

New ties, new challenges

labour relations in the education sector

In recent years teachers have won significant rights, signalling a radical break with the oppressive workplace environment of the past. Progressive teacher unions like SADTU, which were shunned by government a few years ago, now play a pivotal role in the formulation of education policies. The establishment of the Education Labour Relations Council (ELRC) in 1995 ushered in a new era of labour relations. In the broader public sector, major changes are also in the pipeline.

These changes pose challenges to SADTU. Whereas the union relied on militant action in the past, it now requires informed, research-driven policy to take on government in the more 'civilised' bargaining environment. Ever-sharper positions are needed to match the might (and rationalisation agenda) of the state.

SADTU's close ties to government also raise new and difficult challenges. Union leadership's perceived 'cosy' relationship with former 'comrades' in government has the potential to alienate grassroots support.

History

Teachers' struggles before 1994 were closely allied to the broader battles waged against apartheid. Repressive legislation effectively silenced protest by black teachers. White teachers were also kept in line: they were compelled to register with recognised teachers' organisations and barred from criticising state departments.

A strong divide has always existed

SADTU has made impressive gains for its members in the past few years. But teachers currently face an uncertain future.

Philippa Garson asks if the union has the capacity to face these challenges and whether its close ties with government will not hamper it in this quest.

between those (mainly African) teachers who have pursued union-like, mass-action struggles and those, mainly white, Indian, coloured (and some African) teachers who have defined themselves as middle class professionals and pushed for change 'from within' through negotiation and lobbying. These viewpoints continue to split the teaching corps to this day.

The 1976 Soweto uprisings and exploding education crisis led to the growing politicisation of black teachers and drew stronger lines between 'militant' and 'conservative' teachers. From 1980 progressive teachers, mainly black, began to form their own teacher organisations. These remained racially exclusive, mainly because the conditions under which teachers of different races taught were so different.

In 1985, the National Education Crisis

Committee (NECC) was formed, raising the question of teacher unity. The signing of the Harare Accord on Teacher Unity in April 1988 paved the way for real unity and the National Teachers Unity Forum (NTUF), which brought together both progressive and conservative groups (barring the white teacher associations), was established with the facilitation of COSATU.

The more open political climate after 1990 gave teachers the space to highlight their own grievances. New unions sprung up around the country. In April 1990 the NTUF launched a national campaign for a single non-racial, non-sexist education system.

In October 1990 SADTU was launched. It brought together 18 organisations representing over 100 000 teachers. Its main aim, according to its president-elect at the time, Shepherd Mdladlana, was to "eradicate apartheid and vigorously strive towards a free, non-racial, non-sexist, compulsory and democratic single education system" (*The Star*, October 1990).

Cracks soon showed and moderate teacher associations pulled out in protest against the new union's alliance with the ANC, believing that teacher organisations should remain 'politically non-aligned'. The divisions persisted, with further dispute over whether SADTU should be a federation or a unitary body. There was also disquiet at SADTU's trade union-like stance. Conservative teachers balked at the idea of going on strike or engaging in other militant protest action. In August 1991 the National Professional Teachers' Organisation of South Africa (NAPTOSA) was launched as a federation of moderate teachers' organisations.

From 1990 to 1993, protest action by teachers exploded with spontaneous intensity. The primary grievances were salaries, conditions of service, rationalisation, and the state's refusal to recognise SADTU.

In August 1993, teachers embarked on a two-week long strike. The strike was not well-received. Parents, pupils and SADTU's own political allies criticised teachers' actions.

The short-lived National Education and Training Forum (NETF), comprising all major stakeholders in education, was set up in late 1993 to deal with both immediate crises like looming teacher retrenchments and longer-term policy issues like curricula change, teacher training, restructuring the education system and conflating the 19 education departments into one. It became redundant when the new government took over and created a single education department, with nine provincial sub-departments.

SADTU was finally recognised by the Department of Education and Training in 1993, followed shortly thereafter by other education departments.

The ELRC

In October 1993 the Education Labour Relations Act (ELRA) was passed, granting basic labour rights to teachers. The Act also provided for the establishment of a permanent bargaining council (the ELRC) to negotiate wages and working conditions, provide for dispute resolution mechanisms and advise the state president on education labour relations. Since November 1996, the ELRC has functioned in terms of the new LRA.

Between 1994 and 1996, the ELRC adopted 38 resolutions on a wide range of issues affecting teachers. Its successes and failures are a matter for debate. Participants point to the absence of significant teacher strikes since 1993 as proof of its success. But there are signs that key agreements, which granted salary increases in return for equity-driven rationalisation (amounting to the redeployment of teachers from richer to poorer schools), are translating into

retrenchment without redeployment.

