into South African teacher unions, their origins and practices. It is aimed at presenting the rationale for unionism, and on the formulation of answers to the questions as to whether teacher unionism may

promote or disrupt teaching and learning practices. The contents of the next chapter may help to provide answers on the type of teacher unionism that is needed for the effective implementation of policies in South African schools.

## CHAPTER 2

### TEACHER UNIONISM IN SOUTH AFRICA

#### 2.1 Introduction

In the opening chapter the background and purpose of the Employment of Educators Act, (Act 76 of 1998 (EEA) was discussed. This was done in order to clarify the role of the various stakeholders in education during the formulation and implementation of policies.

A number of relevant Acts were briefly discussed, and an outline was given of the various teacher unions in South Africa (SA) and the United States of America (USA), in order to identify similarities and differences in their operation, including the reasons for their existence. The American Federation of Teachers (AFT) and the National Education Association (NEA), which are the two major teacher unions in the United States, will be discussed in chapter 3 of this study.

General remarks were made on the research design, including the methodology. These will be dealt with in detail in chapter 4. The theoretical perspective that was discussed also provides the delimitation of the study. The research questions encapsulated in the problem statement are aimed at identifying the research aims, which were tabled in the opening chapter.

This chapter will provide a detailed account of specific Acts, as well as the context of the formulation and implementation of the South African education policies.

The South African Schools Act (Act 84 of 1996 (SASA)) will be reviewed with the intention of providing a discussion on whether the rights of educators and learners, as enshrined in the Constitution of the Republic of South Africa, have been violated. The research will also determine the extent and the nature of educator involvement during the implementation of policies at school level. This should assist in an explanation later as to whether there is a policy gap in terms of policy

practice, intention and outcome, as referred to by Sayed (2002:29) in chapter 1. The policy gap was described as the mismatch between policy intention, practice and outcome.

The EEA provides the relevant sections that are viewed as susceptible to abuse. For the purpose of this study, the researcher will concentrate on the redeployment of educators and the filling of promotional posts. These two sections are viewed as crucial, seeing that they have a bearing on ensuring that schools are properly staffed at various levels without compromising on high standards of teaching and learning. The purpose is to investigate whether sections of the EEA, as the redeployment of educators, are followed during implementation by the School Management Team (SMT) and the School Governing Body (SGB).

It is intended that the Education Labour Relations Council (ELRC) gives a clear review of the participation of stakeholders in negotiations, as well as a clear perception of educator representation. Alongside the ELRC, the Labour Relations Act (Act 66 of 1995 (LRA) which highlights the rights of stakeholders will be reviewed, and it will be indicated whether the unions act within the LRA guidelines when negotiating on behalf of educators.

It will also be necessary to discuss the background against which unions came into existence, as well as their origin, structure and objectives. This will serve as a point of departure for opposing views by various authors and stakeholders on the need for teacher unionism in education. This review will cover the literature on the subject by union experts and the broad public. A critique by some authors, as well as various publications will be examined.

The following section comprises a discussion of the various aspects of this study.

## **2.2 Background to the study**

Heystek & Lethoko, (2001:223), state that the first teachers' union was established in 1879 and was called the Native Educators Association. Myburg (1999:7) says that the first unions were child-centred, professional and not worker-oriented. He

further indicates that although they were not worker-oriented they, among themselves, voiced their dissatisfaction about issues. Discussions included the effects of pass-laws on educators and salary disparities, since White educators were paid better than Non-whites.

The interesting point is that such complaints were discussed at the Black educators' forums, but no one would dare to take such complaints to the authorities for fear of possible victimization. In other words, the teacher associations were not only professional out of choice, but they had to be, since the government of the day would not allow any form of political activism. Hartshorne (1992:289) confirms this statement when alleging that any criticism against government policy would lead to dismissal. Hartshorne (1988:3) also mentions that during the apartheid era even administrators were forced to work under undemocratic conditions. This means that there existed no dialogue, and instructions were to be carried out without questioning the authorities. According to the researcher's findings on literature by Bascia (1998, 1999), Poole (1999, 2000) and the LRA (1995), such an association of educators did not constitute a union. The union's primary role, according to these two distinguished authors and the LRA, is to look after the interests of educators to ensure that they perform their duties adequately in the classroom.

Dekker and Lemmer (1993:362) argue that South Africa has been the microcosm of most of the problems in the rest of the world. The apartheid policy was unique to South Africa for its discriminatory policies on grounds of race. All educational legislation at the time was aimed at the subjugation of Blacks, and had nothing to do with providing better and equal education for all race groups.

This attitude is also evident in section 15 of the Bantu Education Act (Act 47 of 1953) when Dr H.F. Verwoerd, the then Minister of Native Affairs, stated that the Black teacher must learn "...not to feel above his community with a subsequent desire to become integrated into the life of the White community" (Behr, 1984: 183). According to the Act, Blacks were to be taught in their natural habitat, namely the homelands and the self-governing states. They were also not allowed to receive education in the natural sciences and mathematics, because those

subjects would be of no use to them in the rural areas where they belonged. Teacher training could start as early as Grade 6, and it would take about a year or two for them to be declared competent to teach. According to the Bantu Education Act (Act 47 of 1953), education for the Blacks meant preparing them for a world dominated and ruled by the Whites. Black educators had to follow a rigid syllabus that was prescribed by the government.

Behr (1984:180-181) reported that in 1947 the Eiselen Commission recommended that there should be an education department specifically for Blacks. This indicated the beginning of separate education departments and unequal funding, based on race. There were no effective teacher unions to question or interrogate the Commission and the government on this injustice. Furthermore, the promulgation of the Bantu Education Act (Act 47 of 1953) rang in further debilitating effects for Black education. Hartshorne (1992:288) indicated that questioning the government could lead to expulsion or imprisonment. This shows that the employment and expulsion of educators came about at the whim of the employer, without stakeholder participation or negotiation.

According to the National Education Policy Act (Act 39 of 1962), teachers' unions were to be officially recognized by the government of the day. The government prescribed what was to be discussed in union meetings. The literature does not mention the criteria for union recognition at the time, except that there existed no Black teacher union representation in government. The researcher argues that as long as government prescribed what was to be discussed in union meetings, it was premature to classify these gatherings as those of unions.

The South African Teachers Council for Whites (Act 16 of 1976) was promulgated in 1976 to promote professional contact amongst teachers at grassroots level (Behr, 1984: 106). As a result of this Act, White educators had representation in the form of the Teachers Federal Council (TFC), which negotiated for them in all labour related issues. It should be noted that even White teachers were not involved in policy formulation, but the TFC made decisions on their behalf. Black teachers had to accept everything that was a result of negotiations between the State and the TFC (Behr, 1984:106).

In 1976 the Joint Council of Teacher Associations in Natal (JOCOTAN) was established. It consisted of all racial groups of teachers and its purpose was, amongst others, to promote professional contact among educators at grassroots level. According to Behr (1984:106), this Council was loosely structured, and was an association, not a union, according to the criteria described at the beginning of this chapter. Furthermore, it was only based in Natal. All along, Chisholm *et al.* (1999:271) state, Whites enjoyed substantial policy representation at state level while Blacks were excluded from any participation.

White teachers were warned to refrain from promoting politics in schools; this rule was made obligatory in 1978, since transgression would lead to expulsion. At the same time, Lourerro (1987:6) stated, the majority of Afrikaans speaking teachers wanted to preserve the *status quo*. They had to ensure that their culture and language were protected. According to Behr (1984:105), only two White teachers had been found guilty of flouting departmental rules, but the nature of the transgression was not explained in the source. It was further stipulated that White educators would not be allowed to teach in Black schools which indicates that despite the government's control of Black education, White educators were also subjected to stricter control measures to ensure that the liberal Whites would not be able to sympathize with the plight of their Black colleagues.

Christie (1992:262) says that there was a tendency for teacher organizations to be associated with particular political movements. The Afrikaans-speaking educators generally associated with the philosophy of Christian National Education (CNE), the brainchild of the then Nationalist government. The same trend can be seen in the formation of SADTU as a Congress of South African Trade Unions (COSATU) affiliate, which in turn forms the tripartite alliance with the South African Communist Party (SACP) and the African National Congress (ANC), which together form the government of the day.

This association which is still prevalent in today's politics is also apparent in the USA. The NEA is more aligned to the Republicans with their presumed conservative policies that are not worker-friendly, while the AFT, that promotes



worker-friendly policies, is reported to be in the Democrats' stable. In addition, the AFT mainly consists of the younger generation of educators from working-class backgrounds. These educators aspired to become professionals, but found themselves becoming workers in the education industry, according to Selden (1985:228).

In South Africa the SADTU is associated more with COSATU, which is the ANC ally; the NAPTOSA has a good relationship with the Democratic Alliance and other conservative political parties, which constitute the opposition in parliament. The Democratic Party also consists of some former members of the National Party, a party that became extinct soon after the first democratic elections in South Africa. A conclusion can therefore be made that education and politics are two sides of the same coin in most states around the world. Christie (1992:261) asserts this when she says that major developments concerning educators occurred basically for political and educational reasons.

The researcher wishes to highlight the point that education and politics are inseparable, considering the passing of the 1953 Bantu Education Act. Verwoerd clearly stated that all education policies were to be aimed at ensuring that Blacks were kept in the lower ranks, where they belonged. This had a direct impact on Black educators, Black education in general and more importantly, on the employment procedures for educators in various ranks.

The promulgation of subsequent Acts right up to the Education and Training Act of 1979 demonstrates that education had been used as a tool to drive the discrimination process during the apartheid years. This subjugation may cast a light on the militant attitude of some unions, even after the dismantling of apartheid, because it becomes inherent in most societies for those in power to try and preserve the *status quo*.

The recommendations of the various commissions like the Eiselen and the Cilliers Commissions also bear testimony to the need for Black teacher unions during the nineties. Ntshangase (2001:34) alleges that during this period there was more political influx in teacher organizations than ever in South Africa. The researcher

views this as a direct consequence of the return of exiles, the release of political prisoners, and the unbanning of all political organizations, including the ANC, in 1990.

The SADTU website, [www.sadtu.org.za](http://www.sadtu.org.za), reports that the formation of the SADTU during the Harare Accord in 1990 took place during the period of upheaval in South Africa when political prisoners, amongst them Nelson Mandela, were released from prison, and leaders like Oliver Reginald Tambo, returned from exile. Hartshorne (1992:292) confirms this by saying that the first radical African teacher organization emerged at about the same time as the unbanning of the political organizations in South Africa. This happened in 1990; and will be discussed later in this chapter.

Hyslop (1988:7) argues that the progressive organizations and federations, like the ANC and COSATU, saw that there would be no progress in teacher unionism if negotiations were only to take place between professional organizations like the National Association of Teachers' Union (NATU) and the Department of Education (DoE), considering the unwavering attitude of the government towards the liberation movements. SADTU members realized that they had to align themselves with the ANC in order to fight for the formation of a unitary and a non-discriminatory DoE. To this end they had to adopt a militant attitude, since the education authorities harassed their leaders, and some were even expelled or detained by the police.

Van der Westhuizen (1991:6) supports this conviction when he says that the working relationship between the DoE and teacher unions was marked by conflict and suspicion. Vadi (1993:87), on the other hand, mentions that this relationship led to the harassment of educators by the government. He does not, however, explain the kind of harassment experienced by educators. It can be argued, though, that such educators were not welcome to occupy teaching posts, let alone promotional ones, as the government feared they would be a bad influence on other educators who were not regarded as militant, and also on the learners.

Hartshorne (1992:296) alleges that rural educators in the then Transvaal who regarded their colleagues in the urban areas as too militant, broke away from the Transvaal African Teachers' Association (TATA) to form the Transvaal African Teachers' Union (TATU), which later became part of the NAPTOSA. The NAPTOSA presently represents its members on the Education and Labour Relations Council (ELRC) alongside the SADTU, which is regarded as more radical. Hartshorne (ibid) further states that in the Cape Province there existed tension between the conservative and the radical groups within the Cape African Teachers' Association (CATA), as the former believed their objectives could be achieved by non-political means.

In order to provide a detailed account of the formation of the SADTU and NAPTOSA, which are the two prominent teacher unions in South Africa, it is important to discuss the context of teacher unionism in South Africa. This discussion is aimed at providing an insight into the two forms of teacher unionism in South Africa.

### **2.3 Teacher unionism in South Africa**

Squelch (1999:78) describes a 'union' as an association of employees aiming at regulating relations between the employer and employees. The Concise Oxford Dictionary (1990:1293, in Ntshangase, 2001:12) refers to a 'union' as "...an organized association of workers, formed to protect and further their rights and interests". Mothata, Lemmer, Mda, and Pretorius (2001:170-171) describe 'teacher unions' in particular as bodies organized on a national scale to safeguard the interests, salaries and working conditions of their members. They further explain that these bodies are involved in policy-making structures like the Education Labour Relations Council (ELRC).

Kerchner and Mitchell (1998:23) indicate that trade unions are making in-roads into what was formerly a management-only area. This can be interpreted as an indication that teacher unions are becoming forces to be reckoned with in the DoE management. This is precisely what this study hopes to determine, namely to

investigate whether there can be ways of procedurally involving unions at school level during the implementation of policies.

It is worthy to highlight the fact that no one of the above descriptions of teacher trade unions gives an indication of the situation of learners. This brings the researcher to the conclusion that once the concerns of educators have been addressed, the rights of learners are automatically addressed too, the reasoning behind this statement being that satisfied and protected educators deliver learning programmes effectively at school level.

Poole (1997:480) explains that unions are faced with two dilemmas, the educators' own interests and the public interests. Based on previous definitions of a union by different authors, the researcher is of the opinion that once unions place the public's interests before the educators' interests, they will stop becoming unions. In other words, if the unions place the educators' interests first, the learners' interests would also be met. Bascia (1998:211) also argues that acting in the educators' interests is primary to acting in the public's interest. Moe (2001:43) asserts that teacher unions aim at improving the quality of education, which could also mean that looking after the interests of educators would lead to an improvement in the quality of education.

It was previously mentioned that Myburg (1999:7) alleges that the first unions were child-centred and professional, which means they were not worker-oriented. He further alleges that the younger educators later in the eighties felt that teacher unions had to confront the government head-on and to be militant, if deemed necessary. Hartshorne (1992:304) attributes this behaviour of the younger educators as emanating from the fact that they were politicised and influenced by the 1976 uprisings. It is also a fact that many of the educators who advocate militant forms of unionism were learners during the 1976 uprisings, and experienced the SA governments' brutality at the time.

Woods (1999:7) views teacher unions as agencies and a medium of power, seeking to address the imbalance of power in the workplace. This is because educators, according to Gourden and Deranam (1990:13), were bitter about the

prescriptive principals who conducted themselves as if they were not accountable to anyone but the inspectors. The researcher views this imbalance of power between the DoE and unions as emanating from the manner in which education department officials implemented certain policies, for example, the distribution of circulars from the district or provincial education department which were regarded as non-negotiable since they had been discussed at the ELRC; and union officials representing educators at the ELRC being seconded for extended periods, and who may have lost touch with the conditions at school when discussing the working conditions of educators.

Hartshorne (1988:14) mentions that principals have been blamed by the unions for dictatorial practices while they, in turn, blamed the DoE for compromising on educational principles. Hartshorne (ibid) further says that principals were sometimes called to manage unrest situations that were impossible to handle. It is for this reason that they were not able to meet the demands that fall outside their jurisdiction and power. This was the cause of disagreement by union members when they opposed the government's plan in the EEA Amendment Act of 2007 that principals had to search learners for drugs and dangerous weapons. This amendment happened despite the fact that there were no safety mechanisms in place on how to deal with retaliation by the drug lords who supply the learners with drugs. The Education Law Amendment Act (Act 31 of 2007) has furthermore left some principals with no choice but to join the unions when they embark on strike action. A well-known example is that of Membathisi Mdladlana, a school principal who joined SADTU, who later became the SADTU president and is the present Minister of Labour in South Africa.

As mentioned before, the two major teacher unions in South Africa are the South African Teachers' Union (SADTU) and the National Association of Professional Teachers' Organizations in South Africa (NAPTOSA). Ntshangase (2001:13) maintains that in South Africa the question of educators being organized into a union has divided the teaching profession, as will be discussed later in this chapter.

Mothata (1996:10) asserts that those educators who view themselves as workers but not professionals have united to form the SADTU, whereas those who view themselves as professionals have joined the NAPTOSA. Bascia (1998:211) says that when unions act in educators' interests this becomes primary to public interest as well. Kerchner, Koppich, King and Weers (1990:17), Streshly and De Mitchell (1994:69), and Kerchner and Kaufman (1995:13) all argue that teacher unions must strike a balance between their own interests and the interests of the community.

For the purposes of this study, the researcher will refer to the two teacher labour organizations in South Africa as unions because of various similarities in their objectives and respective constitutions. However, the two tend to differ regarding the concept of professionalism, as will be seen later.

The two main teacher unions in South Africa, the South African Democratic Teachers' Union (SADTU) and the National Association of Professional Teachers' Organizations of South Africa (NAPTOSA) will be discussed below.

## **2.4 The South African Democratic Teachers' Union (SADTU)**

### **2.4.1 Background**

According to the SADTU website, ([www.sadtu.org.za](http://www.sadtu.org.za)), and according to their monthly publication, *The Educators' Voice*, and according to their 2006 diary, the SADTU was the brainchild of educators attending a conference in Harare in April 1988. The educators wanted to form a national and non-racial teachers' union in line with the new Constitution of the Republic of South Africa. Its main objective was to be to fight racism in South Africa's education, and to gain equal access to funding for education.

The conference was attended by various organizations, such as the African Teachers' Association of South Africa (ATASA), the United Teachers' Association of South Africa (UTASA), the Teachers' Association of South Africa (TASA), the National Educators' Union of South Africa (NEUSA), the Democratic Educators

Teachers' Union (DETU), the Western Cape Teachers' Union (WCTU), and the Professional Teachers' Union (PTU). These organizations were together to be known as the Harare Accord, which formed the National Teachers Unity Forum (NTUF), under the leadership of the Congress of South African Trade Unions (COSATU). COSATU is the biggest labour federation in South Africa, and an alliance partner of the ANC, which later became the government in April 1994. As time passed, the Eastern Cape Teachers' Union (ECTU), and the Eastern Cape Professional Teachers' Union (ELPTU) were admitted as affiliates. This unity was later to be known as the South African Democratic Teachers' Union (SADTU), which was formally launched in Johannesburg on 6 October 1990, and coincided with the World's Teachers' Day.

The SADTU identifies itself on its website ([www.sadtu.org.za](http://www.sadtu.org.za)) as a truly non-racial union whose prime objective is to eradicate all forms of discrimination in education, and which strives towards a free and democratic education system. The SADTU says that one of its priorities is the transformation and development of education. To achieve this, it is important that bargaining power has to be employed to influence what is being done in the classroom. The SADTU is of the opinion that if the working conditions are addressed, then professionalism can be realized in the organization (Heystek and Lethoko, 2001:225).

Hindle (1991:72) says that the SADTU's ideology is based on its mainly Black membership, and it sees no inherent contradiction between a strong organization, able to defend and promote the rights and interests of teachers, and the professional work of these teachers. Duncan Hindle is a former educator, a former SADTU president and the present Director General in the National Department of Education (DoE).

The SADTU website ([www.sadtu.org.za](http://www.sadtu.org.za)) reports that between 1993 and 1995 the SADTU had a membership of 80 000 persons, which by 1999 had increased to 200 000. Today the SADTU has a reported membership of more than 235 000 educators nationwide, which accounts for more than 70% of the educator workforce in South Africa, and which makes it the largest teacher union in South Africa. By 2003 the SADTU had a revenue of R100 million, after it had started a

financial services enterprise called Lesaka Holdings. As a COSATU affiliate, this makes the SADTU the largest union in the public service, and the majority in the Public Service Coordinated Bargaining Chamber (PSCBC) in South Africa. It is also the largest union in the Education Labour Relations Council, and has a combined voting power of 50% with NAPTOSA in the ELRC. The SADTU is also an affiliate of Education International (EI), a confederation of teacher unions around the world consisting of more than 30 million members. It also contributes towards the EI development fund to assist teacher unions in neighbouring countries like Zimbabwe.

Hartshorne (1992:297) professes that the SADTU has brought new challenges to its managers' authority and power, because teachers now view themselves as ordinary workers, not professionals. This statement was confirmed by the previous SADTU president, Willie Madisha, when he said that educators have the right to strike because they are workers and they will not allow anybody to trample on them (Heystek & Lethoko, 2001:224). Hartshorne (1992:323) also mentions that Black educators have recently identified themselves with the working class.

This researcher is of the opinion that when teachers in organizations start to view themselves as ordinary workers there is likelihood for an uncompromising attitude during negotiations. This attitude may lead to a confrontation if it is conducted in seemingly uncompromising ways by those considered to be in power. It therefore becomes mandatory for the government to indicate a commitment to improved conditions of educator employment by looking at ways to involve teacher unions in school management. The researcher further believes that once there is improvement, there will be fewer impasses during negotiations.

Vadi (1993:87) says that the SADTU refused to work with the government because it had hoped to protect educators from subordination and manipulation by the state. He further asserts that the SADTU was able to turn the present educational system around and to use it against the DoE through strikes. This view is based on Hartshorne's assertion that the unions' action reflects the mood of protest in the form of resistance, strikes and stay-aways (1992:297). These forms of protest have been greatly characteristic of the SADTU members and



have brought about wide-ranging criticism from the media and the public. Certain aspects of the criticism will be discussed later in this chapter.

The SADTU has changed the balance of power in court disputes during cases of misconduct, which have been recklessly handled by many of the poorly prepared affirmative action managers of the government, who were also political activists. Maluleke (1998:6) says that some of these managers are more politically correct than suitable for their posts. Employing such managers, according to Maluleke, was a “thank you” by government and a form of affirmative action. It can also be suspected as the reason for the drive by the SADTU to have members from its own ranks occupying key positions within the DoE.

Winning court cases in various actions against the government has given the SADTU the edge over his employer. Ntshangase (2001:42) argues that some of the departmental officials are inadequately prepared for their positions, and are also ill-prepared to implement policies. This can be seen in their failure to find ways of incorporating the radical unions like the SADTU in their school management teams. One area of management that has been poorly handled by inefficient managers is the redeployment of educators. According to the SADTU (Heystek & Lethoko, 2001:227), redeployment is a good idea that was badly handled through the bureaucracy of the DoE.

#### **2.4.2 Objectives**

According to the SADTU website, ([www.sadtu.org.za](http://www.sadtu.org.za)) their objectives are as follows:

- to fight for better remuneration and working conditions for education workers;
- to represent and promote the professional aspirations of educators;
- to play a leading role in the struggle for educational transformation and to deliver free and equal quality education for all; and

- to constantly improve the organization, conscientise and to mobilize members.

It is worth noting that the SADTU does not have a constitution displayed on its website, besides the fact that it is the biggest teacher union and was started in 1990. The SADTU has stressed that there should be effective communication between its members at grass-roots level at school, and its officials at branch and regional levels. For this reason site committees were introduced in schools with educators who were current SADTU members.

### **2.4.3 Site committees**

As Mkhize (1997:3) says, teachers have always yearned for shared decision-making during policy formulation processes. Consequently, the SADTU developed site committees in schools. The aim with a site committee was to establish communication between educators at school with the union officials at branch level.

According to Mothata *et al.* (2001:159), a 'site' is described as the actual place where an educator is based for the purpose of his or her work, and this place is the school. The Concise Oxford Dictionary (1990: 428) describes a 'site' as a place where some activity is or has been conducted.

For every three SADTU members in a school there should be one member serving on the committee. This means that in a school with 21 SADTU members the Site committee consists of 7 members. It should be noted that the NAPTOSA does not have a site system for its school based members.

The SADTU has organized educator members based in various sites or schools in site committees. A number of site committees in a particular area forms a branch. Each site committee democratically elects its representative who reports on behalf of its members to the branch, and in turn has to report to the site members at the site or school. This elected representative is known as the 'site steward'.

Mothata *et al.* (2001:159) describe the 'steward' as a democratically elected person belonging to a union, representing his or her site at branch level. The existence of a site committee with a site steward is, however, likely to create animosity in a school, since the site committee is not accountable to the principal or any other departmental official, but only to the SADTU. It is for this reason that Vadi (1993:87) says this relationship may lead to the harassment of SADTU members by the principal and departmental officials, especially during the redeployment process.

The role of the site steward is to represent SADTU members during policy implementation processes at school level, and to report perceived malpractices by the SMT or the SGB to the branch level of the organization. If the dispute is not resolved at this level, it is reported to the regional committee, which may recommend that a SADTU delegation be sent to confront the parties in dispute, especially the principal. This parallel strategy of dispute resolution in terms of the site reporting to branches of the SADTU and the principal reporting to the district office, may sometimes cause serious tension in the school, and thus stifle learner progress. This is likely to happen when there is a perceived lack of transparency during policy implementation.

It should be noted that currently there is no formal representation of unions in the School Governing Bodies (SGB's), according to the South African Schools Act (Act 84 of 1996 (SASA)). This means that in schools where there is an understanding between the SMT and the SADTU, the site committee member who acts as a union member representative has to assume observer status during the SMT deliberations, such as the redeployment of educators and the filling of new posts. In other words, site committees become the informal union watchdogs during policy implementation.

Despite the fact that the SASA does not allow for the formal representation of unions in school governance, educators are afforded representation as elected individuals, not as union members, on the SGB. The researcher argues that if educators are represented by recognized unions at the ELRC, the same should happen at school level where policies are to be implemented. The rationale is that

the present observer status of unions is open to abuse at school level by unionists with personal ambitions.

In this study the attitude of educators towards such elected educators will be examined during the interviews with the educators. Ntshangase (2001:59) said, though, that in Vryheid KwaZulu-Natal, SADTU members were encouraged by their leadership to stand for election in the SGB structures. There has not been any report in the literature which indicates whether this approach works in all schools, since other educators may belong to the NAPTOSA. The researcher views this participation as a possible contribution to staff division at school level, since members who are not represented may feel ostracized during policy implementation, or it may have the potential for poor policy implementation.

In schools where there are fewer SADTU members there is no union representation in the structures mentioned above. This means that educators in such schools thus become vulnerable to possible irregularities during policy implementation. It is for this reason that the research findings should, by means of the interviews conducted with various stakeholders, indicate the feasibility and nature of union involvement.

In summary, site committees can be regarded as union watchdogs at school level, because they have to report to the respective SADTU branches in cases where SGB's and SMT's fail to follow the correct policy implementation procedures, like the redeployment of educators and the filling of promotional posts. As was mentioned previously, the SADTU (Heystek & Lethoko, 2001:227) stated, for example, that the redeployment of educators was a good idea that was badly managed by the management of the DoE.

In short, the mandate of the site committee, according to Ntshangase (2001:13), is to ensure that there is a good flow of information between itself and the broader SADTU membership. On 2 February 2008, ([www.sadtu.org.za](http://www.sadtu.org.za)) at the funeral of Don Pasquallie, who was the SADTU secretary of the Deputy General, Thobile Ntola, the SADTU Deputy President at the time, and presently the President, insisted that the SADTU would build local education committees to improve quality

in schools. This shows that the SADTU sees a need for increased involvement at school level, apart from at the ELRC proceedings.

The researcher wishes to mention that the majority of the members of the SADTU consist of the younger generation of educators who, according to Hartshorne (1992:304), were politicised by the 1976 uprisings. It should also be remembered that many of them were students at that time. Myburg (1999:25) mentions that the younger generation felt that teacher unions had to confront the government head-on and to use militancy if necessary. The above statement should provide a synopsis of circumstances in schools with large numbers of SADTU members. The researcher feels that this synopsis may help to answer questions about the effects of union participation in school governance and management.

## **2.5 The National Professional Teachers' Organization of South Africa (NAPTOSA)**

### **2.5.1 Background**

In 1991 the NAPTOSA consisted of the African Teachers' Association of South Africa (ATASA), a Black teachers' association, and the Teachers' Federal Council (TFC), a White teachers' union, which joined in 1994, and the United Teachers' Association of South Africa (UTASA), a Coloured teachers' union. In June 1996 the White educators withdrew from this alliance because of the poor treatment of Afrikaans. Lourerro (1987: 6) maintains that the Afrikaans teachers' associations always wanted to preserve the *status quo*. The Suid-Afrikaanse Onderwysersunie (SAOU) was then established and consisted of Afrikaans educators who joined as a result of the break-away.

Mentor (1987:12) states that the Natalse Onderwysersunie integrated schools that were not the enemy for inequality in educational standards. These schools favoured the apartheid policies and thus aimed at preserving the *status quo*. In 1997 the National Union of Educators (NUE), the Professional Educators Union (PEU), the White Transvaal Teachers' Association (WTTA), the Coloured Transvaal Association (CTA) and the African Teachers' Association of South

Africa (ATASA), including the Gauteng, Eastern and Western Cape educators, came together with Indian unions to form NAPTOSA. It consisted of 10 other smaller unions that did not make the grade at the ELRC.

Govender (2004:274) reports that in 1998, when the government ordered that union names that showed a racial connotation should be removed, the Natal African Teachers' Union (NATU) became the Natal Teachers' Union (NTU), and the Transvaal United African Teachers' Union (TUATA) became the Professional Educators' Union (PEU). Mothata (1996:10) says that these unions, or rather associations, enjoyed the support of the apartheid government of the time because of their perceived professional status. Hartshorne (1992:316) further accentuates that TUATA in particular was not in favour of COSATU-led talks from the outset of negotiations.

According to the NAPTOSA website ([www.naptosa.org.za](http://www.naptosa.org.za)) this union is a voluntary association of members aimed at promoting and protecting the status of its members. The Registrar of Labour Relations registered NAPTOSA on 1 November 2006 as a trade union. It is otherwise known as the Combined Trade Unions (CTU) because it serves as the umbrella body for various other smaller unions. The Combined Trade Unions (CTU) consists of the National Association of Professional Teachers' Organization of South Africa (NAPTOSA), the Natal Association of Teachers' Union (NATU), the Suid-Afrikaanse Onderwysersunie (SAOU) and the Professional Educators' Union (PEU). Altogether these unions are known as the NAPTOSA in the Education Labour Relations Chamber (ELRC). Therefore, the NAPTOSA is a federation of smaller unions that did not make the required threshold for representation in the ELRC, as opposed to the SADTU, which is a single and unitary teachers' trade union.

The NAPTOSA has a combined membership of about 50 000 education workers, comprising of approximately 43 000 state employee members and about 6 000 SGB and Independent school members. This federation status of the NAPTOSA makes it the second biggest teachers' union in SA. It should further be indicated that the smaller unions that form the NAPTOSA have their individual constitutions,

but are bound by the professionalism ethos, *i.e.*, the principle that the child comes first.

It is notable that the NAPTOSA does not publicly divulge the true reasons for its amalgamation in order to gain recognition in the ELRC on its website ([www.naptosa.org.za](http://www.naptosa.org.za)). The truth is, it was not possible to use the name 'NAPTOSA' as a single union because of the threshold requirements for unions to be represented at the ELRC.

## **2.5.2 Objectives**

The NAPTOSA, on its website, [www.naptosa.org.za](http://www.naptosa.org.za), undertakes to

- promote a system of a non-discriminatory education while focussing on the needs of all learners;
- emphasize the maintenance of the professionalism of its members and to contribute towards the development of education legislation;
- promote a system of education which focuses on the needs of the individual learner;
- strive for the establishment of effective compulsory education; and
- enhance all the aspects of the working life of education sector employees.

It is clear that the objectives of the NAPTOSA, as tabled on their website, show very little or no regard for the educators that it is supposed to represent.

The following section gives an overview of an international body that is the umbrella body of teacher organizations around the world.

## **2.6 Education International (EI)**

### **2.6.1 Background**

The Education International (EI) website ([www.ei-ie.org.com](http://www.ei-ie.org.com)) describes this body as a federation of teacher unions around the world. It has a membership in excess of 30 million, with 394 organizations in 171 countries, from preschool to university. This makes EI to be the world's largest Global Union Federation and the only one that represents education workers in every corner of the globe.

EI was launched on 26 January 1993 in Sweden with about 18 million members, with delegates from the World Confederation of Organisations of the Teaching Profession (WCOTP) and the International Federation of Free Teacher' Unions (IFFTU). These rival teacher union federations merged. This merger can be marked as a milestone for the possibility of a merger between the SADTU and the NAPTOSA, which are the South African teacher unions. Albert Shanker, the president of the American Federation of Teachers (AFT), is the founding president of EI, while the present president is South Africa's Thulas Nxesi, who also happens to be the SADTU Secretary General, and a member of parliament. The SADTU is also an EI affiliate.

### **2.6.2 Objectives**

The main objectives of EI are:

- to combat all forms of racism and discrimination in education;
- to defend trade union rights;
- to enhance conditions of work and terms of employment that are conducive to effective teaching and learning; and
- to protect the rights of every educator, education worker and learner alike.

EI has representation in 5 regions around the world: Africa, Asia Pacific, Europe, Latin America and North America - the Caribbean.

The following section indicates the various activities managed by the EI around the world. These should serve as a revelation about the state of education in both developed and under-developed counties. This section should also help to answer



the question on whether there should be trade unionism in education, and the nature of unionism leadership that is needed. The following incidents of educator unrest throughout the world are reported on the EI website, ([www.ei-ie.org.com](http://www.ei-ie.org.com)) .

### **2.6.3 Teacher union unrest activities around the world**

On March 18 2008 it was reported that the Lithuanian Education Employees Trade Union protested against the poor salaries and conditions of work and that they demanded a 50% salary increase on the 640 Euros per month they were receiving. The Zimbabwe Professional Teachers' Union (ZPTU) ended their 3-week protest on 16 March 2008 after EI helped them to win their demand for a 754% pay increase. In Zimbabwe these protests coincided with the time of the elections which, in most countries, is the right time to entice the government to increase salaries and to improve conditions of service. Nine members of the ZPTU were abducted by the police on 19 February 2008. This is symptomatic of conditions faced by the SADTU members after their launch when the government cracked down on SADTU activists who were campaigning for membership among educators.

On 11 March 2008, the New South Wales Council for the Australian Teachers' Federation voted to take action against changes to the school staffing system and salary disparities. Teachers in Australia indicated that the fight for better working conditions was also a fight for the rights of learners to be taught properly. The Federation therefore resolved to vote for a 2-hour work stoppage on 8 April 2008.

On 28 February 2008, the West Australian educators went on strike for improved pay and conditions of service, especially the lack of non-teaching time to carry out administrative tasks. This also happened to be the case in South Africa, namely the increased administrative tasks emanating from the Revised National Curriculum Frameworks (RNCF).

Benin educators in West Africa went on strike on 8 January 2008 for more secure teaching contracts and better salaries. The United Kingdom Union of Teachers balloted for a day's strike on 24 April 2008 for better salaries and better conditions

of service. The EI website ([www.ei-ie.org.com](http://www.ei-ie.org.com)) also states that contrary to international labour law, teachers in the UK have no negotiation rights. The review body imposes their salaries on them. On 24 March 2008 French educators went on strike for education budget cuts and increased salaries. They also protested against disparities in conditions of service between teachers in the provinces and those in the Paris suburbs. The question can also be raised as regards the level of commitment and motivation such educators have if their basic needs are not attended to by the government.

In Portugal, thousands of educators went on strike on 28 March 2008 in protest against harsh public sector cutbacks. It was reported that the teachers had the widespread support of the public who did not want to see the education budget being cut. This is contrary to conditions in South Africa, where teacher unions like the SADTU face criticism from certain sectors of the public, like the media, for taking to the streets because of the appalling conditions in rural and township schools.

The views of various interest groups towards teacher unions will be discussed later in this chapter.

The scenario of educator unrest events around the world reflects the conditions educators find themselves in, even in developed countries like Britain and France. An interesting observation here is that there does not exist any report of educator unrest in the North American States where the American Federation of Teachers (AFT) and the National Educators' Association (NEA) operate. In chapter 3 these two major unions in the USA will be discussed.

The activities of educators and their teacher unions around the world raise questions on whether there is a need for teacher unions and whether educators are categorized as professionals or workers. This will be discussed later in this chapter. The aim of the study is to determine if there is a need for employers to assume a more reconciliatory position when dealing with educator issues. The answer to this question lies in whether the learners' interests are of paramount interest to all stakeholders, as should be the case.

In order to address the question of the implementation of policies at school level, the researcher recognizes the need to provide clarity about the structures that operate at school level, as stipulated in the South African Schools Act (Act 84 of 1996 (SASA)). The School Management Team, as the management arm of the school, and the School Governing Body, as the governance arm of the school, will respectively be discussed below.

## **2.7 The School Management Team (SMT)**

Van der Westhuizen (1994:55) describes 'school management' as "regulative actions executed by the principal in a school to allow formative education to occur." The education department manual, First Steps: School Governance Starter Pack (1997:44) indicates that school management is the professional duty of the manager or the principal. The above descriptions single out the principal as the only person to manage the school. There is no mention of a school management team or of educators. Such a description becomes dangerous for managers who may simply assume that they have to lead the school without effectively engaging stakeholders.

However, Heilder (1985:55) argued long before the advent of democracy that a good principal knows when to listen, when to act and when to withdraw. The researcher is of the opinion that in this day and age a good principal does not only know when to listen, to act or to withdraw, but never makes the mistake of taking important decisions without consulting with other stakeholders.

The SMT usually consists of the principal, deputy principal(s) and the heads of departments of the school. The SMT has the responsibility to execute the decisions of the School Governing Body (SGB) in accordance with the South African Schools Act (SASA). In short, this body is responsible for the day-to-day running of the school. The principal as an *ex officio* member of the SGB becomes the chief executive of the school and takes the responsibility, together with the SMT, for all aspects of school management. The school climate is largely determined by the leadership quality provided by the principal. Maseko (in: Du

Plessis, 2002:15) says that the creation of a positive organizational climate is an important tool for educational management.

The formal involvement of teacher unions within the SMT is not regulated by the SASA at school level. The researcher is of the opinion that formal union participation at school level is very important, as long as it is monitored during the implementation stage. Heckroodt (2002:5) argues that the involvement of all stakeholders is widely accepted, and she stipulates commitment to decisions made. Another argument made by the researcher is that since it is the educators who have to implement educational programmes they have to be involved in policy implementation rather than being mere observers. Kerchner and Mitchell (1998:23), as has been mentioned before, are of the opinion that teacher unions are now making in-roads into what was formerly perceived as a management-only area. This is happening despite Harman's (1984:18) view that policy-making has lately been perceived as the jurisdiction of management who has legally-based responsibilities to formulate policies.

The researcher refers to involvement as commitment to the task, rather than participation. According to the Employment of Educators' Act 76 of 1998 (EEA) section 3.3(b)(i), educator unions have to assume observer status during redeployment, interviews, and short-listing processes. Instead of voicing their dissatisfaction in the event of malpractices during redeployment, they have to report to their union branches, and it takes time before grievances can be addressed. This wastes time, time needed to teach.

Since the actual conditions at all schools are not the same, those stakeholders who are involved in the implementation of policies should be properly represented, in case of disputes. Principals generally use their discretion when determining union involvement in policy matters at school level. In schools where the principals accept unionism, there is systematic management and an increase in teacher participation. Mampuru and Calitz (1993:51) warn that school employees who are accustomed to a culture of power with a strong control figure find it hard to adjust to a more democratic and participative task culture, even if they claim this is what they want.

Hartshorne (1988:3) argues that during the apartheid era schools were made to work under undemocratic situations, in the sense that the decisions of the DoE were not negotiable by educators through their unions. These conditions could be similar to the one described by Thembela and Walters (1984:49), where they mentioned that during the apartheid era the principal had to respect and accept all instructions from the school inspectors because they represented the department, and it was their duty to implement its policies regarding, amongst others, the filling of promotional posts, together with the state controlled and undemocratic school boards.

Since there were no SMT's during the apartheid era it means there was little or nothing to discuss during the formulation of policy processes. Maluleke (in: Ntshangase, 2001:42) argues that the younger generation of educators who are mostly SADTU members, have lost confidence in management. The younger educators claim that education is a mess today because the government has left education management in the hands of officials without a vision and lacking managerial expertise.

Maluleke (ibid) as has been mentioned before, also adds that the employment of some of these managers was a show of gratitude by the present government in the form of affirmative action. The researcher views such leaders as having the potential to preserve the *status quo* when making important decisions. One other reason for nepotism would be the potential threat posed by some competent post level 1-educators who may feel that they, rather than their colleagues, deserved management positions. This stands to be tested when questions are raised during the interviews about the actual procedures followed when management positions are filled.

