

**NEWSFLASH | NUUSFLITS**

35/2020

23/05/2020

RE-OPENING OF SCHOOLS
25 MAY 2020: WHAT ARE YOUR RIGHTS?

There is great uncertainty in connection with what teachers are to do on 25 May 2020 and what are their rights against the background of the Covid regulations that pertain to alert level 4 and the insistence of the provincial department of education that all educators must report for duty.

The regulations as prescribed in Government Gazette, no. 43257, 28 April 2020 determine as follows:

- Regulation 26: Every employer must, free of charge, ensure that workers are provided with sufficient quantities of hand sanitizer;
- Regulation 28: Every employer must take measures to ensure that all work surfaces, toilets, common areas, door handles and shared electronic equipment are cleaned and disinfected during and after work;
- Regulation 29: Every employer must ensure that there are adequate facilities for the washing of hands and only paper towels are supplied;
- Regulation 31: Every employer must provide each of its employees, free of charge, with a minimum of two cloth masks and require that such masks must be worn in the workplace.

The above are the non-negotiables that every employer in South Africa must comply with. Therefore, our advice in regard to the rights of educators on 25 May 2020 in terms of the question what must they do, is as follows:

- The school complies with the above:
 - Report for duty; and
 - Abide by the reasonable instructions of the employer.
- The school does not comply with the above:
 - Do not just stay away;
 - Inform the district office via the principal that:
 - The employer does not comply with the regulations;
 - You are willing and able to perform your duties;
 - You unfortunately cannot enter the work place;

HEROPENING VAN SKOLE
25 MEI 2020: WAT IS JOU REGTE?

Daar is tans groot onsekerheid ten opsigte van wat onderwyspersoneel te doen staan op 25 Mei 2020 en wat hulle regte is teen die agtergrond van die Covid regulasies soos van toepassing op vlak 4 en die aandrang van die provinsiale departement van onderwys om vir diens aan te meld.

Die regulasies soos omskryf in Staatskoerant, nr 43257, 28 April 2020 bepaal soos volg:

- Regulasie 26: Elke werkgever moet verseker dat werkers voorsien word van gratis en voldoende hoeveelhede handsaniteringsmiddels;
- Regulasie 28: Elke werkgever moet verseker dat alle werksoppervlakke, gemeenskaplike areas, kleedkamers, deurhandvatsels en gedeelde elektroniese toerusting skoongemaak en gedisinfecteer word tydens en na werkstyd;
- Regulasie 29: Elke werkgever moet verseker dat daar voldoende handwasfasiliteite en papierhanddoeke is;
- Regulasie 31: Elke werkgever moet aan elke werknemer 'n minimum van twee lapmaskers gratis voorsien en moet verseker dat dit deurentyd in die werksplek gedra word.

Bogemelde is nie-onderhandelbaar nie en elke werkgever in Suid-Afrika moet daaraan voldoen. Daarom, is ons advies ingevolge die regte van opvoeders op 25 Mei 2020 soos volg:

- Die skool voldoen aan bogemelde:
 - Meld aan vir diens; en
 - Wees gehoorsaam aan die redelike opdragte van die werkgever.
- Die skool voldoen nie aan bogemelde nie:
 - Moet nie net afwesig wees nie;
 - Lig die distrikkantoor via die skoolhoof in dat:
 - Die werkgever nie aan die regulasies voldoen nie;
 - Dat u gewillig en instaat is om u pligte uit te voer;
 - U kan ongelukkig nie die werksplek betree nie;

- You will follow the same procedure the next day in the event that there is non-compliance; and
- Ensure that you have established a proper paper trail that records the above.

COMORBIDITIES

It is important to note that the various provincial departments of education have not established proper procedures and documentation to deal with this matter. The matter has now been referred to the ELRC for urgent finalisation.

Our advice to members with comorbidities, and those older than 60 years, not to just be absent, but inform the district office via the principal that you are older than 60 years, or suffer from a comorbidity. You will only be entitled to work from home if the employer granted formal approval.

Ensure that your submission includes a recently dated medical report.

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

The above was also verified with the DG of the DBE on Saturday, 23 May 2020.

- In die geval dat die werkgewer nie voldoen nie, sal u die volgende dag dieselfde prosedure volg; en
- Verseker dat 'n behoorlike papierspoor gevestig word om voormelde te rekordeer.

KOMORBIDITEITE

Dit is belangrik om daarop te let dat die onderskeie provinsiale departemente van onderwys nog nie 'n behoorlike proses en stel dokumentasie in dié verband in plek het nie. Hierdie saak is nou na RAVO verwys vir dringende finalisering.

Ons advies aan lede met komorbiditeite en/of ouer as 60 jaar, is om nie net afwesig te wees nie. Verwittig die plaaslike distrikkantoor via die skoolhoof dat u ouer as 60 jaar is en/of dat u aan 'n komorbiditeit ly. U is eers geregtig om van die huis te werk indien die werkgewer formele goedkeuring verleen het.

Maak seker dat u voorlegging 'n onlangs gedateerde mediese verslag insluit.

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

Bogemelde is ook geverifieër met die DG van die DBO op Saterdag, 23 Mei 2020.

| | | |
|---|--|---|
| #WantOnsGeeOm #BecauseWeCare | | |
| <p>"DIENS" SMS NA 071 456 4375</p> <p><small>*Normale SMS tariewe geld</small></p> | | <p>"SERVICE" SMS TO 071 456 4375</p> <p><small>*Normal SMS rates apply</small></p> |
| +27 12 023 1333 | SAOU DIENSSENTRUM SAOU SERVICE CENTRE | saou@saou.co.za |