There can be no doubt that the ELRC has given teachers more of a say and created a situation where there is less confrontation. The unions now realise, however, that not all the agreements struck will work in their favour.

Rationalisation

This applies particularly to the core agreement around education rationalisation, which introduced broad banding to teacher salary scales and the concept of performance-related pay. Broad banding decreased the number of salary 'notches' and delinked salaries from problematic 'paper chase' qualifications which led to automatic salary increases that bore no relation to the actual quality of teaching.

This led to significant wage increases for the lowest paid teachers. This 'bottom end' of mainly black teachers constitutes a considerable section of SADTU's membership.

The agreement also provided for inflation-linked increases for the next two years. However, there are already indications that the state cannot honour this commitment. It has reduced the planned R6,5-billion for 1997 salary increases for the public sector (of which teachers were set to receive R1,5-billion) to around R5-billion.

Furthermore, the trade off - that better salaries would mean fewer teachers - began to kick in late last year, leading to the realisation that the state intended cutting back on teachers. The teacher organisations have requested that aspects of the agreement - teacher:pupil ratios and performance-related pay - go back to the ELRC for renegotiation.

The favourable aspects of the agreement - salary increases, the restructuring of pensions, medical aid and extending home ownership schemes to married women teachers - led teacher organisations to 'buy' the whole agreement. SADTU officials now

complain they were 'duped' by government and that the provincial education departments have violated the spirit of the agreement.

This probably signals the end to the brief 'honeymoon' between government and SADTU. It also demonstrates the need for the union to arm itself with extensive policy research.

The agreement on voluntary severance packages - intended to remove excess teachers who were unable to opt for redeployment - was also hotly disputed. More than 15 000 teachers volunteered to take this option, leading to fears that some of the country's most experienced teachers would be lost.

No significant redeployment has taken place, despite the fact that some overstuffed provinces (Western Cape, Gauteng, the Free State, Mpumalanga and Northern Cape) have declared excess teachers. This has led to questions about whether the government intends sticking to the equity part of the agreement - moving teachers from well-off schools to poorer ones in rural areas or townships - or is simply hell-bent on cutting back.

Performance-related pay

The state was keen to implement performance-related pay policies by July this year. SADTU requested more time to research the issue. SADTU and Wits University's Education Policy Unit have successfully piloted a new, participative appraisal system, which has been endorsed by NAPTOSA. However, the new instrument lacks a performance-related pay (PRP) dimension.

SADTU points out that international research shows that governments use PRP schemes as a cut-back exercise, rewarding only a few excellent teachers with merit payments, and overlooking the rest. A research committee has been established to inform the ELRC on the matter.



SADTU launch, October 1990.

SACE

The South African Council of Educators (SACE), the first non-racial professional registration body for teachers, was officially launched in September 1995. All state teachers must register with SACE.

The 48-member council has 15 state representatives, 30 representatives from the organised teaching profession, two co-chairs and a chief executive officer. SACE provides teachers with the opportunity for self-regulation. While NAPTOSA has welcomed its establishment without reservation, SADTU has called for more input from teachers on its code of conduct and asked for more clarity on SACE's autonomy from the state.

New curriculum

There is widespread concern among the teacher unions and teachers generally, that teachers are not being sufficiently prepared

to teach the new curriculum that will be introduced into schools from next year. SADTU has committed itself to greater involvement in curriculum development, but also fears that the education department's haste in implementing changes could cause widespread discontent amongst ill-prepared teachers. NAPTOSA has also warned of widespread unhappiness and the total unpreparedness of the teaching corps in dealing with the new curriculum.

Recent surveys have shown stress levels among teachers to be extremely high. Teachers are grappling with rapidly increased class sizes and changing racial compositions in their classrooms. A consumer health survey published in 1995 by Roche Products found that teachers had one of the highest average stress levels of professional groups in South Africa. It found that teachers were leaving the profession to

take up other jobs or start businesses. The hasty imposition of a new curriculum could exacerbate this situation

PTSAs

In terms of the South African Schools Act, elected governing bodies or parent-teacher-student associations (PTSAs) made up of parents, teachers, pupils (in secondary schools only), and community members – with parents in the majority – must be established in schools. They will take on significant governance functions, including determining admissions policies, language policies, curricula and school fees.