## **2.8 The School Governing Body (SGB)**

Section 20 (1)(a) of the South African Schools Act (Act 84 of 1996 (SASA) stipulates that the SGB must promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners in

the school. Section (j) of the same Act says that the SGB should recommend to the Head of Department (HoD) or the Director General the appointment of educators and non-educator members at the school, subject to the EEA and the LRA guidelines.

Generally speaking, according to section 16(1) of the SASA, the governance of every school is vested in the SGB, while management becomes the responsibility of the SMT, as discussed earlier. The main responsibility of the SGB is to formulate the school policies in accordance with the SASA and the guidelines of the Constitution of the Republic of South Africa. This responsibility goes along with the responsibility to support the principal and staff in the day-to-day management of the school.

In the researcher's experience as a former school principal, it is this support mentioned in the previous paragraph that seems to be the cause of concern between parents and educators alike because of the different interpretations of the concept 'support' by various stakeholders. To some parents this concept may mean supervising the school staff, or it may be interpreted as providing support by supplementing the resources provided by the DoE in order to improve the quality of teaching and learning at the school. The correct interpretation depends on the competence of the principal to provide good leadership. On the other hand, the incorrect interpretation may lead to insurmountable problems at the school that may eventually challenge the principal's professional and academic freedom to manage the school effectively. It is therefore necessary to ensure that all stakeholders understand exactly what is expected from them to participate effectively in school governance and management. The understanding of roles becomes more important if unions are to be introduced at school level as part of governance and management.

Section 29 (1-3) of the SASA stipulates that the SGB should consist of the principal who assumes the *ex officio* role, and democratically elected educators, parents and learners in schools with Grade 8 or higher. The chairman of the SGB has to be a parent who has a child or children at the same school. The SGB has the prerogative to co-opt members of the public who, according to the members,

can contribute towards the effective running of the school. One non-teaching staff member represents the non-teaching staff, which includes the administrative staff, general assistants and security personnel. In most schools with administrative personnel, this member is usually the administration officer who is elected by the assistants, often with inferior or no academic or professional qualifications. It is also common practise for the administration officer to be elected as the secretary of the SGB because of his or her administrative skills, like typing the minutes and filing. This puts the non-teaching staff members' fate in jeopardy as the secretary is kept busy recording the minutes, instead of participating in the proceedings. Peterson (1993) reiterates this view on ([www.thinkingonline.com](http://www.thinkingonline.com)), namely that such exclusions could be a result of employers' view of teacher unions as an obstacle to educational management.

The leadership qualities of the chairman of the SGB largely determine the working climate at a particular school. Likewise, it is the nature of the relationship between the school principal and the chairman of the SGB that determines the internal environment in the school. A cordial relationship between the two may raise suspicion on the part of educators if redeployment is not handled properly. On the other hand, strained relations between the two may create tension at the school, which may negatively influence the implementation of policy.

It is therefore important to highlight the thin line between school governance and school management.

School governance is the responsibility of the School Governing Body (SGB). It is concerned with the implementation of policies at school level. While management remains the responsibility of the principal and the SMT, it has to do with the day-to-day running of the school. The principal has the responsibility to implement decisions taken by the SGB in accordance with the SASA.

This study aims to look at how education policies are actually implemented at school level. This is necessary since there is a possibility that the principal may, according to Fowler (2000:18), not implement them at all, or substantially modify them during implementation. This becomes a problem when policies of a sensitive

nature, like redeployment, have to be implemented. Fowler (2000:17) further asserts that the passing of statutes does not mean automatic implementation, since it is the school staff that has to implement them.

Reimers and McGinn (1997:34) indicate clearly that most implementation programmes should focus on increasing the commitment of those who are to implement the programmes at school level. The researcher views this step as crucial, since the formulation of policies is fruitless without their sound implementation.

Peterson (1993, on [www.rethinkingschools.com](http://www.rethinkingschools.com)) says that school governance is potentially the most controversial issue confronting teacher unions. Thulas Nxesi, the general secretary of the SADTU, echoed the same view in a memorandum delivered to the Minister of Education, namely that the transformation of the education system was undermined by the powers afforded to SGB's, with special emphasis on the parent wing.

The researcher views the limited representation of educators in the School Governing Body as a cause of disagreement, since they are the ones who have to implement the policies in the classroom. Similar concerns could be raised if educator members in the SGB are not union members.

Section 3.2.1(d) of Collective Agreement No 2 of 2005, which was established in terms of the LRA by the ELRC, states that there has to be one union representative per union that is party to the ELRC during the short-listing, the interviews and the compilation of the preference list of educators. It further states that the union representative has to be the observer of the entire process. The principal or the Institutional Development and Support Officer (IDSO) becomes the observer and the resource person.

The resource person is the departmental representative who sees to it that all processes take place according to the law. He/she also has to advise the panel members on certain aspects of the procedures, if they are in doubt, but does not, however, have voting powers. The decision to recommend applicants lies with the



panel of the SGB that consists of elected educators and parents. The HoD has the final say in the appointment and transfer of educators.

Section 3.6(b) of the EEA states that the Head of the Department may only decline the recommendation of the governing body if

- any procedure collectively agreed upon or determined by the Minister for the appointment, promotion or transfer has not been followed;
- the candidate does not comply with any requirement collectively agreed upon or determined by the Minister for the appointment, promotion or transfer;
- the candidate is not registered, or does not qualify for registration, as an educator with the South African Council of Educators;
- sufficient proof exists that the recommendation of the said governing body or council, as the case may be, was based on undue influence; or
- the recommendation of the said governing body or council, as the case may be, did not give regard to democratic values and principles.

## **2.9 The Education Law Amendment Act (Act 31 of 2007)**

The current debate on governance concerns the Education Law Amendment Act (Act 31 of 2007 (ELAA). Section 6B has been inserted in the EEA. It gives the Head of the Department (HoD) executive powers to convert temporary posts at schools without any recommendation by the School Governing Body (SGB).

During the post-apartheid era in a state where there has been gross violation of human rights, it is regarded as archaic to ignore any legislation that promotes unilateral decision-making. This practise, by whichever stakeholders, is deplorable, whoever may benefit by it. The researcher acknowledges that it is the prerogative of the SGB to make all the recommendations regarding the appointment of educators to the Head of the Department. However, this has to be done with the utmost care to ensure that the rights of educators, as enshrined in the Constitution of the Republic of South Africa, Act 108 of 1997 (chapter 2, section 7), are not violated. The researcher also believes that if the rights of

educators are respected, this will lead to respect for learners' rights, namely to be taught properly.

The researcher is of the view that it is usually risky to take important decisions without consultation, because either the educators or their unions will react positively or negatively to policy, as Heckroodt (2002:57) stated. Heckroodt (ibid) said the positive or negative reaction happened because the educators are close to the school site. This confirms the point that no decision that has a bearing on educators can be taken without consulting the unions. Likewise, the unions need to be monitored by the DoE to ensure that they follow the EEA.

The composition of the SGB does not afford greater powers of involvement to educators as much as the involvement of parents who form the majority. Furthermore, teacher unions are not part of the SGB structure, according to the SASA. The absence of teacher unions in educational structures at school level raises uncertainty among educators when sensitive aspects of the EEA are to be implemented. This is in contrast to union belief, according to Nxesi, The Secretary General of SADTU ([www.nea.org.com](http://www.nea.org.com)) during his address at the National Education Association (NEA) assembly in 2000, namely that "...motivated and well-trained educators are key to delivery of quality public education". The poor representation of educators happens despite the fact that even Bascia (1998:911), an expert on teacher unionism in the United States, noted that there is no other organization that can respond to the work-related needs of the teaching profession the way unions can.

The SADTU has repeatedly requested the Minister of Education to review the powers of the SGB's, especially in relation to the employment of educators, amongst others as stated in ([www.sadtu.org.za](http://www.sadtu.org.za).) In a media statement by the SAOU its Gauteng chairperson, Carel Cronje, indicated that the SGB's should consider their approaches to, among others, the unreasonably high expectations of parents about educator performance without referring to the uniqueness of every school under the DoE (SAOU, 2007: ([www.saou.co.za](http://www.saou.co.za))).

In order to understand the context in which the structures have been discussed, the researcher thinks it is necessary to gain insight into the various forms of legislation in education. The South African Schools Act (SASA), the Employment of Educators' Act 76 of 1998 (EEA) and the Labour Relations Act 66 of 1995 (LRA) will be discussed below.

## **2.10 The South African Schools Act (Act 84 of 1996 (SASA))**

The SASA was enacted with the intention to provide a uniform system for the organization, governance and funding of schools, to amend and repeal certain laws relating to schools, and to provide for matters connected therewith. In the preamble to the SASA it is stated that the aim is to uphold the rights of learners, parents and educators.

Section 16(1) of the Act places the governance of every public school in the hands of the SGB. Section 16(3), however, indicates that the professional management is the responsibility of the principal under the authority of the HoD. In other words, the HoD has the authority to unilaterally take certain important decisions regarding the running of the school. There is no mention of other stakeholders like educators and parents when such decisions are made.

Section 20(1) of the SASA states that the SGB has to recommend the appointment of educators at the school, to the HoD subject to the EEA and the LRA. Section 20(8) stipulates that when filling educator posts the SGB has to ensure that the following factors are met:

- the ability of the candidate;
- the principle of equity;
- the need to address past injustices; and
- the need for representativity.

This study also aims to determine whether the above requirements are met when filling vacant posts.

Sections 20 (4) and (5) of the Act allows the SGB to establish additional posts and employ educators according to the prescribed norms. Section 20(11) indicates that such employees should not be considered to be under state employment if there is a possibility for the abuse of such educators' rights. In other words, such educators may not enjoy similar rights and privileges as those educators in the state's employ.

From the various sections of the SASA it becomes clear that educators are afforded a minimal role in school governance, despite the fact that they have the responsibility to implement all the teaching programmes in the classroom. In addition, the educators are the ones who are familiar with the actual conditions at school level.

The impact of the representation of educators on the SGB will be reviewed during the data gathering stage of this study.

## **2.11 The Employment of Educators Act (Act 76 of 1998 (EEA))**

As explained earlier, the EEA was enacted with the intention of providing for the employment of educators, for the regulation of the conditions of service, and for the discipline, retirement and discharge of educators.

Section 4(1) of the Act states that the Minister determines the salaries and conditions of service, while the appointments remain the responsibility of the HoD. Such appointments may only be made on recommendation by the SGB. Educators in excess due to operational requirements may only be identified by the HoD. Since the principal is the representative of the HoD at school level, this becomes his responsibility, according to section 6(3a).

Section 6(3b) allows the HoD to decline the nomination of the SGB if the correct procedures have not been followed, or if the candidate does not meet the requirements for the post as determined by the Minister. It should be noted that this process of declining nominations may take a long time and it may have a

negative impact on the learners' progress, as has been noted before. Furthermore, the amendment of the same sections of the EEA in 2006 (Education Law and Policy Handbook) gives the HoD the powers to overrule the recommendations and order of preference of candidates for appointment.

The researcher views this as disempowering on the part of the SGB and as a futile exercise, since the HoD is not expected to be well-versed about the suitability of candidates for the posts advertised. The best decision should lie with the stakeholders at school level, as long as the EEA is followed. It is further envisaged that such decisions may cause further delays at schools, and a waste of learners' time. Section 195(1) of the Constitution of the Republic of South Africa (Act 108 of 1996) states that the filling of new posts and redeployment should be guided by:

- the ability of the candidate; and
- the need to address the imbalances of the past in order to achieve broad representation.

### **2.11.1 The advertising and filling of educator posts, according to the EEA**

#### **2.11.1.1 Advertising**

Section (3) of the Act and Resolution 2 of 2005 state that the following should be included in the advertisement:

- the minimum requirements;
- the procedure to be followed during application;
- accessibility to all who may qualify or are interested;
- non-discrimination; and
- the indication that the state is an affirmative-action employer.

#### **2.11.1.2 Sifting**

Section 3.2(d) states that the trade unions parties should be given a full report of the names of educators who have, and also of those who have not, met the minimum requirements for the posts advertised.

#### **2.11.1.3 Short-listing and interviewing**

Section 3.3 (b) indicates that the interview committee should comprise of

- one departmental representative, who may be the principal as an observer and resource person, who should have all the relevant information about the process;
- the school principal, if s/he is not the applicant;
- SGB members, except educator members who are applicants; and
- one union representative per union that is represented at the Education Labour Relations Chamber (ELRC), who are to attend as observers only.

It should be noted that the EEA has been amended to give the HoD the powers to disregard the recommendations of the SGB on the appointment of educators. This could result in further problems if those persons who are closest to the schools are not afforded the powers to make the final recommendations. The researcher believes that the stakeholders at school level, namely the educators and the principal, have the best knowledge and expertise regarding the needs of the school.

#### **2.11.1.4 The redeployment of educators**

The redeployment of educators is a process aimed at posting educators to schools where their expertise is needed most. Schools which had low learner enrolments had to follow the agreed procedures when transferring or redeploying educators. The process is alternatively known as 'right-sizing' or rationalization, since it was aimed at ensuring that educators do not become redundant and subsequently retrenched when learner numbers diminished.

In terms of EEA Resolution 6 of 1998 section 2.4, operational requirements should be limited to

- a change in learner enrolment;
- curriculum changes;
- a change in the grading of the particular school; and
- financial restraints.

The transfer of educators is better known as 'redeployment'. Paragraph 2 of the EEA Resolution 6 of 1998 states that procedures have to be in place for the rationalization and redeployment of educators, and those educators should not be declared redundant, thus leading to their retrenchment. According to this Resolution, the redeployment process was supposed to start on 5 February 1999 and to end by 30 June 1999. To this day the process is still on-going, although in a different manner. The SADTU ([www.sadtu.org.za](http://www.sadtu.org.za)) has referred to the redeployment of educators as a good policy that was poorly or badly handled by the bureaucracy of the Department of Education (DoE).

One of the primary objectives of this study is to examine the process that is followed by the SGB and the SMT in identifying educators in excess for redeployment purposes. This also includes the filling of posts, as a result of the above conditions stated in the agreement. The researcher aims to determine the implementation procedures of such policies at school level. Another aim is to establish if redeployment is not used as a weapon by certain managers to exclude those educators who seem to be advocating for progressive change in schools that resist the democratic ideals.

#### **2.11.1.5 Time-off**

Chapter G section 3.1 of the EEA states that duly elected trade union representatives are allowed time-off during school hours to attend meetings at national and provincial levels for collective bargaining purposes. They may also take reasonable time off to prepare for such meetings. This amounts to one day

per event. The proviso is that there has to be communication between the union and the employer. Section 3.2 allows union representatives to represent members during disciplinary hearings, grievances and dispute resolution procedures, including retrenchment and dismissal.

Another area of policy that continues to seemingly deprive learners of valuable contact time, is when educators have to attend disciplinary hearings. There exists a belief that the effective participation of all stakeholders at school level tends to ensure that no stone is left unturned when sensitive sections of the EEA are dealt with. This would lead to cooperation and less need for public hearings, activities which waste the learners' time, because educators are away during school hours. The time-off policy aimed at allowing unionist educators time to attend to hearings is an indication that the government is willing to waste time rather than to look at ways to maximize on teaching and learning time. This can further be interpreted as an admission of guilt by the DoE, namely that something is indeed wrong with policy implementation at school level.

The Constitution of the Republic of South Africa (Act 108 of 1997) section 23 allows all people the right to engage in union activities, which includes the right to strike, should there be an impasse. At the same time, section 29 of the Act advocates the right of learners to be taught. However, the Constitution does not indicate whether the rights of the educators are a priority, or those of the learners. In other words, the researcher argues, the system that grants educators the right to strike is the same system that advocates the learners' right to be taught. This is bound to lead to confusion as a result of democratic processes that have been taken too far. Various authors and critics argue whether educators should have the right to strike. This debate leads to the argument whether educators are professionals or workers. The next section will address this debate.

## **2.12 The status of the teaching profession**

Various authors and critics have argued the question whether educators should be classified as professionals or as workers. This promotes further debate on whether educators should engage in industrial action or not. Scott (1969:84) indicates that



ambiguities in the position of the educator are rooted in the organizational history of the school, in the control by laymen in the form of school boards and councils, including the lack of prestige and poor salaries.

A former president of the NAPTOSA, Dave Balt, agrees where he says ([www.naptosa.org.za](http://www.naptosa.org.za)) that teachers are underpaid and undervalued, and that it is important to improve the circumstances under which they work. This implies that educators cannot be regarded as professionals unless their working conditions are improved. However, it is important to note that the NAPTOSA still views teaching as a profession only in need of a revamp, in the researcher's own words.

Scott (1969:82) describes a 'professional' person as someone who, by virtue of long training, is qualified to perform specialized activities relatively free from external supervision and regulation. This description does not fit educators, many of whom have only had one or two years' training at teacher training colleges, and are not specialists, especially in the primary phases. Furthermore, educators have to be monitored by subject heads, principals and district personnel regarding their work performance.

Bailey (1987:112) says that no special arrangements were in place during the earlier years for entering into a teaching career, only sufficient literacy to teach reading and elementary arithmetic. Lourtjie (1969:19) alleges that if teaching is a profession, it is a profession with ambiguous membership. Scott (1969:82) refers to this 'ambiguity' in respect of the fact that educators, who are controlled by laymen serving on some school boards, the lack of prestige and the low salaries, are still referred to as professionals. Today school boards have been replaced by SGB's that also mainly consist of illiterate parents, especially in the township and rural schools.

Hartshorne (1992: 323) indicates that Black educators have over a long period identified themselves as the working class. He does not, however, mention the situation regarding White educators. Mosoge (1990:32), on the other hand, argues that the perception of the unions was influenced by apartheid, namely discrimination and the unequal distribution of funds. He says that this situation

forced educators to embark on a struggle for equal opportunities, and in the process, to assuming a worker status.

Lourtjie (1969:2) says that an educator is a salaried worker who is subjected to the authority of the public body that employs him/her. On the other hand, Viljoen (1993:5) argues that there is a growing international trend that educators should view themselves as trade unionists. He does not provide reasons for this statement, nor for the demarcation between an educator and a trade unionist.

In *The Voice* (2 February 2008) in a speech by its president, Thobile Ntola, the SADTU indicated its commitment towards building a union of professionals. He announced that the SADTU was committed to act against unprofessional educators and to expose them. He further asserted that the SADTU has to be seen as a voice for the profession, and not as a trade union. This was in contradiction to what the former president of the SADTU, Willie Madisha, earlier stated, namely that educators were workers, not professionals

Mothata (1996:10) says that the NAPTOSA was in favour of political non-alignment because most of its members have been receiving the support of the apartheid government. This point can be argued positively, since the National Party, which tolerated and embraced the NAPTOSA, is no longer in existence. The Democratic Alliance which is far less influential than the ANC, now forms the opposition in parliament. Hartshorne (1992:323) argues that it is the Black educators in South Africa who have identified themselves with the working class, because of the inhumane apartheid policies like the Bantu Education Act 47 of 1953.

The researcher is of the opinion that it is implausible for anybody to have expected Black educators to conduct themselves as professionals during the apartheid era. Mosoge (1990:32) argues that the perception of teacher unions in South Africa has been influenced by an era that was characterized by discrimination and disregard for Black educators. He continues by saying that this is what made Black schools to be the focal point in the struggle for equal opportunities. This

struggle is continued by the teacher unions who, according to Bascia (1998: 211), act in the teachers' interests, which is primarily the interest of the public.

If one looks closely at the role of the unions, it seems that their task is to protect the rights of educators in order for them to do their work diligently. Poole (1997: 480) adds her notion to this debate where she asserts that teacher unions are faced with two dilemmas: the teachers' self-interest and community interest. In the same breath, Moe (2001: 43) argues that teacher unions are aimed at improving the quality of education.

A number of training programmes, for example, Outcomes Based Education, were provided by the SADTU and NAPTOSA. The participation of unions in policy formulation in the ELRC should be sufficient to indicate the commitment of the unions towards improved educational standards.

Dave Balt, a former NAPTOSA president, added that educators need the protection of the unions, because they play an important part in ensuring that there will be quality education for all learners ([www.naptosa.org.za](http://www.naptosa.org.za)). He further admitted that, since educators in South Africa are undervalued and underpaid, it is important to improve the conditions under which they have to work. However, the NAPTOSA still maintains that for educators to achieve a status, professionalism has to be maintained when negotiating with the employer.

Professionalism, according to the NAPTOSA, means that the rights of learners have to be considered first. It is, however, ironic that in August 1999, and in 2007, the NAPTOSA and the SAOU joined the strike that had been called by the SADTU on the improvement of working conditions for educators, despite the call for professionalism in teacher unionism by the former.

One is tempted to think to what extent professionalism is held in esteem by the NAPTOSA when they resort to strike action alongside with the SADTU for the same reasons. This leads to the question of whether all the unions in South Africa have now realized that the DoE is beginning to take unions seriously, when there is a threat of industrial action. Another important question is, who of either the DoE

or the teacher unions, are taking the right of learners to be taught for granted? Findings in chapter 5 of this study should provide sufficient ground for answers to this question. Heystek and Lethoko (2006: 227) reported the SADTU as saying that if all the working conditions of educators were addressed, then professionalism could be discussed. In the same text the SADTU is reported as saying "...the day militancy stops so will SADTU existence stop" (ibid).

The SADTU has defended its militant stance against the employer as emanating from the fact that apartheid disadvantaged Blacks, and thus they have more to complain about, when compared to unions that claim to be professional. This militant attitude could still be argued favorably on grounds that the White population has not been subjected to the same inhumane conditions that the Blacks have.

This argument gives the assumption that the NAPTOSA, which is White dominated, has assumed a more professional approach, because its members have not been disadvantaged during the apartheid era. Mosoge (1990:32) summarizes this point by saying that the perception of teacher unions is influenced by the apartheid past that was characterized by discrimination and the unequal distribution of funds. He further asserts that schools engage in the struggle for equal opportunities through their unions.

### **2.13 Debates on teacher unionism**

Van der Westhuizen (1991:6) acknowledges the fact that the working relationship between the DoE and the teachers' unions has been characterized by conflict, suspicion and mistrust. Even the SADTU, which is a government ally through its affiliation with COSATU, forming the tripartite alliance, had to embark on a day of action on 12 May 1999 in order not to be seen as a handmaiden of the state, according to Govender (2002:279). Vadi (1993:87) also stated that this negative attitude by the DoE has led to the harassment of educators by the employer and the public, by being on the receiving end of criticism for engaging in a strike action.

Different people have argued either against or for teacher unionism in a number of ways, as will now be discussed.

Hartshorne (1992: 297) has argued that the SADTU has brought new challenges to the managers' authority and power by engaging in industrial action where necessary. The commitment of the DoE in resolving unnecessary conflict and the loss of teaching time can be tested by the uncompromising stance of the employer during negotiations, which is usually ended with a compromise on both sides, but only after damage has been done to the learners through the strike action.

Ntshangase (2001:53) asserts that out of sheer ignorance, many journalists and reporters fail to see the connection between educator union militancy and the actual conditions under which Black educators have to work. An example is the report by Sibiyi (1993:6), where he said that unions strike over peripheral issues that do not warrant a strike. Sibiyi is quick to criticize attempts aimed at dismantling the system that gave him the opportunity to go overseas to study for a doctorate in nuclear physics, although at that time Blacks were not allowed to study in such fields without the special permission of the Minister of Bantu Education. And this took place even while many South African learners were suffering.

Considering the fact that unions like the SADTU have been fighting for a change in the system of education that discriminated against its citizens on grounds of race and colour, one needs to review such criticisms with the utmost caution.

On 12 January 1993 on page 3 The Citizen referred to unions as being only interested in toyi-toying, instead of doing their duties during school hours. Considering that the unions were hardly afforded any recognition by the employer before 1994, this might have been the only weapon of the unions to get the attention of the employer in order to reverse the damaging effects of Bantu education on learners and educators alike. The City Press (1993:6) also reported that the teacher unions "...consisted of false leadership which led to a strike at the drop of a hat to the detriment of the education system." One has to consider that the system of education that these journalists were trying to protect was the same

that was disintegrated by the introduction of one National Department of Education.

Another union media critic, John Qwelane (1993:29), referred to unionism as "...intellectual necklacing by demands, weak results in Black schools as a consequence of chalk downs orchestrated by SADTU." Such a criticism may give a false impression that results in Black schools had been better during the apartheid era. It is also a typical comment by an individual who has never been exposed to the appalling conditions that educators in South Africa, especially Black educators, have had to endure.

It was in 1988 that COSATU, in Harare, started organizing for a teachers' union, which would later be known as the SADTU. This view that educators had a role to play is supported by Bascia (1998:911), where she said that no one is better qualified to address the problems of educators than the teacher unions. Irrespective of the nature of teacher unionism in South Africa and the different views by various authors, the history of South African education, especially education for Blacks, should reflect the origins of militancy, as opposed to professionalism, in teacher unionism. Those people who seem to have benefited from the past regime will fight to preserve the *status quo*, while those who have been sidelined will fight for new changes to be introduced.

The question to be asked, though is, what about the learners' rights while the fight for educators' rights goes on? But, if the rights of learners to be taught are respected by the government, policy formulators and implementers alike should ensure that the delays in resolving educational problems are eliminated. Anything that may lead to a loss of time for learners to be taught should be avoided at all costs by all stakeholders involved in the policy process. This could be a challenge for stakeholders.

To ensure this, the public should provide support for those persons who are expected to implement the policy programmes in the classroom, that is, the educators. As respected citizens educators need to be afforded working conditions that are conducive to effective teaching. Only when these conditions are met, can

the criticism of educators who are not dedicated to the demands of the profession, be addressed.

## **2.14 The Labour Relations Act (Act 66 of 1995 (LRA))**

Buhlungu and Psoullis (1999:129, in: Cherry [www.hsrapress.ac.za](http://www.hsrapress.ac.za)) acknowledge that the Labour Relations Act, introduced during the first five years of democracy, is one of the best progressive and labour-friendly dispensations in the world.

One of the most important objectives of the Act is to promote employee participation in decision-making through the establishment of workplace forums. Another aim, according to Section 1 of the Act, is to provide a framework within which employees and their trade unions, employers and employers' organizations can collectively bargain to determine wages, terms and conditions of employment, and to promote orderly collective bargaining, employee participation in decision-making in the workplace, and the effective resolution of labour disputes.

This study seeks to establish if the relevant sections of the Act are followed by the education stakeholders in South Africa. If not, the study would look at alternative strategies for effective educator representation in SA from national to school level.

## **2.15 Conclusions**

The literature review covered the history of educational and school governance in South Africa. The section on the origins of teacher unionism aimed at highlighting the plight of educators, especially the Blacks, who were marginalized by the policies of the apartheid government. The various forms of legislation on education indicate the road that has been taken by the various stakeholders in order to understand the present circumstances.

The researcher is of the opinion that in order to find solutions to the question of the future of teacher unions in South Africa, it is important to first review the past. It is only when there is sufficient clarity about the past that the present views on teacher unionism can be validated. Nina Bascia (1998:911) shed a light on

teacher unionism when she said;” No other organisation except teacher organisations has a responsibility for representing educators in discussions about educational practise.” She further added that educators need the unions’ “presence, vigilance and representation.”

It was mentioned that the SADTU, the largest teacher union in South Africa, is an affiliate of Education International (EI), which is the federation of all teacher unions around the world. The SADTU operates according to the principles laid down by this organization, and occasionally sends its representatives to the United States to observe the American Federation of Teachers (AFT) and the National Education Association (NEA), as the two biggest teacher unions in the United States, and probably in the world.

It is also important to note that the AFT is regarded as more radical because of its high membership of educators, who are mainly Black and younger than their NEA counterparts. The NEA is viewed as more professional because of its membership that consists of educators who are older, as well as administrators and university academics.

In South Africa the AFT can be assimilated to the SADTU, which has a majority of younger educators, most of whom were highly politicized during the 1976 Soweto uprisings. Most of these educators were learners at that time. The NAPTOSA, which is a federation of smaller unions mainly consisting of White and older educators, some of whom were favoured by the apartheid policies, can be assimilated to the NEA in the United States.

The next chapter will focus on teacher unionism in the United States of America (USA).



## CHAPTER 3

### TEACHER UNIONISM IN THE UNITED STATES OF AMERICA

#### 3.1 Introduction

A review of teacher unionism in South Africa (SA) was done in chapter 2. The two major teacher unions representing educators in the Education Labour Relations Chamber (ELRC) were the focus of attention. The South African Democratic Teachers' Union (SADTU) which boasts a membership in excess of 235 000, ([www.sadtu.org.za](http://www.sadtu.org.za)) and the biggest in South Africa, was discussed. The National Professional Teachers' Organization of South Africa (NAPTOSA) which is a federation of smaller teacher unions consisting of about 50 000 members, according to their website ([www.naptosa.org.za](http://www.naptosa.org.za)), was also discussed.

The researcher made a distinction between the SADTU and NAPTOSA in terms of their membership composition and affiliation. The SADTU has a reported membership of younger teachers, who are bent on militant tactics during negotiations with the employer. The NAPTOSA, on the other hand, is reported to consist mainly of older educators who subscribe to professional ethics when negotiating with the employer on behalf of its members. Professionalism was also explained as being consistent with putting the interests of the learner first, according to the NAPTOSA. The SADTU, on the other hand, maintains that the interests of the learner are automatically addressed when those of the educators are considered, as reported by Heystek and Lethoko (2006:227). This viewpoint summarily displays the conflicting perceptions about the purpose for the existence of teacher unions by these two South African unions.

The NAPTOSA membership consists of mainly White educators who, according to the history of South Africa, were the privileged minority; hence they are not used to disenfranchisement (Heystek & Lethoko, 2001:223). Mothata (1996:10) has previously been quoted as saying that NAPTOSA enjoyed the support of the

apartheid government of the time because of their perceived professional status. The SADTU, on the other hand, consists mainly of the younger generation of educators, most of whom were learners during the 1976 uprisings, and who were severely harassed by the government of the day (Hartshorne, 1992:304). The researcher views the respective unions' approaches towards the DoE as a direct result of their previous contrasting experiences and differing perceptions about the need for teacher unionism.

The activities of the two major teacher unions have been discussed under the various forms of legislative acts of parliament. The researcher previously highlighted the fact that all forms of legislation and policies before 1994 were aimed at keeping the Black majority of South Africans deprived of quality education. Especially Black educators did not have the right to form a union and collectively bargain with the employer, and this would have led to expulsion and/or imprisonment.

The activities of teacher unions in South Africa have been demarcated in terms of professional unionism and traditional unionism. The South African public is also divided according to these convictions, as there is a public outcry against strike action by the media and some media critics, like Qwelane and Sibiyi, as was indicated in the previous chapter. The progressive labour federation, the Congress of South African Trade Unions (COSATU), backs the SADTU on the basis that educators are workers, not professionals. In the previous chapter it was also argued that the treatment of educators by the employer and the conditions of their employment characterize them as workers. While the NAPTOSA is bent on professionalism, their members also joined the SADTU during the strike action - September 2007 - because of salary disputes and other conditions of service.

Teacher unionism in the United States of America (USA) seems to share some resemblances with their South African teacher union counterparts. In the USA the National Education Association (NEA) and the American Federation of Teachers (AFT) are the two biggest teacher unions, with a combined membership of 4 million of the 5.5 million educators employed, according to Henderson (2004:1). The NEA has about 3.2 million members ([www.nea.org](http://www.nea.org)) while the AFT has approximately 1.3 million members ([www.aft.org](http://www.aft.org)). According to Henderson (ibid)

the NEA seems to share many similarities with the NAPTOSA in terms of their professional approach to negotiations with the employer. Conversely, a study of the AFT mission statement and its origin indicate some similarities with the SADTU in terms of their radical and militant approach towards the representation of educators. These similarities will be discussed in detail in the latter sections of this chapter.

The primary aim of teacher unions is to look after the interests of educators, according to Bascia (1998, 1999), Poole (1999, 200) and the South African Labour Relations Act (Act 66 of 1995 (LRA)). This is what this study is mainly concerned with, namely to determine if the unions are acting in the interests of educators without compromising on the interests of learners. The study also seeks to find ways of attending to the educators' needs, without wasting the learners' time. Possible solutions can be found by looking at the operation of teacher unions in countries abroad. The researcher strongly suggests that if the working conditions of South African educators are more or less similar to those of educators in the United States, the former can safely learn from the experiences of the latter.

Maggie Haley (in: Johnson, 2004:33) who was the founder of the Chicago Federation of Teachers, which later, in 1897, became the American Federation of Teachers (AFT) believes that if educator interests are taken care of, learner interests automatically become a priority for educators. This is viewed by the researcher as implying that the employer has to listen to what the educators' needs are. Then the employer will have to find the best possible manner to work with the unions in order to avoid wasting time.. The origin of the AFT will be discussed later in this chapter.

The US President, while he was still a candidate for the Democratic Party, Barack Obama, was quoted by Nancy Mitchell in the Rocky Mountain News on 11 July 2008 ([www.rockymountainnews.com/news/2008](http://www.rockymountainnews.com/news/2008)) as saying that ProComp, a Denver programme for the increased financial compensation of educators, was developed with educators, not imposed on them. Obama further stated that the Denver Teachers' Union had a lot of buy-in ProComp, and if the Union had voted against the programme, it would have been the end of ProComp Union had voted

against the programme, it would have been the end of ProComp ([www.rockymountainnews.com/news/2008](http://www.rockymountainnews.com/news/2008)).

Larry Abrahamson also commented, on 16 October 2008 ([www.npr.org](http://www.npr.org)), that analysts had warned that if you cannot get educators to buy into the agreement you should not even bother with any school-based project. This comment has been further emphasized by Mathew Springer, the director of the National Centre on Performance Incentives, where he says that "...without educator buy-in, any plan is bound to fail" ([www.npr.org](http://www.npr.org)). This goes to show that even the US president elect realized that teacher unions are a force to be reckoned with if the government is serious about improving educational standards.

The Professional Compensation Plan (ProComp) is a plan for educators, aimed at compensation for educators, ranging from those serving in high poverty communities, to those who complete research projects aimed at increasing the learners' test scores. It was designed by the Denver District Office and the Denver Teachers' Union after seven grueling years of collaboration. This initiative is another example of government and union collaboration in the US, from which the South African unions and the DoE can learn.

Some SADTU leaders seem to share the same viewpoint when they stated that if all the working conditions are addressed, then professionalism can be realized in the organization (Heystek & Lethoko, 2001:225). The researcher's viewpoint is that it is not possible to think of learners' rights without putting educators' rights first.

According to Moore-Johnson (2004:34), unions are motivated by self-interest when negotiating for educators' rights. She asserts that unions are only concerned with educators' rights and overlook learners' rights during negotiations. In addition she indicates that there exists the 'possibilities perspective', which assumes that unions aim at protecting their members from the administrators' decisions. This protection is carried out by means of collective bargaining. Collective bargaining, according to Henderson (2004:6), resembles a factory more than it does a profession. Moore-Johnson's (2004:24) analysis of the two perspectives does not

provide a critical view in terms of the preferred perspective. Instead it seems like a continuation between the two viewpoints.

The following section will look at the two major teacher unions in the United States, and their relevance to the two major South African teacher unions. The researcher is of the opinion that discussing the operational guidelines of these unions will indicate the conditions under which educators work in the United States. This should further give clarity on whether educators should be unionized or not, and it should help to answer the question on the type of union needed to address policy implementation problems at school, which would ultimately benefit educators to effectively deliver educational programmes at school.

The two major teacher unions in the USA are therefore discussed below.

### **3.2 The National Education Association (NEA)**

According to Henderson (2004:3) and also the website of the National Education Association (NEA) ([www.nea.org](http://www.nea.org)), the NEA was brought into being in 1857 as the National Teachers' Association, and its first president was Zalmon Richards. It was composed of 4 organizations, namely the American Normal School Association, the National Association of School Support, the Central College Association and the National Teachers' Association (Elsbree, 1939:264-5). Henderson (2004:3) says that the NEA was controlled by the administrators and university academics, and offered little or no support for educators at school level, neither did the NEA leadership support collective bargaining. They were also opposed to educators participating in trade unions for fear of strikes (Hugget & Stinnet, 1956: 271-373). It was the NEA's belief that teaching should be a unified profession, but it was not explained what 'unified' implied.

At least the first 100 years of the NEA's existence were spent as a professional teachers' union without any sympathy for the educators' desires. Besides, Elsbee (1939:505) said, by 1900 only 0.5% of all educators belonged to the NEA. According to the earlier explanation of unionism by the various authors, it

becomes questionable whether the NEA should have been described as a teacher organization during its earlier years of existence.

The researcher views the conviction, as described above, from the perspective that the NEA leadership consisted of administrators, managers and university academics that were not really affected by the plight of the educators. Besides, their educator membership had only grown to 11 % by 1980, according to Murphy (1990: 50). In other words, the NEA was not, in reality, a teachers' union. The same can be said of the NAPTOSA which is the second biggest teachers' union in South Africa, by virtue of numbers only. The NAPTOSA's, in essence, consists of School Governing Body (SGB) structures, school support staff structures and educators' organizations, the majority of whom are White and Black older educators. The NAPTOSA also shares the same professional views on unionism as the NEA. The notion of professionalism, according to these two unions, refers to civil negotiation and not to resorting to collective bargaining measures, including strike action.

Among the NEA core values adopted at their 2006 representative assembly, are professionalism, partnership and collective action ([www.nea.org](http://www.nea.org)). It should be pointed out that the collective action mentioned here, refers to working together for the common good, and not for industrial action.

### **3.3 The American Federation of Teachers (AFT)**

The American Federation of Teachers (AFT) started as the Chicago Teachers' Federation in 1897, led by Margaret Haley. Its current president is Randi Weingarten ([www.aft.org](http://www.aft.org)). On the website (ibid) it is indicated that one of the biggest brains behind the AFT, was Albert Einstein. In 1916 Black educators from Chicago, Illinois and Gary Indiana formed the AFT with the intention of promoting the well-being of educators. The emphasis was to be placed on quality education as the main objective. The AFT also fought for racial equality, as it was, by 1904, mainly composed of Black educators (Henderson, 2004:27). This objective seems to be in line with that of the SADTU, which is mainly Black, and has, since its

formation in 1990, been fighting against racism, and for equality, as one of its main objectives ([www.sadtu.org.za](http://www.sadtu.org.za)).

At first the AFT agreed not to strike. The reason, according to Selden (1985:5-6), was that they were not sure whether the educators would abandon middleclass values and follow the labour militants. There was also the fear of possible prosecution by the authorities, as indeed happened. The school boards instituted a vicious campaign against the AFT membership by intimidating educators to resign ([www.aft.org](http://www.aft.org)). This caused the membership to drop dramatically towards the end of 1920. The SADTU was subjected to similar conditions after it was launched in 1990. The SADTU members were detained and harassed by the apartheid government. What is interesting is that it boosted SADTU membership by means of the militancy of the younger educators who were the survivors, or had been affected by the Soweto up-risings in 1976.

According to Selden (1985:7) the AFT's constitution excluded principals and supervisors from membership. The reasoning behind this was based on the view that management could not negotiate for fellow educators in good faith. This could also explain why managers and educators were not subjected to similar conditions at school level. The AFT constitution differed from its South African counterpart, the SADTU, in the sense that the SADTU did not exclude principals from membership. In fact, the SADTU president used to be a primary school principal, Membathisi Mdladlana, who later became the Minister of Labour. In 1921 principals and supervisors were admitted to the AFT, according to Urban (1982:40-41). This change of mind by the AFT is not explained in the source.

Teacher unionism in the USA, according to the AFT website, ([www.aft.org](http://www.aft.org)), came at the time when educators were faced with contracts which stipulated that female educators

- had to wear skirts of a certain length;
- had to keep their galoshes fastened;
- were not allowed to receive gentlemen callers more than 3 times per week;  
and
- had to teach Sunday school.

Murphy (1990:215) reports that the AFT went on a one-day strike for improved conditions of service in 1962. This strike was led by the American Federation of Labor (AFL) and brought about victory and growth for the AFT. Membership figures grew from 59 000 in 1960 to 551 359 in 1980, an 800% increase. It is further reported that the AFT grew much faster than the NEA. Stinnet (1968:97-98) reported that in 1963 the right to strike was recognized by the Department of Education in the US. Murphy (1990:215) explains that teachers were not allowed to strike before because anti-strike laws sent strikers to jail and were even expelled from the teaching profession. These are similar conditions to what were faced by SADTU members before 1994.

