



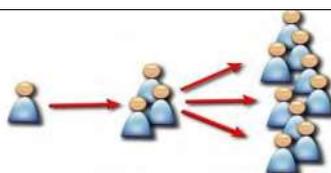
**Blitz 43/2017 – 22/09/2017**

**SAOU - Lei, Leer & Inspireer / Lead, Learn & Inspire**



September - 'n Oranje strik bevorder leukemie-bewustheid /  
An orange ribbon promotes leukemia awareness

**Posvoorsiening**  
*Post Establishment*



**2018 POSTEVOORSIENING**

Lede se aandag word daarop gevestig dat GDO nog nie die 2018 postevoorsiening aan skole gestuur het nie. Vakbonde in die Provinsiale RAVO het die voorgestelde postevoorsiening verwerp omdat die aantal poste, ten spyte van die groei van leerders, verminder is. GDO het aangedui dat die postevoorsiening wel skole voor of op 30 September 2017, sal bereik.

**2018 POST ESTABLISHMENT**

Members' attention is drawn to the fact that the post establishments have not been sent to schools. Trade Unions in the PELR rejected the proposed post provisioning because the number of posts for distribution was reduced despite the growth in learner numbers. According to the GDE the post establishments will be sent to schools on or before 30 September 2017.

Congress of South African  
Trade Unions



**COSATU STAKING : 27 SEPTEMBER 2017**

SADOU het aangedui dat hul die landswye staking op 27 September 2017 ondersteun. Deelname aan die staking sal onbeskermd wees en die beginsel van "no work no pay" sal geld. Skoolhoofde en lede word versoek om teenwoordigheidsregisters by te hou en te teken. U aandag word op Omsendskrywe 25 van 2010 gevestig wat inligting oor die bestuur van 'n staking bevat. Vergewis u asseblief van die inhoud van die omsendskrywe.

Omsendskrywe aangeheg of besoek die SAOU Gauteng se Facebookblad

## COSATU STRIKE : 27 SEPTEMBER 2017

SADTU indicated that they are supporting the country wide strike of COSATU on 27 September 2017. Participation in the strike is unprotected and the principle of "no work no pay" will apply. Principals and members are urged to keep and sign attendance registers. Circular 25 of 2010 contains information regarding the management of a strike. Please familiarize yourself with the content of Circular 25 of 2010.



[Facebook – SAOU Gauteng](#)



**UMnyango WezeMfundo  
Department of Education**

**Lefapha la Thuto  
Departement van Onderwys**

## **Circular 25/2010**

Date: 26 July 2010

**Topic**

### **Strike Management**

**Enclosures**

- Annexure A: Form GDE/LR/IA/1: Pre – Printed Strike Register (offices & institutions)**
- Annexure B: Form GDE/LR/IA/2: Declaration by managers regarding intention to participate in strike (institutions & offices)**
- Annexure C: Form GDE/LR/IA/3: Incident Report Related to Strike**
- Annexure D: Form GDE/LR/IA/4: Declaration by Managers Regarding the Areas Considered to be Volatile.**
- Annexure E: Telephonic Reporting Forms GDE/LR/IA/5.1 – 5.4**
- Annexure F: The Flow charts on Collection of Data GDE/LR/IA/6**

**Distribution**

- ✓ Deputy Directors General
- ✓ Chief Directors
- ✓ Directors at Head Office and District Offices
- ✓ Principals of schools, ABET Centres and FET Colleges
- ✓ Members of School Governing Bodies
- ✓ Employee organisations
- ✓ All employees

**Enquiries**

Director: Collective Bargaining  
All District Directors

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)

### **Office of the Head of Department**

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# **STRIKE MANAGEMENT**

## **1. INTRODUCTION**

- 1.1 The Gauteng Department of Education recognises all employees' rights related to Section 23 of the Constitution of the Republic of South Africa, Act No. 108 of 1996 and other relevant legislation. This document serves to provide a framework within which the right to strike and the right to participate in other forms of industrial action within the parameters of the applicable legislation are balanced with the right not to strike and the fundamental right to Education.
- 1.2 In order to prepare for any possible industrial action, managers and heads of institutions are hereby provided with tools to equip them to perform the required functions during the anticipated industrial action.
- 1.3 Managers and heads of institutions must put processes in place to ensure the continuous functioning of their directorates and institutions. Contingency plans must be prepared to ensure that all directorates and institutions continue to function.
- 1.4 Where a manager or head of an institution intends to participate in the strike, it remains the duty of the relevant supervisor or District Director to ensure that these processes are in place.

