CHAPTER TWO

THE THREE-DOMAIN MODEL OF LITERATURE WITH FOCI ON EDUCATOR WORKLOAD

2.1   Introduction

In Chapter Two, I intend to briefly describe the approaches I used to gain access to the available literature. Thereafter, I shall present my three-domain model of literature with foci on educator workload. The first domain of the model focuses on a review of international literature. The second domain of the model focuses on South African literature dealing with educator workloads and in the third domain I expound the most recent and pertinent education labour law and other relevant law, which relates to my research question.

2.2   Approaches Used in the Literature Search and Review

I initiated the literature search by implementing all the electronic search methods available at the university's library, which included a search of books, reports and journal articles, published internationally and in South Africa. I also accessed the Internet by means of a "Google" search using the keywords in the title of my study, namely governing body, expectations, teacher/educator workloads and labour law. I learned that one of the more effective means of accessing valuable additional literature was to examine the bibliographies of the books, reports and journal articles I had accessed in my original search. My intention was to include only literature based on the findings of authentic empirical research conducted by scholars worldwide, which would lend more credibility to my literature review. I discovered countries such as Canada, United States, England, Australia and New Zealand are at the so-called "cutting edge" of empirical research into educator workloads. South Africa, by contrast, has conducted limited empirical research on this topic, particularly in the educator labour law context.

During the process of compiling and writing the literature review, I decided to apply the first two categories mentioned in an article by Boote & Beile (2005:8), namely coverage and synthesis, which they believe are the essential elements of a good literature review.

2.2.1   Category 1 - Coverage

The term "coverage" implies that the researcher must justify the inclusion and exclusion of literature. The researcher must determine the topicality, comprehensiveness, relevance, currency, availability and authority of the literature.

2.2.2   Category 2 - Synthesis

In this category, the researcher is required to examine the literature to distinguish between what has been done and what needs to be done. In respect of coverage and synthesis, a preliminary literature review of governing bodies provided me with valuable information regarding different aspects of school governing bodies. A significant portion of the literature dealt with the functions, duties and responsibilities of governing bodies and the main features of effective governing bodies.

These, to a large extent, indicate what policy-makers intended governing bodies to do. The relationship between the principal and governing body has also been researched by numerous scholars and receives adequate attention in both international and South African publications.

The relationship between educators and the governing body has not been comprehensively investigated in the literature. One or two references at most emphasise the importance of a positive relationship between educators and governing bodies. I was unable to locate any literature, which specifically dealt with the expectations that members of school governing body members hold of educators.

2.3   First Domain: International Literature with Foci on Educator Workload

In the first domain of my literature review, namely the discussion of the international literature, I accessed the work of scholars who have published findings of numerous empirical investigations focusing on educator workloads. Some of the findings of these empirical investigations were, however, not pertinent to my research question as they primarily focused on the physical and psychological effects of educator work overload, such as educator burnout and stress. There was, however, sufficient literature available that linked education reform strategies to the intensification of educators' workloads.

2.3.1 The Three-Domain Model of Dinham & Scott

The empirical investigations of Dinham & Scott (2000:3-14) hold particular significance for this research since they specifically address the increased expectations that society is at present placing on educators.

They report their findings on a series of studies conducted internationally, specifically in Australia, England, New Zealand and the USA and which arose from the "Teacher 2000 Project", which was intended to measure, among others, the levels of job satisfaction and dissatisfaction among educators.

A key outcome of the project was the development of a **"three-domain model"**, which highlights the ways in which societal based factors influence educator career satisfaction, dissatisfaction and stress.

Table 2.1   Summary of the Three-Domain Model of Dinham & Scott

DOMAIN	FOCUS AREA
1.Macro Level	The rush to reform education in an effort to improve teaching outcomes and learner performance
2. Micro Level	A series of related studies, which questions whether imposed reform strategies have had a positive or negative effect on educational outcomes and educator well-being
3. The Third Domain	Factors outside the control of educators and schools

The model's first domain is situated in **The Macro Level**, which focuses on **"The Rush to Reform Education"**. In the countries mentioned, the 1980s was characterised by "a rush of simultaneous, educational reconstruction in an effort to improve teaching outcomes and learner performance". Dinham & Scott (2000:2) refer to Beare (1991:13) who claims that these reforms did not begin as curricular changes but very quickly honed in on the control and governance of schools. In short, the reforms were seen to be political since they tended to target the management of schools. This resulted in an almost universal trend towards school-based management.