The main reasons for the new radical approach by the AFT, according to Stinnet (1968: 35, 80) and Selden (1985: 228), were that

- there were young educators who had high expectations of becoming professionals but were instead treated as workers;
- there was overcrowding as a result of a baby boom;
- forty percent (40%) of the educators had to moonlight because of low salaries;
- they were against a bureaucracy that denied them the organizational right to participate in shaping educational policy;
- there was a lack of occupational mobility as it was too late to change careers, so they had to fight within the existing system to get it to change; and
- there were more educators with degrees, and they were younger.

Most of the above conditions are similar to those faced by the SADTU members before 1994.

Bascia (1994: 76) holds the view that even if educators differed on the question of radicalism, they still expected some form of vigilance when it came to job protection.

The next section looks at the views of teacher unionism by the various stakeholders, with the authors posing arguments for or against teacher unionism.



### **3.4 Why teacher unions are good or bad for educators and the public**

#### **3.4.1 Views on teacher unionism**

There exist conflicting views on teacher unionism on the part of the public. Some are opposed to it, while others are in favour of teacher unionism, for different reasons. Bascia (1998:896) reported that unions in America and Canada partnered with the Ministry of Education in teacher development. This happened to such an extent that those unions were responsible for making recommendations to the district officials for the promotion and dismissal of educators, as will be seen later in this chapter.

#### **3.4.2 Arguments against teacher unionism**

Brimelow ([www.thinkingschoolsonline.com](http://www.thinkingschoolsonline.com)), argued that teacher unions negotiate higher salaries and benefits to competent and non-competent educators alike, and this does not include merit pay for good teachers. In comparison to the SA conditions, the North West MEC threatened to fire the principals of schools where the matriculation learners under-performed ([www.sadtu.org](http://www.sadtu.org).) The SADTU came to the support of the principals when its provincial chairperson, Mxolisi Bomvana, issued a statement to the Minister of Education saying that the MEC could not simply dismiss principals without first determining whether there had been sufficient educational support for the schools. On the same website (ibid) Mxolisi further stated that the SADTU would ensure that all procedures were followed before charging an educator for misconduct, as outlined in the EEA. This clearly shows that the MEC had not followed the correct procedures. In other words, the DoE was quick to issue threats to school principals in South Africa without serious introspection regarding its own delivery mandate. The researcher views the educators' continuous demands for improved conditions of service as a precondition for effective service delivery.

Brimelow (2003:273) further argues that unions want smaller teacher-pupil ratio's, not for the sake of giving individual attention to learners, but to pay less competent educators more. Brimelow's argument becomes hollow, in the sense that smaller

classes imply quality delivery of learning content, since smaller classes enable learners to receive more individualized attention. In addition, there is no causal link between more educators in smaller classes and the low competence of educators. Brimelow (ibid) further comments that unions push for weak books and programmes that are easy for their not so bright members to use. Again, this argument does not hold, in the sense that the choice of books and programmes is not the sole prerogative of unions, but of all other education stakeholders. In summary, there is an underlying presumption in Brimelow's argument that unionized educators are less competent to do their work, however this statement, presumably, has not been tested, considering the sweeping statements made.

### **3.4.3 Arguments for teacher unionism**

Nina Bascia (1998: 911) a world-renowned researcher on teacher unionism since the 1980's, states that no other organization can identify, report and respond to the work-related needs of the teaching profession the way unions can. She further asserts that unions have made changes where formal education has failed, in spite of limited authority and their lack of legitimacy, as reported in the press. This is especially the case in South Africa, as the SADTU is spearheading HIV, and also teacher development programmes in schools, despite negative reports in the press.

Ravitch on ([www.pbs.org/onlyateacher/timeline.html](http://www.pbs.org/onlyateacher/timeline.html)), during her argument against Brimelow, says that incompetent teachers are hired because of flaws in the bureaucratic structures, and this process has been dependent on knowing the school board members. She further argues that there is a growing number of experienced educators working under inexperienced principals, and educators need to be protected from unwise decisions taken at school level by such principals. These are similar to conditions in a number of South African schools.

Cooper, Ehrensall, and Bromme (2005:114) assert that as unions have become a major force in education, the need to understand their role is essential to any improvement on teacher preparation, evaluation and placement. Poole (1999:700) warns that increased negative pressure on teacher unions is politically risky, as teachers will remain loyal to certain principles for which the unions stand, despite

some of the principal's imperfections. The above views complement the basic statement by the SADTU that there will be no quality education unless the conditions of service for educators are addressed ([www.sadtu.org](http://www.sadtu.org)). This statement strengthens Cooper *et al.*'s (2005:114) assertion that nothing can be achieved in education without the cooperation of educators through their unions.

Nina Bascia again says that educators should play a greater and more informed role in shaping educational practice (Bascia, 2000: 386). She further affirms that teacher unions have made contributions to education in spite of their limited authority in relation to government and school decision-makers, and also in spite of their lack of legitimacy in the press.

Wendy Poole, (1999: 702) another expert on teacher unionism in the US, professes that teacher unions have dual roles, that of the pursuit of the economic and professional security of teachers, and secondly, that of the development of quality teachers and quality education. Peterson (1993: 273) also says that unions must not only work to defend the rights of their members, but must also advocate for the needs of their students. This is the basic view of the SADTU as contained in the Constitution of the Republic of South Africa.

### **3.5 The Toledo Plan**

The Toledo Plan (TP) was the brainchild of Dal Lawrence, president of the Toledo Federation of Teachers (TFT) ([www.tft250.org/the\\_toledo\\_plan.htm](http://www.tft250.org/the_toledo_plan.htm)). The TFT is an affiliate of the AFT. The TP was initiated in 1981 as a cooperative union and management programme for educator evaluation in the Toledo Public School system. It is described as an effective educator performance tool, based on peer assistance, coaching and evaluation.

This intern-intervention evaluation programme makes use of outstanding and experienced educators who are appointed by the Intern Board of Review, consisting of 5 experienced union representatives and 4 management representatives, appointed by the Superintendent of Education. The TP came into being as a result of a proposal by the TFT to have an evaluation system that consisted of both management and teacher union representatives to look into the

development needs of first year educators. Another objective was to determine interventionist strategies for educators who were no longer in the probation phase, but who faced problems in the performance of their duties.

Intern educators were to be placed under the mentorship of educator consultants, who were outstanding and experienced educators. The role of the consultants is to provide assistance and evaluation through mentorship, and to eventually make recommendations, based on the educator's performance. Mutually agreed goals based on both the strengths and weaknesses of the educator are established in order to ensure that the intern is fully aware of the performance standards to be met.

The consultants have to have at least 5 years experience and an outstanding performance record. Their recommendation has to be supported by those of other educators and unionists. The applications for consultants are scrutinized by the Intern Review Board for appointment on a 3 year term. The consultant is then relieved of classroom duties in order to dedicate 100% of his or her time towards the development of interns, and the effective interventionist programmes for struggling educators. The consultant educators are paid an additional salary of \$ 5165.00 for this demanding responsibility ([www.ft250.org/ten\\_questions.htm](http://www.ft250.org/ten_questions.htm)).

Principals also have a role to play in the programme, namely by providing reports on the interns' performance, as regards, for example, punctuality, respect for stakeholders, and a sense of professionalism. The principals play a limited role in the development of the educator because, stakeholders agree, principals do not have the time to provide the necessary support to struggling and first year educators.

The interns are evaluated in areas like teaching procedures, classroom management, subject knowledge, and educator suitability, which include personal characteristics and professional responsibility. At the end of the programme the consultants have to submit a recommendation to the Intern Board of Review on whether the educators in the programme should have their contracts confirmed or terminated by the Toledo Board of Education. The educators in question have the right to appeal.

The website (ibid) reports that since the implementation of the TP in 1981, from a total of 2 179 educators, the services of 19 was terminated, 95 resigned and the contracts of 69 were not renewed. In an article entitled “Peer Review System for Teachers Spreads” by Claudia Sanchez (14 October 2008), it is mentioned that David Strom, who is the general counsel for the AFT, which is the TFT mother body, said that the union’s job is not to defend every educator, no matter what offence has been committed, especially if the educator is not competent or capable.

The TFT ([www.tft.org](http://www.tft.org)) asserts that, for the TP to work there has to be widespread support from the educators, the union and the education department officials. The TFT further asserts that the union itself must be strong and enjoy the trust and confidence of its members. The education department must also be prepared to give up some power and give educators more responsibility. Most importantly, the TP must reflect the unique characteristics of a particular school district in order to avoid unfair assessment. These are aims, it seems to the researcher, that are attainable by the teacher unions and the DoE, if all stakeholders acknowledge the urgency for improved educational standards through collaboration at school level.

Francine Lawrence, the current president of the TFT, reported on the American Federation of Teachers (AFT), the TFT mother body website ([www.aft.org/pubs-reports/american\\_educator.htm](http://www.aft.org/pubs-reports/american_educator.htm)) that the TFT has used its collective bargaining power over the last 30 to 40 years fighting to get a seat in the bargaining chamber. The TFT is reported by Lawrence as having been on the brink of a strike when the superintendent, Merrill Grant, agreed to establish a working relationship with the union. This relationship led to the formation of the Reading Academy, for the benefit of struggling educators. Lawrence is further quoted as saying, “Real professionals don’t look to those outside their profession for leadership. Since doctors don’t do it, neither should educators”.

It should be noted that in South Africa the Labour Relations Act (Act 66 of 1995) resulted in the formation of the Education Labour Relations Council (ELRC), which is a council consisting of representatives of the Department of Education and the two major teacher unions in South Africa. The aim of the ELRC is to deliberate on all issues regarding policy and its implementation. This collaboration ends at

national and provincial levels. Therefore, there is no formal structure for educator representation at school level, except the site committees, which look after the interests of the SADTU members only.

In some schools the SADTU site committees are not allowed to operate publicly. The researcher therefore argues that sectional and partial representation of educators at school level by various unions may lead to chaos during policy implementation. It thus becomes imperative, under the circumstances, to look for ways of formally involving educator unions in school governance. If this is acceptable by all stakeholders, it will call for the amendment of the South African Schools Act, Act 84 of 1996 (SASA).

Francine Lawrence in ([www.aft.org/pubs-reports/american\\_educator.htm](http://www.aft.org/pubs-reports/american_educator.htm)) states that TFT programmes have led to the situation whereby educators are not only willing participants in professional development and peer coaching, but are asking for it. She further asserts (ibid) that this becomes possible only when the union says, "Let's do it", only then will the educators listen. On the other hand, the department of education is reported as having noticed that school improvement comes through genuine labour – management collaboration structures. Lawrence says (ibid) that if problems are imposed on educators by management, there will be resistance.

The TFT sealed their relationship with the department of education and the educators by successfully negotiating for a salary increase of \$3010 for educators who obtain a master's degree in their field of teaching, and who earn a reading endorsement as well. The union reportedly also participates in assisting the education department in areas of delivery where they are lacking, like the timely delivery of books and stationery in schools. The frequent untimely delivery of text books and stationery is another aspect where the South African DoE has failed many South African educators and learners, while expecting increased learner performance.

The report on the operations of the TFT through the TP initiative is intended to provide a clearer view in South Africa on possible ways of intervention at school level. It is also aimed at providing educator empowerment by the DoE and the educators by means of their unions, without infringing on the educators' constitutional rights.

However, how well the intentions of the TP may have benefited the Toledo Board of Education, there are certain requirements that need to be considered before such a plan may be considered in South Africa. The concluding part of this study aims at highlighting some of the recommendations for effective education programmes to function in the South African education system.

### **3.6 The Knowledge Works Foundation and the Cincinnati Teachers' Federation**

On ([www.reuters.com](http://www.reuters.com)) the Knowledge Works Foundation, an NGO that provides funding for leadership initiatives in Ohio, reported that another teacher union, the Cincinnati Teachers' Federation (CTF), also adopted the Toledo Plan. The CTF programme is aimed at first and third year educators. First year educators are given professional support by the more experienced educators, exactly like the TP operates. Success has been reported in terms of intervention where experienced educators face serious teaching problems.

### **3.7 The Gaining Educational Masterly Academy**

On 28 November 2007 Francine Lawrence, the TFT president, announced the union's intention to add the Gaining Educational Masterly (GEM) Academy to the Toledo Board of Education ([www.toledoblade.com](http://www.toledoblade.com)). This means that a school without a principal is run by two elected educators, the one to do preparation, and the other for tuition. These two educators would then replace the principal of a non-performing school. The proposal basically implies that the TFT removes the principal, and allows the educators to supervise themselves. The school offers

salary incentives for the staff, as well as a longer school year. The funds are to be obtained from the Toledo Review and Alternative Compensation System, which offers extra pay to educators in hard-to-staff schools.

The concept of a school without a principal has reportedly been opposed by the president of the principals' union, David McClellan, on grounds that it was a violation of their contracts ([www.eiaonline.com/intercepts/2007/11/](http://www.eiaonline.com/intercepts/2007/11/)). The president of the Toledo Board of Education, Steven Steel, indicated that the Board had discussed the proposal and asked the Superintendent to investigate the costs and legality of the proposal.

It should be remembered that the Toledo State law requires administrative leadership in every school, which is also mandatory in South African schools, according to the SASA. However, it is not explained how the two teacher leaders that are elected in the school would ensure order and discipline in the school.

The GEM proposal was set to start in 2008, but had to await the Board's approval. What is astounding is the principals' union's vehement opposition against this idea, while the Toledo Board of Education seems keen to experiment the proposal. It remains to be seen how the South African education authorities and the public would react, should such a proposal be tabled by one or both teacher unions as a possible solution for non-performing schools.

### **3.8 The GEM relevance to South Africa**

In South Africa, especially in the province of Mpumalanga, poorly performing schools are placed under the "Siyani-bona" programme, which means in Zulu, "We are watching you". Such schools are then provided with additional leadership and professional development for principals, deputy principals, and one educator per school. The training is provided by university lecturers qualified in educational management. Thus, the principal and the school management team are given a chance, with the same staff members, to run the school successfully.



One principal who agreed to an interview on the condition to remain anonymous, indicated that being on the Siyanibona programme dampened the educators' and management's morale, because of the negative attitude displayed by the education district officials who pounced on the school unannounced. He further stated that the officials would even verbally threaten staff members with expulsion for poor performance, instead of providing the necessary support. Some of the officials are reported to have been lazy educators who always missed classes because they had to attend union meetings.

The same DoE officials are reported to have been appointed to district level supervisory positions mainly because of their political involvement. The unions opposed the DoE when it threatened to fire principals who underperformed. The reason is that the DoE may not dismiss principals without ensuring that the conditions under which the schools function are conducive to teaching and learning. In Denver, USA, the unions protect the staff and management of poorly performing schools on the grounds that educators in hard-to-staff schools and those educators teaching untested courses, are unfairly accused ([www.politicswest.com](http://www.politicswest.com)).

### **3.9 Fresh-starting**

In Nashville, USA, the Nashville Board of Education proposed the system of 'fresh-starting' in schools where learners were performing poorly, according to Emmy Griffith, on ([www.nashvillecitypaper.com](http://www.nashvillecitypaper.com)). This is a system where all the staff members, including the administrators, have to reapply for their positions. If the results improve, performance pay is paid to educators. Emmy and Griffith (ibid) further assert that Fresh-starting does not stigmatize educators but gives them a fresh start and an incentive to be at the poorly performing school.

### **3.10 The significance of labour-management collaboration in the USA**

On 14 October 2008 Claudia Sanchez reported in the education publication entitled “Peer Review System for Teachers Spreads” that the Toledo Plan had spread to 70 school districts in the USA, mostly in Ohio, Connecticut and California which are all AFT affiliated districts. The NEA has also dropped its longstanding opposition towards peer review as the Toledo Plan has increasingly gained momentum and popularity among educators and the departments of education.

Lawrence, the former president of the TFT, once asserted, “When teacher competence is called into question, 90% of complaints are triggered by other educators, not by parents or administrators” ([www.thetimes.com](http://www.thetimes.com)), in an article entitled “Laying Siege to Seniority” by Sam Allis (December 23, 1991). This, Lawrence concludes, is a message that “...educators don’t want to work next door to an incompetent colleague”. This statement shows that in progressive communities educator problems are best solved by the educators themselves with the support of education departmental officials.

The American Speech-Language-Hearing Association (ASHA) reported in 2008 ([www.asha.org](http://www.asha.org)) that North Carolina in the USA became the first state to study teacher working conditions by surveying them. In 2002 and 2004 the educators were asked questions regarding time, facilities, resources, empowerment, leadership and professional development. It was discovered that these factors impact on the educators’ performance. The North Carolina District is using this information to improve educators’ working conditions, and consequently learner success, across the state of North Carolina ([www.teacherworkingconditions.org](http://www.teacherworkingconditions.org)).

In South Africa a survey of this kind is conducted by means of the annual return forms which are completed by the principal and the School Management Team (SMT). Most principals conduct the survey as a matter of routine, and it does not afford the educators a chance to air their views regarding their working conditions. They only have to answer questions about the availability of books, furniture, and other school resources and facilities. Most principals regard these annual return forms as an additional burden to their already heavy workload. By means of these

forms the education authorities seem to be seeking information for their own use, rather than information on educators' needs.

### **3.11 Conclusions**

In this chapter an attempt was made to provide insight into the operation of the two major teacher unions in the United States of America (USA) and their respective union affiliates. The similarities in the operations of the National Education Association (NEA) and the National Association of Professional Teachers' Organization of South Africa (NAPTOSA) were outlined. This was done in line with their professional approach towards addressing educator needs. The similarities between the operations of the American Federation of Teachers (AFT) and the South African Democratic Teachers' Union (SADTU) were indicated. This was also done in accordance with their so-called radical approach towards addressing educator needs at school level.

The Toledo Plan (TP), the first labour management initiative involving the Toledo Federation of Teachers and the Toledo Board of Education to manage educator evaluations and intervention strategies, was discussed. The spreading of the Toledo Plan to other states was indicated as a sign of success and of its applicability in other countries .A comparison with South Africa is possible, provided that the working conditions in those USA states remain similar to the South African conditions. The researcher believes that South Africa, with its young democracy which is set to prosper, is capable of creating conditions that will make initiatives like the Toledo Plan work in South African schools.

This chapter also indicated that it is possible to introduce educational programmes that are jointly run by the educators and district management in South African schools. The success of labour-management collaborated programmes lies in the development of an element of trust between the educators and management. Furthermore, success lies in the willingness of the DoE to relinquish power to those educators who are elected to implement the programmes. The importance and need must not be underestimated, for the DoE to realize that financial

incentives are a prerequisite to increase the morale of educators, which will ultimately benefit the learners.

The next chapter will look at the research design, together with the methodology employed, as well as the discussion of the empirical research that was done. The findings of the study aim to provide the basis for the analysis of the data obtained, which will be used as part of the recommendations of this enquiry.

## CHAPTER 4

### METHODOLOGY AND RESEARCH DESIGN

#### 4.1 Introduction

The aim of this study, as has been mentioned before, is to determine ways in which teacher union involvement does not compromise teaching and learning at school. Another aim is to ensure that the Employment of Educators Act 76 of 1998 (EEA), especially as regards the filling of promotional posts and redeployment, is implemented in a way that does not infringe on the educators' rights as enshrined in the Constitution of the Republic of South Africa. The researcher contends that once policies are implemented without bias, educators will feel adequately protected, and this will ultimately benefit the learners.

In chapter 2 of this study teacher unionism in South Africa, this includes the origins and parameters within which unions operate, was discussed. Mothata (2000:170-171) provided a description of teacher unions with particular reference to the South African context. Bascia (1998) and Poole (1999) indicated the need for the strong presence of unions during policy implementation, and also the kind of union that is needed to enhance effective and efficient policy implementation at school. The kind of unionism that is envisaged is one that gives priority to the needs of educators, while benefiting the learners.

Myburg (1999:7) mentioned that during earlier times unions were child-centred and not worker-oriented. In the researcher's view, these associations could not be described as unions, because the Word Web and Thesaurus describes a 'union' as "...an organization of employees that is formed in order to bargain with the employer". Bargaining, in this case, would refer to discussions meant to ensure that educators' rights are observed, in order for them to uphold learners' rights to learn and be taught.

Bascia (1998) and Poole (1999) indicate that the primary aim of teacher unions is to look after the interests of educators. The researcher argues that looking after

the interests of educators without ensuring that teaching and learning is enhanced, is to no avail. The researcher thus holds the view that teacher unions exist because there are educators. Consequently, educators exist for the sake of learners. If learners' expectations are not fulfilled at a specific school, parents will most likely move their children to schools where effective teaching and learning are in existence. The above comments should not be misconstrued as precluding the Department of Education (DoE) from ascertaining that the conditions under which educators and learners have to function are conducive to teaching and learning. Instead, it has to be seen as a warning to the DoE that if it does not seriously take control of educational matters, teacher unions will eventually take over the running of the schools.

In chapter 1 the researcher referred to Warner (in: Nuijten (2004:118) where he mentioned that when unions take over the control of schools, it is called anarchy by some stakeholders. He continued to explain that even where there is anarchy there is at least some form of governance, namely that of union structures like the site committees, organizing for resistance against the implementation of policies that is perceived to be unconstitutional. This can easily be labeled as anarchy by other stakeholders who seem to be resisting change at school level. The data obtained from the field survey purports to explore the possibility of such a takeover. By means of the data it is further aimed to determine whether teacher union takeover will benefit educators at the expense of learners. This will be noticeable when questions regarding the filling of new and promotional posts are raised during interviews.

It should, however, be remembered that the advent of rationalization and redeployment was the catalyst for the exodus of learners from township schools to urban, private and former White model C schools. Township schools were generally performing poorly because of overcrowding, unqualified educators and political unrest. Even Black educators who taught in township schools registered their children at other well-equipped private and former model C schools, instead of at the township schools where they themselves were teaching. There existed a pressing need for the DoE to move educators to schools where there were more learners, or for the educators to face retrenchment. Therefore, ensuring that

educators' rights are guarded without losing the focus on their primary responsibility is vital for both the existence of unions, and for the availability of teaching positions for educators. It is for this reason that the data-gathering instruments used in this study were meant to indicate that the study was aimed at ensuring educator protection for the benefit of learners. This brings one to the conviction that there can be no happy learners without happy educators.

Hartshorne's (1992:289) statement that any criticism by educators against the government's policy and school management would lead to possible harassment, gives an impression of the educators' working conditions more than ten years after the demise of apartheid. The findings in the next chapter aim to reflect the malpractices, despite the fact that such findings were discovered 14 years after the advent of democratic governance in SA.

The decision to make use of focus group interviews was to extract the best possible responses from the educators and the principals, who are the implementers of policy at school level. Interviews with education department officials were aimed at gaining an insight into their knowledge of the exact conditions under which educators have to work.

Lastly, interviews with union officials would help the researcher to understand whether their interests lay with educators only or with learners' interests as well. This would assist in presenting suitable recommendations for improved policy implementation, which will be made at the end of the study. It is also expected that once the implementation of policies has improved, then learner performance in the classrooms would also improve.

The discussion of the findings during the interviews with the educators and the principals may provide an insight into whether intimidation is still rife at schools. This presumed intimidation may have an influence on the respondents' ability to express themselves freely in the presence of colleagues during focus group interviews. It is for this reason that the researcher had to take considerable care in choosing the kind of methodology that would promote openness during the

interviews. The methodology, focus group interviews and one-on-one unstructured interviews, are discussed later in this chapter.

Chapter 3 of this study focused on teacher unionism in the United States of America (USA), with particular reference to the Ohio state, Toledo. The Toledo Plan is believed to be the only government-union initiative on teacher performance and appraisal in the world that provides an insight into how unions and the government have worked together to promote cooperation amongst educators thus improving on teaching and learning activities.

The researcher remains mindful of the fact that conditions for policy implementation are not the same in the USA and in South Africa. However, this does not rule out the possibility that the South African unions can learn from the positive effects gained from the USA Toledo Plan. The fact that the South African Democratic Teachers' Union (SADTU) has sound relations with the National Education Association (NEA) and the American Federation of Teachers (AFT), paves the way for the possible implementation of certain aspects of the Toledo Plan.

A discussion on the methodology and research design employed in the study is presented in this chapter. The qualitative research methods, that include the one-on-one unstructured interviews and focus group interviews, will be discussed, as well as sampling procedures. It would be a mistake to omit the challenges that were faced by the researcher during the data-gathering stage of this research. However, those challenges may help to identify the real conditions under which educators have to work.

The reliability of the data presented during the interviews is explicit, and sound conclusions may therefore be made concerning the real conditions under which educators work. Mouton (2008: xiii) states that the fieldwork process constitutes the core of a study. The researcher regards this as the stage to come face to face with how things are, and not how they ought to be.



## **4.2 Aims of the research**

The main aims of this study were to

- find ways in which teacher unions can effectively become involved at school level without compromising on the quality of teaching and learning; and
- to ensure that the Employment of Educators Act is implemented in a way that does not infringe on the educators', and consequently on the learners' rights, as enshrined in the Constitution of the Republic of South Africa.

## **4.3 The research design**

Kumar (1999:74) describes a 'research design' as "...a procedural plan adopted by the researcher to answer the research questions validly, objectively and accurately". Selltitz, Jahoda, Deutsch and Cook (1962: 50) in Kumar (ibid) see a research design as "...the arrangement of conditions for the collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy and procedure".

This study is a cross-sectional design in the sense that a cross-section of the population, namely the educators, principals, education and union officials, were studied in respect of the same problem. Kumar (1999: 81) suggests that a cross-sectional design is best suited to studies aimed at investigating the prevalence of a phenomenon or problem by making use of a cross-section of the population. He further asserts (ibid) that this method is useful in obtaining the overall picture as it stands at the time of the study, which implies relevance to determining the attitudes of stakeholders towards the involvement of teacher unions in the implementation of policies.

### **4.3.1 Background to the study**

For the master's degree the researcher worked on the involvement of stakeholders in the implementation of Outcomes-Based Education (OBE) in 1998. The findings indicated that inadequate or inappropriate levels of teacher union involvement at school level have, *inter alia*, been persistent problems in the implementation of policy at school level.

In this study the researcher conducted a review on the operation of teacher unions in the USA. Teacher union involvement in the USA, with the two major unions, the American Federation of Educators (AFT) and the National Educators Association (NEA), trying to establish a working relationship with the government officials, led the researcher to recommend the USA teacher unionism as a likely strategy that could benefit the South African counterparts, if the different conditions at school level were to be acknowledged (Zengele, 2004:68).

The strategy in the USA is known as the Toledo Plan (TP) and has already been in place for 28 years. It has the approval of the USA president, Barack Obama. He was quoted by Nancy Mitchell in the Rocky Mountain News on 11 July 2008 as saying that ProComp, a TP related Denver programme for the increased financial compensation for educators, was developed with educators, not imposed on them. Obama further stated that the Denver Teachers' Union had a lot of buy-in in ProComp, and if the union had voted against this programme, that would have been the end of ProComp ([www.rockymountainnews.com/news/2008](http://www.rockymountainnews.com/news/2008)).

The Toledo Plan, as discussed in chapter 3, motivated the researcher to investigate the possibility of taking some of the workable attributes of the TP, and to determine the possibility of implementing them in South Africa. It should be remembered that the TP is the only teacher union-government partnership and initiative developed by unions in the world, to jointly monitor and appraise educators during their first five teaching years.

The researcher is of the opinion that if the South African political and economic conditions are carefully taken into account, similar solutions for the perceived rift between unions and management at school level could be a thing of past. Research findings during this study indicated high levels of mistrust between educators, principals and education department officials when sensitive aspects of the EEA, like redeployment and the filling of new and promotional posts, are implemented. In the absence of trust between the stakeholders, the possibility of improved teaching and learning is significantly compromised.

In order to bring about the element of trust between stakeholders the researcher decided to embark on a study on the involvement of teacher unions during the implementation of the EEA. The year 1998 is the same year in which OBE was implemented in South Africa. The researcher believes that countries and governments can develop excellent policies for their citizens, with good intentions in mind. If these policies are poorly implemented anarchy is inevitable. This study, therefore, aims to look at ways of involving teacher unions at school level without compromising on the ability of educators to perform their work efficiently.

The research questions identified during the study are as follows:

- How should unions be involved in the filling of promotional posts and in the redeployment process?
- How are unions actually involved at school level in the filling of promotional posts and the redeployment process?
- How should unions be involved at school level in the filling of promotional posts and the redeployment process?

In order to get an in-depth output on these issues, eight focus group interviews were conducted in Districts 11 and 12 and the central region of the Gauteng Department of Education (GDE). Two separate focus group interviews were conducted with educators from D11 and 12. The first group consisted of nine educators, while the second consisted of five educators. Another focus group interview, consisting of two educators who preferred to be interviewed privately, was conducted inside a car away from the school because the respondents preferred anonymity. A focus group interview was conducted with seven principals from both the D 11 and 12 Districts, and one with eight union officials. The school management team from a Further Education and Training institution in the Johannesburg Central District was interviewed. It consisted of two Heads of Departments and a deputy principal, because the principal refused to be part of the study. In total, 37 respondents took part in the focus group interviews, while six respondents took part in one-on-one interviews.

Unstructured interviews were conducted with the National Deputy Director General (DDG) for policy and implementation and the National Chief Director (CD) for Human Resources. The president of NAPTOSA and the National Education Officer from SADTU were also interviewed. The president of the SADTU was not available for the interview, including the secretary-general, despite several attempts to get hold of them.

A one-on-one interview was conducted with the principal of a Soweto school, and another with a School Management Team (SMT) member who was also an active SADTU member. The purpose was to test the validity and reliability of findings from the previous focus group interviews with principals and educators. The reason for the one-on-one interviews was to test the validity and reliability of the data obtained from other educators and principals.

#### **4.3 2 The nature of qualitative research**

Strauss and Corbin (1990:17) define 'qualitative research' as "...a technique that produces results that are not attained by means of statistical procedures". This study is concerned with the attitudes of education stakeholders towards the involvement of teacher unions during policy implementation; a qualitative approach is therefore the most suitable technique for this study. Marshall and Rossman (2006: 53) assert that when a study is concerned with attitudes, it is better to study human behavior in real life situations, thus for qualitative studies, context is important. They further assert (ibid) that when feelings and values are involved, the researcher needs to have a deeper understanding, which can be captured by means of face-to-face interaction.

#### **4.3.3 The origins of qualitative research**

This study concerns itself with the attitudes of the education stakeholders towards the involvement of teacher unions during policy implementation. Van Wyk (1996:128) acknowledges that the qualitative researcher has to gather descriptive data, rather than numerical data. She further asserts that the data, in this case, are used inductively to lead to a conclusion based on the phenomenon that is observed. According to Fetterman (1988:6), data have a descriptive outcome, often involving the development of a theory.

Fraenkel and Wallen (1990:379) assert that the aim of the qualitative researcher is not only to generalize results to other situations but to extend the understanding within the context of a particular situation. In the case of this study, the attitudes of stakeholders towards union involvement can be comfortably generalized to other schools in South Africa, because the sample was representative of the South African population, as will be seen when the population sample is discussed later in this chapter.

The data gathering technique used in this study was exploratory, with the aim of finding ways for the effective involvement of unions during policy implementation. The research becomes exploratory when it investigates new ways to make union participation in school management work. The descriptive approach was used in chapters 2 and 3 when the origins of teacher unionism were discussed. The study is also of a descriptive nature when the ideal school environment of cooperation and trust is described during the final chapter of this study.

#### **4.4 Data gathering techniques**

Birley and Moreland (1998:40) argue that data gathering is not merely data gathering as such, but a process of data creation as well. While the researcher was gathering data, he also created new data on the basis of observed findings whilst interviewing participants. Le Compte and Preissle (1993:158) describe data as "...any kind of information that researchers can identify and accumulate to facilitate answers to their questions". Bogdan and Biklen (1982:73, in: Van Wyk, 1996:130) also mention that data include materials which researchers record, like interview transcripts and participant observation field notes.

One on one interviews and focus group interviews will be discussed, as they were the research instruments selected by the researcher.

##### **4.4.1 The research instruments**

The research instruments used in this study are discussed below. Hofstee (2006: 115) describes a research instrument as any method that can be used to obtain the data that are to be analyzed.

#### **4.4.1.1 One on one interviews**

Kumar (1999:109) indicates that any person-to-person interaction between two or more individuals with a specific purpose in mind is called an interview. For the purpose of this study, semi structured one on one interviews were conducted, because they provide in-depth information on the issue being investigated.

Cohen and Manion (1998:271) and Hitchcock and Hughes (1995:157) assert that semi-structured interviews are more flexible because the interviewer can probe more deeply and overcome the common tendency of respondents to anticipate questions. Probing happens when the researcher asks the same questions in different forms and in a different order. Bogdan and Biklen (ibid) mention that by using semi-structured interviews the researcher can be assured of getting comparative data on the same issues across subjects. This study is cross-sectional, which will enhance the reliability and validity of data.

Van Wyk (1996:131) says that the purpose of an interview is to allow the interviewer to enter into the other person's perspective. Interviews provide in-depth information about a particular issue or question because the information is not quantifiable, therefore it is called a qualitative research data gathering technique.

As much as quantitative methods gather a small amount of data from many subjects, interviews gather a broad range of information from a few subjects. The researcher interprets this attribute of interviews as time-saving, since it is not always easy to get respondents to freely discuss matters relating to possible flaws in policy implementation. One of the reasons may be fear of possible victimization, as explained previously.

On webs ([www.wikipedia.org/wiki](http://www.wikipedia.org/wiki)) and ([www.socialscienceresearchmethods.net](http://www.socialscienceresearchmethods.net)) unstructured interviews are explained as a method where questions can be changed or adapted to meet the respondents' intelligence, understanding or belief.

The researcher, indeed, adapted the questions according to the academic and post levels of the respondents, seeing that educators, principals, union officials

and senior education department officials were involved. The researcher even had to adapt to the *lingua franca* for the unionists, like addressing them as “Comrade”, which is more acceptable in political circles than “Sir” or “Ma’am”.

Fontana and Frey (1994:361) regard interviewing as “...one of the most common and most powerful ways to try to understand our fellow human beings themselves”. The researcher is also of the opinion that interviews assist the researcher to rid himself of prior misconceptions that are constructed through vague observations. This misconception may be explained in terms of the researcher arriving with certain preconceived ideas about why people behave the way they do, and leaving the interview scene with different and scientifically acquired conceptions.

Scientifically acquired data can be analyzed to reach sound conclusions. Van Wyk’s statement (1996:131) that “...the basic thrust of qualitative interviewing is to minimize the imposition of predetermined responses when gathering data” confirms the probability that the researcher may come to the interview scene with preconceived ideas. Thus, questions in an unstructured interview should be such that the respondent is given a chance to express him/herself comfortably.

Burgess (1984:102, in: Van Wyk (ibid) says that the unstructured interview employs a set of themes and topics to generate questions in the course of the conversation. Rubin and Rubin (1995:56) also indicate that the aim of interviewing is to obtain information-rich data to build theories that describe the setting or explain the phenomena. The fact that the interviewer determines the tone of the interview process does not give him/her the power to influence the respondents’ answers.

#### **4.4.1.2 The attributes of an interviewer**

Stewart and Shamdasani (1990:79) list the requirements for an interviewer as follows, namely that he/she

- should be genuinely concerned with hearing other people’s thoughts and feelings;

- should be expressive of his/her own feelings;
- is animated and spontaneous;
- is empathic;
- admits his/her own biases; and
- has to respond quickly by taking new directions before and during interviews.

The fact that the researcher is a former educator and school principal, alluded to some leverage in terms of determining data reliability. Some of the responses showed that there had been changes in the education system. Becoming accustomed to the above attributes proved beneficial for the researcher during the data gathering stage.

Seidman (1991: 56-57) explains three levels of listening skills when conducting interviews, namely

- on the first level the interviewer must listen to what the participant is saying;
- on the second level the interviewer must listen for inner voices as opposed to an outer more public voice, although Seidman (ibid) asserts that the outer voice is not necessarily untrue, but guarded;
- on the third level the interviewer must listen while remaining aware of the process as well as the substance. During this stage the interviewer must be conscious of time, the participant's energy level and any non-verbal cues being offered. Failure to observe these attributes may affect the reliability of the data.

In addition to Seidman's comments (ibid), the researcher reckons that it is important to listen to what the respondent is not saying, namely by checking on body language. During the interviews the researcher, however, kept on nodding, irrespective of whether he agreed with the views of the respondent or not. This strategy is supported by Hofstee (2006:136) where he says that nodding, looking



puzzled and smiling can sometimes be more effective than verbal communication. He also indicates that sometimes the best way of gaining more information is to remain silent while the respondent is answering a question. Where the researcher thought the response was irrelevant, probing was done to clarify certain responses.

Thomas and Thomas (on [www.dinf.ne.jp](http://www.dinf.ne.jp)) give the following suggestions for effective interviews, namely

- allow the respondents to introduce themselves within the group as an ice breaker, and explain the nature of the research;
- make sure that the research question is clear;
- clearly express the purpose of the interview;
- start with a neutral question to facilitate the free flow of information;
- use open-ended questions so that the respondent can choose the answer;
- keep the interview short;
- in the end, summarise the points reported and ask the respondent if the summary is correct.

One-on-one unstructured interviews were conducted with the Labour Relations Officers (LRO's) from the D11 and D12 Districts of the Gauteng Education Department (GDE). These two Districts were selected on the basis of their representativity of the South African population, and the fact that together they make up more than 500 schools in the province. The LRO's are the perfect candidates because they are primarily involved in all labour related disputes at school level and know exactly what the conditions are. In addition, the LRO becomes the chairman for the District Grievance Committee in the event of a dispute.

Another one-on-one interview was conducted with the president of NAPTOSA and the National Education Officer of the SADTU. The researcher also requested an interview with the Minister of Education but was referred to the Deputy Director

General (policy implementation) and the Chief Director (human relations) at the headquarters of the DoE in Pretoria.

The presentation and interpretation of the findings with regard to these interviews will be discussed in the next chapter.

#### **4.4.2 Focus group interviews**

Denzin and Lincoln (1994:365) refer to a focus group interview as a situation whereby the interviewer asks very specific questions about a topic after considerable research has been conducted. Krueger (1988:18) defines a 'focus group' as "...a carefully planned discussion designed to obtain perceptions in a defined area of interest in an accommodating, non-threatening environment". Krathwohl (2004:290) states that the focus group interview begins with broad questions and with non-directive responses. It then moves to semi-structured questions and finally to structured ones. For the purposes of this study, the area of discussion was the participants' perceptions of teacher union involvement during policy implementation.

##### **4.4.2.1 The origins of focus group interviews**

Marshall and Rossman (2006:114) contend that focus group interviewing originated from the field of marketing research, but has been widely adapted to the social sciences. They further explain that this method ensures that people need to listen to others' opinions and understanding to form their own views. Krueger (1988:18) mentions that focus group interviewing came into being in the 1930's by scientists who doubted the accuracy of traditional information gathering methods. Krueger (ibid) does not, however, specify these methods. This doubt, according to Krueger (1988: 18), led to the approach whereby the emphasis shifted from the interviewer to the interviewee. Merton, Fiske and Kendall (1988:xxi) slam focus group interviewing on the basis that plausible interpretations are taken from groups and are then easily treated as valid. The researcher, however, argues this point on the basis that if the sample used during focus group interviewing is representative, it becomes reasonable to treat the data as valid and reliable. Such data can comfortably be used to generalize findings and provide suitable recommendations and conclusions.

The researcher also argues that in situations where one respondent becomes more vocal and intimidates the others, bias is inevitable. He ensured that there was no intimidation of other respondents or domination of a discussion by focusing on everyone within the group. A good researcher can manage a difficult situation by being diplomatic when calling such a person to order.

Foch-Lyon and Trost (1981:92) state that focus group interviews are helpful in answering questions of 'how' and 'why' people behave as they do. Morgan and Krueger (1993:15) add that when conducted in a non-threatening and lenient manner, focus group interviews become useful when working with people who have limited power or influence in life in general. This may apply to educators at school level who are always at the receiving end of instructions from the principal and education department officials. Van Wyk (1996:151) also mentions that focus group interviews are more suitable in South Africa where democracy prevails.

All the focus group interviews in this research were audio-recorded, using the voice activated Sanyo Talk Book Voice activated system (Vas) and the Olympus WS-110 (ICLD) digital voice recorder that operates on the Dragon Naturally Speaking software package as back-up mechanism. The ICLD could not be used for transcription purposes as it transcribes recordings of only one voice at a time. It was consequently only suitable for recording voice and transferring data to a laptop for storage and to play back. The use of this sophisticated equipment enabled the researcher to participate fully during the interviews without having to take notes. The recorded data were professionally transcribed afterwards. A copy of one of the transcriptions has been attached as part of the appendices.

