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Lead, learn and inspire

HUMAN RESOURCES MANAGEMENT
CHALLENGES OF SCHOOL MANAGEMENT

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PRINCIPAL AS RESOURCE PERSON

MANUAL FOR SCHOOL
MANAGEMENT
MSM

- Additional information available at
<https://www.msmonline.co.za/registration/login/>
(Online Manual for School Management)

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PRINCIPAL AS RESOURCE PERSON

**SA Schools Act 84 of 1996(SASA) (Art 16A)
Personnel Administrative Measures (PAM)**

- Effective use of available resources (SASA 16A).
- Head of Department (Head of Department of Education) must be assisted with the handling of disciplinary affairs concerning the educators and support staff in service of the Department of Education (SASA 16A).
- The management of all staff and support staff (PAM, 2016. 3.1.1,2).

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WHO IS AN EMPLOYEE?

- **Basic Conditions of Employment Act (Art 10.1)**
- A person who works for another person or who delivers service to another person is deemed an employee if and when,
 - (a) his or her work procedure or working hours are subject to guidance and control;
 - (b) he or she is part of the employer's organisation;
 - (c) he or she has, during the last three months, worked for at least 40 hours per month for the other person or organisation;
 - (d) he or she is economically dependent on the person or organisation;
 - (e) he or she is provided with equipment or necessary tools to perform his or her duties; or
 - (f) he or she works for just one person or renders service to just one person.

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STAFF AT PUBLIC SCHOOLS

| TEACHERS EMPLOYED BY DEPARTMENT | TEACHERS EMPLOYED BY SGB | ADMIN STAFF EMPLOYED BY DEPARTMENT | ADMIN STAFF EMPLOYED BY SGB | GENERAL ASSISTANTS EMPLOYED BY DEPARTMENT | GENERAL ASSISTANTS EMPLOYED BY SGB |
|---------------------------------|--------------------------|------------------------------------|-----------------------------|---|------------------------------------|
| 16 | 14 | 2 | 3 | 3 | 6 = 6 class assistantes |
| 23 | 35 | 2 | 6 | 4 | 3 + 17 class assistantes |
| 52 | 18 | 3 | 3 | 8 | 9 |
| 27 | 14 | 1 | 2 | 0 | 5 |
| 26 | 22 | 3 | 4 | 5 | 7 |
| 39 | 30 | 3 | 4 | 7 | 2 + 14 class assistantes |
| 32 | 22 | 2 | 5 | 5 | 9 |
| 46 | 31 | 0 | 10 | 0 | 12 |

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IMPLICATIONS FOR SCHOOL MANAGEMENT

- Your staff is employed under the following:
 - Different and various legislations
 - The Constitution
 - Employment of Educators Act 76 van 1998
 - Basic Conditions of Employment Act , 75 van 1997
 - Public Service Act, 103 van 1994
 - different employers under the same management
- It is also expected of the staff to render the same service.



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THE CONSTITUTION

- Every citizen has the right to freely choose a trade, career or profession (Art. 22).
- Everybody has the right to fair labour practices (Art. 23).



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EMPLOYMENT OF EDUCATORS ACT

- Applicable to all educators who are appointed in **departmental posts**.
- **Goal**: Provision for the employment of educators by the government, service benefits, discipline, retirement and other regulations regarding educators.
- PAM is one of the directives that proclaim the regulations in terms of this act.

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PUBLIC SERVICE ACT

- Applicable to **administrative staff and general staff** employed by the **government**.
- **Goal**: The organisation and administration of the public services of the RSA, regulation of service conditions, service period, discipline, retirement and termination of service of people in service of the government.