In South Africa's historical and political context prior to 1994, the administrative structures of education were based on four separate education administrations, namely; the House of Assembly (HOA) for "White" education, the Department of Education and Training (DET) for "Black" education, the House of Delegates (HOD) which administered "Indian" education and the House of Representatives (HOR) which controlled education for "Coloured" people. In the early 1990's, the Minister of Education in the House of Assembly consulted parents

regarding the type of racial integration they needed to consider for their traditionally "whites only" schools. Parents' selection of a particular model for racial integration in schools paved the way to a new approach to school governance (Review of School Governance, 2004:28). The new approach to school governance resulted in the "model C" school initiatives.

However, far-reaching reform strategies were duly imposed on the South African education system following the 1994, post Apartheid, democratisation of South Africa. The implementation of the South African Schools Act, No 84 of 1996, provided parents with a mandate in a decentralised system of school-based management by providing the legal framework for the formation of school governing bodies. According to Beare (1991:20-24), the key question arising from the emphasis on reform, restructuring, managerialism and politicisation is the degree to which these pressures have influenced classroom educators and teaching.

The Micro Level of Dinham & Scott's model contains **"A Series of Related Studies"**, which questions whether imposed reform strategies have had a positive or negative effect on educational outcomes and educator well-being in general. In New South Wales Australia, during 1994-1995, qualitative researchers interviewed the partners of fifty-seven educators who had resigned from teaching. The open-ended structured interviews were designed to explore the circumstances leading up to the educators' resignations and whether they thought teaching influenced family relationships. Findings revealed that there were various sources of educator job satisfaction and sources of educator job dissatisfaction. There was consensus that the greatest source of satisfaction was clearly learner achievement and educator accomplishment. Relationships with superiors and educational employers, along with the social standing of educators in society were found to be common sources of dissatisfaction.

Two of the sources of dissatisfaction mentioned by Dinham & Scott (2000:7), which are particularly pertinent to this research, include changes to school responsibilities and management as well as "increased expectations placed by society on schools and educators to solve the problems society seemed unwilling or unable to deal with".

Principals and other school executives who had resigned referred to a conflict of roles, which arises from the need to provide educational leadership while managing and marketing schools in a competitive climate (Dinham & Scott, 2000:5).

Dinham & Scott (2000:8-9) also conducted similar follow-up studies to determine how teaching influences educators' family relationships. They

broadly concluded that the major concern for both educators and their partners focused on the increase in workload, particularly administrative workload. In addition, extra-curricular obligations were seen to impinge on family life. There was also a clear feeling that community expectations had increased in recent times and concern for the additional "social welfare" burden that educators and schools now have to carry. The community was perceived as being more critical and less appreciative of educators and schools.

Dinham & Scott (2000:10) furthermore conclude with a comment on **"The Third Domain"** which they claim is largely outside the control of educators and schools:

> Knowing the nature, features and intensity of different educational contexts is potentially of great value in understanding how educators and school executives regard their world of work and in predicting how successful or deleterious proposed educational change is likely to be. Like all change, educational change has brought with it intended and unintended consequences.
>
> Some of the new expectations and responsibilities placed on schools and some of the changes wrought have been reasonable and overdue, while others, in the view of many educators, have been intrusive, unreasonable and potentially damaging.

In my opinion, the strength of this report lies in the fact that it reports the findings of an internationally conducted empirical investigation. Although the contexts within which the replication studies were conducted differed from country to country, the methods and data collection instruments, namely structured, open-ended interviews, were the same for all the participants. This implies that the findings may, to a certain extent, be considered reliable and repeatable.

A weakness of the findings, however, is that the study did not appear to take the different class and societal contexts within each country into account. One might be tempted to conclude that since the findings of the replication studies were similar for all educators in the different countries and contexts, these findings may likewise apply to South African educators in the South African context. One must consider the possibility that although the findings appear to apply to schools in middle-class contexts, they may not apply to elite private schools or to schools in the rural or poverty-stricken areas of our country.