## **2. PURPOSE**

- 2.1 To set out the management and administration procedures to be followed by managers/heads of institutions during any industrial action.
- 2.2 To indicate the specific responsibilities and authorities of managers/heads of institutions during any industrial action.

## **3. LEGAL FRAMEWORK**

- 3.1 The Constitution on the Republic of South Africa (Act No.108 of 1996), as amended.
- 3.2 Labour Relations Act (Act No. 66 of 1995), as amended
- 3.3 Public Service Act (Act No.103 of 1994), as amended.
- 3.4 Public Service Regulations, 2001, as amended.
- 3.5 Employment of Educators Act (Act No. 76 of 1998), as amended.
- 3.6 Regulations regarding the Role of Managers prior to Strike Action, Notice 327, in Government Gazette No. 21050 dated 31 March 2000.

## **4. DEFINITIONS**

### **4.1 MANAGER/SUPERVISOR**

Any person (supervisor, unit head, etc.) whose function and responsibility it is to monitor performance and/or discipline within a workstation, unit or section.

This includes public school principals, heads of FET Colleges, managers of ABET Centres and Early Childhood Development Centres, office based educators as well as heads of offices, districts, directorates and units.

### **4.2 STRIKE**

Section 213 of the Labour Relations Act, 1995 defines a strike as “the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to work in this definition includes overtime work, whether it is voluntary or compulsory”.

#### **4.2.1 PROTECTED STRIKE**

For any strike to be protected (legal), i.e. for employees to be protected against dismissal and civil action, the following requirements must be met in terms of Section 64 of the Labour Relations Act, 1995:

- i. the dispute must have been referred to the relevant bargaining council for conciliation;
- ii. a certificate of non-resolution of the dispute must have been issued or a period of 30 days must have passed if no conciliation has taken place; and
- iii. at least 7 days notice of commencement of the strike must be given to the employer.

#### **4.2.2 UNPROTECTED STRIKE**

If, in a dispute of interest, employees (or the employee organisations acting on their behalf), did not comply with the three requirements mentioned above in item 4.2.1, the strike will be unprotected (illegal). Employees participating in an unprotected strike may be liable in terms of civil and/or disciplinary action, which may include dismissal.

### **4.3 LOCK-OUT**

The Labour Relations Act, 1995 defines a ‘lock-out’ as “the exclusion by an employer of employees from the employer’s workplace, for the purpose of compelling the employees to accept a demand in respect of

any matter of mutual interest between employer and employee, whether or not the employer breaches those employees' contracts of employment in the course of or for the purpose of that exclusion".

A protected (legal) 'lock-out' must meet the requirements of the Labour Relations Act, 1995. The closing of workstations, i.e. schools being closed or locked-up, does not constitute a "lock-out" in terms of the Labour Relations Act, 1995, and employees could therefore not claim that they were "locked-out".

#### 4.4. **PICKETING**

Picketing is a loose term used to describe various kinds of activity designed to gain publicity for, and/or support for the employees' cause. The picket should be a permeable barrier conducted without harm or threat to persons or property in connection with a protected strike. Employees have the right to picket in terms of section 60 of the Labour Relations Act, 1995. The requirements for a picket are that:

- i. The picket must be authorised by a registered **trade union**;
- ii. Only members and supporters of the **trade union** may participate in the picket;
- iii. The purpose of the picket must be to peacefully demonstrate in support of any protected **strike**; and
- iv. The picket may only be held in a public place outside the premises of the employer, or with the permission of the employer, inside its premises.