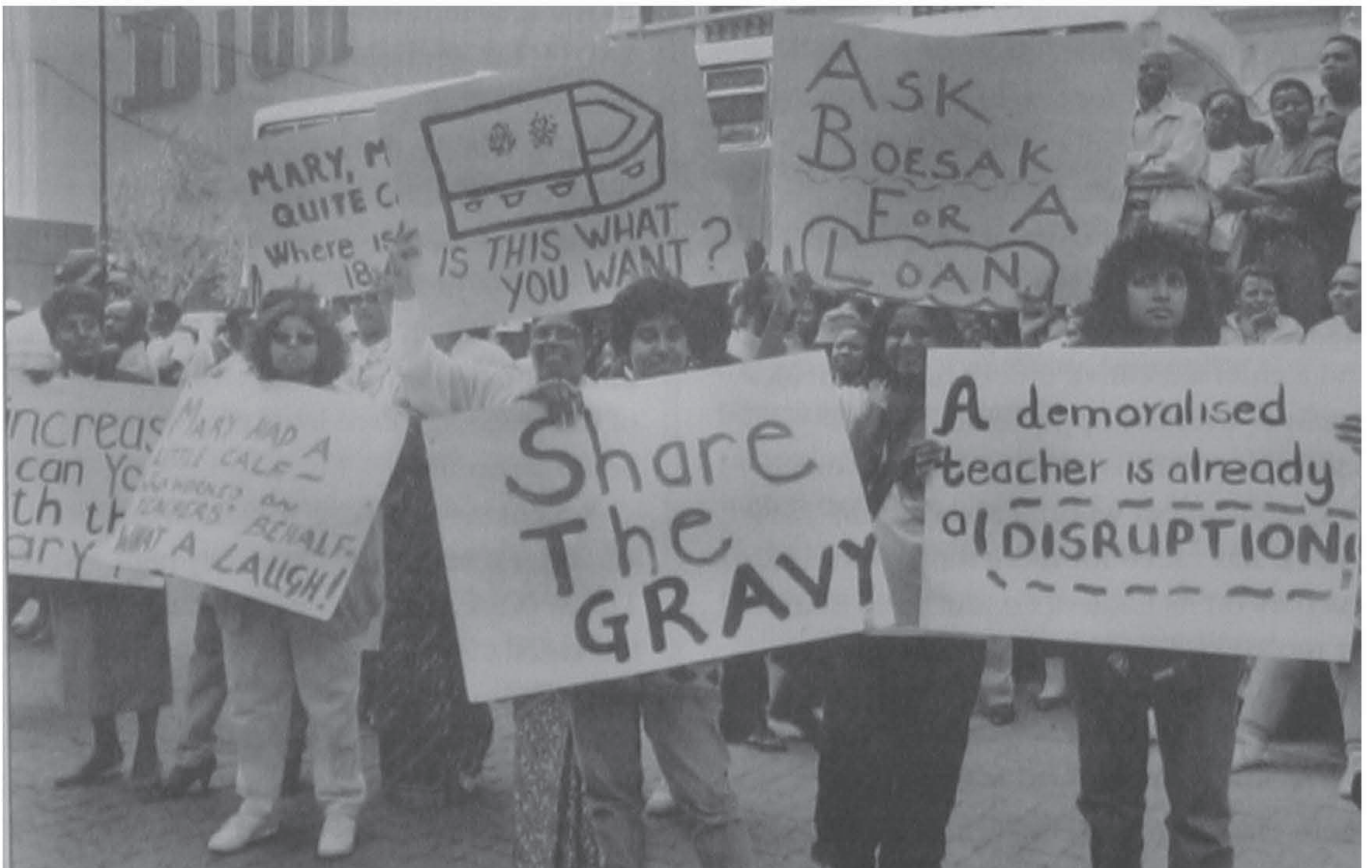
While SADTU has always supported democratic governance structures in schools, the union is concerned about the possible employment of teachers by PTSAs, which could undermine teachers' collective bargaining rights. The union has also objected to the "inequalities between public schools in working class and middle class areas" which would inevitably result.

Centralised bargaining?

The ELRC was set up separately from the Public Sector Labour Relations Council (PSLRC), which governs the conditions of work of other public servants, because of the unique conditions facing teachers. Currently a new body – the Public Sector Co-ordinating Bargaining Council (PSCBC) – where matters relating to the entire public sector will be bargained – is being set up. The constitution of the PSCBC has not yet been finalised, and it is not clear what matters will be bargained there and which functions the ELRC will retain.

SADTU supports the idea of one bargaining chamber for all public sector workers. However, it runs the risk of becoming a minority voice in the PSCBC. While it currently enjoys a 51% majority in the ELRC, the PSCBC will be dominated by the powerful Public Service Association.

