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SMTs RE-OPENING OF SCHOOLS WEEK OF 18 MAY 2020

SKOOLBESTURE HEROPENING VAN SKOLE WEEK VAN 18 MEI 2020

1. Must SMTs report for duty on 18 May 2020?

The Standing Committee of the SAOU held a virtual meeting on Saturday, 16 May 2020 and considered the latest information that arose from a meeting between the DG of the DBE and the five teacher unions earlier the day.

It is evident that the majority of provinces are not ready as the PPEs and sanitisation products have not been delivered to schools and thus there is not compliance with the Covid regulations by the employer. However, there are two provinces that intimate that they have complied although it is debatable.

As stated here above, the majority of provincial departments of education do not comply with the Covid regulations as employers, i.e. the provision of (a) PPEs, (b) electronic temperature scanners, (c) sanitisation packages, and (d) sanitisation of the workplace.

But, the Western Cape and Gauteng have intimated that they have complied and thus they are ready to reopen schools for the SMTs. The SAOU has seen the products that have been delivered to schools in these two provinces, and hold the view that it can barely be regarded as theoretical compliance. In other provinces the SAOU is also aware of limited deliveries to some schools.

Although the DG undertook to hold a meeting with all district directors (DDs) and to request them to act reasonably in terms of their instructions to SMTs, there is still the possibility of some DDs abusing their power and may insist that SMTs report for duty. He stated unequivocally that if the provincial employer does not comply, the SMTs should not report for duty.

Therefore, to ensure that SAOU members of SMTs do not fall foul of the instructions of the departments as employers and run the risk of disciplinary actions, the SAOU's advice is as follows:

1. Moet skoolbesture op 18 Mei 2020 aanmeld?

Die Dagbestuur van die SAOU het op Saterdag, 16 Mei 2020 'n virtuele vergadering gehou en die jongste inligting voortvloeiend uit 'n vergadering deur en tussen die DG van die DBO en die vyf onderwysvakbonde, oorweeg.

Dit is baie duidelik dat die meerderheid van provinsies nie gereed is nie synde die beskermende persoonlike toerusting (BPTs) en sanitasieprodukte nog nie by skole afgelewer is nie. Gevolglik word daar nie aan die algemene Covid regulasies voldoen nie. Daar is egter twee provinsies wat aandui dat hulle voldoen, maar dit is debateerbaar.

Soos gestel, voldoen die meerderheid van die provinsiale departemente van onderwys nie aan die Covid-regulasies as werkgewers nie, dit wil sê die voorsiening van (a) BPTs, (b) elektroniese temperatuur skandeerders, (c) sanitasie pakette, en (d) sanitering van die werkplek.

Maar, die Wes-Kaap en Gauteng dui aan dat hulle wel voldoen en is hulle gereed om die skole vir skoolbesture (SBe) te open. Die SAOU het die produkte wat afgelewer is onder oë gehad en ag dit hoogstens as teoretiese voldoening. In sommige van die ander provinsies is van beperkte aflewerings verneem.

Alhoewel die DG onderneem het om met al die distrikdirekteure (DDe) te vergader en hulle te versoek om redelik op te tree tot opdragte aan SBe is die misbruik van mag deur sommige DDe en die formele aandrang om vir diens aan te meld, nie uitgesluit nie. Die DG het ondubbelzinnig dit gestel dat indien die provinsiale werkgewer nie voldoen nie, moet die SBe nie aanmeld nie.

Daarom, om te verseker dat SBe nie hulself op risiko tot moontlike disciplinêre optrede plaas nie, is die SAOU advies soos volg:

- No PPE have been delivered: Contact the local departmental office that the school reports to. In the event that the PPEs and sanitisation products have not been delivered, and thus there is no compliance. Confirm that it is not necessary to report for duty.
- PPEs may be delivered during the week: Contact the local departmental office that the school reports to and verify the delivery date as well as the instruction in regard to reporting for duty and the sanitisation of the school.
- PPEs have been delivered to the school:
 - Ensure that the department has complied with its duty as employer, i.e. the provision of (a) PPEs, (b) electronic temperature scanners, (c) sanitisation packages, and (d) sanitisation of the workplace.
 - If it is deemed that the employer has complied with the Covid regulations, the SMT will have to report for duty.
 - If it is deemed that full compliance has not occurred, contact the local departmental office and verify exactly what the employer's instructions are. If full compliance has not occurred, it is not deemed necessary to report for duty.

Unreasonable instructions: The SAOU has intervened on numerous occasions during the past week when unreasonable instructions were given by a provincial department of education. We will not hesitate to do so again. In the event that it is objectively deemed that the employer does not comply with its responsibilities, do not hesitate to contact the provincial office of the SAOU. Swift and decisive action will follow.

2. Virtual SAOU information session: 19 May 2020

The Minister of Basic Education will make a formal announcement on Monday, 18 May 2020 in regard to current state of affairs in education as well as what the planning is for the immediate future. The interpretation of the practical implications is absolutely vital for SAOU members. A virtual information session on the Zoom platform will thus be held on Tuesday, 19 May 2020. More information in regard to registration will be provided on Monday, 18 May 2020. Please ensure to register timeously as registrations are limited to 1,000 registrations.

