



OFFICE OF THE ACTING DDG: CORPORATE SERVICES

Steve Vukile Tshwete Complex, Zone 6 Zwelitsha, 5608, Private Bag X0032, Bhisho, 5605 REPUBLIC OF SOUTH AFRICA:
Enquiries: **MR. S. MNGUNI**. Tel: 040 608 4028, Email: sihle.mnguni@ecdoe.gov.za
Website: www.ecdoe.gov.za

TO : ALL DISTRICT DIRECTORS
ALL EMPLOYEES IN THE DEPARTMENT
ALL EMPLOYEES IN SPECIAL SCHOOLS
ALL PRINCIPALS IN SPECIAL SCHOOLS
ALL LABOUR UNIONS
ALL SGB'S IN SPECIAL SCHOOLS

FROM : ACTING DDG: CORPORATE SERVICES

DATE : 28 JANUARY 2022

SUBJECT : PAYMENT OF HISTORICAL OVERTIME AND UNPROTECTED INDUSTRIAL ACTIONS IN SPECIAL SCHOOLS AROUND BCM

1. PURPOSE

1.1 This memorandum is meant to:

- 1.1.1 update employees in Special Schools on progress made thus far around payment of historical overtime owed to them;
- 1.1.2 call upon all Special School employees around BCM who have participated in unprotected industrial action since the opening of schools and have engaged in activities that prevent access to the said schools, to return back to work and refrain from any unlawful actions that infringe on the constitutional right of learners to education.

2. PROGRESS

2.1 The process of collecting, verifying and collating data on employees who have worked overtime for some years has taken more time to be finalized than originally anticipated. This could be attributed to the state of readiness in providing accurate records that in many instances dates back to more than five years. the cause for engaging in overtime that is outside of the regulatory framework is further complicated by staff shortages and the absence



of norms and standards for the provision of support staff in special schools. As a response to this challenge the Department has developed draft norms and standards which are currently being consulted upon with relevant stakeholders including employees in special schools and unions. The process is at an advanced stage. The Department is also in the process of ensuring that future overtime work is compliant with relevant legislations and policies. Individual school principals and HR units in districts must work collaboratively in ensuring that overtime to be worked is authorised and necessary procedures are observed including costs to be associated with therein.

- 2.2 The Department is working with Provincial Treasury ensuring that this payment is processed as soon as possible. Provincial Treasury has agreed to release the code subject to the Department submitting a signed spreadsheet detailing each payment to be made. This has been done. The Department is now waiting for Provincial Treasury to finalise its verification processes before the actual payment is done. The Department believes that this process will not take much time, hence our call to all employees to return to their normal work duties.

3. UNPROTECTED INDUSTRIAL ACTION AND UNLAWFUL ACTIVITIES

- 3.1 In as much as the failure of the Department to honour its obligation to pay this overtime on time is not condoned and is viewed as highly regrettable, affected employees should remain sensitive to the constitutional right of children to access education. The right to strike is regulated through the Labour Relations Act and as such employees are expected to comply at all times with the provisions of that Act.
- 3.2 It is disheartening to learn that in some special schools around BCM vulnerable learners, together with educators, non striking employees and the general public are prevented from accessing school premises. This act is unlawful and must be stopped with immediate effect.
- 3.3 All employees in special schools are called upon to resume with their official duties as early as Monday, 31 January 2022.
- 3.4 District officials and school principals must inform parents of the contents of this memorandum and ensure resumption of schooling activities.
- 3.5 We hope that the contents of memorandum will be complied with and on our part as the Department, we are going to work around the clock to ensure that this overtime is paid to all qualifying employees.



Once more we call upon our employees to be patient with us, be sensitive to the right of other people and return to work by Monday, 31 January 2022.

Yours in Education,

S. MNGUNI
ACTING DDG: CORPORATE SERVICES

28/01/2022

DATE