In its submissions on the PSCBCs' constitution, SADTU argues that it should be a co-ordinating body only. Bargaining



SADTU demonstration, Johannesburg, May 1995.

functions should take place first in sectoral councils. This would allow the ELRC to retain its existing functions. SADTU General Secretary, Thulas Nxesi, says that "if this doesn't happen, then we will be going to the PSCBC as visitors and the other public sector organisations will dominate the whole thing." SADTU also wants sectors to have equal representation at the Council, so that workers like teachers and police personnel are not swallowed up by the broader public sector. NAPTOSA is arguing for the ELRC to retain its existing functions.

Observers believe that it is unlikely that the ELRC will lose too many functions to the PSCBC. However, a former union official charged that "the teacher unions were fast asleep when the LRA was being negotiated. They did not foresee the implications of a body higher than the ELRC."

Changing relations

The radically altered political terrain has brought new challenges to the teacher unions and changed the way organised teacher bodies see themselves and relate to each other. As SADTU has moved away from protest action to more hands-on involvement with 'nitty gritty' labour issues in the ELRC, teacher professionalism and education policy and research, so NAPTOSA has undergone an equally dramatic change, finding itself in a far weaker position with regard to the state, where the interests of its members are no longer safeguarded as they were in the past.

NAPTOSA has now become a vociferous opponent of the state, although its power has undoubtedly diminished. It has been highly critical of government's failure to meet the salary increases agreed to. SADTU's response has been more tempered.

Co-operation

Once fiery adversaries, the two unions now co-operate successfully in the ELRC, having

formed joint committees on various issues. Traditionally conservative white teachers have begun to show an interest in SADTU. An ex-SADTU official comments that as SADTU realises the government is incapable of delivering on its demands, it will be forced into a closer alliance with the conservative unions.

The perceived friendship between NAPTOSA and SADTU prompted four Afrikaans teacher organisations to break away in July 1996 and form the South African Onderwysers Unie (SAOU), which has 28 000 members. "We felt there was a need for Afrikaans-speaking teachers to unite themselves as a grouping. We felt they were being left out of negotiations as only a small part of a bigger team," said Pieter Martins, SAOU chief executive officer. He is nevertheless positive about the union's relationship with NAPTOSA and SADTU.

Tension

The past few years have also thrown up tensions between 'comrades' in government and labour. Many of SADTU's former leaders are now in the education department's labour relations division at national and provincial level. On the one hand, it helps that people with an acute understanding of teachers' problems are in strategic positions in government. On the other hand, the once stark lines between labour and government have become very blurred.

Comments one observer: "They [SADTU] have incredible difficulty knowing when to whack the state or befriend it. About 70% of SADTU's top officials from six months ago are now in government, mostly in labour relations. This means there is often confusion. They don't know whether they are negotiating with comrades or adversaries and there is now ongoing debate in SADTU about whether it was advisable for so many of its officials to move into government. There is also resentment

among those left behind. COSATU is increasingly being seen as a stepping stone to big jobs in government."

There are growing perceptions on the ground that SADTU is 'coddling up to government' and that the closer its officials are to the corridors of power, the less real interest they have in the working conditions of ordinary teachers. This is a perception SADTU leaders are keenly sensitive to. Teacher forums, which SADTU held countrywide in February 1997, highlighted the dislocation between leadership and its members.

Contributing to this tension is the fact that government has moved away from the RDP to GEAR. The latter's emphasis on fiscal distribution and rationalisation seems set to ensure confrontation with SADTU. The union is demanding that government commit a larger share of the national budget to education. Since salaries consume 80% of the education budget, this would ensure an end to teacher retrenchments. Government responds that the amount committed to education is already a much higher proportion of its budget than in other countries. For ordinary members on the ground, the question remains: why is union leadership so close to a government whose interests are often in conflict with those of teachers?

Relationship with COSATU

SADTU has also found itself at odds with COSATU. Nxesi voices serious concerns over COSATU's proposal to form a single public sector union: "We understand the civil service to be a sector with different industries. The only thing that is transverse is salaries. And even that is up for debate, given teachers' specific working conditions. We never believed in 'one public sector union'. It would create serious problems if teachers, nurses and police were in one union. As COSATU unions we have to

instead co-ordinate the issues that are transverse for us... The debate has not gone down to workers and is currently only taking place among leaders. We have to bear in mind that teachers are middle-class-oriented. There were fears in COSATU when the white-collar workers (teachers) joined up. If there was already such fear at the level of a federation, how much more reservation at the idea of one public sector union? SADTU is still consolidating its position of having affiliated to COSATU."