If a picket does not meet the requirements above, it will not be protected and the employer may obtain an interdict to prohibit the picket and may institute an action for damages against the picketers and/or the union.

#### 4.5. **WORKSTATION**

A workstation is the office, institution or place where the employees of the Gauteng Department of Education work.

### 5. **RELEVANT PRINCIPLES**

- 5.1 This circular must be read in conjunction with all the relevant legislative measures and policy documents referred to above.
- 5.2 Although various forms of industrial action may be regarded as protected in terms of the Labour Relations Act (Act No. 66 of 1995), the principle of "no work, no pay", in accordance with Section 67(3) of the Labour Relations Act, will always be applicable and enforced by the Department. Deductions will equal an amount equal to the number of days/hours of

service not rendered by an employee during the period of the industrial action.

- 5.3 No leave (annual, vacation or special leave, including “time-off for union activities”) may be granted to any individual for the purpose of participating in any form of industrial action. Only authorised leave granted prior to the notice of intention to strike may be utilised to justify absences on those days when a strike is taking place.
- 5.4 Managers and employees are advised to direct any enquiry related to the strike to the relevant manager or IDSO, the Unit: Labour Relations at the district office, the District Director or the Directorate: Collective Bargaining (Head Office). The Gauteng Department of Education will not be held responsible for incorrect information provided by anybody, other than by officials who are duly authorised to address enquiries in respect of the strike.
- 5.5 It may be possible that some trade unions members’ services may be regarded as “essential services”, e.g. any health-related positions such as therapists and aides. These employees may therefore not participate in any strike. Participation in strike by these employees will be regarded as “unprotected” and will be subject to disciplinary action by the Department.

## **6 Strike Management**

### **6.1 Structures**

- 6.1.1. The Head of Department shall establish the Provincial Strike Management Team (PSMT).
- 6.1.2. The PSMT shall consist of the following:
- DDG: Corporate Services
  - DDG: Curriculum
  - Chief Directors: Districts
  - Chief Director: Communications
  - Chief Director: Human Resources Management, Development and Systems
  - Director: Collective Bargaining
    - Director: Human Resources Administration
    - Director: Legal Services
    - Director: Security Management;
    - Director: Discipline and Dispute Management
    - Director: Further Education and Training
    - Director: Interventions
    - Director: Strategic Policy Development, Monitoring and Evaluation
- 6.1.3. Each District shall establish the District Strike Management Team (DSMT).

6.1.4. The DSMT shall consist of the following:

- District Director
- Deputy Director: HRA
- CES: IDS
- CES: Curriculum
- CES: HRMDS
- CES: Policy and Planning
- DCES: LR
- DCES: IDS

6.1.5. Every School Governing Body shall establish the Parental Strike Committee.

6.1.6. The Parental Strike Committee shall consist of at least five members.

## **6.2 Duties and Responsibilities**

### **6.2.1 Head of Department**

It is the duty of the Head of Department as accounting officer to:

- (a) Establish a Provincial Strike Management Team.
- (b) Ensure that Strike Management Team performs its duties.

### **6.2.2 Provincial Strike Management Team (PSMT) must:**

- (a) Ensure that all pre-Strike preparation is undertaken and the Gauteng Department of Education is in a state of readiness.
- (b) Communicate strike management procedures to all employees.
- (c) Ensure that all the strike related information is collected and submitted to a central point for collation.
- (d) Ensure that districts establish District Strike Management Committees and those committees are fully functional.
- (e) Monitor compliance with this circular, policy and legislation related to industrial action.
- (f) Decide on the course of action to be taken in relation to incident reports received.
- (g) Liaise with relevant security structures.
- (h) Ensure that all the strike related information is collected, is accurate, signed off and submitted daily by the stipulated time to the Office of the

Premier, Department of Public Service and Administration, Department of Basic Education.

- (i) Ensure that the strike information for the implementation of the principle of “no work no pay” is received.
- (j) Ensure that the principle of “no work no pay” is correctly implemented.
- (k) Prepare the final industrial action report and submit to the Head of Department (HoD).
- (l) Ensure that the Director HRA establishes a Strike Administration Project Management Team to capture the relevant strike data.

