



SAOU
DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION

SAOU WEBINAR
11 FEBRUARY 2021

Governing Body Appointments:
Conditions of service, Contracts






ANKIA BESTER











Understanding the terms and conditions of your contract of employment will assist you on your journey to success!



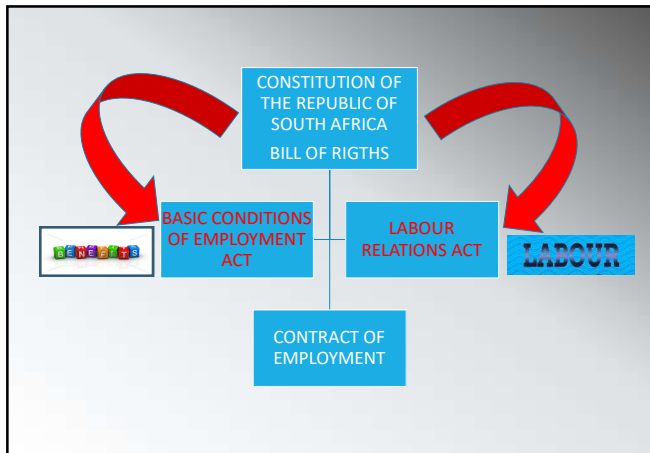
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Understanding the legislation applicable to you..



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CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

BENEFITS

SECTION 22:

YOU HAVE THE RIGHT TO CHOOSE YOUR TRADE, OCCUPATION OR PROFESSION FREELY. THE PRACTICE OF A TRADE, OCCUPATION OR PROFESSION MAY BE REGULATED BY LAW

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

BENEFITS

SECTION 23:

YOU HAVE THE RIGHT TO FAIR LABOUR PRACTICES

BASIC CONDITIONS OF EMPLOYMENT ACT

TO GIVE EFFECT AND REGULATE THE RIGHT TO FAIR LABOUR PRACTICES:

- **BY ESTABLISHING AND ENFORCING BASIC CONDITIONS OF EMPLOYMENT**
- **BY REGULATING THE VARIATION OF BASIC CONDITIONS OF EMPLOYMENT**

**HOW TO BE A HEALTHY, PRODUCTIVE,
SUCCESSFUL EDUCATOR**





**EMPLOYER-EMPLOYEE
RELATIONSHIP**

A employer-employee relationship, generally exists when a worker agrees to work for an employer, on a full-time or part-time basis, for a specified or indeterminate period of time, in return for wages or a salary. The employer has the right to decide where, when and how the work is to be done by the employee.

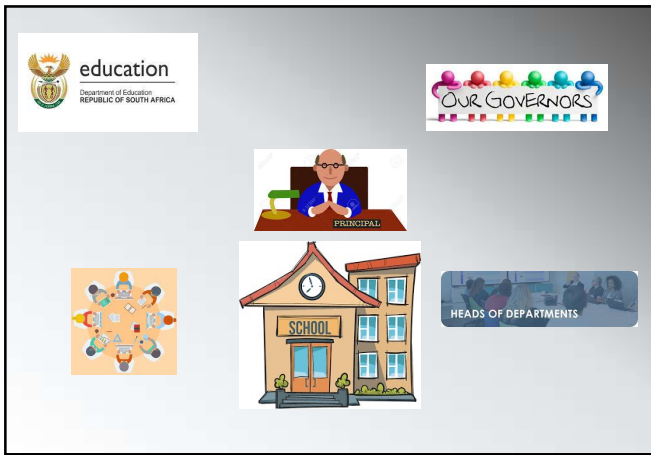


IT IS ALL ABOUT TRUST..

Knowing who your employer is ...



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BASIC CONDITIONS OF EMPLOYMENT ACT: CHAPTER THREE	LEAVE
ANNUAL LEAVE	21 dae of 1 dag vir elke 17 gewerk
SICK LEAVE	30 dae oor 3 jaar: 1ste 6 mnde 1 dag vir elke 26 dae
PRE-NATAL LEAVE	0
MATERNITY LEAVE	4 maande onbetaald
MISCARRAGE	6 weke
PATERNITY LEAVE	10 aaneenlopend + onbetaald
SURROGATE	10 aaneenlopende weke (ontvang)
FAMILY RESPONSIBILITY LEAVE: ✓ CHILD IS SICK: OR ✓ DEATH OF SPOUSE; LIFE PARTNER; PARENT; ADOPTIVE PARENT; GRANDPARENT; CHILD; ADOPTED CHILD; GRANDCHILD OR SIBLING	3 vir albei - geboorte uitgesluit

BASIC CONDITIONS OF EMPLOYMENT ACT: CHAPTER THREE	LEAVE
ANNUAL LEAVE	21 dae of 1 dag vir elke 17 gewerk SCHOOL HOLIDAYS
SICK LEAVE	30 dae oor 3 jaar: 1ste 6 mnde 1 dag vir elke 26 dae
PRE-NATAL LEAVE	0 PAID LEAVE 8 DAYS
MATERNITY LEAVE	4 maande onbetaald
MISCARRAGE	6 weke
PATERNITY LEAVE	10 aaneenlopend + onbetaald 3 DAYS 4 MONTHS
SURROGATE	10 aaneenlopende weke (ontvang)
FAMILY RESPONSIBILITY LEAVE: ✓ CHILD IS SICK: OR ✓ DEATH OF SPOUSE; LIFE PARTNER; PARENT; ADOPTIVE PARENT; GRANDPARENT; CHILD; ADOPTED CHILD; GRANDCHILD OR SIBLING	3 vir albei - geboorte uitgesluit 10 DAYS



Your working hours...