A former SADTU official now in national government said SADTU had to reconsider its position in COSATU. "SADTU has to look at the broader context: where are we taking education? Do we foster a culture of resistance over things that may not be directly related to education? SADTU needs to be committed to education and learning and orientate towards the new legislative mechanisms which have been established. The more teachers embark on strike action, the more this culture is developed in our children. We need to look very carefully at this. I don't envisage a breakaway now but perhaps after 1999. The diversity of membership within COSATU is difficult to manage. It is increasingly difficult to please everyone."

Way forward

SADTU Media Officer, Kate Skinner, says the teacher forums showed that "numerically we are very strong, but our structures are quite weak. We are not getting information down to grassroots and site level. The union has become more bureaucratized and relies on print media for the dissemination of information.

Ironically, this has weakened the union in significant ways. Before we had regular mass meetings and branch meetings. We relied on an oral culture, which was very strengthening. Now we distribute SADTU News in a plastic packet in the post. This is

not building our structures. Also teachers are not always proficient in English. They tend not to read and don't always acquaint themselves with the issues. There is definitely a realisation that we have to meet and debate more."

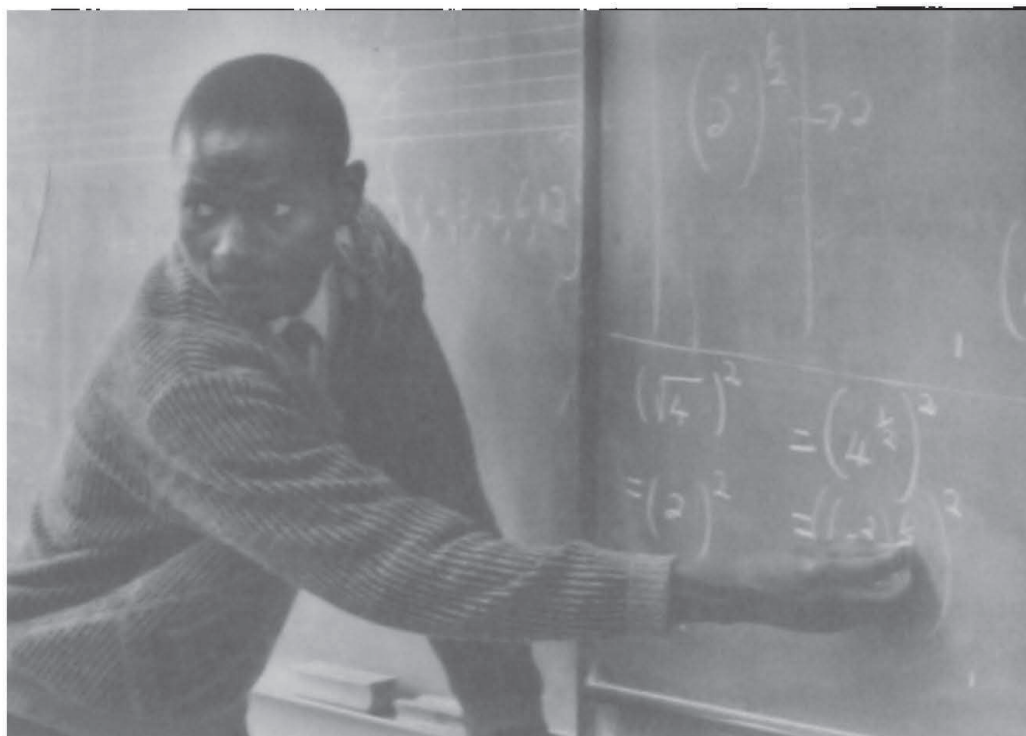
An ex-SADTU official now in provincial government said SADTU members at grassroots level were still locked in the

defiance campaigns of 1991. "Things haven't changed on the ground and national leadership is elite and out of touch," she said. "They speak with forked tongues, saying one thing to membership and another to government."

Nevertheless, Skinner described the forums as "very, very successful in getting inputs from ordinary teachers to inform mandates. We discussed a host of critical issues, including SACE, rationalisation, the education budget, the new curriculum and the Schools Act. We were in effect doing the provinces' work for them."

Teacher forums are expected to become a national event, both to build structures and ensure that mandates are received. SADTU is keenly aware of the need to move away from its tradition of protest towards playing a constructive, even pivotal role, in the development of new education policy. It intends recruiting a full-time researcher with a view to establishing research units in each province.

Regional official, John Maluleka, says: "We have learnt from experience that we have to be more vigilant in negotiations with the



Stress levels amongst teachers are extremely high.

state. We need to develop our power base and power does not just reside in numbers. Power is knowledge." ★

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Phillippa Garson is a freelance journalist. This article is based on a chapter entitled "Labour Relations in Education" in a forthcoming book on Public Service Labour Relations in South Africa, edited by Glenn Adler