**6.2.3 Districts Directors must:**

- (a) Establish District Strike Management Team and ensure its functionality.
- (b) Appoint acting managers and/or heads of institutions in case where such manager and/or heads of institutions are on strike.
- (c) Ensure that all strike management information is collected, signed off and submitted timeously.
- (d) Facilitate the processes at the district office and institutions.
- (e) Monitor compliance with this circular, policy and legislation related to strike.
- (f) Identify and communicate centres or designated workstations where employees who are not on strike and do not have access to their normal workstations may report for duty.

**6.2.4 District Strike Management Team (DSMT) must:**

- (a) Ensure that all pre-strike preparation is undertaken and the district is in a state of readiness
- (b) Communicate strike management procedures to all employees.
- (c) Ensure that all the strike related information is collected, is accurate, signed off and submitted daily by the stipulated time to the identified central point.
- (d) Monitor compliance with this circular, policy and legislation related to strike.
- (e) Receive incident reports and take relevant action and/or refer to the PSMT for further handling.

- (f) Liaise with relevant security structures.
- (g) Ensure that the strike information for the implementation of the principle of “no work no pay” is received and submitted as set out below under paragraph 8 - Strike Administration Processes.
- (h) Prepare the final industrial action report for the district and submit to the PSMT.

### **6.2.5 Managers and/or Heads of Institutions**

According to the Regulation regarding the role of managers prior to strike action:

- The employer, through its appointed managers, has the responsibility to ensure the functioning of public schools, Further Education and Training Colleges, Adult Basic Education and Training Centres and Early Childhood Development Centres, as well as offices in which office based educators are employed, even during strike.
- The managers act on behalf of the employer to ensure the smooth running of institutions in which they are employed.
- Notwithstanding their right to participate in strike action and other trade union activities, managers must, in the performance of their management responsibilities, communicate in advance their intention to participate in such action called by the union through a notice of intention to embark on such action.

The Managers and/or Heads of Institutions must:

- (a) Ensure compliance with this circular, policy and legislation related to strike.
- (b) State in writing his/her intention to participate in the strike within 48 hours of the Notice of Intention to Strike having been issued. **(Refer to Annexure B)**
- (c) Ensure that all pre-strike preparation is undertaken and the institution or office is in a state of readiness, even where the manager intends to participate in the Strike and has given due notice.
- (d) Communicate strike management procedures to all employees.
- (e) Ensure that all the strike related information is collected, is accurate, signed off and submitted daily by the stipulated time to the relevant IDSO / designated officer at the district office.
- (f) Ensure that employees not participating in the strike are gainfully employed so as not to prejudice the administration, discipline or efficiency of the Department, office or institution.

- (g) Ensure that learning and teaching takes place for learners who arrive at school.
- (h) No manager and/or head of institution may close school and/or send learners away without the prior written permission of the District Director.
- (i) Take all necessary steps to ensure the security of employees, learners and assets at the school/institution or office.
- (j) Once all employees not participating in the strike and all learners wanting to report for school have arrived, the manager or head of institution must ensure that all entrances to the property are secured and control access to the premises.
- (k) Make copies of the unsigned pre-populated strike registers as required for the days of strike.
- (l) Retain a copy of the signed daily pre-populated strike registers for the school records before submission to the District. Submit the original strike register as set out in Section 8 of this Circular. **(Refer to Annexure A)**
- (m) ABET Centre Managers/Acting Managers must ensure that the above procedures are carried out at the ABET Centres during contact time.

**6.2.6. Parental Strike Committee must:**

- (a) Support the school during the strike.
- (b) Attend to the safety of learners during the strike.
- (c) Make recommendations to the District Director in relation to the safety of learners during strike.
- (d) Continuously interact with parents during the strike.
- (e) May not close the school without the written permission of the District Director.

