

# What is labour's perspective on education?

However, section 189 and 189A allows for fair dismissals. In *Fry's Metals v Numsa* there was a proposed change to a shift system in which workers were told that if they did not accept they may be retrenched. A section 189A consultation process was initiated and workers were given an opportunity to reconsider the amendments and therefore avoid dismissal.

When the matter went to the Labour Appeal Court in 2003 it ruled unanimously that the dismissals were fair as they did not fall under section 187(1)(c) and the Supreme Court of Appeal upheld the judgment in 2005 arguing that dismissals in terms of section 187(1)(c) have to be 'designed to induce agreement' to employer's demands.

## CONCLUSION

Terms of your employment contract can be changed under one section of the law - section 189 and 189A but under section 187(1)(c) dismissals are treated as automatically unfair. According to Sbu Gule the questions to ask on variation of contracts are: 'Was the dismissal effected to compel the employees to agree to the employer's demands, such that the dismissal would be withdrawn and the employees retained; or is the dismissal final so that the employer may replace employees permanently with other employees who are prepared to work under the terms and conditions required by the employer?' <sup>18</sup>

*This article is based on a presentation by Sbu Gule, the chairperson of Norton Rose Fulbright South Africa, at the 26th Annual Labour Law Conference in July 2013.*

Every democratic society faces the challenge of educating succeeding generations of young people for responsible citizenship. The challenge that we face at the 20th year of freedom is to create an education and training system that will ensure that the human resources and potential in our society is developed to the full, writes **Malose Kutumela**.

It is the challenge posed by the vision of the Freedom Charter: 'To open the doors of learning and culture to all'. All individuals should have access to lifelong education and training irrespective of race, class, gender, creed or age.

The journey we have embarked on is long and hard. The educational problems of our country run deep and there are no easy or quick-fix solutions. There is a serious lack of democratic control within the education and training system. Students and teachers have been excluded from decision-making.

For a policy to have a chance of success, sufficient people must be persuaded that it is right, necessary and implementable. Almost any education and training policy will come to grief in practice if it does not win the support of two essential constituencies: those who are expected to benefit from it, and those who are expected to implement it. The maximum participation of teachers and trainers in the design and testing of new curricula will be crucial.

This implies that the groundwork of education and training policy

must be very carefully prepared, if the policy is to find broad public acceptance and win the wholehearted support of education and training managers and practitioners. The process of policy-making in education and training must therefore be as open and participatory as possible. Policy-makers need to practise the art of consultation, listening, reasoning, and persuasion, as well as offering vision and leadership.

The separation of education and training has contributed significantly to the situation where most of our people are under-educated, under-skilled, and under-prepared for full participation in social, economic and civic life. Most of the unemployed lack the basic education on which to build on, and many of those in work are locked into low-skilled and low-paying jobs. A vast proportion of students leaving the school system, either before or after completing the final year, do so largely unprepared for the rest of their lives.

There is a lack of skilled and trained labour and the adverse effects of this on productivity and the international competitiveness of the economy.



*Policies must be clear on the future of learners. Credit: William Matlala*

### TEACHER UNION COLLABORATION

The objective of this programme is to address teacher development issues and ensure that the teachers in South Africa receive ongoing professional development, with the teacher unions, Department of Basic Education and provincial education departments playing a critical role in ensuring that this objective is achieved.

### QLTC

Through the Quality Learning and Teaching Campaign (QLTC), the department and its partners, labour included, aim to make education a societal matter. This campaign is bearing fruit through the signing of the Nedlac Accord in July 2011 by leaders of organised labour, Business Unity South Africa (BUSA), community constituencies and the government.

Five members from the unions that are party to the Education Labour Relations Council (ELRC) were then seconded to the department to drive the campaign.

### DISCIPLINE IN SCHOOLS

Discipline, safety and security pose a serious challenge in our schools. This includes violence, bullying, child abuse, substance abuse, HIV and AIDS, and the carrying of guns and weapons to schools. Schools have to come up with effective strategies to ensure that they remain places where educators and learners can safely engage in

teaching and learning. As required by section 8(2) of SASA an important question is: 'To what extent are the school governing bodies capable of establishing a disciplined and purposeful school environment, dedicated to the environment and maintenance of the quality of the learning process'.

The department, teacher unions, parents and other stakeholders held a discipline summit on 5-6 March 2014 to deal with challenges faced by our schools.

There is total lack of discipline in schools and it has deteriorated to such an extent that students severely injure teachers and fellow colleagues to an extent that some are killed.