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BASIC CONDITIONS OF SERVICE EMPLOYMENT ACT

- Applicable to all **SGB appointments**.
- **Goal**: The rights on fair conditions of service

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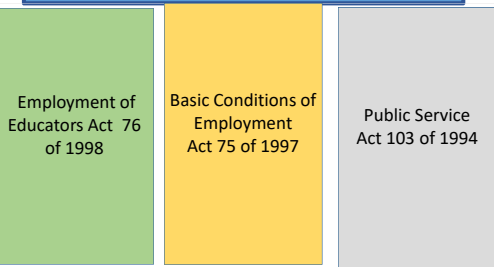
HOW DOES THE LEGISLATION AFFECT US?

- Employer
- Contracts
- Renumeration
- Disciplinary action
- Workload
- Leave benefits
- IQMS
- Job description
- Overtime
- Union membership
- Strikes
- Retirement
- Disputes

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COMPARISON OF LEGISLATION




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COMPARISON OF LEGISLATION: Employer

| | | |
|---|-------------------------------------|---|
| Head of Department Schedule 2  | School Government Body Art 20(4) | Head of Department  |
|---|-------------------------------------|---|

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COMPARISON : Contracts

| | | |
|--|--|--|
| <ul style="list-style-type: none"> No written contract with employer. Appointment letter serves as contract. PAM serves as guideline. | <ul style="list-style-type: none"> SGB sets contract according to basic service conditions. Job description. Conditions: Working hours, leave, remuneration and overtime. | <ul style="list-style-type: none"> No written contract with employer. Appointment letter serves as contract. |
|--|--|--|


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COMPARISON : Remuneratoin

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|--|---|---|
| <ul style="list-style-type: none"> Salary and conditions of service determined by the Minister of Basic Education Negotiated in ELRC & PSCBC | <ul style="list-style-type: none"> Determined by the SGB. Negotiations? Sliding scales? Pension contributions/ Provident funds Medical Aid subsidies, Housing Minimum wage R20/h | <ul style="list-style-type: none"> Salaries and other service conditions determined by Minister of Public Service and Administration Negotiated in GPSSBC & PSCBC |
|--|---|---|

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COMPARISON: Workload

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|--|---|--|
| <p>PAM Chapter A serves as guideline</p> <p>Be at school for minimum of 7 hours (80 hours for professional development outside contact time)</p> | <p>Principle – work 45 hours per week in a 5 day week (9 hours)</p> <p>6 Day week – 8 hour/day</p> <p>(After 5 hours worked - 1 hour lunch)</p> | <p>Discussed and agreed with the manager of the employer</p>  |
|--|---|--|

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COMPARISON: Overtime

| | | |
|---|--|---|
| <p>PAM C-5 Educators who tutor per hour or full time educators who work overtime Salary notch (OSD) 108 ÷ 900 NB : PAM 5.2.1 must be fased out</p> | <p>Max 3 hours/day Max 10 hours/week Payment 1,5X salary Sunday X2 Night duty (after 18:00 and before 06:00) – Shift allowance or time off</p> | <p>C= T X 1,5 T = (A x 7 ÷ B) ÷ 365 A= Salary B= Amount of hours worked</p> |
|---|--|---|


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COMPARISON: Overtime

| | | |
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| <p>Guidelines for voluntary additional work Annual basic salary ÷ 1800 (hours) or Annual basic salary ÷ 225 (day) [PAM: C-7] (Guideline for Art 38A)</p> | | |
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COMPARISON : Disciplinary Action

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|--|---|--|
| <p>Articles 17 en 18 of Educators Employment Act</p> <ul style="list-style-type: none"> • 17- Serious misconduct • 18- Misconduct • Sanctions in Ch. 5 of EEA |  | <ul style="list-style-type: none"> • Employer must see to fair disciplinary procedures. • Employee must be educated concerning acceptable conduct. |
|--|---|--|

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COMPARISON: Grievances/ Disputes

| | | |
|--|--|--|
| <ul style="list-style-type: none"> • ELRC • Labour Court | <ul style="list-style-type: none"> • CCMA • Labour Court | <ul style="list-style-type: none"> • CCMA • Labour Court |
|--|--|--|