BASIC CONDITIONS OF EMPLOYMENT ACT

An employer may not require or permit an employee to work more than :

- 45 hours in any week and
- 9 hours in any day if the employee works for five days or fewer in a week or
- 8 hours in any day if the employee works on more than five days in a week

TERMINATION OF EMPLOYMENT ***BASIC CONDITIONS OF EMPLOYMENT ACT***

- ONE WEEK = EMPLOYED FOR 6 MONTHS OR LESS
- TWO WEEKS = EMPLOYED FOR MORE THAN 6 MONTHS
- FOUR WEEKS = EMPLOYED FOR 1 YEAR OR MORE

NO AGREEMENT MAY REQUIRE OR PERMIT AN EMPLOYEE TO GIVE A PERIOD OF NOTICE LONGER THAN THAT REQUIRED OF THE EMPLOYER.

ANNEXURES

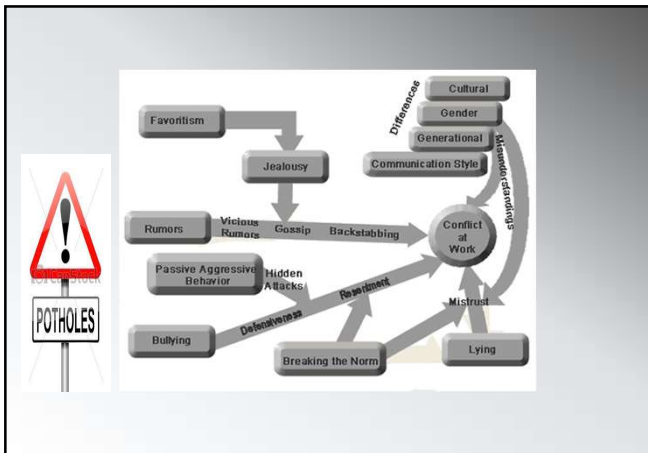
- GRIEVANCE PROCEDURE
- DISCIPLINARY CODE AND PROCEDURE (EMPLOYEES)
- DISCIPLINARY CODE AND PROCEDURES (LEARNERS)

GRIEVANCE PROCEDURE

It's all about relationships

- **Workplace relationships** are unique interpersonal **relationships** with important implications for the individuals in those **relationships**, and the organizations in which the **relationships** exist and develop.
- **Workplace relationships** directly affect a worker's ability and drive to succeed.
- Relationships require a lot of work and a lot of communication, but it can still be hard to understand what the other person is **thinking**

AND FEELING.



AGGRIEVED EDUCATOR



CONSEQUENCES OF CONFLICT IN A WORKPLACE:

- PRODUCTIVITY DRAIN
- WASTED RESOURCES
- NEGATIVE TOLL ON PUBLIC IMAGE
- LACK OF COMMUNICATION

DEADLIEST OF ALL:

DESTROYS A HEALTHY AND SOUND
WORK RELATIONSHIP!



DO NOT RESIGN!!

GRIEVANCE PROCEDURE






[illegible]

Watch out for the following potholes:

- THEFT
- DISHONESTY
- INSUBORDINATION
- UNDER THE INFLUENCE OF ALCOHOL DURING SCHOOL HOURS
- ASSAULT
- CORPORAL PUNISHMENT
- UNACCEPTABLE SEXUAL RELATIONSHIPS
- SEXUAL HARASSMENT
- ABSCONDMENT

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**a TRUST RELATIONSHIP
that has been
broken down irretrievably destroys a
employer-employee relationship.**



Employment of Educators Act,
1998 (Act 76 of 1998)

**CONSTITUTION OF THE REPUBLIC OF
SOUTH AFRICA**

LABOUR

SEC 33:

**YOU HAVE THE RIGHT TO JUST AND ADMINISTRATIVE ACTION
WHICH MEANS:**

ADMINISTRATIVE ACTION THAT IS

LAWFUL, REASONABLE AND PROCEDURALLY FAIR

LABOUR RELATIONS ACT

SCHEDULE 8:

YOU HAVE A RIGHT TO DISCIPLINARY ACTION

WHICH IS BOTH SUBSTANTIVELY
AND
PROCEDURALLY FAIR



AUDI ALTERAM PARTEM – RULE

“HEAR THE OTHER SIDE”

**VARYING THE TERMS OF THE
CONTRACT OF EMPLOYMENT**



An employer has no right to unilaterally *change the terms* of a contract. Any *changes to the terms* of the contract will have to be negotiated and agreed with the employee.

However,

A *change made by an employer to workplace practices* does not constitute a variation of the terms of the contract.

Remember the caution:

Ask before you act.

Keep a papertrail so that you don't get lost.

You can't pour from an empty cup, take care of yourself first.

Choose your thoughts and actions on values instead of personal gain.

Don't get involved in things that is not your responsibility.

In business, what you don't get done today can be done tomorrow, but with family ...

what doesn't get done today may be lost forever.

UNDERSTAND THE BALANCE!

THANK YOU!



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MET TROTS GEBORG DEUR



#WANTONGEOM