**7. SECURITY MEASURES DURING THE INDUSTRIAL ACTION**

7.1. The Director Security Management shall:-

- 7.1.1. Liaise with all the relevant security organs of state, including but not limited to, National Intelligent Agency and South African Police Services to develop a solid relationship;
- 7.1.2. Liaise with all municipalities to provide emergency services.
- 7.1.3. Ensure that criminal activity is attended to and reported on time;

- 7.1.4. Take reasonable measures to ensure state buildings and property is secured from vandalism and criminal acts;
- 7.1.5. Ensure that police intervention is sought when injury to persons or damage to property becomes imminent.
- 7.1.6. Shall identify the picket line which shall be in accordance with the Labour Relations Act and Local Government by-laws and/or ordinances.
- 7.1.7. Take reasonable measures to ensure the safety of those employees that have elected not to participate in the industrial action.
- 7.1.8. Take reasonable measures to prevent employees who are not on strike from any form of intimidation, harassment, assault, injury and/or damage to their property.

## **7.2. Incident Reporting**

- 7.2.1. Confrontations or actions such as harassment, intimidation, assault and/or malicious damage to property that is perpetrated by employees during the strike at the workstation or outside the workstation are acts of misconduct and disciplinary action will be taken which could lead to dismissal. An incident report must be completed by the relevant managers and forwarded via the channels referred to above, to the Directorate: Discipline and Dispute Management.
- 7.2.2. In cases where events of a criminal nature such as assault and vandalism take place during the strike, the affected persons may lay a criminal charge at the nearest police station.
- 7.2.3. The attached form GDE/LR/IA/3- Incident report related to strike (institutions and office) must be completed for this purpose.

## **7.3. Lock Outs**

- 7.3.1. The requirements for a legal lockout are that the employer must give notice to the employees of his intention to lock out the employees and obtain the necessary certificate from the Bargaining Council. The Certificate must be given to the concerned union.
- 7.3.2. The requirements of a protected lockout are identical to the requirements for a protected strike.
- 7.3.3. At no stage shall the Department exercise this right to lockout as defined in paragraph 4.3 above.
- 7.3.4. In cases where the principal and/or any member of the staff locks the premises of the school, the employees shall be required to report such closures to the district office and shall report for duty at the designated places as indicated above. In the event that the employee is not able to

access the designated places and/or workstations, the employee must report to the nearest police station to the workstation / designated place and submit the affidavit to the District Office within twenty-four (24) hours.

## **8. STRIKE ADMINISTRATION PROCESSES**

### **8.1. Data Collection**

#### **8.1.1. Daily Telephonic Data Collection - Districts**

- a) The Managers/Heads of Institutions will telephonically report on the number of employees on strike at their school to the relevant IDSO by 08h30 and 12h00 daily (even in cases of a nil return). The IDSO will report the Strike statistics for their cluster to the Labour Relations Officer within the district by 08h45 and 12h15 daily.
- b) The manager of each district sub-directorate/unit must report on the number of employees participating in the strike to the Labour Relations Officer by 08h30 and 12h00 daily during the strike (even in cases of a nil return).
- c) The manager at the designated centre/workstation must report to the District Director the number of employees who are not participating in the industrial action by 08h45 and 12h00 daily.
- d) The Labour Relation Officer at the District Office is required to collate the statistics received from IDSO's and district Office Units and report to the District Director by 09h00 and 12h45 daily during the strike on the following:
  - The sub-directorates in offices/areas within a district most affected;
  - The number of schools/sub-directorates affected;
  - The number of educators/public servants absent;
  - Details of any disruptions of work or effective teaching and learning at institutions,
  - The number of managers, i.e. school principals/line managers/supervisors participating in the strike, and
  - Whether these principals/managers have informed their supervisors of their intention to participate in the action in line with the prescribed regulations set out in 6.2.5 above.
- e) District Directors are required to inform the relevant Chief Directors: Districts of the above information by 09h15 and 13h15 daily during the Strike (even in cases of a nil return).

- f) The Chief Directors: Districts will report the statistical information to the Collective Bargaining Unit at Head Office by 09h30 and 13h30 daily during the strike. The Collective Bargaining Directorate will present the final statistics to the DDG corporate Services for sign off and presentation to the Department of Basic Education by 10h00 and 14h30 daily.