### SKILLS ACQUISITION

Simply put, skills acquisition is exactly what it sounds like: learning to do things. There is one important caveat – you want to learn to do things well, usually gained through training or experience. Skills acquisition is important because the skills we attain throughout our lives contribute to our overall human capital (our undefinable intrinsic value as a person). Acquiring skills can help us to advance in life. There is no issue that should be addressed more urgently than that of skills acquisition by the youth considering the failure of our basic education to yield the expected positive results with its attendant consequences. The importance of skills acquisition as a panacea to youth development

cannot be over-emphasised because its roles to national development are multi-dimensional.

According to the *Sunday Times* 16 February 2014, 14,500 people never set foot in a classroom during some projects and as such this is described as a waste of time. The aim of the programme, the National Rural Youth Service Corps which was the brain child of Department of Rural Development, was meant to provide unemployed young people with the skills to help them get a job. To address South Africa's massive unemployment, particularly among the rural youth it was meant for basic courses such as construction and agriculture. Students were to study at FET colleges, followed by work experience.

Some participants spent three weeks of induction at the luxury four star hotels like the Hans Merensky Golf Estate when cheaper quotations were received. Some of them stayed in bed and breakfast lodgings for nearly a year doing nothing because the department had failed to supply tools for their practical exercises. There is a woman who received a stipend of R1,320 while sitting at home since September 2010. She was supposed to be registered for a national diploma in office administration. The coordinator indicated that they had forgotten as the course had already been completed. Not everyone is impressed with the government's charity, as some

joined the programme because they wanted certificates to start their own business. This is not a wise decision by the government.

### YOUTH WAGE SUBSIDY

With the Employment Tax Incentive Act No of 2013, commonly known as the youth wage subsidy, government hopes that the law will create jobs in special economic zones. According to economist Iraj Abedian the Act is unlikely to cause labour market instability in the short term. He further remarked that: 'We can expect businesses to plan... the benefit that they can get, that it will take some time. So it's without a doubt not going to have an immediate effect.'

### LANGUAGE IN TERMS OF PERFORMANCE OF THE LEARNERS

Clause five of the Asmara Declaration conference, which was held in Eritrea from 11 to 17 January 2000, states: 'All African children have the unalienable right to attend school and learn in their mother tongues. Every effort should be made to develop African languages at all levels of education.' International Mother Language Day was proclaimed by the general conference of Unesco in November 1999 and has since been celebrated annually on 21 February.

Charles Cantalupo who wrote and directed *Against all odds: African languages and literatures into the 21st century* states that 'African languages are the simplest, fairest, most democratic, economic and achievable way to improve African lives and livelihoods through the application of knowledge, education, science and technology. African languages are the most important African source of traditional and future social change, economic development and individual self-realisation.'

Research has proven beyond reasonable doubt that South Africans whose mother tongue is not English are confident in affirming the supremacy of English over their

languages, hence a preference for English as a medium of instruction, despite the right accorded by section 29(2) of the Constitution: 'Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable'.

### SOME OF THE CHALLENGES FACING OUR EDUCATION SYSTEM

- Constant shifts in the South African curriculum continue to be a challenge in the basic pedagogic and content knowledge competencies needed to impart the skills needed by the learners.
- Failure of the education departments to deliver on their core responsibilities.
- Lack of basic amenities, infrastructure and learning resources in our townships and rural schools.

### ROLE OF LABOUR

- Improving the funding of union education, linking it to labour research and workplace issues, making it relevant to a broader spectrum of working people, updating its methodologies and training its practitioners will assist the labour movement learn how to create the new knowledge it needs to face the challenges ahead.
- Unionists coming together to talk about their challenges at work and devise solutions based on collective action is the most important factor in creating and strengthening unions.
- Unions as a partner must emphasise that South Africa must borrow a leaf from those nations that have succeeded in acquiring the technical know-how, which had helped them on the map of developed nations.
- There must be proper and adequate funding of youth programmes and agencies at all levels of governance in order to

improve education performance in schools and in the FET system, improving career guidance services to match skills to jobs, skills development and job placement and establishing a monitoring system.

- Need to take an active role in restructuring of the educational curriculum at all levels with more emphasis and focus on vocational, technical and entrepreneurial skills.
- The involvement and participation of the youth in the formulation and implementation of youth programmes.
- It is the role of labour to monitor very closely especially part II of the Employment Tax Incentive Act (ETIA) so as to be not abused by both the employer and the employee.
- To work in partnership with the education department and also to involve all stakeholders in developing an effective curriculum for South Africa.
- There is a need for financial assistance to support poor students noting that the National Student Financial Aid Scheme (NSFAS) was extended to FET colleges in 2011.

### CONCLUSION

It is difficult to find any government policy that does not have some effect on youth but I doubt whether the ministries prioritise youth needs for integrated policy action.

There should be a serious restructuring of post-school education and training. The importance of skills acquisition to youth development cannot be overemphasised; the government cannot take the risk of ignoring youth development.

Labour on the other hand should effectively come up with monitoring systems. <sup>LB</sup>

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