

TO TEACH OR NOT TO TEACH..... THIS IS THE QUESTION



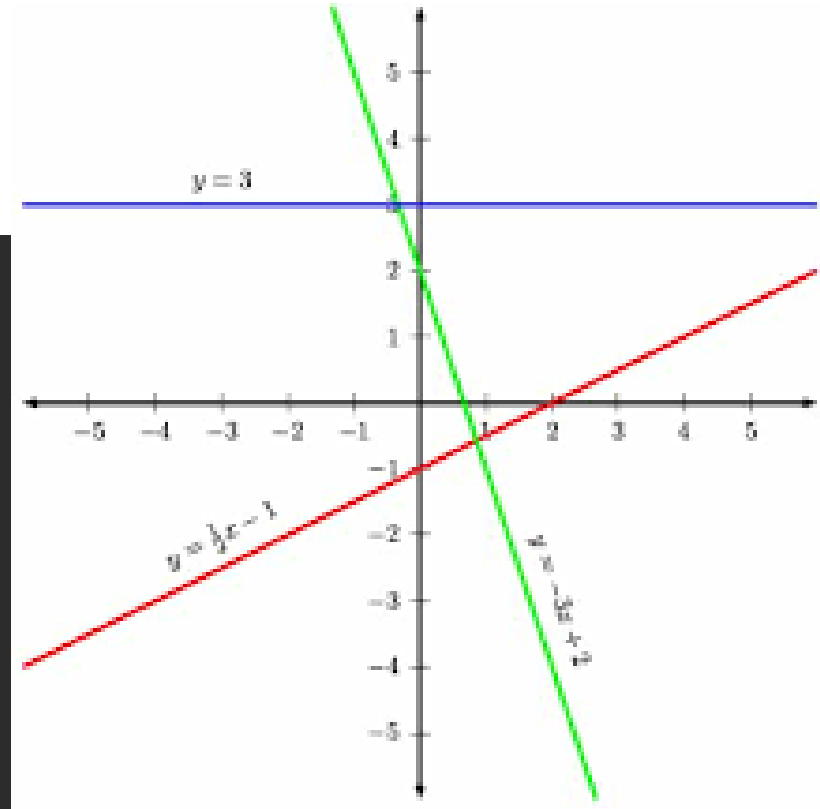
Does the principal have the right to ask teachers to teach other subjects which they have not been teaching before?

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BESPREKING / DISCUSSION



- Posvlak 1 onderwysers word gereeld versoek met opdragte van die hoof om ander vakke aan te bied. Het die hoof dié reg om die versoek te maak?
- Wat moet 'n posvlak 1 onderwyser weet van lynfunksie opdragte.
- Is dit regmatig wat versoek word? (Hoof, Adjunk-hoof en Departementshoof)
- Post level 1 teachers are regularly asked to teach other subjects which they have not been teaching before. Does the principal have the right to demand this from the teacher?
- What must a post level 1 teacher know regarding the line function?
- Is an instruction lawfully? (Principal, Deputy-principal and HOD)



LYNFUNKSIE
LINE FUNCTION

LINE FUNCTION

- A line function is a primary business activity of an organisation.
- In management, a line function is any kind of daily operation.
- The decision-making areas associated with daily operations.
- Primary business of a school –
 - The main function of school is to ensure the progressive development of innate powers of the child.
 - Dedicated to providing a safe and supportive environment which allows all students to strive for academic and personal success.

IS AN INSTRUCTION LAWFULLY?

- Lawful - conforming to, permitted by, or recognized by law or rules.
- being in harmony with the law. a *lawful* judgment
- constituted, authorized, or established by law : RIGHTFUL
- authorized, sanctioned by, or in accordance with law.
- Any instruction that can be carried out without breaking any statute, common law or company policy is regarded as "a lawful instruction"
Equally obviously, this would also be the first requirement of a "reasonable" instruction.

WHAT IS A REASONABLE INSTRUCTION?

- A reasonable instruction is one that:
- The employee is capable of carrying out, and
- Involves a task that is not substantially beneath the employee, and
- Does not infringe the rules of the employer, or the laws of the country, and
- Involves a task that truly needs to be done.

WHO IS THE EMPLOYER

- In terms of the Employment of Educators Act, employer is defined as
 - The head of department (in the case of a public educational institution)
 - A public school shall be the employer of persons of the said school.
 - In the case of the SGB of a public school this function and power is stipulated in the Education Laws Amendment Act 100 of 1997 (which amended SASA).
 - Subject to SASA, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public school **may establish posts for educators and employ educators additional to the establishment** determined by the MEC in terms of the Educators' Employment Act, 1994.
 - Subject to SASA, Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public school **may establish posts for non-educators and employ non-educator staff** additional to the establishment determined in terms of the Public Service Act, 1994

FUNCTIONS AND RESPONSIBILITIES OF PRINCIPAL OF PUBLIC SCHOOL

SASA sec 16A

- The principal of a public school represents the Head of Department in the governing body when acting in an official capacity.
- Ensure the effective use of available resources (includes Human resources)
- The principal must in undertaking the professional management of a public school as carry out duties which include, but are not limited to the implementation of all the educational programmes and curriculum activities and the management of all educators and support staff;

AIM OF THE JOB IN TERMS OF PAM

Educator - public school (PL1)

- To engage in class teaching, including the academic, administrative, educational and disciplinary aspects and to organise extra and co-curricular activities so as to ensure that the education of the learners is promoted in a proper manner.