In this research educators were regarded as the key informants who, according to Le Compte and Preissle (1993:166), have special knowledge and are willing to share this knowledge with the researcher. The reasons why educators have been regarded as key informants are because they are the ones on the receiving end of policy implementation, and they have to implement the policies in the classroom. The researcher assumes that if the policies are implemented in such a way that

the educators' rights are threatened, teaching and learning activities suffer and this may lead to detrimental effects on learners.

During the discussion of the findings in the next chapter it will be noticed that educators are still harassed in schools, as procedures are not always followed during policy implementation. It is also for this reason that the researcher ensured that no principal was present during the interviews with the educators who may feel too intimidated to express themselves without restraint. The researcher also made sure that there was neither a district official nor any educator present when principals were interviewed, for the same reasons.

All the focus group interviews took place in the respondents "natural setting", that is, at school. The educators and the principals were interviewed after school hours in order not to interfere with teaching and learning activities. Interviewees consisted of groups of between three and eight respondents. The educators were members of either the SADTU or the NAPTOSA. All the SADTU members were from one specific school, while the NAPTOSA members also all belonged to one school.

The fact that two of the interviewees excused themselves from the interviews at the last minute led to the researcher's suspicion that there was a degree of enmity between educators and other colleagues at one of the schools. However, the researcher managed to secure another group interview with the two educators at a later stage away from the school. Glesne and Peshkin (1992:74) noted that interviewing more than one person at the same time sometimes proves useful. They mentioned that some topics are better discussed by a small group of people who know each other. In the above-mentioned case both the educators had been victims of poorly managed rationalization processes, and one had even taken the Department of Education (DoE) to court and received an out of court financial settlement. However, the educator concerned did not want to divulge the details of the court case, as he feared further harassment.

It was not easy to assemble the first group of educators after school hours and a long day. The researcher then undertook to provide them with light refreshments

and soft drinks, because they mentioned that they were tired and hungry at that time of the day (14h30). The interviews lasted about one hour on average per group.

The principals were interviewed in groups, and were asked the same questions as the educators in order to determine the reliability and validity of the data. It is also important to mention that while the principals of schools are regarded as educators, they are also the managers of the schools and they are expected to ensure that the policies are implemented properly. To be able to do this they have to avoid bias and favoritism during the execution of their duties. Principals are considered to possess the required skills and competence to manage schools effectively.

Principals are also under constant pressure from the DoE to communicate policies to the educators, while they face similar pressure from educators to communicate their concerns to the DoE. Likewise, it is the principals who seem to resist policies that may have negative effects on the ability of educators to perform their duties properly. Focus group interviews were therefore seen as suitable for principals and educators so as to freely discuss common experiences in schools.

Schurink and Schurink (1998:2-5) describe focus group interviews as a purposive discussion of a specific topic or related topics between nine to twelve people with similar backgrounds and common interests. However, Krueger (1994:18) says that on a simple research question the number of respondents in a focus group may range from three to four.

Krueger and Casey (2000:71) suggest that a focus group interview should consist of six to eight participants, because smaller groups have more potential to freely discuss their experiences. It is important to note that it was easier to arrange larger groups of educators than it was to organize principals and education department officials. This will later be discussed when the findings are presented.

Thomas, McMillan, McColl, Hale and Bond in Rabie (2004:655-660) describe focus group interviewing as a technique involving participants that are not

necessarily representative but focused on a particular topic. The focus group should have similar socio-characteristics and be comfortable talking to the interviewer and to one another. Borrows and Kendall (1997:244-253) on the other hand, explained that the respondents are selected because of their knowledge of the study area. All the respondents selected in this study for the focus group interviews are experienced professionals. Some had had sad personal experiences regarding redeployment and in the process of filling new posts.

Thomas *et al.* (in: Rabie, 2004:655-660) commented that one of the distinct features of focus groups is its group dynamics, hence the data generated are often deeper and richer than the data obtained from one-on-one interviews. The researcher made use of focus group interviews when conducting interviews with educators, principals, union officials and education department officials. The researcher's assumption was that they would feel more comfortable being interviewed in the presence of colleagues of the same level of employment, seeing that they had to answer questions based on the execution of their duties.

A sense of guilt may also stem from the fact that interviewees are only following orders from above, so they might need the protection and comfort of being among colleagues. It is worth mentioning that during the focus group interviews with educators, a school principal joined the discussion and the researcher had to diplomatically request him to leave, as his presence would have affected the quality of the responses. Officials at the Department of Education headquarters and the national leadership of teacher unions were interviewed on a one-on-one basis seeing that it was extremely difficult to gather such employees at the same venue at the same time because of their tight schedules.

#### **4.4.2.2 Characteristics of focus group interviews**

Schurink and Schurink (1998:2-5) list the following as characteristics of focus group interviews:

- they should consist of a small group of homogeneous individuals to ensure maximum validity of findings;

- they should be conducted in sequences in order to control observation effects so as to generate reliable data about the respondents' perceptions of the phenomenon under discussion; and
- they should produce qualitative data which focuses on a particular issue.

Focus group interviews were selected for this study because of their ability to develop participatory action when doing research on education stakeholders. Focus group interviews also have the tendency to give the respondents the impression that they are in total control of the situation. However, according to Schurink and Schurink (ibid) focus group interviews do have advantages and disadvantages.

#### **4.4.2.3 The advantages of focus group interviews**

According to Schurink and Schurink, (ibid) focus group interviews

- are cost and time effective, as researchers and respondents can be at the same place at the same time;
- allow respondents to interact with the researcher regarding the information and subject matter under investigation;
- reveal the respondents' world views and the social processes that we know little of; and
- may also allow clarification of misconceptions as respondents can answer questions after they have been clarified. The researcher can then process the information and produce a report in a short space of time.

Marshall and Rossman (2006:114) assert that this method allows for the studying of participants in an atmosphere that is more natural than the artificial experimental circumstances and more relaxed than a one-on-one interview. They also agree that the cost is relatively low, as focus group interviews provide quick results, since more people are interviewed at the same time.

#### **4.4.2.4 The disadvantages of focus group interviews**

According to Schurink and Schurink (1998:2-5) some of the disadvantages include the fact that

- the recruitment of the right kind of participants can be difficult and may be met with suspicion. Moreover, practical difficulties such as transport issues may prevail;
- the respondents' responses may be irrelevant and thus lead to misdirection;
- there may be a need for greater control during the interviews, which is likely to be difficult for the inexperienced researcher;
- respondents could be reserved about sensitive issues, which would require a very tactical approach from the researcher; and
- some respondents may monopolise the process and try to intimidate other respondents before and during the process.

Marshall and Rossman (2006:115) argue that one of the serious disadvantages of this method is the fact that the interviewer has less control over a group interview than an individual one. They further indicate that time can be lost while irrelevant matters are discussed. Finally, they assert that the data are difficult to analyze because the context in which the participants are interviewed is essential to understand their comments. The group can also be very difficult to assemble.

According to Rabie (2004:656), recruiting participants for a focus group interview can be a big challenge, especially if the informants belong to a low income or minority ethnic group. This inferiority complex, she explains, results from the lower self esteem that interferes with the ability to express themselves freely in a group. However, in this study this was not the case as all the respondents are professionals and did not form part of minority ethnic groups. In terms of income, educators in South Africa are considered to be among the highest paid civil servants.

Rabbie's view (ibid) that it can be a challenge to assemble a group, is true, because some members were not available, citing personal commitments after work. Some indicated work-related pressures. Some groups cancelled or



postponed interviews giving a visit by DoE officials as their reason. These cancellations or postponements gave the impression that there existed a certain amount of distrust with some respondents, as mentioned by Schurink and Schurink (1998:2-5). The suspicion was prompted by the fact that the gatekeepers in certain schools did not answer the researcher's calls. They did not even return the calls when messages were left.

#### **4.4.3 The questions**

Steward and Shamdasani (1990:65) together with Krueger (1988:62) propose that there has to be fewer questions when conducting focus group interviews. Steward and Shamdasani (1990:65) also hold the view that the questions should be ordered from the general to the more specific. This the researcher accomplished by asking an open-ended question, then probing further on the same issue. The above-mentioned authors also indicate that questions of greater importance should be placed early and those of lesser importance near the end.

In this research study there were three questions that were in line with the main questions and the sub-questions posed in chapter one, namely

- What is considered to be the role of unions in the filling of promotional posts and in the redeployment process?
- What roles do the unions assume during the filling of promotional posts and the redeployment process?
- What are the recommendations regarding the involvement of unions in the filling of promotional posts and the redeployment process?

The above three questions were considered by the researcher to be equally important, as opposed to Steward and Shamdasani's view (*ibid*). These questions needed a lot of probing during the interviews. The same questions were asked in all the interviews to determine the reliability and validity of findings. Education officials were asked the same questions to determine the extent of their knowledge regarding union activities at school level. Lord (1997:222) said that attitude can be measured by asking direct questions about thoughts, feelings and

opinions at the same time. He further accentuated that attitudes can also be measured by indirect means.

To increase the possibility that the respondents would reveal their true feelings and opinions, the researcher used open-ended questions that would promote an in-depth discussion by the research participants during interviews. Lewis (2000:4) supports this questioning strategy when she suggests that open-ended questions allow respondents to answer from a variety of dimensions. The researcher avoided questions starting with “why?” because, Krueger (1988:62) argues, that they force participants to provide quick answers that may seem too intellectual or inappropriate for the situation. Rather, most questions started with “how?” and “what?”

The purpose of the questions was to determine

- the expected conditions in schools regarding the involvement of unions during policy implementation;
- the actual conditions in schools regarding union involvement during policy implementation;
- imperatives for effective union involvement during policy implementation for improved service delivery and learner performance.

The responses will be discussed in the next chapter.

#### **4.4.4 The rationale for the selection of the data collection techniques employed in the study**

For the purpose of this study, focus group and one-on-one interviews were conducted.

##### **4.4.4.1 One-on-one interviews**

Van Wyk (1996:150) mentions that “...the epistemic value of a qualitative investigation like interviews is accessed by means of the participant’s feelings, beliefs, thoughts, and actions.” It was therefore important to interview some

important stakeholders for this research in order to gain a complete understanding about union operations at school level.

On the ([www.usr.rider.edu](http://www.usr.rider.edu)) website it is advocated that interviews should be conducted while observing the following:

- The interviewer should establish rapport with the respondents. In this study this was accomplished by the researcher introducing himself and allowing the respondents to say a few words about themselves.
- The interviewer has to describe the project.
- The respondents' informed consent should be obtained. All the respondents had to give their consent for the interviewer to record the process.

To promote a discussion during interviews the interviewer has to:

- seek clarity through pertinent probing without making it look like an interrogation process;
- reflect on something important that the respondent said and seek further clarity;
- encourage participants to pursue a line of thought where the researcher found information to be quite interesting;
- comment on the respondent's idea by injecting his own idea in order to stimulate the respondent to say more;
- say something to tease, spur on or challenge the respondent in a friendly way to continue talking; and
- summarize the person's ideas to see if he really understood what was said.

Some educators who had been victims of poorly managed redeployment or the procedures in the filling of new posts were interviewed separately on their request. The aim was to elicit as much information as possible to understand the actual ramifications on the well being of such educators and their opinion on the EEA implementation.

To confirm or disprove research findings the researcher also arranged an unstructured one-on-one interview with the Labour Relations Officers (LRO's) of the D11 District that consists of all racial groups in South Africa. The LRO's main duty is to resolve all labour related disputes in schools. The LRO's, therefore, become the next focal point in this research because they have all the records that contain the numbers and nature of disputes that occurred in schools. In addition, a LRO is regarded as a neutral figure during disputes and is expected to hold high moral grounds in matters pertaining to labour related disputes. The LRO from the second district was not available for the interview and this left the researcher with only one interview.

#### **4.4.5 The role of the researcher**

Patton (1990:14), in: Berg and Van Wyk, (1997:54) and Wellington (2000:41) agree that the researcher remains the key person in collecting and analyzing data during qualitative research. Van Wyk (1996:128) therefore insists that the validity of findings depends on the skill, competence and rigor of the researcher. When conducting qualitative research in the form of interviews, the researcher has to build the respondents' trust and confidence in order for them to provide all the data needed to reach reliable conclusions.

As an educator the researcher had worked with some of the respondents about fifteen years ago, and the respondents had no reason not to trust the researcher with the required data. Furthermore, the researcher identified respondents who had been involved in different research projects on educational matters. This knowledge about the respondents was necessary in order to eliminate any doubt that the researcher was not possibly a representative from the department. Measor (1985:57) maintains that while it is important for the researcher to build a cordial relationship with the participants, the quality of data is ensured when there is an element of trust. Taylor and Bogdan (1985:6) say that qualitative researchers have to empathize and identify with the respondents in order to understand how they view events. This was not difficult for the researcher because he was a former educator and school principal himself, and shared some of their experiences.

Le Compte and Preissle (1993:334) mention that the researcher is supposed to explain the assumptions and theory behind the research. The researcher did do this by clearly stating the aims and objectives of the research, including the various theories that form the background to the research. Creswell (2003:184) also suggests that all the biases based on the values and personal interests must be explicitly identified. The researcher was again aware of possible biases during the interviews because he had been an educator himself. This bias was overcome by using a tape recorder to enhance reliability of data because the voice recordings by the various respondents bear testimony to validity and reliability.

The fact that it had been a while since the researcher resigned from the DoE helped him to acknowledge his possible limited and outdated knowledge about the current conditions at school level. To ensure that bias and partiality did not prevail, the researcher used tape recording equipment during interviews in order to isolate his views from the actual findings. The recording was done with the consent of the participants, as was suggested by Henning, Van Rensburg and Smit (2004: 73) as one of the ethical prerequisites for a scientific researcher.

Having all the above attributes ensured that the researcher was able to determine the Hawthorne effect on the part of the respondents and to deal with it appropriately by probing further and listening carefully, taking note of body language. The Hawthorne effect implies that the participants tell the researcher what they think the researcher wants to hear, not what is exactly happening, and also, when the subjects under investigation act differently when realizing that they are under observation. The term was coined in 1955 by Landsberger ([www.wikipedia.org.com](http://www.wikipedia.org.com)). If the researcher does not know the participants well the Hawthorne effect may interfere with the reliability and validity of the data collected.

Throughout the study the researcher followed Mouton's (1996: 17-19) four images of scientific inquiry, namely

- The **epistemic model of research**, which defines research as the pursuit of truth. The researcher wanted to know to what extent the involvement of teacher unions at school level influences the teaching and learning programmes. In other words, does the involvement promote or hamper the

effective policy implementation at school? The researcher is of the opinion that once the relevant data have been collected, suitable recommendations can be made to alleviate problems in schools. The articulation of suitable recommendations leads to the next stage, which is:

- The **sociological model**, whereby the researcher undertakes a study in order to come up with problem-solving strategies. This inquiry happens despite the fact that social research does not prescribe, but recommends solutions for the world to become a better place for those who live in it.
- The **economic model** follows whereby research is regarded as the production of knowledge. Stehr (1994, in: Mouton, 1996:19) refers to scientists or academics as “knowledge workers”. This researcher concurs with this view on the basis that academics are workers that are paid to think, analyze and interpret data. The theories that are formed when the truth is detected become a commodity to be utilized by other scientists to find solutions to similar problems. Such knowledge becomes the intellectual property of those who conduct research, and consequently of their educational institutions, and it gets commercialized.
- Lastly, research is a **project management model**, whereby the researcher has to formulate a research design, raise funding in order to collect the required data in the correct way, and decide on the time frames for each stage of the enquiry.

#### **4.5 The population sample**

The study was conducted in the D11 and D12 Districts in Gauteng. These two Districts fall under the Gauteng Education Department (GDE), and they both consist of all racial groups. The D11 consists of more than 300 schools and the D12 of more than 250 schools.

Kumar (1999:162) refers to ‘purposive sampling’ as ‘judgmental sampling’, because the researcher considers who in the organization can provide the best information to achieve the objectives of the study. De Vos, Strydom, Fouche & Delport (2002:341) also suggest that in purposive sampling there exists “...clear

identification and formulation criteria for the selection of respondents who are therefore of cardinal importance". Glaser and Strauss (1967, in: Krathwohl, 2004: 294) also agree that the selection of individuals that meet some information needs of the study is the most common pattern

The focus group sizes varied from three to nine participants, based according to Lewis (2000:3) on two considerations, namely

- the groups were not to be so large that the adequate participation of members would be curtailed; and
- the groups were not to be so small that they would fail to provide adequate coverage.

The educators formed larger groups because they are the policy implementers. Secondly, they would feel free to participate in larger groups because some of them have a low self-esteem on grounds of a lower post level or failed attempts to receive promotion.

All the focus groups consisted of participants from both Districts, including the participants in the one-on-one interviews. Purposive sampling was done to provide information-rich cases for an in-depth study, according to Fraenkel and Wallen (1990:374). The first group of educators consisted of only nine females from four neighboring schools. The researcher had earlier faxed a letter to the principal of the host school requesting for permission to conduct the interviews, and the follow-up letters were faxed to the gatekeeper requesting the interviews. The gatekeeper had to make photocopies of the letter and distribute copies to all participants before the interviews.

For the first interview the majority of the respondents were from the school that was the venue for the interviews. Both men and women were requested to attend, but the men pulled out at the last minute, even without an excuse. When the researcher probed the gatekeeper after the interviews, it emerged that there was a current dispute involving one of the male educators about the filling of a previously advertised promotional post.

The researcher, however, continued with the focus group interview with the female participants. An interview with the two educators who had not attended was secured at a later stage. The findings of the interviews will be discussed in the next chapter.

During the first interview with the female educators the researcher noted a sudden slump in the level of participation. He realized that the school principal had entered the classroom. As indicated before, the researcher calmly explained to the principal that he would be invited with other principals to a similar interview. It was also pointed out to him that it was important for him to leave so that the educators could freely express themselves.

After the interviews the researcher traced the male participants and literally begged them to participate in the study, and explained the importance of their contribution to them. A different date for another focus group interview was then agreed upon on condition that the principal and female colleagues did not know that they were being interviewed.

A cassette recorder was used during all interviews in conjunction with the ICLD. For clarity of recordings two conference microphones were used during the recordings in addition to the built-in microphones in the recording devices. The recording was done with the permission of the participants.

There was no need for the researcher to take any notes because of the two recorders in place.

#### **4.6 The transcription of the data**

To ensure that the data were analyzed reliably the researcher contracted the services of a qualified person. All the recorded data were transcribed verbatim for ease of analysis. However, Van Wyk (1996: 164) argues that there is a danger that transcribed words may lose meaning as tone, volume and emotionality accompanying body language cannot be portrayed. To reduce this possibility, the recorded voices from the ICLD were saved onto the laptop computer.



Wengraf (2001:7, in: Marshall and Rossman, 2006:110) maintains that data that have been transcribed are not raw data, but processed data. Marshall and Rossman (2006:110) stated that the visual cues that we rely on to interpret another person's meaning are lost when we listen to a tape. The researcher wishes to highlight the fact that some interview notes were immediately recorded after the interviews in order to catch those cues.

#### **4.7 The analysis of the data**

The grounded theory approach has been adopted for this study. Denscombe (2007:98) states that the constant comparative method of data is useful for this purpose. This method of analyzing was done by means of comparing and contrasting new codes as they emerged by constantly "...seeking to check them against existing versions". Furthermore, the suitability of the constant comparative analysis of the data emerges from the premise that the concepts that formed the analysis came from the process of the research activity and were not established prior to the investigation itself (Denscombe (ibid).

Lewis (2000:5) states that the information collected from interviews are raw data. This means the data had to be transcribed verbatim before it could be analyzed. The aim of analysis is to look for trends and patterns that reappear, in the focus group and the one-on-one interviews.

According to information found on the web [www.onlineqda.hud.ac.uk](http://www.onlineqda.hud.ac.uk), the analysis of data is the range of processes whereby we move from collected data to some form of explanation or interpretation of the people or situations under study. It is further explained that when analyzing interviews the researcher aims to identify

- someone's interpretation of the world - the researcher aimed at gaining the stakeholders' insight concerning union participation in policy implementation;
- why the respondents have the specific view - the researcher wanted to find out why different stakeholders had different views about union participation;

- how they came to that view - here the researcher examined the underlying conditions and influences that govern the behaviour of various stakeholders when they make decisions;
- what they have been doing at the time the researcher started with the first interview question in order to determine the *status quo* in schools regarding union participation during policy implementation;
- how they conveyed their view of the situation - the researcher looked at the opposing views of both the educators and the principals and analyzed the justification statements made during interviews;
- how they identify or classify others in what they say - the researcher became aware of the feelings of hostility towards fellow stakeholders in cases where there has been reported or alleged abuse of power.

Seidel (1998) on [www.qualisresearch.com](http://www.qualisresearch.com), describes qualitative data analysis (QDA) as a simple process that involves noticing, collecting and thinking about interesting things. He further indicates that the process is characterized by being

- **Iterative.** This implies the process of repeating itself. The researcher finds words that are commonly used by different stakeholders to define a certain situation.
- **Recursive**, because one part can call you back to the previous part. This happens when the researcher notices new information that was unexpected but very crucial to the study and then structures a new question for the interview for more insight.
- **Holographic.** Each step in the process contains the entire process.

Jorgensen (1989:107) explains QDA as "...the breaking up, separating or disassembling of research material into pieces, parts, elements and units". Facts are broken down into manageable pieces, and the researcher sorts and sifts them. The end-result of this process is for the researcher to reconstruct the data in a meaningful way.

Patton (1990:371) argues that the culminating activities of a qualitative study are analysis, the presentation of findings and interpretation. In the same vein, Schulze (2002:63) also argues that there does not exist only one correct method of data analysis. The method of analysis which was employed in this study was not the only one that could be employed, but the method of choice. The content analysis of the transcribed data becomes suitable when analyzing verbatim transcribed data. Knodel (1993:44-45) refers to mechanical and interpretive analysis. 'Interpretive analysis' refers to determining criteria for organizing the data into themes and sub-themes. 'Mechanical analysis' refers to the physical organization of data into meaningful segments. The forms of analysis already mentioned were employed for the analysis of the data obtained by means of this study.

The data were analyzed in order to determine the attitudes of stakeholders towards teacher union involvement during policy implementation at school level. To familiarize himself with the interview findings, the researcher had to read all the transcripts several times and later had to listen to the recorded data in order to pick up any emotions and intonation. To do this, the researcher had to do content analysis, as Lewis (2000:5) says that it helps to look for trends and patterns that reappear within one or among various focus groups.

De Vos (2002:341) argues that qualitative data analysis cannot be divorced from the data gathering stage. This implies that as the researcher is the key component during data gathering, he also analyses simultaneously during the interviewing process. Such analysis was done when the researcher noticed that some of the respondents did not participate in the discussions. It later emerged that the principal had come into the classroom to hear what the educators were saying. This comes close to Seidel's previously discussed view on ([www.qualisresearch.com](http://www.qualisresearch.com)) that QDA is recursive and algorithmic. In other words, data are also analyzed at the scene and away from it as well.

#### **4.8 The validity and reliability of the data**

The reliability and validity of data are very important determinants to be met for research to be considered scientific and reliable. The researcher, therefore, has

the obligation to ensure that the findings are reliable and valid, for the study to be considered as scientific.

#### **4.8.1 The validity of the data**

Smit (1995:106) describes 'validity' as the degree to which the researcher has measured what he has set out to measure. Kerlinger (1973:457) argues that validity can be measured by asking the question, "Are we measuring what we think we are measuring?" Mouton (1996:112) refers to 'validity' as the best approximation of the truth. This relates to the accuracy of the data presented by the researcher after the gathering stage. According to Le Compte and Goetz (1982:32), validity is concerned with scientific findings. The external and internal validity of data can be explained as follows:

##### **4.8.1.1 External validity**

This refers to the degree to which findings can be generalized to the population from which the participants were drawn. In this study all the participants were experienced educators who knew about educational policy matters in South Africa, and some of them had even become direct victims of inappropriate policy implementation procedures.

To ensure external validity, the Labour Relations Officer (LRO) was also interviewed. The LRO is the official who attends to all cases of misconduct and irregularity by DoE employees. The interview with the LRO added towards the validity of the data obtained. However, the LRO indicated that she did not want her identity exposed, especially when it came to the question regarding recommendations for effective union involvement in policy implementation.

##### **4.8.1.2 Internal validity**

According to Schumacher and McMillan (1993:391) this is the degree to which research findings can be distorted by extraneous factors. In this case, the internal validity was ascertained by the choice of the researcher to make use of focus group interviews on two occasions with educators from the same area using the same instrument. The study was also validated by means of conducting one-on-

one interviews with certain respondents who had been previously interviewed in focus groups to determine if they would provide the same responses later.

The data were collected over a period of five months to allow for extended data analysis and the identification of areas where the researcher needed to adapt certain questions. For example, educators were interviewed on two different occasions because of the findings from the first interviews. In addition, all the interviews took place in the respondents' natural setting, *i.e.*, the classrooms, and offices for the senior officials like the Labour Relations Officer (LRO), the Deputy Director General (DDG) and the Chief Director (CD). There was only one exception when two educators were interviewed in the researcher's car away from the school because they did not want to be seen by their colleagues.

#### **4.8.2 The reliability of the data**

Mouton (2008:100) explains 'reliability' as implying that different researchers could produce the same results in different places if the same instruments were used. To ascertain reliability, the researcher used the same set of questions in all the interviews. Kumar (1999:140) describes 'reliability' as an inference that the research tool is consistent and accurate.

Verbatim accounts of transcripts were used during data analysis and were transcribed from the audio tape recordings. Kumar (1999:140) argues that it is, however, impossible to have a research tool that is 100% reliable. He further argues (*ibid*) that it is not because an instrument cannot be perfectly reliable, but rather due to the fact that it is impossible to control the factors affecting reliability. He explains these factors as:

- The wording of the questions - a slight ambiguity in the wording may lead the respondents to interpret the questions differently at times. This happened several times during the interviews, and the researcher had to rephrase some of the questions.
- The respondent's mood may affect the reliability of the data presented.

- The regression effect of an instrument - respondents may feel that they have been too negative or too positive towards the issue. The second time they may express themselves differently. This also happened after the researcher had switched off the recording device, as the respondents started giving new and essential information as “off the record data”. The researcher could not use such data in observance of ethical principles.

For the researcher to ensure both the validity and the reliability of the study, he took note of Mouton’s (1996: 112) suggestions that the following hints had to be followed:

- avoided showing that you already know the answers to the questions;
- assumed a relaxed but serious appearance which project an image of trustworthiness and respect;
- ensured all participants that the statements made during the discussions would not be disclosed. However, the senior officials of the DoE wanted their views to be recorded publicly, together with their names.

The researcher wishes to point out that despite Mouton’s advice (1996: 112) that the researcher should avoid responding positively or negatively to answers, the researcher continued to nod positively. This happened irrespective of the type of response, except where probing and clarity were needed. This was also done in order to encourage more input by the respondents, as it had been mentioned earlier during each interview that there were no wrong or right answers.

#### **4.9 The researcher’s subjectivity**

According to Sherman and Webb (1998:178), qualitative research cannot be carried out by people who see themselves as detached from the group. In this research the researcher is a former educator, school departmental head and principal of at least two schools within the DoE. The researcher’s current occupation as lecturer in the Department of Educational Studies at the University of South Africa added to leverage and experience.

The researcher's knowledge of the DoE operations enabled him to pose relevant questions to the participants. Another form of leverage for the researcher was the fact that he knew most of the participants and this gave impetus to the interviews, that Bogdan and Biklen (1992:96) refer to as "...a conversation between friends". This knowledge further gave the researcher the advantage of probing for more information where clarity lacked. Since the researcher knew most of the participants, they were not browbeaten by the researcher's position as a lecturer and a former school principal.

Bogdan and Biklen (1992:46) state that the researcher's prime goal is to add facts to the study and not to pass judgment. The researcher therefore divorced preconceived ideas before the interviews from the actual findings during data gathering and analysis.

#### **4.10 Triangulation**

According to Schumacher and McMillan (1993:498), triangulation is a method of pattern seeking. The researcher selected to use triangulation as a way of ensuring the validity of the study, as suggested by Measor (1985:73), Mathison (1988:13) and Patton (1990:187).

Triangulation was conducted by comparing the data from focus group interviews with educators in two different Districts on two different dates. A comparison was also made between the focus group interviews with principals with one-on-one semi-structured interviews with certain principals.

#### **4.11 Access to the interview sites**

Marshall and Rossman (2006:77) argue that gaining access to research sites and receiving formal approval requires time, patience and sensitivity to the norms of the group. They further intimate that the success of qualitative studies depends on the interpersonal skills of the researcher. Although the researcher knew most of the participants fairly well, he had to rebuild trust, as he had left the GDE some years ago.

Measor (1985:55) regards the selection of educational settings and the negotiation of access as important tasks of a researcher. This researcher had to negotiate access to all focus group interview sites through the gatekeeper. Letters of request to conduct the interviews were faxed and others e-mailed to the various gatekeepers who were requested to organize the groups, as suggested by the researcher. Letters requesting for interviews were handed to the participants before the interviews were conducted. The principals of the schools also received letters requesting permission to conduct the interviews at the schools.

At one school where a focus group interview was to take place the appointment was cancelled at the last minute. The gatekeeper explained that the school had received a phone call that very same morning that the education department was to spend the entire day monitoring the staff, since the school had performed poorly in grade 12 the previous year. The interview was postponed to the following week. The interviews in the other schools took place as arranged at the agreed times.

#### **4.12 Limitations of the study**

It should be noted that the researcher could not interview all the proposed respondents, especially those occupying senior positions in the DoE Districts. Their reasons for not being available ranged from writing exams and busy work schedules to total disregard, especially the D11 and D12 District directors. However, the researcher requested interviews with lower level officials. Some other senior officials requested a list of questions to be e-mailed before granting interviews, after which they indicated that they were not suitable candidates for the questions posed.

In one focus group the researcher discovered after the interviews that one of the respondents was a deputy principal among a group of educators. That might have affected the reliability and validity of the findings because some educators were not participating. During the same interview the principal also entered the classroom, as has been mentioned before, but was requested by the researcher to give the educators a chance to express themselves privately. The researcher had to make arrangements to interview another focus group at another school, in order to validate the data.



Another compelling limitation was that during interviews some respondents did not want to switch off their cell phones and this affected the quality of the sound in some recordings. The researcher had to sit with the person doing the transcriptions, trying to clarify certain voices, especially when a cell phone rang and the respondent answered. Other respondents were asked to move away from the interview scene when a phone rang.

#### **4.13 Ethical considerations**

Bailey (1978:384) asserts that seeking informed consent is probably the most common method in medical and social research. He further indicates that consent should be voluntary and without pressure of any kind. The researcher observed all the above ethical principles.

In order to comply with ethical considerations, the researcher ensured that

- letters asking for consent to conduct the interviews were sent to all the participants;
- permission was granted by the participants to record the interviews;
- the identities of all the participants were kept confidential; and
- code names were used especially with the lower ranking employees.

Krathwohl (2004:215) provides a distinction between confidentiality and privacy. He describes 'confidentiality' as the control of access to information, and 'privacy' as a person's interest in controlling boundaries between the self and others. Participants were informed that the interview findings would be kept safely and then be destroyed after three years, in order to protect participants' identities to ensure anonymity.

The provision of incentives is regarded as ethical by some researchers, while others regard it as unethical. The researcher, however, provided light refreshments and soft drinks for the respondents, especially during the focus

group interviews involving educators and principals. The rationale for this was that the interviews were conducted after school hours and educators had indicated that they were hungry and tired at that time of the day, as was mentioned previously. The researcher finds Kumar's suggestion (1999:193) of providing incentives to participants for their participation, as proper, because they are giving of their own time. A token of appreciation is thus not considered to be unethical.

Kumar (1999:194-195) cites the following ethical issues:

- Avoid bias - the researcher did not deliberately hide what was found in the study with the intention to falsify data.
- Use appropriate methodology - the researcher ensured that the method, sampling and instruments were suited to the study.
- Correct reporting - data were not changed to suit the researcher's interest.
- The use of information – the respondents were informed that the information would be used without intentional harm to them.

#### **4.14 Conclusions**

This chapter reiterated the objectives and aims of the study in order to provide a detailed account of the methodology employed. The use of qualitative methods, namely focus group interviews and one-on-one semi-structured interviews were discussed in detail. The rationale for the use of these methods of gathering data was explained. The researcher further explained how the data were analyzed in order to change it into information.

The research design used in the study was explained to provide clarity regarding the choice and size of the sample. This includes the limitations experienced during data gathering. Finally, the ethical considerations taken by the researcher were explained.

The next chapter will include the presentation of the findings, the analysis and interpretation of the data that were acquired during the interviews.

## CHAPTER 5

### DATA PRESENTATION, ANALYSIS AND INTERPRETATION

#### 5.1 Introduction

In chapter 2 of this study teacher unionism in South Africa was discussed with a view of providing a rationale for this study. The need for teacher unions in South Africa indicates the type of union that is needed to guarantee the protection of educators' rights, while safeguarding the learners' interests. Chapter 3 provided a discussion of teacher unions in the United States of America with special focus on the American Federation of Teachers (AFT) and the National Education Association (NEA), as the two biggest teacher unions worldwide, and which represent more than 4 million educators in the USA.

The Toledo Plan (TP) was discussed as the only teacher union-education department cooperative plan to bring about professionalism while ensuring that educator rights are safeguarded. The study was conducted with the intention of determining the feasibility of implementing parts of the TP in South Africa. The researcher kept in mind that conditions in South Africa are not the same as in the USA. Furthermore, South Africa is still regarded as a young democracy.

Chapter 4 explained the methodology employed to gather data objectively and scientifically. Focus group interviews and unstructured one-on-one interviews were discussed in detail. The research design was explained in order to explicate the conditions under which the data were gathered. This included the sample, data analysis, the limitations and ethical procedures.

The data presentation, analysis and the interpretation were discussed with the intention of indicating the conditions as they are, not as they are supposed to be. Thus, the grounded theoretical approach was employed in this study. In chapter 4 the researcher indicated that the data were raw information that had to be analyzed in order to become meaningful. Meaningful data are interpreted in order to reach suitable conclusions, based on the actual conditions, as indicated. The

correct and accurate interpretation of data helps the researcher to provide sound recommendations for the effective and constructive participation of teacher unions during policy implementation at school level.

The data were edited by examining the responses to all the questions at the same time. Kumar (1999:202) supports this method on the basis that it provides a total picture of all responses in order to ascertain internal consistency, and to reach reliable conclusions thereafter. On the other hand, it is not entirely possible to ascertain internal consistency, because some respondents provide contrasting views, especially when they have to defend a point of view during interviews. In the end the data were coded in order to provide a frame of analysis when constructing the main concepts and findings.

## **5.2 The theoretical perspective**

The grounded theory approach was employed in this study. Denscombe (2007:89) indicates that this approach is paramount when there is a need to link any explanation very closely to what happens in a practical situation, namely the real world. Regarding this study, the researcher intends to indicate whether the involvement of teacher unions at school level is in line with education principles and policies, as stipulated in the South African Schools Act (the SASA). Moreover, the researcher wishes to determine the significance of union involvement in respect of teaching and learning activities.

In order to indicate the significance of this involvement, the researcher had to make use of the data collected. This procedure refers to a method supported by Glaser and Strauss (1967:33) where they assert that armchair theorizing should not be entertained without evidence. Locke (2001:59) emphasizes that a good theory is tested on the basis of whether or not it works on the ground. Turner (1983:335) also argues that the novelty of the grounded theory is not associated with the mode of investigation, but with the manner in which data are analyzed. In this study the data were analyzed by making use of the constant comparative method.

The researcher approached the field with an open mind, as recommended by Denscombe (2007:90-91), namely that when following the principles of the grounded theory the researcher "...embarks on a voyage of discovery". Glaser and Strauss (1967: 33), however, argue that an open mind is not a blank mind. The researcher entered the field with sufficient experience and knowledge about certain conditions at school level, but did not allow this knowledge to interfere with his objectivity. This necessitated an open-minded approach. It is important to highlight that most of the findings obtained by means of the interviews came as a surprise to the researcher, and provided new insights into the present form of teacher unionism in South Africa.

Seeing that the researcher adopted the grounded theory approach, the constant comparative analysis of data was used. This method allows the researcher to compare and contrast codes, categories and concepts as they emerge, constantly checking them against the existing norms as enshrined in the SASA. This method also ensured that the researcher never moved the analysis away from what was happening "on the ground". This implies that the theory that was generated by the findings was closely related to the origins of the data, which is why Denscombe (2007:99) refers to it as "grounded in empirical reality".

The research was not only undertaken to determine what was taking place on ground level, but to reach conclusions that could lead to recommendations for improved policy implementation. To attain this objective, the researcher incorporated the action research approach in this study, based on the assumption by Denscombe (2007:122) that research should not only be used to get a better understanding of problems but also to "...set out to alter things" that are educationally unacceptable.

### **5.3 Transcriptions**

As explained in chapter 4, all reasonable steps were taken to ensure that the data are transcribed verbatim for ease of analysis. Reference to particular excerpts from the interviews was done to validate information. A process of coding different themes and categories was used.

The following problems with transcriptions, as indicated by Denscombe (2007: 197-198), were met:

- The recorded voice was not always clearly audible in some interviews. This was the case when respondents answered at the same time, or when there were noises in the background. During some of the interviews the respondent's cell phone would ring, which would disrupt the quality of the recording.
- In one case an interview with two educators who originally decided not to participate in the focus group interview, was conducted inside the researcher's car away from the school. However, the researcher did his best to get accurate transcriptions with the help of study notes that were taken immediately after the interviews.
- Some respondents were not fluent in English as the medium of communication during the interviews. English had been chosen on the basis that it was the common language used by participants, and for the sake of ease of transcription, as had been explained at the beginning of each interview. The researcher and the person who did the transcriptions had to do some editing in order to present a clearer understanding.
- In some cases the intonation, emphasis and accents were hard to depict. This led to data being stripped of the intended meaning.
- The researcher had to transcribe some of the tapes himself because the person who did the transcriptions was not always familiar with some of the expressions used by the respondents.

#### **5.4 Stages of data analysis**

Denscombe (2007:252) identifies the following five stages of data analysis, as adapted from Creswell and Clarke (2007: 129):

- Data preparation - the researcher made arrangements for the services of a qualified person to transcribe the tapes verbatim.

- Initial exploration of data - recurring themes and issues were identified from the tapes and transcriptions.
- Analyses of the data – the data were coded into categories and themes and comparisons were made.
- Representation and display of the data - the researcher presented in writing an interpretation of the findings by referring to direct quotations from the interviews.
- Validations of the data – the data were validated by comparing the data with alternative explanations in other sources from the literature review.

### **5.5 The presentation of the data**

In spite of the above, the analysis itself did not take place in linear fashion, but was somewhat ambiguous, time-consuming, creative and messy, as Rossman (1999: 150) explains, namely that it is not a neat process. During the process of analyzing the qualitative data, the researcher aimed at bringing about order, structure and the correct interpretation.

As Denscombe (2007:303) suggests, the researcher needs to be selective in what was presented by prioritizing certain aspects over others. The reason is that in the analysis of qualitative data it is not possible to present all the data that were collected by means of the interviews

In quintessence of the above, a total of 6 focus group interviews, 5 one-on-one interviews and 2 group interviews consisting of 2 participants each were conducted, adding up to 13 interviews. Of these interviews, 17 were with post level 1 educators, 4 with SMT members, 9 with principals, 5 with Institutional Development Support Officers (IDSO's), 1 with a Labour Relations Officer, and 9 with teacher unionists. The national president of the NAPTOSA and the national education officer of the SADTU were also interviewed, as were the Deputy Director General (DoE National) for policy implementation and the Chief Director (DoE National) for human resources. These interviews were conducted at the

recommendation of the Minister of Education who could not attend, due to parliamentary engagements and the delayed matriculation results. The views of the SMT members and the post level one educators were amalgamated, since they seemed to have been subjected to similar conditions at school level.

The MEC for education in the Gauteng province and all the District directors, including the provincial head-office-based officials, did not respond to repeated requests for interviews. The president of the SADTU could not attend because he was busy writing examinations at the time. The IDSO's from District 12 could not make it, because they as caretaker principals had to manage new schools that were without principals at the time. Some of the IDSO's simply shunned the researcher, while others were eager to participate on strict conditions of anonymity especially in District 11, which the researcher complied with. A copy of the letter requesting an interview with the participants is attached in the appendix.