2.3.1.1 The Implications of Decentralisation for Schools

In South Africa, one of the positive effects arising from decentralisation and the transfer of authority and power to the school community is that parents are afforded rights and provided opportunities to exert a greater influence over their children's education, a right denied some under the Apartheid system. The Preamble of the South African Schools Act, No 84 of 1996, clearly clarifies the aims of this legislation. It was intended to firstly provide for a uniform system for the organisation, governance and funding of schools. Secondly, it was intended to redress the past system of education, which was based on racial inequality and segregation. Thirdly, it aimed at providing and education of progressively high quality for all learners.

However, in their comparative study of education reform in mainland China and Hong Kong, Chan & Mok (2001:34) hold certain reservations concerning the effectiveness of decentralisation as a quality agent. They cite Tyler, 1985 and Tam & Cheng (1997) who assert:

> This strategy of school-based management is based on a particular model of organisation and administration, which assumes that decision-making, is rational, and can be carried out in an orderly manner through decentralisation. Yet in reality, in most cases, school management is subject to the political realities and constraints that are present in each school and in its relations with the school sponsoring body and the education department.

Chan & Mok's view of decentralisation may be interpreted from the perspective that stakeholders in education should not hold excessively high expectations of decentralising initiatives as instruments of improving the quality of education. Chan & Mok (2001:34) state this notion explicitly in their comment, "Indeed, there are serious problems with the managerial approach to education quality when dealing with the human and political dimensions of organisational settings".

A second dimension to the implementation of decentralisation and school-based management, which I need to explore, reveals that these initiatives have also brought about a tendency towards what some educational scholars refer to as **"new managerialism"** as well as a global trend toward educational **"marketisation",** concepts which I shall elaborate on in the following sections.

(i)   New Managerialism

One of the more prominent implications of decentralisation for schools worldwide is that governments have shifted the responsibility of financial management and supplementing the school's income to school governing bodies. Taylor (2001:369) discusses four key areas of reform that the Conservative Party introduced in order to develop choice and diversity in English and Welsh schools. The second key area may be compared to similar reform initiatives in South African schools following the 1994 democratic elections. The reform initiative Taylor refers to reads:

> The second key area of reforms was the introduction of delegated budgets and management under the legislation on Local Management of Schools (LMS). This allowed schools to decide for themselves how their budgets would be spent.

Similarly, in the South African context, Section 36 (1) of the South African Schools Act, No 84 of 1996 states, "A governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to all learners at the school". Consequently, it appears that some but not all schools have evolved into organisations basing themselves on and pursuing business principles. In other words, schools have become self-managed in most aspects of management, hence the term "new managerialism".

The notion of managing the school according to business principles links with the third type of governing body in Roos' typology, namely the type that operates according to a **corporate discourse** where members of the governing body view themselves as boards of directors that, as in any other enterprise, have the job of setting the direction of the school. In this model, the principal is the Chief Executive Officer (CEO) with the responsibility of day-to-day operations (Review of School Governance, 2004:98).

I propose that in order to fulfil the governance and management functions prescribed by SASA, Section 36 (1) effectively, school governing bodies are required to hone their entrepreneurial, financial management, budgeting and marketing skills and think of creative ways to supplement the school's income. One of my concerns in this regard is whether the persons who have been selected by the parent community to serve on school governing bodies possess the necessary knowledge, skills and competencies required to fulfil their school governance roles efficiently and effectively. To justify my view I cite Caldwell (1999:6) who states:

Education is being transformed, albeit unevenly and at a varying pace from a producer-led, planned system to one more guided by its multiple stakeholders. Required competencies change and more advanced, specialised skills are called for.

Furthermore, in their debate, which focuses on the capacity of the layperson in school governance, Robinson, Ward & Timperley (2003:264) cite Levin (2001) who avers:

The capacity required for performance of legislated governance functions is high in both New Zealand and England, since both jurisdictions have devolved responsibility for staffing, buildings, budgets and many aspects of the programme of teaching and learning.