Departmental head (PL2)

- To engage in class teaching, be responsible for the effective functioning of the department and to organise relevant/related extra-curricular activities so as to ensure that the subject, learning area or phase and the education of the learners is promoted in a proper manner

Deputy principal (PL3)

- To assist the principal in managing the school and promoting the education of learners in a proper manner.
- To maintain a total awareness of the administrative procedures across the total range of school activities and functions.

AIM OF THE JOB (PAM)

Principal (PL₄)

- To ensure that the **school is managed satisfactorily** and in compliance with applicable legislation, regulations and personnel administration measures as prescribed.
- To ensure that the **education of the learners is promoted** in a proper manner and in accordance with approved policies.

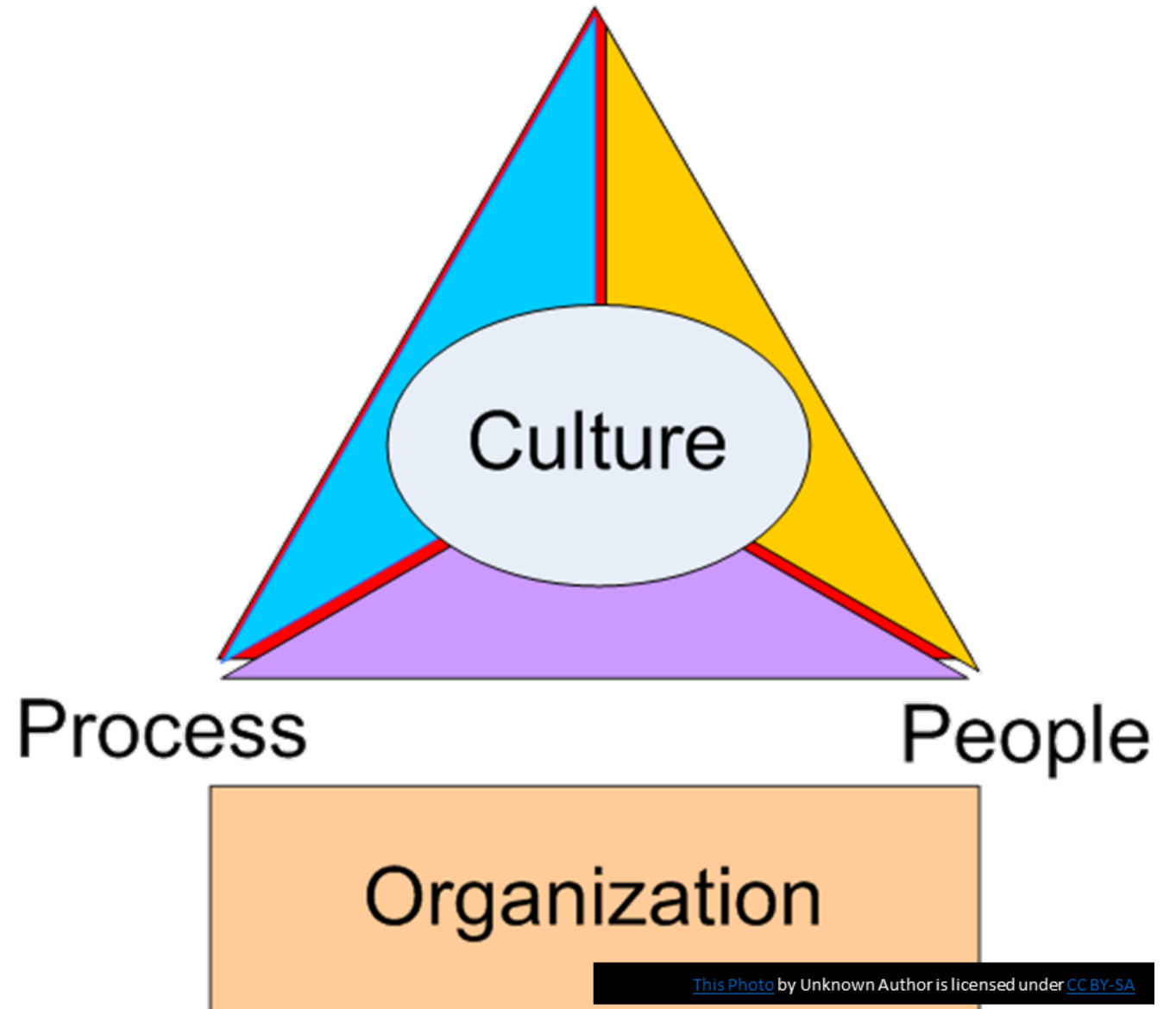
POLICY ON THE SOUTH AFRICAN STANDARD FOR PRINCIPALSHIP

The core purpose of the principal in any South African context:

1. Leading teaching and learning in the school;
2. Shaping the direction and development of the school;
3. Managing quality and securing accountability;
4. Developing and empowering self and others;
5. Managing the school as an organisation;
6. Working with and for the community;
7. Managing human resources (staff) in the school; and
8. Managing and advocating extra-mural activities.

UNDERSTANDING SCHOOLS AS ORGANISATIONS

- Organization is a framework within which human activities are directed and coordinated
- Formal structure: departments
- People stand in relation to each other
- Activities are determined by policies, procedures, rules



LEGISLATIVE FRAMEWORK

- Constitution
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Employment of Educators Act 76 of 1998
- Personnel Administrative Measures (PAM) of 2016
- The Promotion of Administrative Justice Act 3 of 2000
- South African Schools Act 84 of 1996

CONSTITUTION

- Right to have their dignity respected
- Right to privacy
- Right to freedom of expression
- Right to an environment not harmful to health and wellbeing
- Right of access to information
- Right to administrative action that is lawful, reasonable and procedurally fair

BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997

- Purpose of the Act is to ensure fair labour practices by establishing, enforcing and regulating the various basic conditions of employment

EMPLOYMENT EQUITY ACT 55 OF 1998

- Purpose of the Act is to achieve equity in the workplace by promoting equal opportunities and fair treatment in employment

EMPLOYMENT OF EDUCATORS ACT 76 OF 1998

- Purpose of the Act is to provide for the employment of educators by the state. And for the regulations of conditions of service, discipline, retirement and discharge

PERSONNEL ADMINISTRATIVE MEASURES (PAM) OF 2016

- Terms and conditions of employment for educators employed by the state
- Must be read with Employment of Educators Act (Sec 4)

THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000

- Fulfils the constitutional duty to ensure just administrative action

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

- Purpose is to provide for school education in SA and in particular the organisation, governance and funding of schools
- The preamble affirms the purpose to promote
 - an education climate that is conducive to effective teaching and learning
 - with the commitment to combat unfair discrimination and intolerance,
 - to uphold and safeguard human rights and to promote diversity

NOW THE QUESTION

- Does the principal have the right to demand teachers to teach other subjects?
- Short answer : YES



LONG ANSWER

YES, because the core purpose of the principal in any South African context:

1. Leading teaching and learning in the school;
2. Managing quality and securing accountability;
3. Developing and empowering self and others;
4. Managing the school as an organisation;
5. Managing human resources (staff) in the school; and
6. Managing and advocating extra-mural activities.

CONDITIONS

- Request must be lawful
- Must be reasonable
- Is the teacher capable to teach the other subjects
- Involves a task that truly needs to be done.
- A child's best interests are of paramount importance in every matter concerning the child (Constitution Sec 28(2))
- In the best interest of the school

AND THE HOD?

- In term of the PAM document (2016)
- To advise the principal regarding the division of work among the staff in that department (par 3.3.1).
- To assist with the planning and management (par 3.4.1)
- act on behalf of the principal during her/his absence from school if the school does not qualify for a deputy principal or in the event both of them are absent (par 3.4.3)

AND THE DEPUTY

- To assist the principal in liaison work with all organisations, structures, committees, groups, etc. crucial to the school.
- To guide and supervise the work and performance of staff and, where necessary, discuss and write or countersign reports.(Par 3.4.1).
- To participate in agreed school/educator appraisal processes in order to regularly review their professional practice with the aim of improving teaching, learning and management. (Par 3.4.2)

CAN YOU REFUSE?

- Good motivation
- Discussion
- Lawful reason to refuse

- Refuse without a good reason – can be regarded as insubordination

INSUBORDINATE

- The Collins Concise Dictionary defines “insubordinate” as “not submissive to authority, disobedient or rebellious”.
- **It is the refusal of an employee to bow to the authority exercised reasonably by the employee’s superior.**
- This could include conduct such as:
 - **Refusal or intentional failure to obey reasonable and lawful instructions,**
 - Comments such as “You have no authority over me”, and
 - Telling the manager to get what he/she wants from someone else.

"WHAT THE
TEACHER IS,
IS MORE
IMPORTANT
THAN WHAT
HE TEACHES."

KARL A. MENNINGER

BE TRUE TO YOUR
CALLING

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