However, the researcher managed to secure an interview with the Labour Relations Officer of the D11 District, which consists of more than 300 schools comprising of all four racial groups in South Africa. The views of the LRO are important because this is the person who is responsible for all labour-related matters and problems in the District. All the interviews with the educators and the principals were conducted after school hours not to disrupt teaching and learning activities, as was mentioned before.

The above information is aimed at providing a detailed analysis when the findings are discussed in this chapter. It is also aimed at providing an insight into the actual conditions in schools during the gathering of data. In total the sample consisted of 47 respondents, which the researcher considers to be representative of the population being studied. A degree of data editing was imperative, and this edited data were used to demonstrate the point that was being made. Direct quotations were used to substantiate certain findings. These quotations are typed in *italics* in this chapter.

To provide insight into the interviews, an example of a transcribed form of an interview is attached as an appendix. The rest of the transcribed recordings have



been kept for future reference and safe-keeping. To gain more clarity on specific aspects of the data, the researcher also employed the use of discourse analysis during the interviews to reveal the implicit rather than the explicit responses. The use of discourse analysis was possible because of the reasons already stated and the fact that the researcher knew some of the respondents well. Denscombe (2007:309) supports this method of conducting interviews on the basis that a researcher who undertakes discourse analysis needs to use prior assumptions and existing knowledge about the respondents, as well as the politics around that area.

## **5.6 The presentation, analysis and discussion of the findings**

The research findings are presented according to the participants' responses to the questions. It is worth noting that the questions were formulated to correspond with the research aims of the study. A copy of these questions is attached in the appendix. The views and contributions were organized into themes, categories and sub-categories, and later analyzed, using the constant comparative method with the content analysis of the data.

The following questions were posed to all categories of the respondents who participated in the study: The reason for asking the same questions was to increase the validity and reliability of the findings.

- How should unions be involved in the filling of promotional posts and in the redeployment process?
- How are unions actually involved at school level in the filling of promotional posts and the redeployment process?
- How should unions be involved at school level in the filling of promotional posts and the redeployment process?

The above questions, therefore, form the themes according to which all the respondents expressed their views. Their views were later grouped into categories and sub- categories as follows:

Themes	Categories	Sub-categories
<b>Theme 1</b> <b>The filling of promotional posts</b>	<ul style="list-style-type: none"> <li>• The perceived role of the unions</li> <li>• The actual involvement of the unions</li> <li>• Recommendations for future involvement</li> </ul>	<ul style="list-style-type: none"> <li>❖ Educators</li> <li>❖ Principals</li> <li>❖ LRO</li> <li>❖ Unions</li> <li>❖ DoE</li> </ul>
<b>Theme 2</b> <b>Redeployment and rationalization</b>	<ul style="list-style-type: none"> <li>• The perceived role of the unions</li> <li>• The actual involvement of the unions</li> <li>• Recommendations for future involvement</li> </ul>	<ul style="list-style-type: none"> <li>❖ Educators</li> <li>❖ Principals</li> <li>❖ LRO</li> <li>❖ Unions</li> <li>❖ DoE</li> </ul>

**Table 5.1: Themes, categories and sub-categories**

The views of the respondents in respect of the themes, categories and sub-categories as set out in table 5.1, are presented and analyzed below, using the constant comparative method. The participants' responses have been typed in italics and the researcher did not do any alterations as they were transcribed verbatim from the ICLD.

**Theme 1: The filling of promotional posts**

Collective Agreement No 2 of 2005 of the LRA outlines the procedures for the filling of posts, as detailed in chapters 5, 6, 7 and 8 of the Employment of Educators Act (Act 76 of 1998) (EEA), resolution 5 of 1998, the SASA, the Employment Equity Act no 55 of 1998, and the Labour Relations Act (Act 66 of 1995), as follows:

## **1. Advertising**

Section (3) of the EEA states that the following should be included in the advertisement:

- the minimum requirements;
- the procedure to be followed during the application;
- accessibility for all who may qualify or are interested;
- non-discrimination;
- the fact that the state is an affirmative action employer.

## **2. Sifting**

Section 3.2(d) of the EEA states that at a formal meeting the trade union parties should be given a full report of the names of the educators who have and those who have not met the minimum requirements for the posts advertised.

## **3. Short-listing and interviewing**

Section 3.3 (b) of the EEA indicates that the interviewing committee should comprise of

- one departmental representative who may be the principal as an observer and resource person, who should have all the relevant information about the process;
- the school principal if s/he is not the applicant;
- SGB members, except educator members who are applicants; and
- one union representative per union who is represented at the Education Labour Relations Chamber (ELRC), who attend as observers only.

It should be mentioned that the EEA has been amended to give the Head of the Department (HoD) or the Superintendent General the power to disregard the recommendations of the SGB on the appointment of educators. This could result in further problems of implementation at school level if those persons who are the closest to the schools are not accorded the powers to make the final recommendations. The researcher believes that the school level stakeholders,

namely the educators and the principal, are the ones who possess the most comprehensive knowledge and expertise regarding the needs of the school.

### **5.7.1 The perceived role of the unions**

The findings indicate that all the stakeholders fully understand the role that the unions should play at school level, which is the role of observer during all decision-making stakeholder meetings. The response of the various stakeholders, when asked about the respective categories of the Educators' Employment Act (EEA), will be discussed below.

#### **❖ The views of the educators**

During both focus group interviews the educators all agreed that the role of the unions should be that of observers, as enshrined in the South African Schools Act (SASA). They also agreed that the role of the teacher unions is to at all times protect the interests of the educators from possible harassment by the authorities. Educators in the second focus group also agreed on the observer status of the unions, on the basis that this should prevent them from interfering with the scoring during the short-listing and interviewing processes. The educators further explained that the unions' observer status is important, because they are there to look after the interests of their members.

The educators also said that the unions have to see to it that the vacant post is correctly advertised. They have to ascertain whether the time frames are observed regarding the invitations to interviews. The unions also have to ensure that the "*robbing or cheating system*" as expressed by educators, the principal and the SMT is guarded against by making sure that the name of the person who has been recommended is forwarded to the HoD for his final approval.

Two educators who were interviewed also agreed that the role of the unions should be to guard the educators against unfair labour practices by other stakeholders. They explained that the unions have to see to it that schools get the most suitable candidates for every advertised post. One educator said "*I think the ultimate role of the unions is to see to it that schools are supplied with suitable*

*personnel to run schools, not what they are doing right now.*” The educators also acknowledged that it is expected from the unions to explain the procedures to the panel beforehand, in order to avoid possible disputes from resultant irregularities.

#### ❖ **The views of the principals**

The principals agreed that the role of the union is to “...*represent teachers at school level to ensure that proper steps are taken according to the Schools Act.*” They also indicated that the unions have the obligation to remain observers throughout the process, even if their member is not successful during the interviews. One principal also indicated that the observer from the union has to both observe, and sign a declaration, that the process was not flawed. When probed, the principal replied that the union member has the right to lodge a dispute if the process was flawed, e.g., if the questions asked were not the same for all the candidates. This principal, however, acknowledged that despite the rules of the SASA, the principal as the resource person has to allow for some flexibility in order to avoid unnecessary disputes.

Another principal indicated that most unionists were quite familiar with the procedures regarding the interviews. On these grounds they are expected to provide guidance to the interview panel. In the principal’s words, “...*they are expected to help members of the panel who are not familiar with the selection process.*” The principal explained that unionists from the bigger union (the SADTU) are well versed with the procedures for filling vacancies. The principals who were interviewed explained that this assistance is done in the interests of “...*fairness and transparency.*” They also had to sign to indicate that they had attended the interviews.

Another principal noted that, according to him, the task of the union is not to safeguard the teachers’ interests but to see to it that the correct procedures are followed when posts are filled. He continued by saying that the unions assume observer status as long as their member gets the post, otherwise they declare a dispute.

### ❖ The views of the LRO

The LRO agreed that the unions had to proceed according to resolution 2 of 2005 of the EEA which demands that while they have a responsibility to look after their own members, they still have to ensure that the filling of posts is done according to the curriculum needs of the school. She put this as “...*observing that procedurally and substantively processes are followed*”.

As indicated earlier by the educators, the LRO acknowledged that they have to see to it that the recommendation process goes according to the regulations. They further explained that the task of interviewing and short-listing is the responsibility of the School Governing Body (SGB), as defined by the SASA. According to the LRO, the DoE does not prescribe who from the union has to be the observer, as that is the task of the union involved. The role of the District official is to oversee the process in terms of the adherence to procedures to avoid possible disputes by unions on behalf of their members.

### ❖ The views of the unionists

The unionists explained that the observers had to take the time off to observe proceedings in schools where their members were involved. The system of time-off by union members was explained in chapter 2 as part of the Labour Relations Act. The union members also observe the process of recommendations and sign the declaration, because if they do not sign, one member said, “...*trouble starts because the panel has touched a wrong button, Meneer*”. Meneer is an Afrikaans word used by educators instead of Sir. “*If we are happy*”, the member said emphatically, “*we sign.... we agree, because if we don't, nothing happens.*” If there is a dispute, they first have to sign to indicate that they were present before a dispute is lodged.

The unionists also explained that most of the time they have to play a guiding role for the panel, because they knew more about procedures than the SGB panel that does the short-listing and interviewing. This implied, in one unionist's own words, that “... *if the panel listened to the unionist observer there would be less trouble*”. Another unionist remarked as follows, “*There must be some Ubuntu principle*

*applied because unions cannot be expected to observe rigidly, they must be allowed to intervene whenever it became necessary”.*

A unionist explained that he had observed and served on various interview and short-listing panels for the past 13 years and could, well in advance, predict whether the process would be successful or not. In his own words, *“I could tell the panel that if you expect me to be passive, this process will be a definite flop unless you allow me to participate actively in this process because you are heading for a disaster”.*

Another unionist explained it like this, *“As a union you need to develop and workshop your members for interviews and some aspects of legislation and in the process you identify people who are capable of leading”.* He further stated that the union has to advise members to apply for promotional posts in order to advance the interests of the union. He said, *“In order to advance the interests of the union you have to deploy these comrades to strategic positions”.*

According to one of the unionists, circular 5 of 2009 of the GDE does not indicate that you have to be promoted to a higher position on classroom merit, but on your knowledge of policies. He said that as a unionist, if you want to succeed, you have to deploy such comrades. He said that members of such a big union as theirs do well in promotional post interviews because they have been *“well prepared by the union”.*

Another unionist added that for the union to increase its members it needed to look after the interests of its members or it would cease to exist. He added, *“You see, in the olden days it was unfair because people were appointed at the whim of the principal, now its time for the people to appoint who they want”.*

#### **❖ The views of the DoE**

The Deputy Director General (DDG) and the Chief Director (CD) agreed that the unions have to observe its observer status. They also agreed that the process could not be halted if they were not there. This opinion is supported by the fact

that teachers are also represented on the panel by means of the SGB. It is worth noting that the DoE officials shared the same sentiments on this point as it was part of their policy.

The DoE representatives did not see any possibility of a unionist working hand-in-hand with the employer, because they do not exist for the benefit of the learner. However, when the researcher indicated that in other progressive countries unions do work with the Department of Education, they indicated they would not decline the offer if the unions suggested it. It is the view of the researcher that such a process should not be one-sided, but both parties should be willing participants.

- **Discussion**

It becomes apparent that all stakeholders understand the role that is to be played by the unions during the filling of promotional posts at schools, as set out in the SASA. It is also apparent that the understanding of the role that the unions have to play is highly subjective. Educators expect union protection from possible unfair labour practices by the principals and other departmental officials. This expectation was indicated in chapter 1 of this study where research by Bascia (2000), Poole (1999) and Peterson (2002) on teacher unionism indicated that the unions have become indispensable partners with the education departments for the successful implementation of educational policies at school level.

On the other hand, unions view their participation as crucial for the selection process to be regarded as “legitimate” according to the researcher. The unions claim to be bringing wisdom to the process on the premise that the SGB’s are poorly equipped to handle human resource procedures. They use a special word when recommending their members for promotional posts, namely “redeployment”, not “employment”. According to the unionists, members have to be redeployed in order to fulfill the mandate of the union.

This appears to be contrary to the SASA and the country’s Constitution, because it places the interests of the educators above those of the learners. The union in question here is the SADTU, which, during interviews, is referred to as the bigger



union. The SADTU is a subsidiary to COSATU, which forms part of the tripartite alliance with the ANC.

The differing interpretations about the involvement of teacher unions in the implementation of policies at school stand the risk of possible abuse by the unions if the DoE loosens its grip as the employer. The implied SGB acceptance of assistance by the larger union undermines the role that other union has to play to achieve equity and fairness during the filling of promotional posts. Moreover, it places the fate of those to be interviewed at the mercy of the more powerful union.

### **5.7.2 The actual role of the unions during the filling of promotional posts**

The various stakeholders hold the same view regarding the actual role played by the unions, except the unions themselves. The perceptions are discussed below.

#### **❖ The views of the educators**

According to the educators the unions fully participate in processes that involve the filling of promotional posts, as one educator mentioned, *“They only care about money... so they will do anything to ensure that their comrades get more pay.”* Another one said, *“If it is post level one posts you hardly see them, but come promotional posts they start being aggressive and intimidating.”* Another educator said, *“From post level 2 to 4 interviews they are there with a mandate from the union and if their member does not succeed there is a grievance”.* During an interview with educators from a Further Education and Training Institution in Johannesburg, one educator/lecturer said, *“To the detriment of the learner, nothing is really done to support learning. They (the unionists) will rather see to it that they are promoted.”* Another educator added, *“Instead of doing our work preparation we look for other posts advertised somewhere because we are not happy in this department.”*

When the researcher asked why they complained because they were also members, they responded by saying that if you are not active enough in union activities like attending their conferences and workshops, you will not be considered. When asked about the role of the SGB's, they said, *“There is no*

*fairness, unions influence uneducated parents, and if the SGB is strong you see a lot of grievances.”*

From the interviews with the educators, the LRO and the principals, it expired that the unions only look after their own interests, referring to the dedicated members of the union who leave during school hours to attend to union matters. One of the educators said, *“Education is going down the drain”*. Another one asserted, *“They push you up so that once you are up, you look after those who are behind. So, there is no way of successfully reporting nepotism when the authorities themselves have been deployed by their union”*.

Another educator said, *“Their duty is to look at unfair labour practice but they are the ones causing this through nepotism. They are scared of White schools because the parents there know their story”*. Here the implication is that White parents are more educated, so it is not easy for the unions to ignore them when promotional posts are filled. The White schools being referred to are the former model C schools. One educator asked, *“If the SADTU members are good managers, why don’t they apply to become principals and HOD’s in White schools? They know that there is a lot of classroom work to be done in these schools before you can be considered for promotion. You see, Meneer, here the only criteria for promotion is to run around toyi-toying”* - the word used for political dancing during demonstrations and strikes.

Some SMT members, together with the educators, mentioned that posts are filled according to the members’ participation in union activities. The unions decide well in advance on who will be appointed as the principal. *“They caucus, I can’t say it clearly because I am afraid, it depends on who are you. Who do you know? Otherwise you must make yourself known.”* Through their involvement the panel tends to look at union affiliation rather than the needs of the school.

Another educator expressed her concerns in this way, *“We have the SADTU occupying all the senior positions in the DoE. You know, Meneer, they come with their lists of who will be appointed at which school, and they call this the deployment of their own members to key positions, just like it happens in politics.*

*All the political parties submit party lists for those who will be in parliament. Those who don't get onto the ANC lists, jump over to COPE. The same applies in schools. You know, I always feel like leaving this department because I work hard but there is no reward.*" (COPE refers to the Congress of the People Party which was the breakaway faction formed in 2008 by the disgruntled members of the ANC after the Polokwane ANC conference in December 2007.)

In another focus group interview educators told the story of an experienced and highly qualified educator who acted as a deputy principal for nearly a year but was not appointed because the union dominated interviews and short-listing. *"This educator feels used and dumped. We now have a poorly qualified and less experienced deputy principal just because she is connected to the union"*.

During another focus group interview with educators it emerged that in their school the SADTU site steward is not even welcome during SMT meetings. The reason is that the site steward is viewed as biased in favour of the SADTU members by management.

#### **❖ The views of the principals**

The principals agreed that the unions attended the short-listing and interviewing process as observers, but things changed when their member was not recommended because there was a dispute lodged at the district office. When asked about the steps taken to fill promotional posts, one principal said, *"Sir, as usual they look after the interests of their members. If the employer is weak, they push their agenda and they win. They look for their member and say, this one is the correct candidate"* The same principal concluded by saying, *"That's why, today, we don't have quality teachers and managers in our schools."* These views are shared by the educators, as reported in the previous section. Regarding political nepotism, another principal, as earlier mentioned by educators, said, *"You know what happens in politics, for instance there is COPE now, because the ANC did not give jobs to certain members."* The principal continued, *"You know, sir, in the olden days for a person to become an HoD you had to prove yourself in the classroom, and to become a deputy principal you had to become a good HoD, and lastly, to become a principal you had to become a good deputy principal. So, today*

*you find a post level 1 classroom teacher becoming a principal simply by virtue of being an active union member. Unions do not consider the quality of their members in the classroom. In my experience, teachers get involved in unions in order to get promotions and protection.”*

The principals interviewed showed displeasure at the way educators are appointed to promotional posts. They stated that what makes matters worse is that qualifications are not considered when they recommend their members. One said, *“As long as you have a certificate and you are a member they will get the job and you are satisfied.”* There is also a degree of resentment among principals concerning the dropped performance rate among learners. One of them said, *“What happened with the results last year? (meaning 2008) They are coming down because the Department of Education has lost its grip”.*

#### **❖ The views of the LRO**

The LRO reported that *“...the modus operandi for various unions differs, for example, some unions go according to the letter of the law”*. She further continued to say that *“...some unions violate the rules by placing friends for positions long before they are advertised. For instance, they know that a principal is about to retire. Strategically they have someone reserved for that position. In so doing, they do not consider the curriculum and leadership needs of the institution. They want to influence the SGB by bringing their lists of people to take over the positions.”*

The LRO put it this way, *“They bring their lists; it’s like political lists. They go to short-listing meetings and scare or intimidate the SGB panel by threatening to lodge a grievance should their member be unsuccessful. The bigger union (SADTU) is always guilty of this. The bigger union also has a vast membership of younger educators who have little respect for authority.”*

The LRO explained that the trend amongst younger educators was to look after their own interests rather than those of the learners. She, however, indicated that there are isolated cases whereby young educators are properly placed in positions. Generally speaking, the union deploys members to schools rather than helping

them to be employed. The filing of new posts is more problematic than the rationalization process, according to educators who were earlier interviewed.

The LRO indicated that there was little that could be done to resolve the situation because the senior employees of the DoE were also well-known unionists. In the LRO's own words, "*What do you do when the employer is also in the same organization? You are helpless in this kind of situation.*" The LRO even stated fearfully that they were not free to be interviewed in this respect because some of their colleagues at District office have been appointed on, what they refer to, "*...the SADTU ticket.*"

#### ❖ **The views of the unionists**

The researcher asked the unionists what dictated their actions when observing the filling of posts, their own or the learners' interests. The answer was that as a labour movement they had to look after the needs of their members before those of the learners. Another unionist explained that for effectiveness of schooling, "*... once the needs of educators have been attended to then those of the learners will also be satisfied*". They further explained that their members are able to deliver in respect of learners' needs because the union has capacitated them in terms of the curriculum as well.

They also asserted that sometimes the interviewing panel hands over its powers to the union observer. When asked what prompts the takeover they replied that when the observer provides all the answers to the problems, the panel then abdicates, and then the union takes over. They asserted that a decision taken this way will be a fair one, because it had been influenced by the union.

Another unionist reiterated that all unions are invited to attend the short listing and interviewing processes and those that were not present during the selection process could not nullify the process, according to the SASA. When asked about the changing role of the observer, another unionist explained that it was in the interests of the school and the department that the observer should be allowed to

help the panel to avoid a dispute. Another unionist explained, *“Remember that we get there as unions with different agendas, if I have to put it that way.”*

The unionists explained that the reason for taking over the selection process was that the DoE only provided short training sessions that look like meetings, instead of a workshop. So, the SGB is not developed hence the take-over. The take-over might also be influenced by the fact that the principal as a resource person, together with the educators on the panel, may also be union members. In this way the union takes over the situation. Another unionist explained that in a specific case the union observer even phoned the union (SADTU) and said, *“Hey Comrades, send another observer to the school now because I am already a panel member here.”* At this point all the members laughed. One unionist added, *“In schools where this happens we think that the panel shouldn’t exist at all because we take over.”* They also added that the principal, by virtue of his knowledge as a resource person, may also end up becoming a panel member and recommending a candidate.

One unionist also explained that problems occur when the principal, who has to assume the position of a resource person, is asked by the panel to assist during short-listing and interviewing. The principal then gets a chance to manipulate the process. It is even worse when the principal is also a SADTU member and wants a particular candidate to be appointed. If the principal is not well-informed, a union member will be asked to explain the procedure, and ultimately that member takes over. The union member added, *“That’s how we achieve because our members, whether they are principals or educators, are always well-prepared by our union.”*

These union members indicated that the union observer then changes from being an observer to being an active member of the panel. This is how one of them justified this action, *“The observer status of the union member does not mean that he has to keep quiet all the time but must intervene when the panel does not follow correct procedure. Sometimes you have to assist the panel because they don’t know the process and sometimes the principal might take advantage of the panel. So, because you are there the panel says, ‘Let’s do the process the way it*

*should be done*”. Such a statement may lead one to suspect or believe that this is where the unions themselves take advantage of the selection process.

When asked if the unionists should be part of the panel, they responded that by virtue of their knowledge they should be allowed to “assist” the panel in order to avoid disputes. One unionist also explained that sometimes the union gives a principal, who is a unionist, the instruction to appoint a certain member. In union terms, the principal is told to deploy a comrade, and he or she is bound to do so. In his own words, the unionist explained it as follows, “*The union will say, ‘Mr. X, you are given a mandate to appoint a SADTU member at the school’. The principal has no option but to see to it that the member is appointed*”. Another unionist mentioned the situation where a competent person had to be appointed, but he could not do anything without the union’s approval. She was also overlooked by other unionists.

When the researcher asked if the involvement of the unions during interviews was viewed as a help or a hindrance, one unionist replied, “*It’s twofold, Meneer. We can’t say it hampers the process because some union members are very informed regarding policies and procedures, and some of the unions are not (implying the NAPTOSA). So it is always advisable to keep people who are informed like unionists on the panel to avoid disputes being lodged.*” The other unionists seemed to agree on the point that union representatives on the panel needed to assume an active status because “*...most parents on the SGB were ill-informed and needed the assistance of the observer that was informed.*” This observer could be the SADTU unionist.

When asked about the process of filling promotional posts, the unionists responded rather interestingly. They stated that the union member as an observer has to be present throughout the process in case there is some form of malpractice by the principal or the SGB who is not knowledgeable about the process. One member said, “*It is very important for the observer to be there because principals might take advantage of the SGB because they are not so educated. Sometimes the SGB itself is poorly equipped to manage human resource matters.*”

The unionists further reiterated that this was to the benefit of the school. However, if one follows this argument, you can deduce that the unionists may recognize that the DoE had neglected the training of the interviewing panels. It is this gap that bears the potential for the unions to take over the interviewing process from the employer, in the name of “...*assistance to the panel*”.

#### ❖ **The views of the National Education Officer of the SADTU**

When the Education Officer (EO) was asked about union involvement during the interviews he responded that there was no evidence to suggest the taking-over of the selection process by the unions from the SGB selection panel, and thus influencing the decisions of the panel. However, he did indicate that it could be happening in a very subtle way that could make it difficult for stakeholders to report and win a case of corruption. The unionist maintained that procedures do exist for reporting such malpractices. When further asked if the union received any reports of such inappropriate involvement of unions at school level he responded that it was not impossible, but could be reported, if there was sufficient evidence.

The EO argued that when principals and the DoE fail to do their work they tend to place the blame on the union. The union has the responsibility to ensure the protection of its members and to promote professionalism. The EO further argued, “*What kind of a union would we be if we failed to protect our members?*” Here the assumption could be that the unions are scared of losing members if they do not support them. This raises the question whether the unions are interested in protecting the educators, or in merely gaining popularity, that includes the members’ affiliation fees.

#### ❖ **The views of the NAPTOSA president**

When interviewed the president stated that the mandate of the union is to protect its members. He further stated that the NAPTOSA has no political affiliation to be partial; their role was to observe. However, he said that it is not always the case, “*because the demarcation lines sometimes became blurred.*” In his own words, the



sister union (SADTU) “...tended to play the role of referee and player”. If there are disputes they send them to the District grievance committee.

The president stated that when a post is advertised, their members also go behind other people’s backs and request to be “identified” for promotion. He also asserted that he had also been approached by some members seeking promotions to senior positions, but turned them down. He followed the union’s principle that competence must take precedence over affiliation, in the interests of the learners.

The president stated that what happens at school level “...was a *mish mash*”, meaning that it was an inexplicable and jumbled exercise. He cited an incident where the NAPTOSA observer in Mamelodi was asked by the SADTU observer who should get the position, even before the interviews took place. This indicates the irregularities taking place at school level. He further noted that sometimes the members of the panel, together with the observers, came to the meetings with pre-conceived ideas about who should be appointed. Cases are known of NAPTOSA members coming to the national office requesting to be identified for promotion. However, the NAPTOSA reports that they have always discouraged such practices on the basis that they are unethical.

❖ **The views of the Deputy Director General (DDG) and the Chief Director (CD) of the DoE**

The DoE officials stated categorically that the unions’ positions are those of observers during interviews, namely not of protecting their members but of protecting the process and the professionalism of the teaching profession. This, according to the researcher, is contrary to the understanding presented by the unions, principals and educators, but in line with the observation of the LRO, namely that “...unions must wear the cap of arbitrator when there is a dispute.”

The DDG, however, explained that educators play many different roles at school level. The roles are those of management, governance, and as unionists. It is therefore not easy for an educator unionist wearing more than one hat, to switch from role to role. Both the DDG and the CD acknowledged that they had limited

information regarding the exact union participation at school level because such reports were the responsibility of the District offices.

- **Discussion**

The actual involvement of teacher unions at school level during the filing of promotional posts is marked by commotion and turmoil, especially in schools where there is more than one union operating. Most stakeholders acknowledge that the involvement of the unions becomes contestable when the post in question is a promotional one. Several stakeholders also stated that individuals come to the business of filling posts at school level with varying agendas other than the one of ensuring that the best candidate gets the job, as the various stakeholders have asserted. Nepotism seems to have long-term effects on the incapability of the school to meet the needs of learners, if aspirations of a personal nature, rather than academic and professional considerations, are to be met.

It becomes imperative for the stakeholders at the ELRC to determine how the implementation policies could be structured that contentious elements are not accorded the freedom to manipulate processes at school level. As already stated by the various stakeholders, such neglect bears the potential to drive the much needed educator workforce out of the DoE, and possibly the teaching profession.

The input by educators, principals and the district officials confirms that there is indeed a need for DoE intervention at school level. This need is exacerbated by the findings emanating from the interviews with the educators, principals and the unionists themselves. The findings indicated that the unions interfere with the constitutional processes, either intentionally in the name of “assistance to the SGB panel”, or with ulterior motives.

Section 20(1) of the South African Schools Act (Act 84 of 1996 (the SASA) states that the SGB has to recommend to the HoD the appointment of educators at a school, subject to the principles of the Employment of Educators Act (EEA) and the Labour Relations Act (LRA). The researcher has every reason to believe that the actions of unionists at school level could, in some cases, be spurned by

personal ambition rather than by professional conduct and objectivity. This assumption is based on the amount of emphasis placed by unions on their role when they define the need for their participation, which is to protect their members at all costs. When the fate of a particular union lies in the number of members, the union is left with no alternative but to protect its members. Sometimes the type of protection afforded to some members compromise on the integrity of such unions.

The researcher here refers to chapter 1 where Govender (2004: 267) attributes nepotism to the notion in Mexico where the National Union of Education Workers was established with the strong backing of the Institutional Revolutionary Party, which won the elections. In return for their loyalty, union leaders were rewarded with management positions and appointed to key positions in government. This resembles the relationship between the SADTU and the ANC prior to the first democratic elections in South Africa. The SADTU, as an affiliate of the Congress of South African Trade Unions (COSATU), played a significant role in helping the ANC to win the 1994 elections. The ruling party is reported to have offered the SADTU leadership key positions as a sign of gratitude for their support during the campaign.

There are scores of other former SADTU officials occupying senior positions in government. Ironically, these are the same officials who are tasked with ensuring that the filling of promotional posts at all levels of the DoE structures is not marred by acts of political nepotism. It is a huge challenge for these officials to discourage such acts at school level if schools still fail to deliver on learning programmes even after the appointments of such individuals. In chapter 2 Maluleke (1998:6) says that some of these managers are more politically correct, than suitable for their posts. Employing such managers, according to Maluleke, was a “thank you” by government and a form of affirmative action (ibid).

The interview reports with the District officials show that it is not easy to deal with such corruption and nepotism when some of the District appointees are the product of such acts. On the other hand, the report by the senior DoE officials that it is difficult to deal with such allegations of misconduct, does not hold water when their own appointments are viewed with suspicion by the educators at lower levels

of the DoE bureaucracy, because of their connections with the ANC and its affiliated structures.

### **5.7.3 Recommendations for future involvement**

#### **❖ Recommendations by the educators**

The educators view the development of the parent wing of the SGB as crucial to the effective implementation of policies at school level. Parents should attend workshops on handling short-listing and the interviewing processes so that they are able to fully participate during selection and, likewise, they need to know the contents and the working of the SASA. Democracy itself seems to be the problem as it leads to more confusion in decision making since everyone's voice is important. Parents simply seem to choose SGB members irrespective of their interest or sufficient literacy to handle educational matters.

The involvement of the unions seems to present a problem when a promotional post is to be filled. The incident is well-known where someone was asked by the SGB to act as a deputy principal, but was not appointed when the post was advertised. Foul play was suspected, because a less experienced and unqualified colleague was appointed. This sort of thing drains the educators' morale. One educator said, *"We will never know what happened because the parents seemed quite ignorant about everything. But the educator who was appointed was a strong SADTU member although we are scared to spell it out."* The educators even added that the principal was also an active SADTU member who, he himself, had been deployed to the school when the previous principal resigned.

When asked if unions were necessary, the educators said they were needed as observers only. An educator said, *"You see, Meneer, it's good that they observe because they may take over the process since the other union hardly attends"*, the other union being the NAPTOSA. The educators were of the opinion that the unions attend the selection processes in order to advance the interests of their members, not the interests of the learners. One educator said, *"There is still a lot of bias by union officials during interviews"*. Another educator alleged *"...we have SADTU occupying all the senior positions. If I were, for example, a principal there*

*would be bias against some members. That's why we say all unions should be there to observe, in order to monitor the SADTU. The problem is that the appointments are based on affiliation rather than on competence."*

In another interview an educator was asked if she thought the unions could work with the management. She answered that sometimes SADTU-affiliated principals are not fair; they just score their friends favorably during evaluations. The solution, according to the educator, is "...to get the DoE to pay educators for qualifications passed so that this nonsense of clamoring for promotion posts could end. It is really very depressing. Perhaps educators would be more interested in teaching, and the unions can rather represent us during disciplinary hearings". She continued to say, "People are no longer employed now; they are deployed".

The educator explained that this deployment causes people to be loyal to those in senior positions because they have to uplift them as well. One said, "*Don't forget us, Comrade. Deployment is a chain: those who are up must pull the others up too.*" She continued, "*This deployment has to stop, but who will stop it, if even the District director was deployed?*" When probed on how to end deployment, she answered, "*Are you aware, Meneer, in politics there are party lists? So that's what happens in the DoE. Who will stop them? The problem is that we have taken politics from the parliament to the schools; this must stop.*" The educator expressed her wish for union presence that would accelerate teaching and learning, not for condoning the activities of educators who do not deserve promotions.

Two other educators interviewed said that the unions do not help educators to observe policies, but they only aim for the promotion of their own members. They do as they please, because the parents are not educated. All the educators agreed that the DoE should appoint agencies to interview the educators, without the presence of union members. The unions simply take over the interview processes. An educator added, "*The unions must never come near the schools when interviews are being conducted because they spoil everything. Nearly 70% to 80% of the educators are not happy; that is why they are leaving the profession in droves*". Another group of educators agreed that educators from the other

provinces should rather participate in selection matters, because they will not know the applicants personally, but select them on merit.

#### ❖ **Recommendations by the principals**

The principals who were interviewed agreed that township schools should follow the strategy of White schools when electing parents to become SGB members. They explained that in White schools parents who wish to participate in SGB activities submit their *curricula vitae* for all the parents to scrutinize. On the day of the elections parents elect those persons whose CV's qualify them to become SGB members. They further explained that the reason why unions like the SADTU do not recruit members at the White schools is because these parents are educated and better informed about educational matters. One principal complained that the SGB chairman at the school was illiterate, and thus became an easy target for the unions when new posts were advertised. During the interview with the educators it was highlighted that principals also take advantage of illiterate parents serving on the SGB.

#### ❖ **Recommendations by the unions**

The unionists alleged that the DoE has to ensure that the panel members are thoroughly work-shopped, and not to depend on the training provided by the union for its own members. They also suggested that they have to be allowed to guide the process to avoid a dispute. Another member suggested that the District should use its own data base of names of individuals who are available for appointments. The unionists also commented that they train their members for the interview processes, so that they can be deployed to strategic posts. The decision to recommend must be a joint one, and endorsed by the unions, if it is to work. They also suggested that there has to be a member of both unions present, "*for diversity and interest.*"

The unionists recommended that the DoE must allow the unions to participate during selection procedures because they are better prepared by their union for selection procedures. They further recommended that the DoE has to spend more time training the SGB. One member said, "*Otherwise we take over when they*

*don't know what to do*". They even affirmed that the observer should participate, because it becomes unavoidable not to intervene.

The unionists, however, assumed that for school effectiveness it must be remembered that as a labour union, the interests of educators come before those of learners. This meant, according to the unionists, that if the interests of educators are met then those of the learners would also be met.

The Education Officer for the SADTU said that the DoE should make sure that the principals are better prepared to handle selection procedures in order to avoid blaming the unions. In his own words, "*The DoE is writing on a canvas that is not really good*". This could imply that the DoE is doing something, but the preparations are not good enough. The EO said that in South Africa there are nine provinces with different issues and poverty levels; so the playing field is not even. The blame for dysfunctional schools should not be placed at the door of the principals, but the DoE should see to it that the mindset of the educators is adjusted accordingly. The DoE needs to ensure that all the resources are spread equally across all the provinces. The EO however, acknowledged the support received by the unions from the DoE, but showed concern that this does not transpire well at school level since some principals did not communicate policies effectively.

#### ❖ **Recommendations by the Labour Relations Officer (LRO)**

When asked about the way forward, the LRO stated that dealing with unions is like treating symptoms, not the real problem. She said that the DoE should consider the appointment of Information, Technology and Communication (ITC) experts who then work on a provincial data base that indicates the names of the educators who are to be deployed to schools. The aim should be to do away with the advertising of post level one positions. The DoE has done well by applying the system of absorbing educators by appointing those, who have been on the waiting list for six months, on a permanent basis.

When filling promotional posts the Occupational Specific Dispensation (OSD) comes with requirements to fill such posts, which are based on succession and qualifications. It details the requirements, for example, having been employed for at least 3 years, and being in possession of an honours degree. Furthermore, the candidate they are looking for, should have a number of years' experience in a particular field. Then, not everyone will qualify; even those persons who have been deployed will find it difficult to fill such posts, unless they qualify. 'Deployment' is the word used by the unions when placing educator members strategically. Originally it referred to the placement of troops in battle formation, according to Word Web it ensures that no one will skip some levels and merely advance to the highest position. *"At this moment,"* the LRO continued, *"you find that an educator has one degree or diploma and has been in the profession for 25 years or more, bitter and disruptive. On the basis of such an educator being active in the union, he will be deployed just to please him or her at the expense of learners"*. She added, *"The comrades will deploy that person because if he is not, disruption of schooling is inevitable."*

When asked if unions should keep the observer status or not, she answered that they should be observers. She argued, *"If they are not watched, they will take over the process and we will go back to step 1."* She further asserted, *"As a District Official sometimes I apply my mind, even if there are rules. If I want to ensure harmony, I stop the process and ask stakeholders, including the unions, if everything is going well, in order to avoid disputes."*

She advised that stakeholders at school level should apply the Ubuntu principle, because when they make mistakes, the union would go for the jugular. The 'jugular', according to Word Web, is the vital part in the human body that is susceptible to being attacked. Therefore, when you want unions to buy into the process you must give them a chance to participate actively. Discretion is therefore advised, as long as it is applied with reasoning and precision.

Each school should have an equity plan to assist in the filling of posts because it would serve as a guideline. The LRO, however, explained that 'equity' is more of a problem in formerly White and Indian schools. The District is reported to be active



in these schools to ensure that the SGB's and principals fill posts in the interests of equity.

#### ❖ **Recommendations by the DoE**

The officials interviewed expressed the opinion that the DoE and the unions have a partnership project to look into the professionalization of educators. This involves, amongst others, ways of ensuring that the educators are at school and are doing their work. The DoE was also involved in teaching the unions to organize professional development funding.

Towards the end of the interview with the Deputy Director General (Policy) and the Chief Director (Human Resources) the researcher gave them a synopsis of the operation of the Toledo Plan in the US, and the interaction of the SADTU with the US teacher unions. The DDG expressed the DoE's desire to work with the South African teacher unions in the same way, if they should suggest such a partnership.

#### ❖ **Recommendations by the president of the NAPTOSA**

The president recommended that the ELRC meetings in all the provinces should be used as a platform to highlight the dangers of deployment to the "big sister union", namely the SADTU. At school level it is important to identify persons to explain all the processes regarding the filling of promotional posts, so that the panel may understand the processes, which would be important in letting members know in which respects they would or would not be protected. In the president's words, "*We should be able to speak in one voice*".

When the president was asked about the observer status of the unions, he commented that in rural areas you may still find a principal who belongs to a particular union and political party influencing the rationalization process. He asserted that such a principal may wield enormous power over the selection process. In such cases, "*...the DoE must twig the act and allow for the appointment of an employment agency to run the process in an impartial way.*" He explained that there should not be agencies everywhere, but only in places where impartiality runs the risk of being compromised. He added that the educators and

unions should not be part of the recommendation process, since they may be biased. The decision to recommend appointments must be the responsibility of the parents (parents are a reference to the SGB because of their bigger representation in its formulation.)

- **Discussion**

From the findings emanating from the interviews on the involvement of the unions during the filling of promotional posts, it becomes evident that in the South African context it is different from the EEA directive. Nepotism has been seen in the responses of the senior DoE officials during interviews when they outlined plans to partner with unions in order to enhance professionalism in the teaching profession. The SADTU and the NAPTOSA have also confirmed such intentions with the DoE. From the researcher's point of view, it becomes evident that no matter how good the relations between teacher unions and the DoE are at provincial and national levels, all these initiatives will fall flat if the implementation at school level is not closely monitored.

The lack of the formalised involvement of educator unions during the implementation of policies at school level may lead to the infringement of educators' rights, and thus in poor performance during the execution of their duties. This lack of formalised involvement has been seen in the way educators are redeployed in schools where principals are seen to be manipulating the process.

It has emerged during interviews that in schools with a high population of SADTU membership, incumbents have largely not been employed but deployed by the union officials who masquerade as observers during selection procedures. The findings also show that when such acts of deployment take place, the curricular and leadership needs of the school are ignored when filling such positions. However, while the unions acknowledge that acts of misconduct do take place, they allege that those persons who have been deployed have been adequately prepared for the positions by the unions. The question that has not been answered as yet is what criteria have been put into place to ascertain that such incumbents have been adequately prepared for promotional posts?

In the same vein, the educators indicated that it is not easy to report acts of misconduct to the education authorities, because most of those authorities are presumed to be members of the SADTU who have been deployed, with a mandate to look after their own members. In chapter one the researcher referred to incidents where union representatives have even been seconded or appointed to senior positions in government, like the two former presidents of the SADTU, Mdladlana and Hindle. There are scores of other DoE officials who seem to have been promoted in this way. Maluleke (1998:6) in chapter 2 also adds that the employment of some of these principals was a show of gratitude by the present government in the form of affirmative action. The researcher views such leaders as having the potential to preserve the *status quo* when making important decisions. One other reason for nepotism would be the potential threat posed by some competent post level one educators who may feel that they, rather than their counterparts, deserved management positions.