Similarly, in the South African context, parents are called upon to account for the efficient governance of schools. The Review of School Governance (2003:10) elaborates on the financial and educational competencies parents are expected to demonstrate when serving as members of school governing bodies. These include among others:

- A working knowledge of the South African Schools Act (SASA) and the Constitution as well as the laws and regulations that pertain to education, governance and labour law.
- A precise knowledge and understanding of the manner in which schools work.

However, my concerns appear to be unfounded as Apple (2001:415) raises an entirely different type of concern regarding managerialism in the middle-class by citing Ball et al., (1994):

Middle-class parents have become quite skilled, in general, in exploiting market mechanisms in education and bringing their social, economic and cultural capital to bear on them. Middle-class parents are more likely to have the knowledge, skills and contacts to decode and manipulate what are increasingly complex and deregulated systems of choice and recruitment.

In light of the definition of the concept "middle-class", which I provided in a previous section (See § 1.3.5.1), I concur with Apple's view that middle-class parents appear to possess the necessary knowledge, skills and competencies required to fulfil school governance roles efficiently and effectively. Yet, I also wish to argue that stakeholders may need to guard

against over-zealous members of school governing bodies who fit the profile of the third category of Roos' typology, namely:

> Governing bodies, also mainly found in ex-HOA schools, where the discourse is essentially that of micro-management. These governing bodies operate like **boards of control**. (Review of School Governance, 2004:98).

In justifying my concern, I draw on Chan & Mok (2001:30) who claim that the force of managerialism and marketisation is closely related to a heightened concern for the quality of services. I equate the concern for the quality of services with parent expectations, which may increase when middle-class parents expect increased quality of services from schools and educators alike.

Power's (1997:348) view on this discourse is compelling for principals and educators who are the professional stakeholders of schools:

> The new budgetary responsibilities, which come with self-management status together with the imperatives of central government evaluations, appear to be increasing the workloads for head teachers and principals as they undertake the administrative duties that would previously have been performed at other levels of the system.

In the discussion regarding managerialism in schools, I have shown the dichotomy that exists in parental involvement in South African schools. Parents who may appear to be members of Creese & Earley's Supporters Club and Abdicators (See § 1.3.2), who are disconnected from school communities and entrust most of the decision-making and management functions to the principal and educators, place high demands on educators and therefore hold increased expectations of educators. Likewise, parents who fit the profile of Creese & Earley's Adversaries (See § 1.3.2), who appear over-involved in the school and who experience difficulties in perceiving the boundaries that exist between school governance and the professional management of the school, may similarly place high demands on educators and hold increased expectations of them.

(ii) Marketisation

In regard to marketisation, Ball, in (Bowe, Ball & Gewirtz, 1994:38) avers that education markets "can be exploited by the middle classes as a strategy of reproduction in their search for relative advantage, social advancement and social mobility". I concur with Ball's analysis, as it is

plausible that schools situated in middle-class contexts may compete with each other in the same market and may need to develop sophisticated marketing strategies to attract parents and learners, who are the potential customers. I also aver that one of the reasons for vigorous marketing by schools in middle-class contexts is that some education departments allocate teaching posts and educators to schools according to their enrolment figures. Increased enrolment figures are also accompanied by an increase in income for the school.

To substantiate my claim, Simkins (2000:318) refers to a similar policy framework established in England and Wales under the Education Reform Act of 1988. Under these arrangements, "school governing bodies have been granted considerable powers to manage their own affairs, including the management of block budgets out of which the great majority of their resources must be funded. The funding mechanism is designed to provide schools with incentives to maintain and enhance their enrolment".

In addition, Coulson (1996:26) concludes that, "Competition and the profit motive must be re-introduced into education so that teachers and school administrators will once again have a powerful incentive to meet the needs of the children and parents they serve". In view of the theme of this study, I am of the opinion that these "needs' may be equated with the parental expectations I intend exploring.

Apple (2001:416) raises further concerns regarding marketisation in self-managing schools.

> As marketised, self-managing schools grow in many nations, the role of the school principal is radically transformed. More, not less power is actually consolidated within an administrative structure. More time and energy is spent on maintaining and enhancing a public image of a 'good school' and less time and energy is spent on pedagogic and curricular substance. At the same time, educators seem to be experiencing not increased autonomy and professionalism, but intensification.

