

Education crisis deepens

All is not well in the education sector. The sector faces a myriad of problems: lack of policy implementation, budget cuts, teacher retrenchments, administrative bungling and corruption.

Three provinces have been particularly hard hit. In KwaZulu-Natal, 7 300 teachers were dismissed on 30 March. In the Western Cape 3 333 temporary teachers were dismissed at the beginning of the year and a further 1 900 jobs are threatened. In the Eastern Cape no replacement teachers are being employed. Temporary teachers have not been paid since the beginning of the year. In May the Gauteng government announced that it intends to retrench 3 500 teachers.

Retrenchment

Two key developments occurred towards the end of 1997. The first was the threat to temporary teacher posts. Eight out of the nine provinces had overspent on their budgets. Temporary teachers were a soft target for provincial departments. Initially 70 000 teacher jobs were threatened. This was later reduced to 43 000 jobs.

SADTU threatened to bring an interdict against any province that unilaterally implemented retrenchments. High-level negotiations with provinces continued throughout December and early January, with some success. A number of provinces placed a moratorium on teacher

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retrenchments, while negotiations continued.

Ratios

The second development placed all teacher jobs under threat. In late December, government announced that in future teacher:pupil ratios would be determined provincially and set according to budgetary constraints. The termination of the redeployment policy was also announced. Retrenchment was now clearly on the agenda.

The proposals created enormous problems in terms of centralised bargaining. If teacher:pupil ratios were determined at a provincial level, salaries would also have to be negotiated at this level. The powers of the national bargaining council would be severely undermined.

Mass action

By the end of March the threat of temporary teacher retrenchment had become a reality. The union had no choice but to declare its intention to embark on nation-wide protest action. This was set for March 25 and 26. Government moved swiftly to interdict the union. Using a technicality, it argued that SADTU had not

followed the correct procedures outlined in the new LRA. It threatened to dismiss teachers who went on strike.

The union was forced back to the bargaining table. At the beginning of April, SADTU declared a dispute.

Nedlac

Due to the slow pace of progress in the Education Labour Relations Council (ELRC), SADTU served a notice of possible protest action to Nedlac, in line with Section 77 (1b) of the LRA, which allows for socio-economic protest action.

The Nedlac Management Committee called two high powered meetings with the SADTU NEC, the union office bearers, the Minister of Education and all nine provincial MECs. After an exhausting all night discussion on 14 April, some important resolutions were agreed to – these include the setting up of a national working group and five task teams to look at:

- meeting education infrastructure backlogs such as classrooms, toilets, electricity, etc,
- human resources provision,
- the role of the organised teaching profession in building a culture of learning,
- the financing of education;
- the participation of the teacher unions in decision-making structures.

The task groups were to consist of 'decision-makers' from both sides. They were to thoroughly research the issues and come up with concrete resolutions. The meeting also agreed that a crisis intervention mechanism should be established to look at urgent issues such as down-sizing of human resources and its consequences. The key principle that was to guide this intervention was that 'every class should have a teacher'.

An impasse was, however, reached on the major issue at stake – SADTU's call for

a moratorium on retrenchments. The union wanted the moratorium in order to allow the task groups the space to debate issues. Government refused.

An emergency SADTU NEC sat on 15 April to consider the Nedlac proposals and the ELRC mediation process. It was agreed that the mediation process should continue until it had run its course. In terms of Nedlac, however, it was decided to submit a 14-day notice of protest action. This was later withdrawn, after the union's lawyers advised that Section 77 is a difficult section of legislation to use for protest action. As a first step employee parties have to submit a notice of intended protest action. By this stage the dispute is usually deep-rooted. Simultaneously, they have to show 'good faith' in terms of resolving the dispute. If, at the end of the negotiations, the employee party does go out on strike, it is difficult to prove that they genuinely tried to find a resolution. SADTU decided to activate the Nedlac task teams to try to resolve the issues.

ELRC

In the meantime, the ELRC process has run its course – SADTU is now waiting for the mediation report. The union believes strongly that it will win this case. SADTU's hand was substantially strengthened when government unilaterally promulgated legislation on teacher/pupil ratios on 17 April, while mediation was still in progress. If the union wins the mediation it will be able to embark on legal strike action. Before it does so, however, it will debate the issue at length in its forthcoming NEC. The feeling among union members is that the crisis has deepened to a point where strike action may be the only way to force government's hand. (22 May 1998) ★

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