The researcher referred to Govender (2004:267) in chapter 1 when he attributed nepotism to the notion in Mexico where the National Union of Education Workers was established with the strong backing of the Institutional Revolutionary Party which won the elections. In return for their loyalty the union leaders were rewarded with management positions and appointed to key positions in the Mexican government, as cited in Murillo (1999: 40). Govender (2004:267) cited this resemblance with the relationship between SADTU and the ANC prior to the first democratic elections in South Africa. The SADTU as an affiliate of COSATU played a significant role in helping the ANC to win the 1994 elections.

In chapter 2, Murillo (1999: 38) cites the following as the consequences in Mexico where management positions were controlled by unions:

- The administrators' loyalty was directed towards the union rather than the Secretariat of Public Education (SEP). The researcher wishes to take the reader back to the remark reported in the Sunday Times (2009) when the MEC for Education in the Gauteng Province failed to attend an important meeting of MEC'S to address an urgent issue of delayed matriculation results. When asked by the media why she had not attended, the MEC

allegedly responded by saying she was not employed by the education department, but by the ANC. The researcher views such acts as gross neglect of the responsibilities that go with this prominent position. In South Africa MEC's and members of parliament are sworn to allegiance and devotion to their duties.

- The resulting politicization of the SEP caused the SEP's control of education especially inefficient, because supervisors knew that they owed their positions to their union careers. The allocation of promotional posts to comrades has to be seen against the allegations of nepotism by educators and principals that is currently in place within the structures of the DoE.

Murillo (ibid) further reported that attempts were made to remove positions of supervision out of the union. These attempts were not implemented for a long time. The removal of positions was accomplished when the SEP introduced decentralization, which reduced the competence of managers to handle school procedures, according to Arnaud (1992:20). The implications of these restorative moves will be discussed in the final chapter when recommendations are made.

The relationship of the SADTU with the SA government as an affiliate of COSATU, which is in coalition with the ANC, has now lasted for more than 15 years. In 2008 a new political party, the Congress of the People (COPE), was formed. Cope leaders, including the dismissed president of the SADTU, Madisha, announced that they would form a new teachers' union which had no political affiliation. It remains to be seen how feasible it is for politically aligned leaders to form a politically non-aligned union consisting of politically aligned members.

After the 2009 elections in South Africa, the newly elected president of South Africa and leader of the ANC, Jacob Zuma, stated in no uncertain terms that the new appointments in cabinet and all other key positions would be based on competence, and not on favour. In his own words, "*I don't owe anyone a favour*" (Sunday Times, 19 April 2009). We will have to see how he will be able to live up to this promise.

There are scores of SADTU officials who were promoted to management positions, including school principals, who are likely to be viewed with suspicion by

post level 1 or classroom based educators. Many of these officials only have a diploma in education, while suitably qualified educators with honours and masters degrees in educational management remain in the classrooms.

Sayed (2002:30) states that such appointments were problematic, in the sense that the new political appointees were amalgamated with the “old technocrats” of the apartheid era in some structures. He further asserts (ibid) that the new appointees were not “...well versed in relation to system management”. On the other hand, the unionists argue that all of the persons deployed by them are well prepared for managerial posts through workshops before they are deployed.

The above contributions underscore Jansen’s view (2001: 242-246) cited in chapter 1, namely that “...how educators see themselves professionally and how they see themselves politically are two different realities in education”. These appointments can also be seen as attributers to the shaky situations experienced by educators at school level.

The researcher believes nepotism contributes to a state of anarchy in the schools. Nuitjen (2004:118) argues that even where there is anarchy there is some form of governance at work. The governance becomes that of the union structures like the site committee members when they organize for resistance against the implementation of policies in a perceived unconstitutional manner. This resistance can be attributed to incidents where unions go against all odds to ensure that their members get deployed to key positions. The researcher wishes to reiterate that the aim of this study is to ensure that the EEA is implemented in such a way that it does not infringe on educators’ rights, as enshrined in the Constitution of the Republic of South Africa. Recommendations for the effective involvement of teacher unions during the filling of promotional posts will be presented in the final chapter of this study.

## **5.8 Theme 2: The rationalization and redeployment process**

The redeployment of educators was a process aimed at posting educators to schools where their services were needed. Schools which had low learner

numbers had to follow the agreed procedures when transferring or redeploying educators. The process is also known as 'rightsizing', since it was aimed at ensuring that educators do not become redundant and subsequently retrenched, when the learner enrolment diminished.

Beckmann (2000:133) says that in terms of Resolution 6 of 1998 of the Labour Relations Act (Act 66 of 1995), section 2.4, operational requirements should be limited to:

- a change in learner enrolment;
- curriculum changes;
- changes in the grading of the particular school; and
- financial constraints.

The transfer of educators is better known as the 'redeployment' process. Paragraph 2 of the ELRC, Resolution 6 of 1998, states that procedures should be in place for the rationalization and redeployment of educators, and those educators should not be declared redundant, thus leading to their retrenchment. According to this resolution, the process was supposed to start on 5 February and end by 30 June 1999. To this day the process is still ongoing, although in a different manner. On the SADTU website ([www.sadtu.org.za](http://www.sadtu.org.za)), redeployment of educators is referred to as a "good" policy that was poorly or badly handled by the bureaucracy of the Department of Education (DoE).

One of the primary objectives of this study was to examine the process that is followed by the SGB and the SMT in identifying educators in excess for redeployment purposes. Another purpose was to establish if redeployment is not used as a "weapon" by certain managers to exclude those educators who are advocating progressive change in the schools that seem to resist democratic ideals. Alternatively, another reason was to determine if managers do not use redeployment to get rid of educators whom they regarded as interfering or lazy, as was mentioned previously.

'Rationalization' is a concept and procedure initiated by the DoE and teacher unions at the ELRC to manage the redeployment of educators to schools where they were most needed. Its purpose was to ensure that there was equity in human resources in all public schools. This is expected to be in line with Circular 43/2006, clauses 2.4 and 3.2, which state that educators in excess should be transferred into concomitant levels as from 2007. This means that in areas where there was an exodus of learners from one school to another, educators had to be redeployed to where the learners had moved to.

Redeployment involved educators from post levels 1 to 4. It was aimed to last for a short period after 1998 but is still ongoing because of the continuous changing of learner numbers in South African schools. It must be indicated that the rationalization and redeployment process, as part of the EEA, has been handled differently by the various stakeholders for a variety of reasons. This had led to the perceived stigmatization of those at the receiving end of this process. To sum up the above, the implementation of the redeployment process is not well received by educators; therefore it impacts negatively on teaching and learning at school level.

Resolution 2 of 2005 of the EEA as established in terms of the Labour Relations Act (Act 66 of 1995) clearly outlines the expected role of the unions as protectors of educators during the rationalization process. Circular 43/2006, section 3.6 of the GDE states that all educators should be treated fairly during the redeployment process. Focus group and one-on-one interviews were conducted with education stakeholders in order to determine the implementation processes during rationalization and its effects at school level. The findings from the interviews are an attempt to determine the views of stakeholders regarding the involvement of educators during decision-making processes. These views of stakeholders are therefore presented below.

### **5.8.1 The perceived role of the unions**

#### **❖ The views of the educators**

All the educators who were interviewed agreed that rationalization at school level was a sensitive issue which was manipulated by some principals and District

officials. All the educators agreed that in this respect they expected the undivided protection of their unions against vindictive principals. They also agreed that some principals were not fair when it came to the procedures for identifying educators in excess. They stated that some principals simply targeted educators who were vocal during staff meetings regarding the principals' perceived mismanagement and leadership styles. The unions are expected to observe the process closely because they are supposed to protect their members. All the educators knew that the role of teacher unions during the rationalization and redeployment (R&R) process was to serve as observers.

The educators understood that redeployment takes place when the school has more educators than it should have, and the filling of new posts happens when the school has fewer educators than it should have. The educators explained that when a school needed an additional educator, the principal had to discuss the matter with the SMT and the educators. The criteria for the filling of vacant posts should be the curricular needs of the school, also taking equity into consideration. The principal has to submit the recommendations to the SGB, and thereafter the recommendations are referred to the District office for approval.

When the school has more educators than it should have, the principal receives notification from the District office for discussion with the SMT. The curricular needs of the school are then considered to determine who should leave the school. If there are two or more educators with the same qualifications, and taking the curricular needs of the school into consideration, then the "Last in First out (LIFO)" principle should apply. During this process the role of the unions is that of observers. The principal and the SGB play a major role in this respect. The educators expect the unions to act in their interests in this regard.

#### ❖ **The views of the principals**

According to the principals, the educators who are in excess are first to be considered when there are new posts at other schools. The curricular requirements determine who should go to which school, failing which, the LIFO principle applies. The unions have to be on guard and observe throughout the



process without interfering. To avoid the retrenchment of educators, the ELRC decided that it was in the best interests of education to identify educators in excess and to deploy them to schools where their services could be utilized.

In general, the perception of principals regarding the position of unions was more or less the same, thus it became unnecessary to repeat the findings. Principals expect from the unions to only observe and not to interfere with their selection of educators in excess. If they have any grievance, they must submit it to the District office.

#### ❖ **The views of the unionists**

The unionists explained that their role was to observe the discussions around who should be declared as excess educators. The observer is there to see to it that the curricular requirements of the school are considered, namely "*The observer has to see to it that the eyes are on the ball not on the person*". After a decision has been reached as to who should be declared in excess, the union observer should sign the declaration, thus endorsing the decision of the SGB. One member mentioned, "*We have to agree, give permission if we are satisfied with the process.*" The unionists further explained that observation is done in order to look after the interests of their members. If there is a problem, observers still have to sign as an indication that they were part of the process, and only thereafter lodge a dispute through the union to the District office.

After receiving the staff establishment document and the guiding principles document, it is the duty of the principal to assemble the entire staff and to take them step-by-step through the document. The curriculum needs are considered first, then the LIFO principle. Redeployment is the process involving the IDSO, the principal and the staff. The union member is not involved at this stage. After a decision has been made on who should be declared in excess, the stakeholders involved have to sign the declaration form which the principal has to submit to the District office.

At the District office the principal has to explain the reasons for identifying the educator(s) in excess. At this stage that the union representative has to be present

to observe the process, thus ensuring that the educator(s) in question has/have not been unfairly identified. The union representative is allowed to ask questions and be directly involved without influencing the decision of the panel. When asked what this meant, one unionist said, "*You should not say 'Don't redeploy our member.'*"

#### ❖ **The views of the LRO**

The LRO explained that resolution 2 of 2005 of the EEA details all the requirements for the participation of unions during the redeployment process and the filling of new posts. The Principal and SMT have to communicate with the employees, together with the site coordinators from the unions, to observe the process.

Once the process of identification has been done, the IDSO has to verify the process. The Labour Relations unit at the District office has to invite the unions to come and observe the process. If there are complaints, the observers may lodge a dispute. The grievance committee will adjudicate the matter. The role of the unions at this level is not to represent the members, but to adjudicate the matter. The LRO, in her own words, said, "*They have to remove their union caps and become adjudicators during this process.*" In other words, once again, the unions are not there to represent their members, but to observe the process.

Once an outcome has been reached the unions make sure that their members receive the communication. Unions are not allowed to intervene during the process. If the educators who are in excess are not placed at another school, they may apply for any other available post. The LRO added, "*They have the responsibility to assist the DoE in placing them*". That is why they are automatically short-listed on concomitant levels when applying even for senior posts. If a candidate is not recommended, the SGB has to explain why not.

The District office has the power to redeploy an educator who has been declared in excess at a school without consulting any stakeholders, as long as there is a vacancy and the educator in excess fulfils the relevant post requirements. In this situation the unions have no decision-making powers. When asked if the R&R

process would continue, the LRO answered that as long as numbers dwindled in schools, it would continue.

#### ❖ **The views of the president of the NAPTOSA**

The president explained that the circular that comes from the ELRC informs stakeholder participation during rationalization and the filling of new posts. The District office has to call the principals to explain the circular, and he/she has to explain it to the staff, and then start with the process of identifying posts, not people. In essence, the person interviewed knew just as much as the other stakeholders of the procedures, and therefore a repetition of the findings was deemed unnecessary by the researcher.

#### ❖ **The views of the Deputy Director General (DDG) and the Chief Director (CD) (DoE National)**

Both of these persons agreed that redeployment was a process arising from a situation where there were more educators than were needed at a school, and whereby one or more had to be declared in excess and eventually redeployed to another school. Both officials and the other stakeholders who were interviewed were in agreement concerning the criteria for the identification of educators in excess.

A startling discovery was that both the DDG and CD were not sure whether the rationalization guidelines endorsed during the late 90's were still followed in schools. In the DDG's own words, "*I am not sure whether the robust guidelines we formulated in 1996 were still being followed in schools.*" The CD echoed his sentiments and stated, "*We had guidelines at that time, I am not sure whether that is still done now in schools*".

The officials regarded the role of the unions as that of observing the process and reporting irregularities, if there were any, to the District office. They further explained that the process would still carry on, even if the unions were not present during the discussions.

- **Discussion**

It is evident that educators need to be protected by their unions when it comes to rationalization and redeployment. The fear of redeployment emanates from the stigmatization of educators who are declared in excess and who have to be deployed to other schools. The interviews with the principals indicated that educators who are in excess are usually those who are regularly absent from school due to union work during school hours. The principals are of the opinion that the unions should not form part of the rationalization process, but only step in when an educator lodges a grievance.

On the other hand, the unionists view their involvement as essential throughout the entire process because it is their duty to look after their members. They view their involvement not as a hindrance in the smooth implementation of policies at school level. They regard themselves as playing the part of advisers to the SMT and the principals. On the other hand the unions, especially SADTU still regard their role as that of protecting their members. This protection of SADTU members may take place at the detriment of learners if identified educators do not meet the curricular needs of the school.

In general, the view of the educators regarding the involvement of unions in the rationalization process seems to be different from their views regarding the filling of promotional posts. Such a contradiction in their views should be considered as a challenge for the unions. The unions need to reassess their perception of the concept 'protection' during the filling of promotional posts and weigh it up against the same concept, namely "protection" during redeployment.

### **5.8.2 The actual role of the unions**

#### **❖ The views of the educators**

The educators indicated that rationalization was a process that they were not familiar with because the principal discussed everything with the IDSO regarding who should be declared in excess. Redeployment was recommended by the IDSO on grounds that there were many problems at schools regarding the declaration of

educators in excess. The principal explained to the staff that redeployment was an agreement between the District and the principal, because involving the unions always presented a problem. The educators further explained that the previous year the principal had consulted the staff and was told by the IDSO that it was wrong to do so. The educators therefore felt that the principal and the IDSO were conspiring against them, and that they needed the protection of the unions. An educator said, *"If you are a teacher and you are told by the principal that the IDSO has identified you to be in excess, you cannot trust it. It's worse if you know that it was not the IDSO that identified you but the principal himself."*

Redeployment has led to the educators losing their faith in the principal's leadership qualities, because each time an educator was to be identified it was always the one who was not on good terms with the principal. In some instances it was the educator who was regularly absent from school due to union work, or the one who always questioned the leadership style of the principal during staff meetings. Educators felt that they were regressing to the apartheid era which had been characterised by harassment because of this.

Some educators reported that the curricular needs of the school were not considered when deciding on the educator in excess. One educator said, *"If the principal doesn't like you, you just go."* They also reported that the site steward is not allowed in SMT meetings where such sensitive matters are discussed. The educators were of the opinion that the unions were sidelined by the principal during deliberations regarding rationalization. There is a possibility that a principal may, according to Fowler (2000:18), not implement redeployment according to the regulations, or may substantially modify regulations in the implementation of the redeployment process. The situation was problematic when policies of a sensitive nature, like redeployment, had to be implemented. The educators indicated that these were the instances when they needed the protection of the union, because many principals abused their authority by targeting educators they did not like. The educators felt strongly against the process of redeployment because it automatically stigmatized the educator in excess. One even asked, *"Who is going to give you a post if you are in excess because it's known that you must be troublesome? When you are told that you have been declared in excess it's like*

*being told that you have been fired. Wherever you go to, if you are lucky to be placed you are looked at with distrust and incompetence.”* Another educator said, *“LIFO is not fair, authorities must look at the current school needs, not educator needs.”* The educators indicated that principals tended to *“...play the person, not the ball.”*

#### ❖ **The views of the principals**

The principals reported that when a new school is opened, the District deploys the IDSO to be a caretaker principal. The purpose is to avoid giving educators who are aspiring to become principals an opportunity to act as principal to avoid creating an expectation for promotion. The IDSO has to oversee the filling of other vacant educator posts. One way of doing this is to identify educators in excess and to deploy them to such schools.

One principal said, *“Like myself, I lost one HoD to one of the new schools because she was in excess and had to be redeployed. There was no interview at all and she was placed.”* One principal said that when educators are deployed like this and stay for six months, they automatically become permanently employed. This procedure is detailed in circular 43 of 2006 of the GDE. The unions then assume the status of observer and guard the officials, because their member is in trouble.

One principal explained that the union members feel guilty because schools prefer to declare in excess those educators who are always absent from school because of doing union work. A principal said, *“Sir, how can you accept a person who has been in excess in your company because it’s obvious that’s a bad educator? The union members at the District office end up deploying such educators who are their members to the District offices to run around because they have been doing their work in schools. What makes the District to accept them is because they are SADTU members who have also been deployed.”*

On the whole, the principals view the process of rationalization as a way of getting rid of educators who do not form part of their plans to run the schools effectively.

They see the role of the unions as that of observers to see to it that their members get better posts after they have been declared in excess and redeployed.

#### ❖ **The views of the Labour Relations Officer (LRO)**

In her own words the LRO reiterated that, "*The modus operandi for different unions differs.*" The LRO further explained that in respect of some unions you experience joy because they go according to the "*letter of the law*". The LRO indicated that violations of the rules exist because some unions identify their friends and place them in attrition for certain positions because they know that in two or three months a particular school will have a vacancy.

Regarding rationalization, the unions and the District office seem to be in agreement, unlike with the filling of promotional posts. The LRO mentioned that the unions play an important role in protecting educators against principals who use rationalization and redeployment to get rid of educators they do not want. In this respect the unions are more on the defence for the sake of the educators. When asked if the unions leave the observer status and intervene when principals flout on policies the LRO responded as follows," *They remain observers and follow all regulations because their member's fate is at risk.*"

The LRO explained that the role assumed by the unions during rationalization is more helpful to the District, because they actually become the watchdogs against principals who abuse the rationalization and redeployment process by targeting certain educators. She highlighted the fact that the involvement of unions was in contrast when there were promotional posts to be filled. She said, "*Here we are faced with many challenges regarding their involvement.*"

#### ❖ **The views of the unionists**

The unionists remarked that as soon as the staff establishment document states that one or more educators have to go because the school is overstaffed "...we sense trouble". The unions as observers have to oversee the process to ensure that the curriculum needs of the school are met before "LIFO" can be resorted to. The union maintains a low profile at this stage and is not actively involved. It is

important to note that during this process even the principal and the SMT may also be considered for redeployment.

The unions only take a stance when a particular educator is targeted and wants to object. The union has to lodge a dispute with the District office. When the principal explains why a particular educator is declared in excess, the unions are there to observe, but they may also ask questions on behalf of the member. When asked if the role of observer changes when questions are asked, one union member explained that “...*to observe does not mean folding your arms and saying nothing you must protect your member.*” The unionists further explained that “...*clarity seeking questions have to be asked because if you don't ask it means you are not there.*” The unionists also explained that they are not allowed to manipulate the situation by directly asking that their member should not be declared in excess.

#### ❖ **The views of the DoE**

When asked what their experience was regarding the actual involvement of the unions at school level, they answered that they did not know, because they were at the Head office, and only the Districts received such information. The Chief Director (CD) (Human Resources) explained that when rationalization first came into being, there were many complaints from the unions that the school principals had not invited them for discussions. They often requested that all meetings where they were not in attendance be declared null and void.

The DDG explained that of late such complaints had not reached them, indicating that they were not involved. Being involved did not necessarily mean to be involved in decision-making, because that was the task of the SMT and the principal. The unions do not have any authority but they have the right to monitor the process. The DDG concluded that since the role of the unions is to protect educators, their active involvement in policy implementation at school level cannot be trusted because they are bound to be biased in respect of their members' interests.



- **Discussion**

While a discussion between the principal and the District official under the observation of a union representative is opposed by educators, Circulars 43/2006 section 3.6 and 55/2008 of the GDE as enshrined in the EEA, allow these meetings to take place. The actual involvement of the unions during the rationalization process is noticeably different from their perceived involvement. This process is driven by the fact that, as the LRO explained earlier, the educator who has been declared in excess is in danger of being redeployed to another school. The LRO also confirmed that the District office, under the authority of the HoD, has the power to redeploy an educator without any consultation, as stated in the Employment of Educators Act (Act 76 of 1998 (EEA), sections 5.5 to 5.8.

Furthermore, it does not augur well for the unions to have their members declared in excess on the grounds that they are poor educators due to their involvement in union activities. The unionists are seemingly concerned that failure to protect their members under these circumstances may affect their ability to retain membership. This conclusion can be attributed to the SADTU Education Officer when he asked, *“What kind of a union shall we be if we fail to protect our members from improper decisions taken by the employer?”*

Redeployment is viewed as an arena where the educators and principals are pitted against each other at the peril of the learners. This perceived rivalry brings the unions and educators closer, unlike what happens during the filling of promotional posts. On the other hand, the unions do not assume an arbitrator role while the principals explain to the District officials how they reached decisions about educators in excess. Instead, they assume the role of protector of educators, and this is not in line with the specifications of Circular 43/2006 of the GDE.

It was previously mentioned that the unionists indicated that the interests of their members take precedence over those of the learners, because they believe *“...when educator interests are met then those of learners will also be”*. It becomes

apparent that the protection that is accorded by the unions to their members during rationalization is inspired by the fear of losing members to another union. In contrast, their protection of their members during the filling of promotional posts could be guided by a desire to thank members who work hard doing union work during school hours, by securing them promotional posts. Thanking dedicated union members in this way has the potential to lure educators to dedicate more of their time to doing union work during school hours. The impression is created that this is a way to secure promotions within the DoE.

The researcher finds it unacceptable that the rationalization and redeployment process is characterized by the self-interest of the principals, educators and unions, while learners seem to suffer the consequences. Winning court cases in various actions against the government has given the SADTU the edge over the employer. Among the areas of management that have been poorly handled by inefficient managers is the redeployment of educators. As already mentioned, according to the SADTU (Heystek & Lethoko, 2001:227), redeployment is a good idea, badly handled through the bureaucracy of the DoE.

Heckroodt (2002:5) argues that the involvement of all stakeholders is widely accepted and stimulates commitment to the decisions being made. Another argument made by the researcher is that, since it is the educators who have to implement educational programmes, they have to be involved in the decision-making process, rather than being mere participators. Kerchner and Mitchell (1998:23) are also of the view that teacher unions are now making inroads into what was perceived earlier as a management-only area, as has been mentioned before.

### **5.8.3 Recommendations for future involvement**

It should be indicated that the recommendations for the future involvement of unions were received from educators and principals, because the researcher considers them to be at the receiving end of the policies to be implemented. For this reason it was important to acquire the opinions of those persons who have to ensure that proper teaching and learning take place in schools.

## ❖ The views of the educators

The educators interviewed made the following recommendations:

- The authorities should ensure that the curricular needs of the school are always carefully taken into account before an educator is considered in excess. The educators mentioned that even if an educator is an alcoholic, he should be rehabilitated, instead of summarily getting rid of him through redeployment.
- The principals should not be allowed to alone discuss sensitive and delicate matters with the IDSO.
- The unions should be involved from the very beginning, not only during the arbitration process at the District office.
- The unions should be allowed to participate more actively during discussions involving rationalization, rather than merely assuming observer status.
- The decision on who should be declared in excess should be taken by educators themselves together with the union and the principal. The educators said that decisions taken in this way would not leave a bitter pill in the educator's mouth.
- The educators recommended that the DoE should refer educators who are alcoholics or substance abusers for professional help, because sometimes they are the victims of redeployment, while still remaining good teachers. This action should be taken in the best interests of the learners.

In general, educators voiced the need for increased transparency when decisions involving them are taken. They see the unions as their mouthpiece in ensuring that there is no victimization of educators. They hinted that it may happen that once their colleagues are promoted, the unions stop representing their members' interests as educators, but those of the management.

## ❖ Recommendations by the principals

The principals recommended that the redeployment of educators should be the domain of principals and the District office, not of the unions. They indicated that the unions have the tendency to protect educators who are not doing their duty, at the expense of learners. The principals see redeployment as a wake-up call for educators who are not performing, because parents easily transfer their children to schools with a good reputation when they become disillusioned. Therefore, according to the principals, an educator who is responsible for the drop in learner numbers by having more learner failure numbers should be the first one to leave. In order for this procedure to take place, they insist that the unions should not be involved

## 5.9 Conclusions

The presentation of the findings in this study was preceded by a discussion of the theoretical perspective that was adopted. The rationale was to explain the reasons why the grounded theoretical perspective was preferred for this study. The researcher approached the investigation with an open mind, as recommended by Denscombe (2007:90-91), who explains that when the principles of the grounded theory are followed, the researcher “embarks on a voyage of discovery”. The contrasting roles played by the unions during the filling of promotional posts and the redeployment process came as a surprise to the researcher, the reason being that the unions are supposed to protect the interests of the educators, not of their friends and comrades.

The contextual use of the concept ‘protection’ during the filling of posts refers to the protection of the unionists’ personal interests while preserving the *status quo*. The *status quo* refers to the situation whereby unionists in senior positions recommend the redeployment of their members to senior positions without considering the conditions and specifications as set out in the EEA. Conversely, ‘protection’ during redeployment refers to the protection of members who are perceived to be lazy by principals, and who are consequently placed on the excess list.

In the USA where the Toledo Plan is in place, educators go through a rigorous process of selection before they are recommended to senior positions. The role of teacher unions should be to protect educators from the unconstitutional implementation of policies, in order that they may perform their duties with diligence in an atmosphere that is free from intimidation.

The voyage of discovery through the various interviews produced data that assisted the researcher to come up with relevant recommendations. These recommendations ought to provide ways for the effective involvement of teacher unions during the implementation of various sections of the EEA, as discussed in this chapter.

Ravitch (2006, on [www.pbs.org/onlyateacher/timeline.html](http://www.pbs.org/onlyateacher/timeline.html)) in replying to Brimelow (2003:273) says that incompetent teachers are hired because of flaws in the bureaucratic structures, and this process is dependent on knowing the school board members. She further indicates that there is a growing number of experienced educators working under inexperienced principals, and educators need to be protected from unwise decisions taken at school level by such principals. These are the conditions, according to findings in this chapter that prevail in schools and need to be properly managed.

In the final chapter a summary of the study will be given, as well as a synthesis of the findings. The limitations of the study will be indicated, and recommendations will be made for further research.

## **CHAPTER 6**

### **A SYNTHESIS OF THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

#### **6.1 Introduction**

The aim of this chapter is to provide a deductive reasoning on the findings of the study after the analysis and interpretation was done, as indicated in chapter 5. The deductive reasoning is done by first providing a summary of the study in order to highlight the aims, and to provide a rationale for the study. The summary should help the researcher to revisit the main aspects that were deliberated upon and which ought to assist in coming up with suitable recommendations for the involvement of teacher unions in the implementation of the Employment of Educators Act 76 of 1998 (EEA).

#### **6.2 Summary of the study**

It is important to reiterate the aim of the study, namely to investigate how teacher unions can be involved during the implementation of the EEA, without compromising on the quality of teaching and learning in schools. The researcher paid attention to two facets of the EEA, namely

- the filling of promotional posts; and
- the rationalization and redeployment process.

The importance of these two aspects of the EEA cannot be underestimated as they form the backbone of the educators' morale and aspirations, without which the teaching and learning activities would be seriously compromised. To keep educators motivated for their work, the Department of Education (DoE) has to see to it that suitably qualified and experienced educators are retained and appointed to specific positions. Moreover, the DoE has to ensure that the redeployment and rationalization process is not abused by principals to get rid of educators whom they do not like. Educators need to be protected from harassment, fear and intimidation, in order to perform their duties to the best of their abilities. This protection can be provided and is expected from the teacher unions.

In chapter 1 of this study the researcher referred to studies on teacher unionism by Bascia (2000), Poole (1999) and Peterson (2002), where they argue that unions have become the indispensable partners of the education departments for the successful implementation of educational policies at school level. In South Africa the unions and the DoE engage within the Education Labour Relations Council (ELRC) on policy issues. Nina Bascia (1998:911), an expert on teacher unionism in particular, has been quoted as saying, "No other organization except teacher organizations has a responsibility for representing educators in discussions about educational practice." She further asserted (ibid) that educators need union "presence, vigilance and representation." Calls for industrial action by teacher unions, especially the South African Democratic Teachers' Union (SADTU), when a dispute is declared during negotiations are a case in point. In chapter 2 the SADTU has been reported as being both militant and vigilant. It was indicated that vigilance and militancy are the result of years of oppressive rule by the apartheid government.

A literature study on the origins, history and activities of teacher unions in South Africa was done. The aim was to indicate the need for committed and dedicated unionism in South Africa that would look after the interests of educators who come from a history of subjugation and domination during the apartheid regime. The premise is that once educators have proper representation and protection at school level, they will be better able to provide effective teaching in schools.

This study investigated the form of vigilance that is applied by the teacher unions, and had as its aim to indicate whether this vigilance was properly directed or applied when educators needed protection during the filling of promotional posts. In less complicated terms, the question is whether this vigilance is used to protect all educators who are members of a union, or is it only for those persons who are more active in union matters and who possibly neglect their classroom responsibilities as a consequence? The same can be said about union representation when promotional posts are filled. The question is, do the unions protect the interests of all the members or only of the most active members of the union?

The researcher discussed the history and origins of teacher unionism in South Africa up to the present form. It has been reported that the biggest teacher union in South Africa, the SADTU has established links with the two leading teacher unions in the United States of America (USA), namely the National Education Association (NEA) and the American Federation of Teachers (AFT). The aim of this study was, amongst others, to establish ways in which teacher unionism could benefit both the educators and the learners in South African (SA) schools.

The Toledo Federation of Teachers (TFT), a subsidiary of the AFT, is the only teachers' union in the world that has established a partnership with their department of education in order to jointly develop the Toledo Plan (TP). The TP has proved to be an effective tool for educator performance in American schools and is based on peer coaching and evaluation in Toledo, Ohio.

According to the TFT website ([www.tft250.org/thetoledoplan.htm](http://www.tft250.org/thetoledoplan.htm)) there have been more than 3 000 requests from education departments all over the world for assistance to introduce the TP mentorship programme to new and struggling educators. The researchers' rationale behind the reference to the TP is to, possibly, create academic discourse and to determine if SA is ready for such an initiative. Sections of the TP form part of the recommendations for improved teacher union involvement in South Africa.

In chapter 3 the researcher provided a discussion of the AFT and the NEA with the intention of highlighting their *modus operandi*. The researcher is aware of the fact that the principles of the TP cannot simply be transposed to SA before suitable conditions for implementation have been created but contends that it can be a prototype for future teacher unionism. Once teacher unionism in SA has become teacher unionism as it is known around the world, SA may be ready to explore the merits of the TP.

Before the synthesis and recommendations, based on the findings, are presented, it is important to revise the description of a union, namely how a teachers' union should function. According to Word Web 'a union' is an organization of employees formed to bargain with the employer. The Concise Oxford Dictionary (1990: 1293,



in: Ntshangase, 2001:12) refers to a 'union' as an organized association of workers, formed to protect and further their rights and interests. Mothata, *et al.* (2001:170-171) describe 'teacher unions' as bodies organized on a national scale to safeguard the interests, salaries and other working conditions of their members. They further explain that these bodies are involved in policymaking structures, like the ELRC.

In chapter 4 the journey towards the discovery of the findings explicated in chapter 5 was discussed. Focus group and one-on-one interviews were explained as the tools used for navigation. An explanation was given of a sample, and the chapter concluded with the ethical considerations that were observed during the gathering of the data.

Meaning was attached to data by using the constant comparative analysis. The data were divided into themes, categories and sub-categories for ease of analysis and interpretation. The analysis and interpretation process revolved around a synthesis, and the formulation of the recommendations that form a major component of this chapter.

According to this study, educators come together to form a union which is known as a teachers' union. Educators decided to form a union because they were underprivileged by the apartheid regime and were stripped of their dignity. They were forced to implement policies which they were not part of during their formulation. The appointment of senior officials was a preserve of the apartheid masters to only appoint those employees who were loyal to them, while those who questioned their acts were dismissed or even charged with insubordination. An example can be mentioned that the appointment of a principal of a school was done by the School Board, without consultation with stakeholders.

On the basis of the findings from this research, the researcher is able to formulate recommendations for the effective involvement of teacher unions during the implementation of the EEA. It is important to note that the researcher is not prescribing to stakeholders, but juxtaposes on suggestions for the improved implementation of policies at school level.

### **6.3 A synthesis of the findings**

In chapter 5 it was indicated that the educators, principals and the Labour Relations Officer (LRO) confirmed that unions abuse the processes under discussion in the following ways:

- The unionists know that they are supposed to assume an observer status during short-listing and interviewing, but instead they become actively involved with the intention to interfere with the democratic processes.
- They attend School Governing Body (SGB) interview sessions as observers, but with the name of the candidate whom they want to have appointed in the position. If their candidate is not approved by the selection panel of the SGB, they threaten to lodge a dispute.
- When recommending their own member, they do not consider the qualifications and experience expected from the candidate for the post.
- The educators and the principals interviewed agreed that the only qualification for a union member to qualify for a promotional position is to be very active and visible within the union, in terms of attending meetings and conferences.

Throughout the interviews, the respondents referred to the bigger union, namely the South African Democratic Teachers' Union (SADTU). The SADTU is the Congress of South African Trade Unions (COSATU) affiliate which forms part of the tripartite alliance with the ruling party, the African National Congress (ANC) together with the South African Communist Party (SACP). Within the ruling party, there is a system of redeployment of loyal and trusted comrades to key positions in parliament and government departments. Before the educators who have been deployed, are placed in specific positions there is a rigorous system of security or clearance checks by the National Intelligence Agency (NIA) to ensure that a traitor or a person not deemed suitable to occupy a senior position is not appointed.

The appointment of a Director General of a government department cannot be finalized before it is ratified by Cabinet and approved by the State President. The

positions of Deputy Director General, Chief Director and Director can only be filled after the identified incumbent has passed the same security clearance test, as described above.

Within the Department of Education the current Director General is a former educator and SADTU president. His highest qualification, according to his on-line profile on [www.education.gov.za](http://www.education.gov.za), is a Bachelor of Education degree (B.Ed) which has been the equivalent of an honours degree in education and is now known as the B.Ed honours degree. In chapter 1 the researcher reported that a number of SADTU activist educators have been deployed to senior positions within the provincial education departments including the national office since 1994. This process has been watered down to District offices thus permeating through the positions of school principals, their deputies and departmental heads at school level.

The researcher does not allege that all the management positions are occupied by SADTU activists, but most of them are. In the same vein, the researcher does not allege that all SADTU activists appointed to key positions are not suitably qualified, experienced or hard working, but it is a fact that there are some poorly qualified and less experienced persons who occupy senior positions within the entire bureaucratic structure of the DoE.

There exists an automatic expectation from those who are “still down there” to be promoted. These expectations are accompanied by the popular saying, “*Don’t forget us, Comrades, when you are up there*” as cited as a confirmation in chapter 5 during interviews with unionists. Members of the public have referred to this system as the “gravy train” or the “SADTU ticket” appointments. The researcher is not against SADTU activists occupying management positions, as long as the prescriptions in circular 43 of 2006 and the conditions as set out in Resolution 2 of 2005, as adapted from the EEA, have been followed. It is not desirable that educators with only an education diploma and no management qualification or experience occupy the positions of education managers in schools and District offices, if the interests of learners and those of the teaching profession are of prime importance.

During interviews with the educators and the principals, the researcher was overwhelmed with claims of political nepotism by SADTU representatives when senior positions were filled. This situation was supported by the Labour Relations Officer (LRO) when she asserted that union officials come to interviews with their candidate for the vacant post, and threaten the SGB with disrupting the process by lodging a dispute if their candidate is not appointed. In chapter 5 the researcher quoted some of the SADTU officials' words when they claimed that the union gives SADTU members, who have been promoted to the positions of principals, the mandate to deploy their comrades within the school when promotional posts are advertised.

Chuenyane (City Press, 8 June 2009:2) and [www.sabcnews.com](http://www.sabcnews.com) reported that SADTU affiliated educators from District 12 of the Gauteng Department of Education (GDE) embarked on a strike for two weeks. Their problem was the District Director's refusal to sign appointment letters for candidates who had been preferred candidates for principal positions by SADTU. Although the GDE explained to the union that the recommendation of candidates for promotion was the responsibility of the SGB they still refused to teach. Chuenyane again reported in the (City Press on 14 June 2009:3) that one of the SADTU candidates that had been recommended as a principal for one of the high schools had 18 years experience as an administration clerk and only six months as an educator. The other candidate was the wife of a SADTU official. The GDE, parents and surprisingly, the national SADTU leadership severely criticized the strike action (ibid). The SADTU president Thobile Ntola was reported on [www.sabcnews.com](http://www.sabcnews.com) on 17 June 2009 saying that leaders of the strike were to be expelled from the union or lose their positions within the union because they had participated in an illegal strike against the mandate of the union. In the same report the GDE announced that any striking educator by 15 June would be arrested by the police and the strike ended.

In view of the above, it is clear that such acts by the SADTU are reminiscent of the Afrikaner Broederbond during the apartheid era. Every prime minister and state president in South Africa from 1948 to the end of apartheid in 1994 was a member

of the Afrikaner Broederbond ([www.broederbond-wikipedia](http://www.broederbond-wikipedia)). To understand the researcher's comparison of the Broederbond with the actions of the SADTU, it is imperative to provide a brief description of this organization's origin and *modus operandi*.

According to the [www.broederbond-wikipedia](http://www.broederbond-wikipedia) website, the Broederbond was formed in 1918 by a number of Afrikaans-speaking White males who were bitter about the defeat and humiliation effects by the English in the Second Boer War. During this war 27 000 Boer women and children were reported to have died in British concentration camps. The surrender of the Boers in Vereeniging was very humiliating because they were, in addition, anglicized by the British. Since a backlash was inevitable, they formed the Afrikaner Broederbond which operated in meticulous secrecy. Their main agenda was the advancement of all Afrikaner interests in South Africa. Once the Herenigde Nasionale Party (National Party) came into power, English-speaking bureaucrats, soldiers, and state employees were sidelined by Afrikaners, with key posts, including those in government, going to Broederbond members. Their ideological commitment was separatism. The electoral system itself was manipulated to reduce the impact of immigrant English-speakers, and to eliminate that of the Coloureds.

The Afrikaner Broederbond continued to act in clandestine intelligence operations, infiltrating and gaining control of the few powerful organisations, such as the South African Agricultural Union (SAAU), which had political power. They also formed their own bank, Volkskas, to look after the interests of poor Afrikaners. South Africans know ABSA, as Volkskas is now known, to be an acronym for Amalgamated Banks of South Africa. According to an anonymous source from the David Icke website ([www.davidicke.com](http://www.davidicke.com)), ABSA is explained to be an acronym for Afrikaner Broederbond of South Africa. Donwald Pressley reported in the Business Report (28 July 2007:3) that the ANC Youth League President at the time Fikile Mbalula supported policies that would not only promote the interest of the Black elite but all deserving poor South Africans. Mbalula further asserted (ibid) that SA needed to be driven by a Black Broederbond similar to the Afrikaner Broederbond that promoted and advanced the interests of disenfranchised Afrikaners. Although Mbalula's statement (ibid) was mainly based on the economic advancement of the

poor, it did not imply that SADTU had to apply similar policies to advance the interests of ANC comrades and family members at the expense of deserving colleagues. Furthermore, unions have flouted the DoE regulations by ignoring their role as observers and assuming active participation during the selection processes.

The difference between the Broederbond and the SADTU is that the Broederbond protected the interests of all Afrikaners who had been oppressed by the British. The SADTU leadership seems to be only looking after the interests of those prominent union members who are seemingly more active in union activities during school hours, while excluding ordinary educator members who have been equally disenfranchised by the apartheid regime and its policies.