3. Position of SGB appointments

The SGB is the employer and must likewise comply with its obligations in terms of the Covid regulations. Access to the workplace is determined by the manner in which the provincial department of education has complied with its Covid regulations. It would thus be unreasonable of a SGB to insist that the SGB appointments must report for duty in the absence of

- Geen BPT is afgelewer nie: Kontak die plaaslike departemente kantoor. Bevestig dat die BPT en sanitasie produkte nie afgelewer is nie. Daar word dus nie voldoen nie. Bevestig dat dit nie nodig is om vir diens aan te meld nie.
- BPT kan moontlik deur die loop van die week afgelewer word: Kontak die plaaslike departemente kantoor en bevestig die afleweringsdatum sowel as die formele opdrag tov die aanmeldingsdatum en die sanitering van die skool.
- PBT is afgelewer by die skool:
 - Verseker dat die department as werkgewer voldoen, nl. die voorsiening van (a) BPTs, (b) elektroniese temperatuur skandeerders, (c) sanitasie pakkette, en (d) sanitering van die werkplek.
 - As die oordeel is dat daar voldoen word, sal die SB moet aanmeld vir diens.
 - As die oordeel is dat daar nie volle voldoening is nie, kontak die plaaslike departemente kantoor en bevestig presies wat die werkgewer se opdrag is. As daar nie volledige voldoening is nie, is dit nie nodig om vir diens aan te meld nie.

Onredelike opdragte: Die SAOU het reeds gedurende die afgelope week tussenbeide getree toe onredelike opdragte deur provinsiale departemente gegee was. Ons sal nie huiver om weer so op te tree nie. Indien die oordeel is dat 'n opdrag objektief onredelik is, tree onmiddellik met die provinsiale kantoor van die SAOU in verbinding. Spoedige en besliste optrede sal volg.

2. Virtuele SAOU inligtingsessie: 19 Mei 2020

Die Minister van Basiese Onderwys sal op Maandag, 18 Mei 2020 'n aankondiging maak tov die huidige stand van sake sowel as beplanning vir die onmiddelike toekoms. Die interpretering van die praktiese implikasies is uiterst belangrik vir SAOU-lede. 'n Virtuele inligtingsessie sal op Dinsdag, 19 Mei 2020 via die Zoom-platform gehou word. Meerdere inligting insake registrasie sal op Maandag, 18 Mei 2020 voorsien word. Maak asb seker van tydige registisasie synde registrasies tot 1,000 beperk word.

3. Posisie van beheerligaamaanstellings

Die BL is die werkgewer en moet op soortgelyke wyse as die departement voldoen. Toegang tot die werkplek word bepaal deur die mate waartoe die departement aan die Covid-regulasies voldoen. Dit sal daarom onredelik wees indien die BL op aanmelding vir diens aandring in die afwezigheid van departemente voldoening.

4. Aanmelding van komorbiditeite

Die SAOU het reeds op rekord geplaas dat die DBO nie sy verpligting nakom tov die daarstelling van prosesse, dokumentasie en kriteria nie. Die DBO het erken dat

the department's compliance with the Covid regulations.

4. Reporting of comorbidities:

The SAOU has publicly stated there is a dire need to address this matter and that it has been neglected by the DBE. The DBE acknowledged that it has not provided clear processes, documentation and criteria to enable education staff to report comorbidities. The undertaking is that this matter will receive urgent attention during the week of 18 May 2020.

The issue of comorbidities and staff older than 60 years was addressed in [SAOU News Flash 28 of 2020](#).

5. Sanitising of schools by school itself

As a result of the ineptness of the provincial departments of education, the temptation is to take responsibility and sanitise the school. It must however be borne in mind that in terms of the regulations and prescripts of the Department of Labour it is the inalienable responsibility of the employer to ensure a safe working environment for its employees. To avoid possible claims for damages in general, but more specifically against school staff, as a result of possible inadequate sanitisation, the external legal advice is not to take responsibility for the sanitisation process.

6. General

The SAOU is doing its utmost to ensure the best possible dispensation for members under very challenging circumstances. We will ensure that-

- We will intervene if SAOU members are subjected to unreasonable instructions or working conditions; and
- As soon as more information is available, it will be communicated to members immediately.

hulle die saak agterweé gelaat het en het onderneem om dit gedurende die week van 18 Mei daadwerklik aan te spreek sodat onderwyspersoneel instaat kan wees om komorbiditeite aan te meld.

Komorbiditeite en personeel ouer as 60 jaar is aangespreek in [SAOU Nuusflits 28 van 2020](#).

5. Selfsanitering van skole

Vanweë die onbeholpenheid waarmee die provinsiale onderwysdepartemente die saak hanteer, is die versoek vir skole groot om self in te spring en die skool te saniteer. Alhoewel dit 'n edele gedagte is, bevat die regulasies en die direktiewe uitgevaardig deur die Departement van Arbeid duidelike voorskrifte in hierdie verband - dit is en bly die verpligting van die werkgewer om 'n veilige werksomgewing vir werknemers daar te stel. Ten einde enige moontlike eise vir skadevergoeding teen 'n skool in die algemeen, en onderwyspersoneel in die besonder, te voorkom wat moontlik mag voortspruit uit gebreklike sanitering van die skool, is die eksterne regadvies om nie by die aanvanklike sanitatingsproses betroke te raak nie.

6. Algemeen

Die SAOU doen sy uiterste om die heel beste bedeling onder besonder uitdagende omstandighede vir lede te verseker. Ons poog om die volgende in plek te plaas:

- Tussenbeide te tree as SAOU-lede blootgestel word aan onredelike opdragte of diensomstandighede; en
- Sodra meerdere inligting bekend is, dit onverwyld aan lede te kommunikeer.