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COMPARISON : Leave Benefits

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|---|---|---|
| <ul style="list-style-type: none"> • Normal sick leave - 36 days in 3 year cycle • Extra days - PILIR • Maternity leave - 4 months (Paid) • 8 days pre-natal leave • Adoption and surrogacy (<2years) 45 working days • Urgent private affairs - 14 days max | <ul style="list-style-type: none"> • 21 days per year • Sick leave – 1 day for every 26 work days • Maternity leave – 4 months (Unpaid - UIF) • Family responsibility – 3 days per year | <ul style="list-style-type: none"> • 22-30 working days - 5 to 8 days during school hours • 36 days sick leave in 3 year cycle. Extra – PILIR • Studies (3/ module) Examinations - (day per day) (proof) |
|---|---|---|

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COMPARISON: Leave benefits (continued)

| | | |
|--|---|--|
| <ul style="list-style-type: none"> • Studies – 3 days / module. • Examinations - Day per day (proof) • Unpaid (continuity) – 120 days • Annual leave – school holidays |  | <ul style="list-style-type: none"> • Maternity leave – 4 months (Paid) • Pre-natal – 8 days • Adoption and surrogacy (<2years) 45 working days |
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COMPARISON : Performance Evaluation

| | | |
|---|--|---|
| <p>IQMS PL1 – 7 Areas PL2- 10 Areas PL 3, 4 – 12 Areas</p> <p>Goal : Professional development</p> | <ul style="list-style-type: none"> • What evaluation tools are used for SGB appointments? • Has it been negotiated? • Part of the contract? • What is the goal of this evaluation? | <p>PMDS – 12 Areas</p> <p>Goal : Professional development</p> |
|---|--|---|

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COMPARISON : Termination of service

| | | |
|--|---|---|
| <ul style="list-style-type: none"> • Retirement • Dismissal • Resignation (90 days notice) can be shorter with permission of employer | <ul style="list-style-type: none"> • Notice - worked >6months – 1 week • 6-12 months - 2 weeks • 1 year + - 4 weeks |  |
|--|---|---|

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UNION MEMBERSHIP

- **CONSTITUTION (Freedom of association)**
- Art 23 (2) Every employee has the right to –
 - (a) found a union and become a member
 - (b) take part in the actions and programmes of the union; and
 - (c) to strike.

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STAKINGS

- **PROTECTED STRIKES** – Only when there is a dispute with the employer which cannot be addressed in the negotiation chambers.
- **NB : SGB staff cannot take part in strikes with educators, admin and general workers employed by the government.**

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SUMMARY

- Avail yourself of the demands of the legislation.
- Ensure that all contracts are legal.
- Job description and work load.
- Do not just "Hire" and "Fire" nie – follow procedures.
- Tread lightly!




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THANKS

- Thank you for this opportunity
- Good luck with this big task


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SOURCES

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- <https://www.msmonline.co.za/registration/login/>
(ONLINE MANUAL FOR SCHOOL MANAGEMENT)


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SOURCES

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- *Gauteng Department of Education. 2005. New leave dispensation for employees appointed under the Public Service Act 103 of 1994. Circular 50 / 2005. 7 November 2005*
- RSA 1996a. South African Schools Act 84 of 1996. Government Printers: Pretoria
- RSA 1995. The Labour Relations Act 66 of 1995. Government Printers: Pretoria
- RSA 1994. Public service act 103 of 1994. Government Printers: Pretoria
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SOURCES

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- https://www.gdeadmin.gdeadmin.gov.za/schools_view/default.aspx?uid=663484&rid=4&s_id=504674&sc_id=700260406&sc_p=2
- <http://www.education.gov.za/LinkClick.aspx?fileticket=x15jY96ACTA=&...>
- Roos, C. <http://hsf.org.za/resource-centre/focus-chapters/focus-56-chapters/public-school-governance-in-south-africa>

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