When it comes to redeployment, the SADTU has been reported to be protecting educators who are declared in excess because they hardly spend time in the classrooms due to union activities. The role of a union is to protect its members regardless of their participation in union matters. The researcher wishes to indicate that the operation of SADTU officials at school level is not in line with the EEA and the Constitution of the Republic of South Africa, and does not form part of its national policy. During interviews, the SADTU national leadership pleaded ignorance to such acts of nepotism and called upon the affected individuals and principals to report such acts to the authorities. When the researcher asked those persons who had been affected by nepotism why they did not report it to the authorities, they answered, "*who should you report to, if even the senior officials of the DoE have also been promoted on the SADTU ticket?*" Nepotism within the DoE is the result of power hungry individuals within the union pursuing their own selfish interests to the detriment of learners. If the national leadership of the SADTU wishes to clear itself of this malpractice, it is its duty to root out the individuals who made themselves guilty, from the organization.

## **6.4 Findings and recommendations**

### **6.4.1 On the involvement of unions during the filling of promotional posts**

Most stakeholders acknowledged the fact that the involvement of the unions becomes contestable when the post in question is a promotional one. Several stakeholders also stated that individuals come to the business of filling posts at school level with personal agendas. This seems to have long-term effects on the incapability of the school to meet the needs of learners if aspirations of a personal nature rather than academic and professional ones, are to be met.

It becomes imperative to determine at the ELRC how the implementation policies could be structured that personal ambitions do not supersede the placement of qualified educators. As stated by the various stakeholders, such neglect bears the potential to drive the much needed educator workforce out of the DoE, and possibly the profession.

The researcher hereby refers to chapter 1 where Govender (2004:267) attributed nepotism to the notion in Mexico where the National Union of Education Workers was established with the strong backing of the Institutional Revolutionary Party. In return for their loyalty, union leaders were rewarded with management positions and were appointed to key positions in the government.

Murillo (1999:38) asserted that union control over new management positions in education had undesirable effects for the Mexican government education system. On the other hand, it increased the power of the union, according to Street (1983:243) and Arnaud (1992:9).

The following were some of the undesirable results of nepotism in Mexico, as summarized by Cook (1996: 85):

- Such appointments elicited administrators' loyalty to the union rather than to the department of education.
- It allowed the union leadership to control members by providing them with power in respect of the working conditions of the teachers. In other words, union leaders could determine the educators' working conditions as they pleased since they had the executive power from the positions they occupied in government.

- The resulting politicization of the education department made its control of performance in education increasingly difficult because the supervisors knew that they owed their positions to their union careers.

The above conditions in Mexico bear similarities to the conditions in South Africa where former union leaders are now occupying senior positions. The government's recruitment of former unionists did not bear fruit for either the educators or for itself. Educators are feeling betrayed at school level as they take note of the ascension of SADTU officials to top posts, with active union members being recommended to senior positions.

The feeling of betrayal stems from the fact that hardworking and deserving senior educators are reportedly disregarded when it comes to promotions. What makes matters worse is that educators are increasingly becoming resistant to being managed by the products of nepotism. That is why most of them, when interviewed, indicated their desire to leave the teaching profession, rather than to be managed by persons who are not appropriately qualified.

To avert this crisis, the researcher recommends the following:

- The DoE should outsource the selection process to an employment agency, with personnel trained in human relations to manage the filling of promotional posts in schools and at the District office. The researcher is of the opinion that it is a waste of the learners' time to have principals and educators sit on panel selection interviews.
- The site steward for every union with members at the school should form part of the SMT so that educators may feel adequately represented in all matters pertaining to their service before it's too late. This proposal is deemed to be in line with the procedures at the ELRC where all the unions are represented at provincial and national levels.
- The SMT, in consultation with each site steward, should forward the requirements, as tabled in the EEA Resolution 2 of 2005 regarding the requirements of the post to be advertised, to the employment agency.



- All meetings involving principals and educators should be conducted after school hours to prevent the disruption of the school.

As additional measures to bring about a culture of service and delivery in schools, the researcher recommends that certain aspects of the Toledo Plan, as explained in chapter 3, be considered. The Toledo Plan is the only education department and teacher union initiative in the world that has been successful in bringing about professionalism in Ohio schools in the past 28 years. It has even been mentioned that the President of the USA, Barrack Obama, has endorsed the plan on its merits ([www.rockymountainnews.com/news/2008](http://www.rockymountainnews.com/news/2008)). The researcher wishes to hint that the conditions in South Africa should be considered carefully before implementing such a plan, as no two countries are identical. The following suggestions are made, based on the conditions in South Africa:

- The DoE should introduce the concept of mentor educators, with a minimum of 5 years' service. The mentor educators should be senior educators selected by a committee consisting of District officials, principals and union representatives.
- The duty of the mentor educators should be to mentor new and experienced educators who find it hard to keep up with the demands of the profession in the classroom, and these mentor educators should be remunerated for their services and also be relieved of their classroom responsibilities.
- Mentor educators and educators on probation should sign a performance agreement which has been agreed to by all unions at the ELRC.
- All educators on the mentorship programme should initially be placed on probation before being appointed permanently.
- The DoE should consider remunerating educators who achieve qualifications that are relevant to their field of work by annually increasing their salaries a notch higher on their scales.
- The committee responsible for the appointment and supervision of mentor educators should consist of fulltime senior educators who are not

classroom-based. Their recommended term should not be shorter than 3 years.

- The mentor educator should make recommendations to the committee on the permanent appointment of an educator on probation.
- If the educator on probation fails to make the required grade to be appointed permanently after 2 consecutive years, the committee should have the powers to recommend the dismissal of such an educator.
- The principal's role in the school should be to provide the conditions that are conducive to effective teaching and learning by submitting reports on educator school attendance and conduct. The development aspect of educators must be the responsibility of the mentor educators.
- SGB's should encourage the parent wing to become more involved in fundraising activities rather than in the governance and management of the school.

The successful implementation of the above recommendations depends on truly committed stakeholders to effect policy implementation at school level.

Another example of government and union collaboration in the US from which the unions and the DoE in South Africa can learn is the Professional Compensation Plan (ProComp). This is a plan for educators. It is aimed at additional compensation for educators, ranging from those serving in high poverty communities to those who complete research projects aimed at increasing the learners' test scores. ProComp was designed by both the Denver District office and the Denver Teachers' Union after seven grueling years of collaboration. This is another effective way which, if implemented together with the unions, can boost educator performance in South African classrooms and minimize educators' ambitions to occupy senior positions.

The DoE needs to engage teacher unions more in areas of responsibility where educator performance gets boosted, rather than in attending the filling of promotional posts.

#### **6.4.2 On the involvement of unions during the rationalization and redeployment process**

The researcher came to different conclusions regarding the rationalization and redeployment process, especially because of the opinions of the educators.

The educators were of the view that the principals used redeployment to get rid of unwanted educators, namely those who were frequently absent from school due to being engaged in union work during school hours. Another category of not wanted educators consisted of those whom the principals felt were challenging their authority.

A number of educators felt that the principals, and in some cases the District officials, did not follow the EEA Resolution 2 of 2005, which stipulates that the curricular needs of the school should be considered. This resolution forms part of the EEA. For this reason the educators felt that their unions should play a significant role when representing them. They said that they needed the ultimate protection from their unions against undemocratic principals. On the other hand, the District officials were of the opinion that the unions participated well as both observers and arbitrators, especially if their members were in danger of being redeployed.

The researcher has the following recommendations to make regarding teacher union involvement in the rationalization and redeployment process:

- Teacher unions have to participate actively during the rationalization and redeployment process, not only as observers but as full participants. The researcher believes the educators will feel adequately protected and be willing to accept the verdict if they are identified to be in excess. Full participation of teacher unions will remove the stigma that is attached to the educator in excess as being lazy or uncooperative. Educators tend to more readily listen to their unions than to the employer during such implementation practises.
- The DoE needs to make use of teacher unions as partners during the implementation of sensitive sections of the EEA, rather than as adversaries. This notion was supported by Nuijten (2004: 115) where she said, “The

participation of stakeholders can also be an effective strategy by government to diminish the clients' resistance". The concept 'client' in this case refers to educators. According to Moore-Johnson (2004:34), the unions are aiming at protecting their members from administrators' undemocratic decisions.

This researcher is of the opinion that the unions need to participate fully in aspects of implementation where there exists the potential to keep good educators in the classroom and dismiss those who persistently do not perform in the classroom. The processes of rationalization and redeployment are cases in point. The researcher earlier, in the opening chapter, highlighted the fact that the perceived status of the unions as watchdogs of the educators' interests, and the departmental officials including the principals, as custodians of government policy, makes it difficult to create a culture of cooperation among the various stakeholders. This may lead to problems that hinder the smooth implementation of policies meant to benefit the learners. Sayed (2002: 29) refers to this as the "policy gap", that is understood as the mismatch between policy intention, policy practice and outcome. This mismatch can be rectified once the unions participate fully in the processes.

## **6.6 Recommendations for further research**

Based on the findings on the involvement of teacher unions in the implementation of the EEA, the following recommendations for further research may be made: Quantitative and qualitative research methodologies will be useful when comparing the performance of schools where there exists the monitored and effective involvement of unions in the implementation of the EEA. This will help the DoE to make informed decisions regarding the future involvement of the unions at school level. Another reason why a comparative study is recommended is that Black educators claim that there is no visible teacher union involvement in White-controlled schools, and that is why the filling of promotional posts goes smoothly. A study of this kind will determine whether a particular nature of teacher union involvement in SA actually contributes to effective teaching and learning.

A study on the involvement of teacher unions in the implementation of the EEA should be extended to all the nine provinces in South Africa. The aim is to determine if the findings in this study represent problems on provincial and national levels. Conducting a study of this nature may ensure that problems which prevent educators from performing their duties freely are resolved. Resolving their problems will contribute towards the retention of a quality educator workforce.

### **6.7 Limitations and challenges of the study**

This study was designed to be exploratory and descriptive, and based on the grounded theory. It is not possible to generalize findings to the other provinces in South Africa as yet. This limitation can be seen in the sample size of the population interviewed, which included the GDE Districts 11 and 12, although it was representative in terms of the districts where the research was conducted.

As mentioned by Schurink and Schurink (1998:2-5) the use of focus group interviews presented the following challenges to the researcher:

- The recruitment of the best participants was difficult and was met with suspicion by some educators, especially those who had just been redeployed from other schools.
- The respondents appeared reserved about sensitive issues. However, the researcher made use of a very tactical approach through probing to extrapolate data.

It should be noted that the researcher could not interview all the intended respondents, specifically those occupying senior positions in the DoE. The reasons for not being available ranged from writing examinations and busy work schedules, to a total disregard for the requests sent by the researcher. Among those who showed total disregard for academic inquiry were the District Directors of the D11 and D12. However, the researcher took the time to request for interviews with lower ranked officials whose contribution would also be beneficial to the study. Other senior officials at Head Office requested a list of questions to be e-mailed before granting interviews, after which they indicated that they were not suitable candidates to answer the questions.

As mentioned before, during one focus group interview with educators the researcher discovered one of the respondents was a deputy principal among a group of educators. That may have affected the reliability and validity of the findings because some educators were not participating fully. During the same interview, as was mentioned previously, the principal also came into the classroom, but was requested by the researcher to grant the educators the opportunity to express themselves privately. The researcher had to make arrangements to interview another focus group at another school in order to validate the data collected from this interview.

Another compelling limitation was that during interviews some respondents did not switch off their cell phones, and this affected the quality of the sound in some recordings. The researcher had to sit with the person who made the transcriptions, to try and identify the voices, especially when the cell phone rang and the respondent replied at the same time. A number of respondents were asked to move away from the scene of the interview when the phone rang.

## **6.8 Conclusions**

Some of the outcomes of the study on the involvement of teacher unions in the implementation of the Employment of Educators Act (Act 76 of 1998) rather surprised the researcher. This is because the researcher entered the research field with an open mind, but obviously with certain expectations about the role to be played by the unions during policy implementation.

South African teacher unionism is only on the threshold of international recognition because the nature of teacher unionism practiced at school level is not in line with the union leadership aspirations held at the provincial and national levels. This makes the involvement of teacher unions at school level challenging and in need of intervention, if the conditions that are conducive to effective teaching and learning are to be met.

As explained in chapter one, the main aims of this study were

- to find ways in which teacher unions can be effectively involved at school level without compromising on the quality of teaching and learning; and

- to ensure that the Employment of Educators Act (Act 76 of 1998) is implemented in such a way that it does not infringe on the educators', and consequently on the learners' rights, as enshrined in the Constitution of the Republic of South Africa.

The involvement of teacher unions had to be in line with Collective Agreement No 2 of 2005 of the LRA, signed on 16 September 2005 by all stakeholders in the ELRC, which includes the teacher unions. This agreement stipulates that the role to be played by the unions during the filling of new posts and during the redeployment of educators should be that of observers. The agreement further indicates all the steps in the implementation processes.

The findings explained in chapter 5 indicated that when promotional posts are filled, union officials who should be observers become active participants, in the name of assisting the SGB's. This assistance turned out to be a plan by these officials to place their preferred members in promotional posts. The researcher does not have a problem with the placement of qualified members, but it is another matter when there is an outcry from educators that most of these members are not placed on the basis of classroom expertise, but because of their participation in union activities. Such acts of political nepotism stand to discourage hardworking educators from dedication to effective teaching.

In addition, the findings indicated that teacher union observers tend to flout departmental regulations when educators are redeployed. Their role then becomes that of protectors of educators against principals who seem to use redeployment to get rid of unwanted educators. The findings show that even here the principals tend to ignore the rules and regulations of the DoE.

The role of teacher unions is to protect educators in order that they may perform their duties in the classroom without fear of harassment or intimidation. Equally, the task of school principals is to provide an atmosphere that enables educators to perform their duties optimally. Schools are expected to be places of safety and excitement, rather than situations marked by fighting and tension among educators, their managers and the unions.

The professional involvement of teacher unions at school level needs the immediate attention of the DoE and senior union officials to bring about a culture of teaching and learning in the schools. Effective teaching and learning depends on the proper and impartial involvement of the teacher unions when policies are implemented.



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### **On-line publications**

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[www.sadtu.org.za](http://www.sadtu.org.za)

[www.naptosa.org.za](http://www.naptosa.org.za)

[www.ei-ie.org.com](http://www.ei-ie.org.com)

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[www.rethinkingschoolsonline.com](http://www.rethinkingschoolsonline.com)

[www.rethinkingschools.org/archive/21\\_3/moon](http://www.rethinkingschools.org/archive/21_3/moon)

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[www.usr.rider.edu](http://www.usr.rider.edu)

[Qualis@qualisresearch.com](mailto:Qualis@qualisresearch.com), [www.qualisresearch.com](http://www.qualisresearch.com)

[www.broederbond-wikipedia](http://www.broederbond-wikipedia)

[www.jv.news24.com](http://www.jv.news24.com)

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[www.businessreport.co.za-ANCwants'blackbroederbond'.mht](http://www.businessreport.co.za-ANCwants'blackbroederbond'.mht)

## **APPENDIX A**

04 December 2008

The District Director

D14 District

Gauteng Department of Education

Dear Sir

### **Request for permission to collect data for doctoral study**

I am conducting a study for my Doctor of Education thesis entitled, **THE INVOLVEMENT OF TEACHER UNIONS DURING THE IMPLEMENTATION OF THE EMPLOYMENT OF EDUCATORS ACT 76 OF 1998.**

I will request focus group interviews with a group of 6 to 8 officials in your district on 04 December 2008 the proposed time is 11h00 or anytime convenient to you. The proposed venue is your district office premises.

It is presumed that the research findings will contribute towards improved collaboration of stakeholders at school level in the district and eventually the whole country.

Your kind assistance and response in granting me this rare opportunity at your school will be very highly appreciated and feedback will be granted in the form of a copy of a completed thesis.

Regards

**VT Zengele**- Researcher and Lecturer (University of South Africa –Main Campus)

012-4294889/ 0846028634/ [tzengele@unisa.ac.za](mailto:tzengele@unisa.ac.za)

## APPENDIX B

### CONSENT TO TAKE PART IN INTERVIEWS

I hereby agree to take part in your research. The topic is: **The involvement of teacher unions in the implementation of the Employment of Educators' Act 76 of 1998**. The researcher is VT Zengele at the University of South Africa.

I hereby declare my full understanding of the above information.

Signature: ..... Date: .....

Participant: ..... Researcher: .....

## **APPENDIX C**

### **INTERVIEW QUESTIONS**

- What do you consider to be the role of the unions during the implementation of policies by the EEA (e.g., in respect of rationalization, redeployment and the filling of new posts) at school level?
- In your experience, what are the roles that the unions actually play?
- What are your recommendations regarding the involvement of unions at school level?

## APPENDIX D

<b>GAUTENG DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT-GENERAL</b>	
<i>Postal address</i> Box 7710 Johannesburg 2000	<i>Physical address</i> 111 Commissioner Str. Johannesburg 2001

Date : 5 February 1999

### CIRCULAR 5/1999

To:

All Chief Directors at Head Office, District Offices and Regional Offices  
The Principal and Staff of all institutions  
This circular must be made available to all personnel

TOPIC

The advertising and filling of Educator Posts.

ENQUIRIES: All enquiries related to this circular should be directed to the District Director's Office and at Head Office to Chris Boucher at 011 355 0395

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### **1. ADVERTISING**

1.1 The advertisement of vacant posts for educators must:

(a) be self-explanatory and clear and must include:

- (i) minimum requirements,
- (ii) procedure to be followed for application,
- (iii) names and telephone numbers of contact persons,
- (iv) preferable date of appointment, and
- (v) closing date for the receipt of applications;

(b) be accessible to all who may qualify (except during Rationalisation) or are interested in applying for such post(s);

(c) be non-discriminatory and in keeping with the provisions of the Constitution of the RSA; and

(d) clearly state that the State is an affirmative action employer.

1.2 All vacancies in public institutions must be advertised in an official List of Vacancies or a Circular, the existence of which shall be made public by means of an advertisement in the public media both provincially and nationally. The information to be furnished in the latter advertisement shall include offices and addresses where the gazette, bulletin or circular is obtainable. The list of vacancies or circular should be circulated to all educational institutions within the Department.

1.3 Educator posts outside public institutions shall be advertised both in the national and provincial media and by circular to all schools in the relevant province, ensuring that the provisions of paragraph 1.1 are met.

1.4 Educator posts at colleges shall be advertised in the national and provincial media (except during Rationalisation), ensuring that the provisions of paragraph 1.1 are met.

## **2. SIFTING**

2.1 The Department shall acknowledge receipt of all applications by:

2.1.1 informing all applicants in writing of receipt,

2.1.2 clearly indicating whether the application is complete or not, and

2.1.3 indicating whether the applicant meets the minimum requirements for the post and that such applications have been referred to the institutions concerned.

2.2 The Department shall handle the initial sifting process to eliminate applications of those candidates who do not comply with the requirements for the post(s) as stated in the advertisement.

2.3 In the case of technical colleges, where applications could also be received at the institution, the college council shall acknowledge receipt of all applications in terms of 2.1 above.

2.4 Trade Union parties to the **Education Labour Relations Council (ELRC)** will be given a full report, at a formal meeting, on:

2.4.1 Names/numbers of educators who have met the minimum requirements for the post/s in terms of the advertisements;

2.4.2 Names/numbers of educators who have not met the minimum requirements for the post/s in terms of the advertisements; and

2.4.3 other relevant information that is reasonably incidental thereto.

## **3. SHORT LISTING AND INTERVIEWS**

3.1 Interview Committees shall be established by governing bodies at educational institutions where there are advertised vacancies.

3.2 The Interview Committee shall comprise:

3.2.1 In the case of public schools:

a) one departmental representative at the request of the SGB, as an observer and resource person;



b) the Principal of the school, except in the case where s/he is an applicant, then the relevant District Education Coordinator (DEC) will be part of the panel;

c) members of the school governing body, excluding educator members who are applicants to the advertised post/s in the current vacancy lists; and

d) one union representative per union that is a party to the provincial chamber of the ELRC. The union representatives shall be observers to the process of short listing, interviews and the drawing up of a preference list.

### 3.2.2 In the case of colleges:

a) one departmental representative at the request of the college council, as an observer and resource person;

b) the head of the institution, except in the case where s/he is an applicant, then the departmental representative will be part of the panel;

c) members of the college council, excluding educator members who are applicants to the advertised post/s; and

d) one union representative per union that is party to the provincial chamber of the ELRC. The union representatives shall be observers to the process of short listing, interviews and the drawing up of a preference list.

3.3 Each Interview Committee shall appoint from amongst its members a chairperson and a secretary.

3.4 The Department shall hand over all applications together with ranking lists that meet the minimum requirements and provisions of the advertisement to the governing body responsible for that specific public institution.

3.5 The governing body is responsible for the convening of the Interview Committee and they must ensure that all relevant persons/organisations are informed at least five working days prior to the date, time and venue of the short listing, interviews and the drawing up of the preference list.

Where the Principal is an applicant, a departmental official may assist the governing body.

3.6 The Interview Committee may conduct short listing subject to the following guidelines:

3.6.1 The criteria used must be fair, non-discriminatory and in keeping with the Constitution of the Country. SGBs should endeavour to promote representivity on their school staff by taking the guiding principles of the Employment Equity Act into consideration.

3.6.2 The curricular needs of the institution.

3.6.3 The obligations of the Department towards serving educators.

3.6.4 The list of short listed candidates for interview purposes should not exceed five per post, except during Rationalisation when other priorities will apply.

3.6.5 Any educator who acted for longer than two continuous years in the post at the institution at historically disadvantaged institutions, must be included (additional to the 5 names mentioned in the above paragraph) in the interviews for the post, provided that the educator is currently acting in the post and has applied for the post.

3.7 The interviews shall be conducted according to agreed upon guidelines. These guidelines are to be jointly agreed upon by the parties to the provincial chamber.

3.8 All interviewees must receive similar treatment during the interviews.

3.9 At the conclusion of the interviews the interviewing committee shall rank the candidates in order of preference, together with a brief motivation, and submit this to the governing body for their recommendation to the Department via the District Director.

3.10 The governing body must submit their recommendation/nomination to the relevant district office in their order of preference.

3.11 In the case of colleges, the interviewing committee shall submit its ranked, preference list to the college council for their recommendation to the Department via the Unit for Colleges at Head Office.

#### **4. APPOINTMENT**

4.1 The Department must make the final decision subject to;

4.1.1 satisfying itself that agreed upon procedures were followed; and

4.1.2 that the decision is in compliance with the Employment of Educators Act of 1998, the South African Schools Act, 1996 and the Labour Relations Act, 1995.

4.2 Regional offices will inform all unsuccessful candidates, in writing, within eight weeks of an appointment being made.

#### **5. RECORDS**

The governing bodies must ensure that accurate records are kept of proceedings dealing with the short listing, interviews, decisions and motivations relating to the preference list.

#### **6. GUIDELINES/PROVISIONS TO DEAL WITH APPLICATIONS FOR A SPECIFIC LIST OF VACANCIES**

Separate guidelines/provisions to deal with applications for a specific list of vacancies will be made available for each list of vacancies, including more detailed procedures and a proposed management plan.

#### **7. FILLING OF VACANCIES DURING RATIONALISATION AND REDEPLOYMENT**

7.1 All post level one educator posts:

7.1.1 vacant at the commencement date of the Rationalisation/ Redeployment process;

7.1.2 becoming vacant after the said date for whatever reason;

7.1.3 created after the said date; or

7.1.4 occupied by temporary educators appointed on or after 01 July 1996 and which will continue to exist in terms of the approved establishment of the educational institution,

are reserved for purposes of accommodating educators that should be redeployed.

7.2 The vacancies referred to in paragraph 7.1 above may be filled in a temporary capacity until the redeployment of educators has been completed in a specific year, provided that the filling of such vacancies in a temporary capacity:

7.2.1 should not delay the filling of posts by means of redeployment; and

7.2.2 do not confer on educators so employed a right to be included in the redeployment process or a right to the post.

## **8. REDEPLOYMENT OF EDUCATORS**

8.1 The Department receives the details of all educators declared in excess and the requirements of all the vacant posts.

8.2 The Department releases a closed vacancy list of post level one posts identified at paragraph 7.1. The closed vacancy list should be drawn up in such a manner that it reflects vacancies per district. Only educators in excess, currently serving temporary educators and former educators who have served the departments of education in a temporary or substitute capacity, in the immediate past (since 01/07/96 to the present), including those educators identified at paragraph 13.2, may apply.

8.3 The Department receives all applications and compiles lists of applicants per vacant post. The process of compiling name lists should follow the following steps in order of priority:

8.3.1 permanent (and protected temporary) educators declared in excess in order of seniority - List One.

8.3.2 temporary (unprotected) educators who are currently in the employ of the Department, including those educators identified at paragraph 13.2, together with former educators who have served the departments of education in a temporary or substitute capacity in the immediate past (since 01/07/96 to the present), in order of seniority - List Two.

### **NOTE:**

**1) Two separate lists are drawn up in terms of paragraphs 8.3.1 and 8.3.2 respectively.** List one and list two are supplied, separately to a governing body, i.e. the governing body shall only receive List Two once they have considered List One, and on approval by the District Director.

**2) The educators identified at 8.3 above must meet the minimum requirements for appointment.**

8.4. In accordance with chapter 3 of the Employment of Educators Act of 1998, the governing body will recommend the appointment of an educator to its school from a list drawn up by the Department and which list must adhere to the priorities as at paragraph 8.3.

8.5. The governing body should consider the names on the list in terms of the ranking order and should make a recommendation to the Department via the district office - this is compulsory for post level one vacancies. The governing body should submit its recommendation to the relevant district office in its order of preference.

One representative per employee party to the ELRC shall be invited by the governing body to observe the process of arriving at a recommendation

The recommendation shall be made in accordance with the principles as contemplated in GDE Circular 127 of 1998. Qualifications or the lack thereof, above the minimum requirements for appointment shall not constitute a sufficient reason for non-recommendation.

Exception has been granted to educators previously appointed in a permanent capacity, who do not meet the present minimum requirements of REQV 13, and who have now been declared in excess. Such educators may be appointed to the same post level that they are occupying presently and should therefore not be excluded from the process.

8.6. Successful educators are appointed/transferred to the new post. The educator concerned, the receiving institution and the releasing institution are informed in writing of the appointment.

8.7. In the event of no suitable candidate being found on List One or List Two, all such posts may be published in an open vacancy list.

8.8 An educator is redeployed by means of a transfer as contemplated at section 8 of the Act.

8.9 Post level 2 and higher post level vacancies shall be advertised in a partially closed vacancy list (refer to the specific Vacancy List) and any serving educator (since 1 July 1996 to the present) may apply for these posts.

## **9. TECHNICAL COLLEGES**

9.1 Once the technical colleges have completed the identification of excesses and vacancies in these institutions, the Department may immediately publish these vacancies in

a closed vacancy list. All educators declared in excess may apply for these posts, including educators in excess at public schools and other colleges.

9.2 In the event of no suitable candidates being found in terms of the above paragraph, all such posts may be immediately published in an open vacancy list and shall be filled in terms of the resolution dealing with the advertising and filling of educator posts.

## **10. TEMPORARY EDUCATORS OCCUPYING POSTS TO BE FILLED BY RE-DEPLOYMENT**

10.1 A temporary educator who is successful in his/her application/s will be permanently appointed to the post, provided the educator meets the requirements for appointment.

10.2 If the temporary educator is unsuccessful in his/her application/s, the normal terms of the contract shall be upheld or a one month notice shall be given to the educator concerned upon appointment of a redeployee.

## **11. EDUCATORS DECLARED IN EXCESS WHO FAIL OR REFUSE TO APPLY FOR POSTS**

11.1 Redeployment of educators in excess is compulsory.

11.2 Educators who fail to apply for posts or apply for posts where redeployment is not possible in terms of the closed vacancy list shall have their names included on the list by the Department and processed in terms of paragraph 8.

11.3 Educators who unreasonably refuse to be redeployed are not entitled to severance pay and are deemed to have resigned with effect from a date to be determined by the Head of the Department.

## **12. EDUCATORS DECLARED IN EXCESS WHO CANNOT BE REDEPLOYED**

12.1 An educator declared in excess in terms of this procedure, who cannot be redeployed due to no fault of the educator, shall be held in excess of his/her present staff establishment until s/he can be suitably redeployed.

12.2 During the period of being held in excess:

a) all avenues should be explored by the employer and the educator concerned to find suitable placement; and

b) the educator shall be optimally employed at the educational institution.

## **13. SUBSTITUTE EDUCATORS**

13.1 In respect of an educator who was declared in excess while on leave and who is absent from duty with prior approval, a substitute educator may have been appointed to perform his or her duties while he or she is absent. The appointment of the substitute educator shall terminate on the date of the redeployment of the educator actually occupying the post or the date that the educator actually occupying the post and identified

as in excess terminates his/her services, provided that one month's notice of the termination of services is given.

13.2 Where the services of a substitute educator referred to in paragraph 12.1 above have in the past been utilised in such a manner that s/he has been denied the opportunity of being appointed to a substantive post in a temporary or permanent capacity, such educator's position will be considered individually on its merits and the Head of the Department may approve that such an educator be treated as a temporary educator and for the purposes of redeployment treated as per paragraph 8.3.2.

#### **14. TRANSFER COSTS**

The costs relating to the transfer of educators within the Department (only applicable to those educators who have been declared in excess or who have been promoted in the process) shall be borne by the Department. Costs relating to transfers from one provincial education department to another shall be borne by the receiving department in terms of the existing measures with regard to transfer costs, including transfers where an educator has indicated his or her preference (for detail please refer to GDE Circular 32/98).

#### **15. DISPUTE RESOLUTION**

15.1 Any dispute concerning the general interpretation or application of this Circular shall:

15.1.1 be dealt with according to the **Record of Understanding** (in line with ELRC Resolution 7/97) that was agreed upon by all parties to the Gauteng Provincial Chamber (Refer to **Annexure A**);

15.1.2 be discussed in the Gauteng Provincial Task Team on Redeployment (PTT), if it concerns only one province; or

15.1.3 in the IPTT if it concerns more than one province.

15.2 If parties are unable to resolve the dispute at the PTT, within 14 days of tabling, the matter must be referred to the IPTT.

15.3 If the matter is not resolved at the IPTT, within 14 days of tabling, any party to the dispute may refer the dispute to the ELRC for resolution in terms of the dispute resolution procedures of the ELRC.

*Original document signed by T.M.J. MASEKO*

*SUPERINTENDENT-GENERAL, Gauteng Department of Education*

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**RECORD OF UNDERSTANDING**

**The Parties to the Gauteng Provincial Chamber note:**

- \* That a grievance resolution committee is necessary to ensure that grievances are resolved fairly.
- \* That there is a need for a speedy resolution of grievances.
- \* That the grievance committee shall act in support to the PTT.
- \* The grievance committee shall report to the PTT.

**1. GRIEVANCE PROCEDURE**

Should there be any grievance during the RATIONALISATION process based on the ELRC Resolution 6 of 1998, the following grievance procedure shall apply:

**1.1 Establishment of a District Grievance Committee:**

All unions represented on the Gauteng Provincial Chamber of the ELRC shall have the right to representation on a District Grievance Committee (DGC). Unions are each entitled to nominate 1 member to serve on a DGC. The GDE is entitled to nominate 2 persons (usually the LRO and a DEC).

1.2 The Grievance Committee may call on any person who may assist in giving evidence to be present at a meeting of the Grievance Committee.

1.3 The Department will provide administrative and secretarial back-up for the Grievance Committee. The Secretary should not be a member of the Grievance Committee.

1.4 A grievance may be lodged by any party participating in the rationalisation process.

1.5 Grievances must relate to deviations from agreed upon criteria and/or procedures based on criteria and procedures in ELRC Resolution 6 of 1998 as well as Departmental Circulars. Grievances based on dissatisfaction with the outcome of correctly applied procedures will not be entertained.

1.6 The chairperson of a DGC shall be appointed by the Grievance Committee and shall be one of the 2 GDE representatives. The Labour Relations Officer, where not the chairperson, shall be a member of the Grievance Committee. Under exceptional circumstances Unions may request the Department to nominate an alternate DEC where in the view of the Unions, the objectivity of the DEC is in question.

1.7 The aggrieved party shall have 7 working days from the date on which the irregularity occurred in which to lodge a grievance with the DD. The latter shall see to it that the lodging of the grievance is acknowledged within 3 working days of receipt thereof. The DD may waive the 7 day limit under exceptional circumstances. The meeting of the DGC must take place within 7 days of the lodging of the grievance. The DGC must make its decision within 3 days, except where evidence is required, then the committee shall state the number of additional days required. Grievances which have been resolved will not be revisited. Unresolved grievances lodged earlier shall be dealt with according to this agreement. The grievant shall be informed forthwith of the outcome in writing.

1.8 Where a grievance is clearly procedurally out of line, the DD will not set up a DGC and will inform the person or structure lodging the grievance to this effect. Such person or structure will have the right in terms of Resolution 7 of 1997 to appeal to the Labour Relations Directorate at Head Office. Where a grievance is incorrectly set out, the aggrieved party should be given the opportunity to rephrase it within 3 working days.

1.9 Two days written notice is required for the meeting of a DGC unless all members agree to a shorter notice period.

1.10 The following shall serve as the procedure for the handling of grievances by a DGC.

1.10.1 An official accreditation form, drafted by the GDE, shall be submitted to the chairperson of the DGC at the commencement of the meeting.

1.10.2 In order to validate the grievance, the chairperson of the DGC shall be responsible to see that all relevant documentation is available at the meeting.

1.10.3 The facts relating to the relevant grievance will then be established.

1.10.4 Discussion will then take place with a view to reaching consensus about the upholding or not of the grievance. Where consensus is not reached, the minutes of the DGC shall reflect the different viewpoints and who expressed them. The intervention and mediation of the DD or GDE Labour Relations Directorate may be sought. Decisions made by Labour Relations unit shall be reported to the PTT.

1.10.5 Where consensus is not reached in the DGC or if the grievant is not satisfied, the grievant may refer a dispute to the ELRC to be dealt with according to Resolution 7 of 1997.

2 This Record of Understanding is subject to Resolution 7 of 1997 relating to dispute resolution

3. The parties to the Gauteng Provincial Chamber agree as follows:

3.1 To adopt the above mentioned procedures to facilitate the resolution of grievances.

3.2 That the Record of Understanding be extended to make it binding on all Employees and the GDE as the Employer.



Document signed by representatives of the GDE, N.U.E., P.E.U., S.A.U.V.S.E., S.A.D.T.U. and S.A.O.U. on 26 January 1999.

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Second annexure to Circular 5 of 1999

**NB! PLEASE DIRECT ALL ENQUIRIES TO THE DISTRICT DIRECTOR NB!**

**GUIDELINES/PROVISIONS TO DEAL WITH APPLICATIONS FOR THE VACANT POSTS ADVERTISED IN THE DECEMBER 1998 VACANCY LIST 7ABC.**

**NB \*THIS DOCUMENT IS DIRECTED TO THE RELEVANT DEPARTMENTAL OFFICIALS AS WELL AS TO SCHOOL GOVERNING BODIES**

**\* THIS DOCUMENT MUST BE STUDIED CAREFULLY BEFORE THE APPLICATIONS ARE DEALT WITH. PLEASE ALSO REFER TO GDE CIRCULAR 5/99, DATED 5 FEBRUARY 1999.**

**\*PLEASE REFER TO CIRCULAR 127/98 FOR PRINCIPLES FOR RATIONALISATION AND REDEPLOYMENT.**

**\* THE APPOINTMENT DOCUMENTS (PAR 1.1 TO 1.4) MUST REACH THE DISTRICT OFFICES NOT LATER THAN 12 MARCH 1999. (Refer to the Proposed Management Plan, paragraph 10 of the original document)**

## **1. APPOINTMENT DOCUMENTS**

Each governing body will receive a set of documents from the district office (refer to proposed Management Plan for dates). These are the name list of applicants, GDE 2R forms, Forms B, C and D as well as these guidelines.

### **1.1 Name list of applicants**

\* This is a computer list of eligible applicants for each post, giving details of the post number, school, qualifications, etc, of each applicant.

\* The regional offices keep a copy of this computer list for record purposes.

\* The names of eligible applicants for Vacancy List 7ABC will be listed in order of seniority (indicated in full years of experience).

\* Only those applicants who meet the minimum requirements for the post will be considered for appointment and may therefore be considered by the governing body for short listing and interviewing. No names may be added to these lists by the governing body or the district office. Head Office will be the only authority to add such names to the list.

\* Applicants who submitted incomplete/incorrect/late applications and who do not qualify for appointment will not be included on the list and are therefore not regarded as eligible applications (Refer to Instructions in Vacancy List).

### **Post level one vacancies - Vacancy List 7C**

\* The names of applicants who have been officially declared in excess are included on List 1. The names of applicants who have been employed by the education departments in a temporary capacity between 1 July 1996 and 31 December 1998, are included on List 2.

\* Only List 1 (Excess List) will be made available to the School Governing Body (SGB) (College Council for Technical Colleges) as a first step. It is compulsory for SGBs to consider the names on List 1 in order of seniority, and should make motivated recommendations for appointment to the Head of the Department (Form D).

\* The relevant District Director will only make List 2 (Serving Educators) available to SGBs on condition that none of the applicants on List 1 are suitable or available for the appointment to the vacant post. If the SGB does not make a selection from List 1 where suitable candidates are available on such a list, then the GDE will not activate that post for filling in either a temporary or permanent capacity, neither will List 2 be made available to such a school.

\* SGBs should request the relevant District Director to make List 2 available, immediately after establishing that none of the educators listed on List 1 are suitable or available. The District Director will then consider such motivated requests and if necessary, make List 2 available to SGBs.

### **Vacancies for promotion posts - Vacancy Lists 7A&B**

\* All eligible applicants who meet the minimum requirements for the post are included on a single list in order of seniority.

\* Educators who have been declared in excess on the same (or higher) post level as that of the vacant post must be included on the shortlist for interviews when considered for recommendation to be appointed

\* any educator who acted for longer than two continuous years in the post at the institution at historically disadvantaged institutions, must be included (in addition to the 5 mentioned in Circular 5/99, paragraph 3.6.5) in the interviews for the post, provided that the educator is currently in the post.

#### **1.2 The completed application forms (GDE 2R Forms)**

\* Applicants should complete form GDE 2R for a specific post, stating the specific post number as advertised.

\* An application can be considered only for a specific post.

\* Candidates who wish to apply for more than one post must complete separate forms for each individual post.

### 1.3 Recommendation for appointment in advertised posts (Form D)

\* This is the governing body's list of applicants that they recommend for appointment after the interviews have taken place. The form must be completed in full and signed by the chairperson of the governing body.

\* The particulars of the candidates and the order of preference must be clear and the chairperson must duly sign any change in the original order.

\* The ranking of nominations on Form D is extremely important. In the event of the non-availability of the candidate ranked first by the SGB, the Department will automatically consider the next candidate on the preference list.

\* Form D and the letter of acceptance of the offer of nomination, together with the full application of the successful candidate, should be submitted to the District Office.

### 1.4 Acceptance of offer of nomination (Form C)

\* No appointment can be finalised by the Regional Office unless this document - the agreement between the governing body and the nominated applicant - has been duly completed and signed by both parties.

\* The successful applicant should accept the nomination within five working days by completing and signing the form accepting the offer of nomination.

\* A person may not accept more than one offer of nomination. In the case of two or more offers being signed by a candidate, only the offer bearing the earliest date will be valid. Having accepted a nomination the successful applicant must reject all subsequent offers. This understanding should be made known to the recommended candidate.

## 2. MINIMUM REQUIREMENTS FOR APPOINTMENT

The requirements stated in the Personnel Administration Measures (PAM) as outlined in GDE Circular 47/96 paragraph 13 are applicable, viz:

### 2.1 Qualifications

All persons must have at least a recognised three-year qualification obtained (or being obtained) after Grade 12 (REQV 13) which must include appropriate training as an educator. (Exceptions to this rule only apply to specific post level one appointments refer to Circular 47/96). Please also refer to the last part of paragraph 8.5 of Circular 5/99.

Note: The required qualifications must be obtained prior to the date of commencement of duty.

### 2.2 Experience

Post (e.g.)	Post Level	Minimum teaching experience
-------------	------------	-----------------------------

Teacher	1	0 years
HOD/Principal	2	3 years
Principal/Deputy	3	5 years
Principal	4	7 years

NOTE: Actual educator's experience as well as appropriate experience is taken into account for the purposes of appointment on post level 2 and higher.