#### **8.1.2. Daily Telephonic Data Collection – Head Office**

- a. The unit heads within a Directorate must report on the number of employees participating in the strike to the Director by 08h30 and 12h00 daily during the strike (even in cases of a nil return).
- b. The Director will report the statistics for their Directorate to the Chief Director by 08h35 and 12h05 daily during the strike (even in cases of a nil return).
- c. The Chief Director will report the statistics for their Directorates to the Deputy Director General and the Director Collective Bargaining by 09h00 and 12h30 daily during the strike (even in cases of a nil return).
- d. The Collective Bargaining Directorate will present the final statistics to the DDG Corporate Services for sign off and presentation to the Department of Basic Education by 10h00 and 14h30 daily.

#### **8.1.3. Daily Signing of Registers**

- a. Pre-printed registers (Form GDE/LR/IA/1) will be distributed to all offices in head office/district office units and schools for use during the strike action.
  - i) In the case where an employee is no longer employed at the workstation, please indicate this on the register and attach relevant documentary proof;
  - ii) In the case of an employee not appearing on the pre-printed register their details should be added to every daily register.
- b. The normal register and the distributed strike register must be signed daily on arrival and on leaving the work station.
- c. All strike registers from schools will be returned to the CES: IDSO who will check them against the statistics submitted, sign them and submit directly to the Strike Administration Project Management Team for capturing. Capturing will not be done at district level.
- d. All strike registers from district units will be submitted to the District Director who will check them against the statistics submitted, sign them and submit directly to the Strike Administration Project Management Team for capturing. Capturing will not be done at district level
- e. All strike registers from Head Office Directorates will be submitted to the Deputy Director General of the specific branch who will check them

against the statistics submitted, sign them and submit directly to the Strike Administration Project Management Team for capturing. Capturing will not be done at Head Office.

- f. The strike register must be submitted to the relevant office within twenty-four (24) hours of the last strike day on the register. The offices to which the register must be submitted are indicated in c and d above. **(Refer to Annexure F)**

#### **8.1.4. Leave Measures during the Strike**

- a. Pre-authorised leave - PILIR, Maternity, Sick, Vacation – must be supported by the submission of the appropriate leave forms and marked on both registers as such.
- b. Leave which is authorised during the strike period must have supporting medical certificate to be considered. Only validated sick leave will be considered and a medical certificate must cover all days, even if only one day or part thereof is taken.
- c. Vacation leave during the strike period will not be approved and will be considered as “on strike.”
- d. Leave for “time-off for union activities” will not be authorised for the period of the strike and leave taken for this will be considered as “on strike.”
- e. Family responsibility leave taken during the strike period must be supported by documentary proof such as death certificate and/or medical certificate. These documents must be forwarded to the Strike Administration Project Management Team within twenty-four (24) hours of the leave being taken to avoid deductions being made.

#### **8.1.5. Strike Administration Project Team**

- a. The Strike Administration Project Management Team will capture the data from all registers submitted and provide reports of outstanding registers to Chief Directors: Districts and Deputy Director Generals for follow up and submission.
- b. Reports will be provided on the number of employees participating in strike, cost per cost centre and total cost to employer. This information will also be required by Department of Basic Education.
- c. The mandates will be sent to GSSC for capturing and implementation will take place from the first open pay run once data has been captured. This date will be determined by the duration of the strike.

### **9. MEDIA RELATIONS DURING A STRIKE**

In areas where there is a dispute and police are called in to address strikers, there may be presence of journalists taking pictures or interviewing strikers. It remains the policy of this Department that all media enquiries must be directed to the Departmental Head of Communications who will interact with the media. Managers and/or Heads of Institutions may not comment on any proceedings related to the strike or industrial action.

All queries should be directed to the Departmental Head of Communications who will determine responses in consultation with the HoD and MEC.

**SIGNED: BOY NGOBENI**  
**HEAD OF DEPARTMENT**  
DATE: 2010. 26. 07