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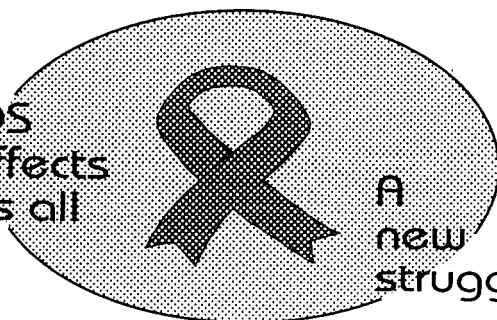
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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

AIDS
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DEPARTMENT OF HEALTH

REGULATIONS REGARDING THE ROLE OF MANAGERS PRIOR TO STRIKE ACTION

The Minister of Education, after consultation with the Council of Education Ministers and trade unions contemplated in section 5 of National Education Policy Act, 1996 hereby makes regulations in terms of section 35, read with section 4(1) and 4(2) of the Employment of Educators Act, 1998 (Act No. 76 of 1998) as set out in the Schedule.

Minister of Education

SCHEDULE

REGULATIONS REGARDING THE ROLE OF MANAGERS PRIOR TO STRIKE ACTION

Chapter 1: Application of the regulations

Definitions

1. In these regulations, the definitions of the Act apply and, unless the context indicates otherwise -
 - (i) “managers” means all public school principals, heads of colleges, further education and training institutions, adult basic education and training centres, early childhood developmental centres, all office based educators, heads of districts, circuits or regions; and
 - (ii) “strike action” means a strike as provided for in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995).

Scope of applicability

2. These regulations apply to all heads of public schools, colleges of education, technical colleges and other colleges, further education and training institutions, adult basic education and training centres, early childhood developmental centres and to all office based educators.

Chapter 2

Responsibilities of managers

3. The employer, through its appointed managers, has the responsibility to ensure the functioning of public schools, colleges of education, technical colleges and other colleges, adult basic education and training centres, further education and training institutions and early childhood development centres, as well as offices in which office based educators are employed, even during strike action.
4. The managers act on behalf of the employer to ensure the smooth running of institutions in which they are employed.
5. Notwithstanding their right to participate in strike action and other trade union activities, managers must, in the performance of their management

responsibilities, communicate in advance their intention to participate in such action called by the union through a notice of intention to embark on such action.

Chapter 3

Procedure to be followed by managers prior to strike action

6. Written notice of the intention to participate in the strike must be given by managers to the office of the employer at the management level immediately above their own in accordance with regulation 7, in order to enable the employer to make arrangements to meet its constitutional obligation to provide education.
7. Within 48 hours of the notice of intention to strike being served by a union, all managers shall indicate in writing, to the district or regional office of the employer, their position regarding participation in the intended strike action.
8. The district or regional managers shall communicate the written responses of managers, within 24 hours of receipt of such notices contemplated in regulation 6, to the Head of Department, or to the Director-General, as the case may be.
9. The employer shall make whatever arrangements are necessary in order to fulfil its mandate, including the temporary appointment of managers where necessary prior to the strike, by means of a letter of appointment.

Chapter 4

Procedure during strike action

10. A manager who does not participate in strike action must continue to perform his or her normal designated functions, include those listed in regulation 13.
11. Where an educator from within the institution is identified and appointed by the employer as contemplated in regulation 9, to act as manager, such appointed educator must perform the duties of the manager, including the functions identified in regulation 13.
12. Where the manager within a particular institution give notice in terms of regulation 6, an individual from outside that institution, identified and appointed by the employer in terms of regulation 9, shall perform the duties of the manager including the functions listed in regulation 13.

13. Every manager contemplated in regulations 10 to 12 shall-
- (a) keep an accurate record of the situation at the institution;
 - (b) **maintain** a register, as prescribed in regulation 14;
 - (c) organise the learners in such a manner that there is effective control;
and
 - (d) take responsibility for the management of the institution.
14. Every manager shall keep a register in which-
- (a) the names of educators participating or not participating in the strike action for the duration of such a strike action, shall be recorded;
 - (b) an indication of the exact number of days, including parts of a working day, during which no service was rendered as a result of the strike action;
 - (c) the attendance of learners during the period of the strike action;
 - (d) any form of violence or intimidation during the strike action including but not limited to, the names of individuals involved in such violence or intimidation; and
 - (e) any damage to property including the names of persons suspected of having caused such damage in instances where such persons are known.
15. Failure to comply with these instructions, to communicate timeously with the employer as provided in these regulations, or to implement these prescribed procedures, will result in disciplinary action in accordance with the Employment of Educators Act, 1998 (Act No. 76 of 1998). r

Short title

16. These regulations are called the Regulations regarding the Role of Managers prior to Strike Action, and will come into operation on the date of publication thereof.