### **3. ACKNOWLEDGEMENT OF RECEIPT**

The Regional Office acknowledges receipt of all applications. These are posted to each applicant

### **4. SIFTING**

The Regional Office handles the initial sifting process to eliminate the applications of those candidates who do not comply with the minimum requirements or eligibility criteria.

### **5 APPLICABILITY OF ELRC RESOLUTION 5 OF 1998 AND GDE CIRCULAR 5 OF 1999.**

5.1 Short listing and interviewing procedures as outlined in GDE Circular 5 of 1999 (based on ELRC Resolution 5 of 1998), will apply.

5.2 Governing Bodies are advised to study Circular 5/99 in order to comply with procedures and to avoid possible labour disputes.

### **6. SHORT LISTING**

6.1 Paragraph 3 of Circular 5/99 applies.

6.2 Please note that paragraph 3.6.4 (Circular 5/99) limits the shortlist for interviews to 5 names.

6.3 Only eligible applications for vacancy list 7ABC may be considered.

### **7. INTERVIEWING**

7.1 Please refer to paragraph 3 of Circular 5 of 1999.

7.2 Candidates may not object to the presence of observers from employee organisations.

7.3 It is incumbent on the SGB to invite all the employee organisations registered with the ELRC to attend these meetings by notifying their provincial offices (Refer Form B). The non-attendance of such representatives however, does not invalidate the process. Records of invitations should be kept (refer to paragraph 3.5 of Circular 5/99).

7.4 It may also be stressed that members of the employee organisations may only act as observers (they are not panel members) and that they may not participate in the short listing or the interviewing as such.

7.5 If only one or two candidates have applied for a post, they must however still be considered during all processes although they need not necessarily be appointed.

7.6 It is recommended:

- \* that the governing body compiles an interviewing time schedule according to which appointments for interviews are made,

- \* that the same panelists sit on the short listing and interviewing panel, if at all possible,

- \* that at least one educator (who should not be an applicant in this process) be included in the panel, but that educators should not make up the majority of the panel. The absence of an educator on the panel does not invalidate the process.

- \* that learners not be included in the interviewing committee because of their legal status within the governing body (South African Schools Act, Act No.84 of 1996, Section 32)

- \* that the interview questions should focus on the job content/ description/ duties/ responsibilities of the advertised post (refer to Circular 129/98), as well as on the information submitted on the **Employment Profile Form, Form GDE 2R**. Scoring can be done directly on this **Employment Profile Form**.

7.7 The SGB then nominates the candidate/s whom they recommend for appointment in order of priority. These nominations must be approved by the Head of Department (South African Schools Act, Act No.84 of 1996 Section 20(1)(i)). See enclosed "Offer of Nomination" form.

## **8. APPLICATIONS OF UNSUCCESSFUL APPLICANTS**

These applications must be taken into safe keeping by the SGB for a period of six months, after which it may be destroyed.

## **9. DATE OF APPOINTMENT**

9.1 The preferable date of appointment will be 1 April 1999 as advertised in the vacancy list, or the date of commencement of duties as negotiated between all relevant parties where the date of 1 April 1999 cannot be met. The date of assumption of duty will be considered to be the actual date of appointment.

9.2 All documentation must be submitted by the institution to the District Office who takes responsibility to verify all documents before submitting it to Regional Offices.

Management plan included in original document as item 10.

Forms B, C and D for interviewing process annexed to original document.

## APPENDIX E

<b>GAUTENG DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT-GENERAL</b>	
<i>Postal address</i> Box 7710 Johannesburg 2000	<i>Physical address</i> 111 Commissioner Str. Johannesburg 2001

Date : 26 January 1999

### CIRCULAR 21 / 1999

To:

The Principal and Staff of all Institutions

All Chief Directors and Directors at Head Office, District Offices and Regional Offices

Rectors of Colleges

THIS INFORMATION MUST BE FORWARDED TO ALL RELEVANT GDE

EMPLOYEES.

#### TOPIC

FILLING OF PUBLIC SERVANT POSTS IN ORDINARY SCHOOLS ADVERTISED  
IN THE VACANCY LIST OF CIRCULAR 72/98

#### ENQUIRIES:

Relevant District Director

(See district contact persons and telephone numbers attached as ANNEXURE E to circular 87/98)

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#### PROCEDURES FOR THE FINALISATION OF PHASE 1 (ORDINARY PUBLIC SCHOOLS) OF MOVING TOWARDS EQUITY IN PUBLIC SERVICE POST PROVISIONING IN INSTITUTIONS

1. In November 1998 the Public Service Unions raised concern about indications that some persons were forced to apply for the posts advertised in terms of circular 72/98, whilst phase one of the process was voluntary.
2. Lists of schools with names of individual applicants were submitted to district offices, which had to call meetings of the applicants to allow for withdrawals. This had to happen during the weeks of 9-20 November 1998.

The results are shown in the table below:

Number of persons	No responses received	Number of confirmations	Number of applications withdrawn	Total applications
ID's: 1346	3783	3121	221	7125
Persal: 1193				

The number of persons (and therefore the maximum number of persons who may move as a result of this process) is between 1193 and 1346. The total number of posts advertised is 2742. All the advertised posts will not be filled through this process. The reason(s) for not having responses (either confirmation or withdrawal) in the case of 3783 applications (not persons) are not known. The 7125 applications received is because of multiple applications for different posts from the same person.

3. A meeting took place between the GDE and the unions on 20 January 1999 on which the draft management plan attached was accepted after consultation. The tight time frames were accepted. The principle of greater flexibility in implementing the management plan was accepted provided that the guidelines explained in circular 120/98 are considered. The form "Recommendation for appointment in an institution : public servants (circular 72/98)" has to be signed by the union observers to indicate their satisfaction with the processes.

4. Unions have to be invited (see par. 2.8 of the "Guidelines for the filling of Public Servant Posts in Institutions" attached to circular 120.98). Lists of observers from unions will be available at the district offices. Where an observer from any of the unions could not attend the interviewing process, provided that the guidelines for invitation (see par. 2.8 of the guidelines) have been followed, the non-signing of the recommendation form by that union observer will not make the recommendations invalid.

5. The greater flexibility entails that schools and union observers, under the management of the district office, could review short listing as well as interviewing processes that had taken place already. Should all parties be satisfied that procedures were fair, the particular process (short listing and for interviewing) need not be repeated and recommendations for filling may be forwarded via the district office to the regional office for further processing. The signatures of the relevant parties have to be entered on the recommendation form provided that they had been invited (par. 2.8 of guidelines) and are present.

6. To assist observers from the unions, guidelines regarding their tasks are attached as ANNEXURE A. The short listing and interviewing panel should make these guidelines available to the observers.

7. It has to be emphasized again that the vacancy list was a closed vacancy list for the following persons:

(a) employed by the GDE in permanent or temporary capacity by the closing date for applications (see vacancy list)

(b) must have been employed in an institution in one of the groups mentioned in circular 72/98, par. 2.2

8. An analysis of the applications showed that a number of persons employed in offices also applied. This is in conflict with the design of the process consulted with the unions and in contradiction to a memorandum sent out by the Office of the DDG early in November 1998. Short listing panels should not short list an application from an office unless the application is accompanied by a certification from the Office of the DDG that the post of the applicant may be abolished permanently. Heads of offices should discuss this matter with the relevant employees to promote understanding of the process amongst employees concerned.

9. The management plan for finalising phase one appointments is attached as ANNEXURE B. The due dates are tight. The greater flexibility in dealing with short listing and interviewing processes, that have taken place already, may assist in meeting the deadlines, e.g. by dealing with those completed processes at a central venue. As recommendations are finalised, they should be forwarded to the regional offices to avoid bottle necking.

10. Grievances about processes, which have not been followed as outlined in the guide for observers (see ANNEXURE A), should be handled by the labour relations officers in the district. Such grievances should be defined on the recommendation form on the day of the interview. The district office should follow a grievance up within 3 days after receiving the form from the school. The recommendation form should be retained at the district office until the grievance has been resolved. Only where, in extreme cases, a grievance cannot be resolved at district level, Labour Relations at Head Office may be contacted for assistance.

11. The importance of the role of the district offices in managing all the processes efficiently and effectively cannot be over emphasized. It is also expected that support will be needed to assist schools and unions to fulfill their allocated roles.

The cooperation of all persons in making a success of this important project is appreciated.

*Original English Circular signed by T.M.J Maseko  
Superintendent-General*

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CIRCULAR 21/99 : ANNEXURE A

GUIDELINES FOR OBSERVERS

1. OBSERVING SHORTLISTING

1.1 All the applications from persons qualifying for appointment in a particular post have to be made available to the observers of the unions 45 minutes before the starting of interviews. The names of the persons on the short list(s) have to be made available.

1.2 Observers have to check whether all the persons on the short list do qualify for appointment in terms of the minimum criteria for appointment for the particular post stated in the vacancy list.



## 2. OBSERVING INTERVIEWING

2.1 Only questions related to the post description and accompanying duties and skills may be asked. Although the questions asked to the different interviewees may not be identical, the same work areas have to be covered within reason.

2.2 Questions related to marital status, religion, political affiliation, health, etc may not be asked.

2.3 The interviewing panel ranks the interviewees and write short motivations for their decision as described in the guidelines (attached to circular 120/98).

2.4 The observers certify that the interview has proceeded in a fair way by signing in the space provided on the recommendation form.

## GRIEVANCES

If any of the processes mentioned in paragraphs 1 or 2 are perceived as not being performed in a fair way, attempts should be made to resolve the matter immediately. Should the grievance remain, the exact nature of the grievance will have to be defined by the union on the recommendation form and signed by the member of the union. The form has to be submitted to the district office for dealing with the grievance.

(Management plan attached to original circular as annexure B)

## APPENDIX F

~~UMnyango WezeMfundo~~ ~~Lefapha la Thuto~~

<b>Circular 43/2006</b> Date: 10 August 2006
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### Topics

### Enclosures

### Distribution

### Enquiries

<b>1. Expiry of the Appointment of Educators</b>
<b>Annexure A: Management plan: April 2006 – January 2007</b>
<ul style="list-style-type: none"><li>✓ Deputy Director Generals, Chief Directors and Directors at Head Office and District Offices</li><li>✓ Principals of all Public and Independent Schools</li><li>✓ Principals of Schools with Learners with Special Education Needs</li><li>✓ Members of School Governing Bodies and College Councils</li><li>✓ Teacher Unions and Organisations</li></ul>
<b>2007: Filling of Vacancies, Absorption of Temporary Educators and Excess</b>
HRPP: DISTRICTS

On request, this circular will be made available in Afrikaans, isiZulu or Sepedi within 21 days

Also available on the GDE website at: [www.education.gpg.gov.za](http://www.education.gpg.gov.za)

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### Office of the Head of Department

Room 1009, 111 Commissioner Street, Johannesburg, 2001  
PO Box 7710, Johannesburg, 2000

## 1. EXPIRY OF THE APPOINTMENT OF EDUCATORS APPOINTED IN A TEMPORARY CAPACITY

1.1 All educators who qualify for a new appointment in a temporary capacity will receive new letters of appointment. This circular serves as official notice that the services of all such educators appointed in a temporary capacity will lapse on 31 December 2006 in all education sectors.

1.2 However, exceptions to this rule will only apply to educators who are appointed as substitutes for educators in cases where leave has been

approved by the Gauteng Department of Education and where a specific end date has already been agreed upon.

- 1.3 The other exception will be that of qualifying educators appointed in a temporary capacity. Those who have been continuously employed in vacant substantive posts within GDE, between the periods 1 January 2005 to 30 June 2006, and have remained in the service of the Department as educators after signing of the relevant circular, will be appointed permanently if the post is available in the 2007 post establishment.
- 1.4 Please refer to paragraph 4 of this circular regarding the re-appointment of educators in a temporary capacity.

## **2. IMPLEMENTATION OF POST ESTABLISHMENTS WITH EFFECT FROM 1 JANUARY 2007 (ORDINARY AND LSEN SCHOOLS)**

- 2.1 The GDE will issue new post establishments for ordinary, LSEN and Magnet (Music Centres) Schools in July 2006 to become effective on 1 January 2007. These new post establishments will be based on the 2006 tenth school day statistics, as well as on the 2005 annual survey statistics and will be valid for 2007. The procedures for implementation as set out in this circular, will apply.
- 2.2 These procedures are the result of extensive consultations with educator unions, involving our newly appointed MEC for Education in Gauteng as well as the Head of Department. The principle of balancing the need for maintaining efficiency, as well as allowing for minimum disruption in the system, was considered.
- 2.3 The implementation of the new post establishments (issued in July 2006) may in some cases result in an increase in the number of posts allocated to a school as compared to the post establishments currently in use. Such new posts on the new post establishments, as well as any other posts that are not currently filled in a permanent capacity, will be reserved for filling in a permanent capacity in line with the outlined procedures. The target date for the filling of substantive posts where learner numbers are not declining, in either a permanent capacity or through the redeployment of any educators additional to post establishments with concomitant competencies, will be 1 January 2007. Details about all such vacant posts should be submitted to the Department (Form GDE 79) for inclusion in a central database. Vacant posts not submitted to the Department will be frozen and will therefore not be available for filling in a permanent or temporary capacity. (Please refer to separate circular for advertising detail.).

Current posts that may be in excess of the new post establishments (issued July 2006) will be abolished at the individual institutions on 31 December 2006.

Any educators additional to the post establishment (only educators appointed in a permanent capacity) must be identified and be informed accordingly in writing during the course of 2006. (Refer to Annexure A: Management Plan.) Educators additional to post establishments will remain at their current institutions, where possible, until 31 December 2006 and will only be transferred into concomitant substantive posts as from 1 January 2007.

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- 2.4 h identified vacancies will not be included in the vacancy list to be advertised. Educators additional to the post establishments must apply for relevant vacant posts when advertised.
- 2.5 Educators who are appointed in a temporary capacity and who are at present occupying posts that will be abolished with effect from 1 January 2007 will remain at their current institutions until 31 December 2006, only if gainfully employed. In cases where such temporary appointed educators cannot be gainfully employed within their current institutions (refer to Personnel Administration Measures (PAM) Chapter A, par. 3 and provincial Learner: Educator ratio for relevant school grade / phase / sector), the District Directors may decide to transfer such temporary appointed educators with immediate effect until the end of 2006 to different schools where urgent need for their services have been identified.
- 2.6 In cases where a substantial drop in the number of learners occurs on re-opening of schools in July 2006, resulting in an oversupply of substantive posts to such an institution, such posts should not be activated at that particular institution. The District Director should re-allocate such posts to other institutions where new growth in learner numbers has not yet been addressed. Re-allocation of posts should be considered in cases where the learner numbers have declined in full multiples of fifty (50) actual learners in ordinary schools and in LSEN schools where weighted learner numbers have declined in full multiples of hundred (100) as compared to the 2006 tenth school day survey statistics. These numbers should be compared to the official and verified tenth school day statistics of 2007. (E.g. the first post should be considered for re-allocation when there is a decline of 50 actual learners; the second post should be re-allocated when a decline of 100 actual learners is reached, etc.)
- 2.7 Directors in Districts can immediately after re-opening of schools in July 2006 re-allocate such posts (de-activated and in oversupply) to institutions where the greatest need for additional posts exists due to substantive growth in learner numbers. This process of re-allocation of posts should be done in conjunction with the Chief Director of Districts and such posts would only be allocated as temporary additional posts for the duration of 2006.
- 2.8 All remaining extra posts that are carried additional to the approved post establishment of the individual institution that may have been granted as compensation for growth will expire on 31 December 2006. New requests for growth posts in 2007 will be considered early in the New Year.
- 2.9 The posts for psychologists at LSEN institutions (if filled in a permanent capacity), as well as the incumbents will in the interim remain over and above the new post establishment at their current school until further notice. Schools may not fill any of these additional posts to their post establishments (if vacant) with teachers or psychologists on post level one in a temporary capacity.

- 2.10 The current post establishment for therapist will remain for 2007.
- 2.11 The Head of Department has the right to allocate or to re-allocate posts to institutions. (Please refer to Section 5 (2) and 5 (3)(b) of the **Employment of Educators Act, 1998**.) In cases where the admission numbers for 2006 are indicative of a decline in enrolment and not taken into account in the new post establishments, then such posts should be identified for re-allocation by the District Office (HR/IDS Officials) and therefore not be utilised at the current institution during the remainder of 2006.

### **3. PROCEDURES TO DEAL WITH EDUCATORS DISPLACED DUE TO OPERATIONAL REQUIREMENTS**

- 3.1 Posts in oversupply in schools due to the possible decline in learner numbers (or other operational requirements) in July 2006 that are filled in a permanent or temporary capacity and where the incumbent educator(s) cannot be employed gainfully with an acceptable workload in such an institution (refer to Personnel Administration Measures (PAM) Chapter A, paragraph 3 and provincial Learner: Educator ratio for relevant school phase / sector), may be re-allocated according to needs with immediate effect. Incumbent educators in such posts will be re-deployed or re-assigned in a temporary capacity (against such posts) into institutions where their services can be utilised gainfully. Their appointment with the GDE will, however, remain unchanged. Such educators must be identified and informed accordingly in writing.
- 3.2 **Educators additional to post establishment** are educators appointed in a permanent capacity who have been identified to be in oversupply at their present institution as a result of operational requirements. Educators additional to post establishment may be transferred, in a permanent capacity, to any vacant substantive post in the Department (with the approval of all parties) or in a temporary capacity for a stated period.
- 3.3 School Governing Bodies [SGBs] should be reminded of the Department's legal obligations in securing the continuous employment of permanently employed educators who have been displaced as a result of Operational Requirements. School Governing Bodies therefore have a legal obligation to assist the Department in the permanent placement of educators additional to post establishment employed in a permanent capacity, before securing the services of educators in a temporary capacity. Principals should not request the advertising of such vacant posts where educators additional to the post establishments are being considered for placement.
- 3.4 Operational requirements for educational institutions are based on, but not limited to:

- change in learner enrolment;
- curriculum changes within a specific education institution;
- change to the grading of the specific educational institution, and
- the closure or merger of education institutions / sectors,

3.5 The implementation of the new post establishments issued in July 2006 may in some cases result in an oversupply in the number of posts currently allocated to an institution due to a decline in learner numbers, or may be insufficient due to a substantial growth in learner numbers (please refer to par 2.4 to 2.6). Educators who are appointed in a permanent capacity who may be in oversupply as a result of the implementation of the new post establishments (issued in July 2006) in institutions must be declared in addition to post establishment and be re-deployed with effect 1 January 2007. All educators in redress posts, which are currently over and above the post establishment, must be absorbed in the 2007 post establishment. This resulted from the phasing out of the redress post and including redress posts as part of the normal post establishment. It is imperative that all educators in permanent redress posts be absorbed prior to the absorption of temporary educators.

3.6 All educators should be treated fairly in the process of identifying educators additional to post establishment. The relevant District Officials (IDS/HRPP), in co-operation with the head of the institution (principal), shall identify (in writing) the educator(s) additional to post establishment who are in oversupply at the institution. The following criteria will apply in priority order in the process to identify educators additional to post establishment:

- The specific curricular needs and circumstances of the educational institution, i.e. institutions are expected to rationalize their curriculum in line with the new Post Establishments.
- “Last in first out” – LIFO.

Procedure that will apply:

- The District Official, together with principals within the District, shall determine the posts additional to the approved establishments, as well as the vacant posts as the case may be.
- In making such a determination the District Official must take the specific curricular needs and circumstances of the educational institution into account.
- Prior to the meeting with other principals and the District Official, all principals must inform their respective staff of the procedure for declaring educators additional to post establishment due to operational requirements and of the effect it will have on their

respective establishments. This information must be accessible to all members of staff.

- One representative per trade union party to PELRC shall be invited by the District Official to observe the process. All information used at this meeting shall be made available in writing to the observers and to the unions on request.
- Prior to making a determination, the District Official must obtain all relevant information from the schools that fall within his / her jurisdiction.

3.7 Principals are to submit the names of the educators additional to post establishment to the relevant District Office in line with the Management Plan (Annexure A). Educators additional to post establishment should, as a first step, be placed permanently (with SGB approval) or temporarily into any substantive vacant posts according to curricular needs.

3.8 Educators additional to post establishment will be transferred in terms of the provisions of existing legislation (refer to EEA of 1998). It is in the interest of all educators additional to post establishment to co-operate with all initiatives to be placed successfully in vacant substantive posts, irrespective of the period of time.

3.9 Educators additional to post establishment displaced due to operational requirements should be utilised in the following **prioritised** manner:

- As a first step, the Department should try to accommodate educators additional to post establishment suitably in other permanent posts and may hold the educator in the interim additional to the post establishment. Efforts to accommodate the educators additional to post establishment may include his or her permanent or temporary transfer in terms of Section 8 of the **Employment of Educators Act, 1998**, to an institution, office or pool of relief staff.
- In a subsequent process of advertising vacant posts in the Department, educators additional to post establishment **must** apply for vacant posts and **must** be short-listed in respect of posts for which they have applied and for which they qualify.
- If circumstances warrant it, the Department may provide a closed vacancy list, only allowing educators displaced as a result of operational requirements to apply [Section 6(3)(a) of the EEA].
- Educators additional to post establishment are expected to assist with their own placement by not refusing any reasonable offers for permanent or temporary placement made by SGBs and / or the Department. [Refer to Section 6(3)(d) of the **Employment of Educators Act, 1998**.]



- 3.10 Individual educators additional to post establishment would not in future necessarily remain additional to the post establishment at their current institutions, but may be transferred to another institution or to a central point. Permanently appointed educators who are additional to post establishment at a particular school and who have not been successfully placed in a new capacity will report to their current schools when schools re-open for educators in the new academic year 2007.

## **4. APPOINTMENT OF TEMPORARY EDUCATORS**

- 4.1 All educators who qualify to be appointed in a temporary capacity for the period 1 July 2006 until 31 December 2006 will receive new letters of appointment. The procedures as set out in this paragraph deal mainly with the re-appointment of educators in a temporary capacity for the period 1 January 2007 until 31 March 2007 in cases where posts are still available after placing educators in addition to the post establishment and absorbing temporary educators as mentioned in paragraph 4.1.
- 4.2 Educators additional to post establishment should, as a rule, take preference in filling any substantive vacant post in a temporary or permanent capacity (curricular needs taken into account). Temporary educators may only be considered for appointment into substantive vacant posts on the approved post establishment of an institution in cases where educators additional to post establishment and those referred in paragraph 1.4 cannot be suitably accommodated, and the relevant District Official has granted written approval for such appointment.
- 4.3 All posts that are not currently filled in a permanent capacity will be reserved for filling in a permanent capacity in line with the outlined procedures. The target date for the filling of substantive posts in a permanent capacity where learner numbers are not declining is 1 January 2007. All resultant vacant posts where no educators additional to post establishment can be redeployed into and qualifying temporary educators absorbed, should be submitted to the Department (Form GDE 79) for inclusion in a central database. Vacant posts not submitted to the Department will be frozen and will therefore not be available for filling in a permanent or temporary capacity. (Please refer to the relevant Circular for advertising detail).
- 4.4 Educators appointed in a temporary capacity should take note that they would be appointed in a temporary capacity into posts that have already been or may still be advertised in a list of vacancies or that would be made available for permanent placement of educators additional to post establishment as a first priority and absorption of qualifying temporary educators. Such posts are therefore reserved for filling in a permanent capacity.

- 4.5 This will be new appointments in a temporary capacity for the fixed period 1 January 2007 to 31 March 2007, and no right to the post will accrue.
- 4.6 Options / procedures (in priority order) to deal with the filling of substantive vacant posts in a temporary capacity:
- Educators additional to post establishment in the same institution / District should firstly be absorbed (curricular needs taken into account) into substantive vacant posts where possible, before temporary educators are considered for appointment.
  - It is possible that posts may become vacant (e.g. due to natural attrition) after educators who have been declared additional to post establishment have already been re-deployed (on paper) to different schools, but prior to them assuming duty in the new school. Such an educator may request the District Office (via the school principal to the HRPP Unit) to cancel the planned re-deployment and to be re-absorbed at the current school (curriculum requirements should be taken into account).
  - Educators additional to post establishment from other Districts may be re-deployed into substantive vacant posts before temporary educators are considered for appointment.
  - First-time appointments of educators or appointments of educators after a break in service who have been awarded a bursary by the Employer may be transferred into such posts.
  - Temporary educators may be recommended for appointment where no educators additional to post establishment are available and may only be appointed on written approval by the relevant District Official.
- 4.7 Institutions should make the necessary recommendations for these appointments to the relevant District Office on Form GDE 01, in line with the enclosed Management Plan. The following documents should be submitted for each recommendation for appointment in a temporary capacity (not required for the temporary placement of educators additional to post establishment and re-appointments):
- Notice of Temporary Appointment – Form GDE 01
  - Certified copies of qualifications
  - Certified copies of certificate of registration (or preliminary registration) with SACE (HPCSA for Therapists)
  - Certified copy of Identity Document
  - Any special motivation deemed to be necessary
- 4.8 Heads of institutions may only recommend appointments to be made into existing vacant substantive posts (as appearing on the approved post establishment, less any re-allocated posts). Assumption of duty may only

take place on verification by the District Official that the post does exist on the approved post establishment of the institution and that such post is indeed vacant.

- 4.9 The approval for the filling of posts remains at the discretion of the Department.
- 4.10 Heads of institutions (and District Offices) will be held liable for any late submission of complete sets of appointment documents. Late submission of appointment documents will inevitably result in the non-payment of salaries and benefits.

## **5. SOME RELEVANT SECTIONS OF THE EMPLOYMENT OF EDUCATORS ACT, 1998**

It is strongly recommended that officials / educators should read the relevant sections of the **Employment of Educators Act, 1998**, as amended. Some of the relevant Sections are listed below.

- 5.1 **Section 5: Educator Establishments** – e.g. creation of posts by the MEC, norms for the provisioning of posts, powers to allocate / re-allocate posts, etc.
- 5.2 **Section 6: Powers of Employers** (in Appointments, Promotions and Transfers) – e.g. powers of the Head of Department, rights of the SGB, provisions to deal with operational requirements, etc.
- 5.3 **Section 6B: Conversion of Temporary Employment** – e.g. absorption of temporary educators who qualify (refer to the relevant circular)
- 5.4 **Section 7: Appointments and Filling of Posts** – e.g. applicable administrative justice principles, appointments in a temporary capacity for fixed periods, etc.
- 5.5 **Section 8: Transfer of Educators** – e.g. the SGB should make a recommendation within a two-month period; the Head of Department may transfer an educator for a stated period without any recommendation, etc.

## **6. MANAGEMENT PLAN: APRIL 2006 – JANUARY 2007: FILLING OF VACANCIES, ABSORPTION OF TEMPORARY EDUCATORS AND EXCESS**

- 6.1 The **Management Plan: April 2006 to January 2007**, for the implementation of the new post establishments for the year 2007, the filling of vacancies and the placement of educators additional to post

establishment and absorption of qualifying temporary educators, dated July 2006, is attached as Annexure A.

- 6.2 All stakeholders are kindly requested to plan accordingly and to keep to targeted dates as indicated in this management plan.

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**MALLELE PETJE**  
**HEAD OF DEPARTMENT**

## APPENDIX G

**UMnyango WezeMfundo**  
**Department of Education**

**Lefapha la Thuto**  
**Departement van Onderwys**

### **Circular 47/2007**

Date: 18 July 2007

#### **Topic**

#### **Vacant Posts in Ordinary & LSEN Schools for:**

- **Educators on Post Levels 2 – 4, Including Principals**
- **Administrative Assistants, General Assistants, Nurses & Housekeepers**

**(Vacancy List Vol. 3/2007 ABP)**

#### **Enclosures**

**Annexure A: Management plan**  
**Annexure B: Vacant posts to be advertised**  
**Annexure C: GDE 79: Notice of vacancies (PS & CS)**

#### **Distribution**

- ✓ Deputy Director Generals, Chief Directors and Directors at Head Office and District Offices
- ✓ Principals of all Public Schools
- ✓ Members of School Governing Bodies
- ✓ Labour Unions and Organisations

#### **Enquiries**

HRP&S: Districts

On request, this circular will be made available in Afrikaans, isiZulu or Sepedi within 21 days

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## Office of the Head of Department

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## VACANT POSTS IN ORDINARY & LSEN SCHOOLS FOR:

- **EDUCATORS ON POST LEVELS 2 – 4, INCLUDING PRINCIPALS**
- **ADMINISTRATIVE ASSISTANTS, GENERAL ASSISTANTS, NURSES & HOUSEKEEPERS**

(Vacancy List Vol. 3/2007 ABP)

### 1. INTRODUCTION

- 1.1 Approval has been granted for the publication of the “open” list of vacancies (**Volume 3/2007**) for filling in a permanent capacity with effect from **1 January 2008**.
- 1.2 Institutions are hereby invited to submit information on vacant substantive posts for educators, administrative assistants, general assistants, nurses and housekeepers that will exist at their institutions on 1 January 2008, in order to be advertised in the **Provincial Lists of Vacancies, Vol. 3/2007 ABP** (all vacant post level 2 – 4 posts, including that of principal and administrative and general assistants, nurses and housekeepers/assistants).
- 1.3 Only vacancies at **Primary, Secondary and LSEN schools** may be advertised.

### 2. LEGISLATIVE FRAMEWORK

- 2.1 Employment of Educators Act (Act no.76 of 1998), Sections 5, 6 and 7.
- 2.2 Personnel Administration Measures (PAM), Chapter B, paragraphs 2 – 3.
- 2.3 ELRC Resolution 5 of 1998: Transfer of Serving Educators in terms of Operational Requirements and the Advertising and Filling of Educator Posts.
- 2.4 South African Schools Act (Act no. 84 of 1996).
- 2.5 Public Service Act, (Act no.103 of 1994).
- 2.6 Labour Relations Act (Act no. 66 of 1995).
- 2.7 Public Service Regulations, 2001, as amended.

### 3. PROCEDURE

- 3.1 *The current 2007 post establishments for CS & PS will form the basis for these advertisements in ordinary and LSEN schools.*
- 3.2 Institutions should please submit the attached GDE 79 (Annexure C) regarding vacancies to be advertised (all PS & CS posts PL 1 – 4) AND the excess profile forms to the **relevant district offices** before Wednesday, 18 July 2007 for “closed” vacancy list and the final GDE 79 for “OPEN” vacancy list before Tuesday, 14 August 2007.
- 3.3 The list of vacancies Vol. 3/2007 ABP will be published on Monday, 03 September 2007. The closing date for applications will be Friday, 14 September 2007. The proposed date of appointment is 1 January 2008.
- 3.4 The attached prescribed GDE 79 form (Notice of vacancy for placement in the list of vacancies – Annexure C) must be completed by the relevant institution and verified by the District HRP&S unit for the Director's approval.
- 3.5 Posts filled during the CLOSED vacancy list must not be advertised in Vacancy List Vol. 3/2007 ABF.
- 3.6 Principals are urged to advertise CS posts in line with the New Curriculum Statement (see codes in Annexure B). The IDSO/DO: HRP&S is to check and verify that only codes indicated in Annexure B are used.
- 3.7 No post will be advertised without a completed and verified (by District Office) GDE 79 form. To be advertised, the vacant post must exist on the approved 2007 post establishments. In terms of ELRC Resolution 5/98 and the Public Service Regulations, 2001 (as amended), all existing vacancies in institutions **must** be advertised. The District Director, however, reserves the right to withdraw the advertisement of vacancies due to a decline in learner numbers.
- 3.8 Please refer to the enclosed new descriptions for vacant posts (Annexure B). **ONLY** codes in the Annexure **MUST** be used for this vacancy list.



3.9 The Department relies on the co-operation of all CS/PS staff and officials to ensure the smooth running of this process.

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**MALLELE PETJE**  
**HEAD OF DEPARTMENT**

## APPENDIX H

### Interview with the Labour Relations Officer of the District 11 of the GDE

I I am interviewing the Labour Relations Officer from the D11 district.

Ma'am, the first question I would like to ask you is what is the perceived role of unions during the filling of promotional posts, rationalization and the redeployment of educators? We are going to start with the filling of promotional posts first. Oh! Sorry, will you please provide a background about yourself and the district you work in?

**O- I am the LRO for the biggest district in the GDE with schools in excess of 250 comprising of the four major population groups. We have by far the most African learners in the district. Most of our schools are from Soweto. With my labour experience I give colleagues articulation on labour related matters.**

I what is your working background in general?

**O I have been an educator but since I have experience in a number of labour related matters within community based structures I became a LRO at this office.**

I Now I have three questions for you regarding the involvement of educators in policy implementation. I will start by asking what is the role that unions assume at school level during the filling of promotional posts.

**O unions are governed by collective agreements and provincial circulars and I think eerrr resolution 2 of 2005 on how to conduct themselves during the short listing and interviewing process and the rationalization process. These circulars come in on an annual basis. Once our unions have been given 5 days**

notice to come and observe the processes to make sure that procedurally and substantively everything is accurate. They are not only looking after their members but also ensuring that curricular needs of the institution are met. They even have to observe the recommendation process. The role of running the actual short listing and interviewing is that of the school governing bodies. The unions themselves decide who comes into the processes, it's not the department.

I Is that also the case with the rationalization process?

O oh I was talking about the filling in of posts, with the rationalization process, at school level the principal and the SMT have the responsibility to communicate directly with the individual employees and where they have site stewards or coordinators from unions they are expected to invite those unions in order to follow if procedures have been followed, like the LIFO principle. Once that has been done, people like myself have to come to verify if the people who have been identified to be in excess are exactly the correct ones. In this case the labour relations unit in the district is expected to invite the unions to come and observe the processes again to make sure that procedurally and substantively processes have been followed to identify the said educator in excess. Beyond that to where they believe there was a misunderstanding they have a right to lodge a dispute. The unions have a responsibility in terms of their status to delegate a union member to make sure that a member sits at the grievance committee meeting to adjudicate over the matter. Their role at that level is not to represent members but to adjudicate on the matter, so they remove their union caps and become adjudicators in the process. That is what should happen in the process. Once an outcome has been articulated they make sure that the people involved received responses accordingly.

I so if there is a problem observed by the union are they not supposed to stop the process

**O if we go by the letter of the law they should await the process to be finalized, lets say during the short listing there was an irregularity regarding the scoring, err favoritism could have been the order of the day to a candidate who has been acting in the post they have a right to lodge a grievance at that level and if they are happy with the short listing process they can lodge the grievance**

I so in other words they must not interrupt the process but let it go and lodge a grievance later?

**O Yes after the short listing process and normally the process takes place within one day so they would lodge the grievance on the next day. This happens because only five candidates should be shortlisted but an additional number can be shortlisted if we find out that all the applicants are in excess. We have an obligation as a department to shortlist all of them automatically irrespective of their qualifications. But this process can be managed within a day.**

I so it means the filling in of new posts is part of the redeployment process as well?

**O it depends, if we have not been able to place them through the R and R they also have to help the department by applying for positions and they have to be placed on the shortlist if they are in excess. They should be placed in advertised posts on concomitant levels.**

I so if you are in excess you don't automatically get placed in a promotional post

**O** it's twofold; we have a responsibility as a department to place you in school B without consulting anyone. You may find that there is a mismatch regarding curricular needs, and then we have to encourage you to apply to other schools even in other districts. The school where you apply has an obligation to shortlist you automatically because you are in excess. You still go through the interviewing process but if you are not recommended the panel has a responsibility to explain why you were not placed.

**I** so it means the R and R is a never ending process?

**O** for as long as there are dwindling learner numbers in schools especially township schools and as long as norms and standards continue to change the process will never stop. Remember the teacher pupil ratios have been changing throughout and this is the reason because it gets on being reviewed every year.

**I** now in your own experience what do unions exactly do during the filling of promotional posts?

**O** maybe let me start by saying the modus operandi for the various unions differs. For some unions we find joy because they go according to the letter of the law. For some unions there are violations in my view because you find that before a post is advertised people have already positioned their friends, families and comrades to take up certain posts once there is attrition, lets say they know that the principal of a certain school is about to retire, they have already positioned their members for the new upcoming position. What they do not do is to look at the curricular and qualification needs of the school to ensure that the learners benefit out of the new appointment. So once they have positioned their member they will want to shed the observer status and want intervene with the SGB proceedings and they also bring their lists. Its like political lists now, they say this is our member that we have identified for

**this post. They go to the stakeholders, the panel at the short listing meeting and say this is the one we want, before short listing even takes place and they will come with all sorts of tactics to scare the school governing body.**

**I like what?**

**O like saying if our member is not recommended we are going to lodge a grievance. They look for non issues and technicalities to make sure that they frustrate the process.**

**I Is this the bigger union in the ELRC?**

**O yes, yes**

**I why do you think the smaller union do not come with such problems?**

**O I should say we are in this profession for different reasons, you can see how unions operate. Some people are in unions for different reasons maybe for personal reasons or those of the learner. You will find that people who are older in the profession tend to cooperate better than younger ones.**

**I why do you think its like this?**

**O you know in the past there was no such political activism but today we find that different unions belong to different political affiliations and this leads to various interest. You will find that the younger generation of educators has an interest in their own well being rather than the interest of learners. It's not all the younger educators, there some with a genuine interest in their work but its rare. In most cases, you know to me it's now a case of redeployment rather than appointment during the filling in of posts. On R and R I think we come a long way, there is some form of common ground between us and the unions.**

**In fact during rationalization violations come from principals who declare educators in excess because of misconduct, so they use this process to get rid on an educator. I think here the unions play a very critical role in protecting their members, so they are more on the defense.**

**I so you say unions still don't observe their role here as well?**

**O no, here they follow all procedures because their member's fate is at stake but in the case of the filling in of posts that is where we have the greatest challenges. They have more interest in the filling in of posts than participating in the R and R process.**

**I now let's go to the last part of our interview. In your view what do you think should be the role of unions regarding both these issues?**

**O For me dealing with unions is like dealing with the symptoms rather than the causes. The department should consider appointing people with OTC skills and compile a provincial database so that when posts are advertised except post level 1 because there is no need to .if a person is looking for an educator he just goes to the database to select the right person there. Principals should have access to that data base which should be updated regularly. In this way school will have access to teachers who are qualified to fill vacant posts without going to in depth interviews. Post level 1 positions should never be advertised but just filled in this way as well.**

**I so there will be no cheating by the principal?**

**O No the principal will not have a choice because he will have a reference number issued to look for an incumbent on the system. The system should ensure that you go by the list and you don't have a chance to choose your own friends. That should be on post level 1 only.**

I But now with promotional posts what should they do?

**O promotional posts they must. The OSD comes with good recommendations because it places certain requirements for HoD, deputy and principals' posts to be filled. One, you must have worked for at least 3yrs, must have an honours degree, you must have worked in the subject mater for so many years. So it gives greater detail as to who should be appointed in a promotional post. So not everyone will qualify even employees will not unless they meet the requirements. It also reinforces the issue of performance. No one can go to higher positions without excelling on the present one. This will help because there are those bitter teachers with one diploma and have been in the profession for 25 years. Just because they are key in the union, the comrades will deploy them at all costs. If they are not deployed there is disruption.**

I so do you think unions should be allowed to become observers or fully participate?

**O I think if unions are not observed themselves they will take over. So I think the observer position is still good for them. But for me as an official I will tell you what I do, I apply my mind at every process of filling of posts I stop and check all stakeholders to find out if they have any suggestions even the unions so as not to waste time. So in my own way I involve them because I don't want to go back all the time. I apply the law in as far as the context is concerned.**

I would you recommend the same for other officials if you were on a higher position?



**O I would say, follow it but be more of Ubuntu based because if you go by the letter of the law they will get you. So if you want people to buy in the process by giving them a little bit of participation somehow if you don't want problems. Discretion should be allowed to a certain extent.**

**I is there anything else that I did not cover?**

**O besides this I think there should be an equity plan to get guidance in terms of how many people should be there in a school in order to correct the past racial imbalances.**

**I as an official where do we have more problems in schools regarding implementation?**

**O township schools that is where the majority of unions are including colored schools. In other schools there are not many disruptions and I don't know why. In white schools we see the higher officials intervening in order to see that equity is observed.**

**I what role do unions play there**

**O a very minimal role, they only attend to trivial issues.**

**I is there anything we have left out?**

**O for now I think we have covered everything, if you need more help I will be happy to assist.**

**I thank you very much ma'am and that marks the end of our discussion.**