Apple's concerns hold significant implications for this study theme since Apple explicitly links increasing marketisation to educator intensification in schools. It is also of critical concern that Apple in a sense admonishes schools for spending more time and effort on maintaining their "good school" image than on actual teaching and learning.

Apple (2001:417) cites Whitty et al., (1989) to emphasise the consequences of intensification.

Because of the intensification, both principals and educators experience considerably heavier workloads and ever-escalating demands for accountability, a never ending schedule of meetings and in many cases a growing scarcity of resources both emotional and physical.

Whitty's observation that intensification creates tension between educators' accountability and sense of professionalism on the one hand and their private lives and personal resources on the other hand, appears to confirm my working assumption that intensification of educators' workloads may hold negative effects for educators and learners, as well as for education.

2.3.2   The British Columbia Teachers' Federation Reports

Naylor & Schaefer (2002:33-36) summarise four reports by the British Columbia Teachers' Federation (BCTF) on educator workloads and stress. The data used in the article were obtained from two surveys of secondary school English educators.

The findings (2002:34) indicated that educators:
- Work more than 53 hours a week while school classes were in session,
- Devote the majority of their work time to preparation and marking,
- Report that workload has increased in recent years,
- Consider school organisation to play a major role in determining educator perceptions of workload,
- Report high and increasing numbers of students with special needs in their classes.
- Need to adjust their teaching methods to cope with workload pressures.

Data from the British Columbia Teachers' Federation Work life of Teachers Survey Series, 1: Workload and Stress (2002:35) indicate that educators have a heavy workload due to a variety of causes, including a large volume of work and a wide range of expectations from government, employers, school administrators and parents. In addition, educators identified four factors, namely time, resources, support and respect, which are essential for a manageable workload but which they felt were lacking. Naylor & Schaefer (2002:35) suggest, "Failure to address the issues of workload and stress may increase attrition as many respondents intended to seek other assignments or leave teaching altogether".

The findings of this research are significant in the sense that they highlight the fact that educator' workloads have intensified in recent

years. The increase in the volume of educators' work is attributed to increasing expectations from government, employers, school administrators and parents. This finding is particularly relevant as it refers to expectations, a key concept in this study. The only apparent disadvantage or weakness of these research findings is that the participants were secondary school educators, whereas this research focuses on primary school educators. It is possible that the workloads of secondary school educators differ from educators who teach at primary schools.

2.3.3   The Time-Use Study

In 2001, Naylor authored a further article addressing educator workload and stress. This article identifies and discusses data and analyses that were reported in international research and in current educational publications about educator workload and stress. Workload issues have been a concern for Canadian educators and trade unions during the last decade.

The Canadian Teachers Federation refers to the King & Peart (1992) study:

> For some educators the demands of teaching can be overwhelming. The workload has no well-defined limits. It is essentially open-ended. While contracts with boards appear to define expectations regarding teacher workload, contract terms represent minimum requirements. In response to the needs of every student, educators tend to do far more than is required and some try to do more than they can physically manage (King & Peart, 1992:182).

Naylor (2001:3) reports that a time-use study, in which educators were encouraged to record their time use in a diary, revealed that educators recorded their workweek at 52,5 hours, less than half of which was classroom instruction. It follows that educators were working ten and a half hours per weekday of which fewer than five hours were spent teaching. This implies that approximately 50% of an educator's working day was devoted to activities other than teaching and learning.

Although Naylor's report does not specify the nature of these activities, which constitutes one of the silences in the knowledge base, it does serve as support for one of my working assumptions, namely that educators in some contexts may be devoting more time to administrative duties, fundraising and extra-mural programmes than they did in the past. The

perceived intensification of their work leaves them less time for planning, preparation and teaching lessons and assessing learners' work.

Naylor (2001:4) furthermore refers to a study by Gallen et al. (1995b:55) who found that the list of roles that educators are called upon to perform on behalf of their students, schools and communities, is lengthy and diverse. Educators are, among others, expected to be counsellors, social workers, nurses, chauffeurs, fund-raisers, mediators, public relations officers and entertainers. Since all roles are important and educators are constantly pressed for time, they must often make difficult choices about their priorities.

For some educators, these decisions result in an ongoing sense of role conflict, often accompanied by a deep sense of guilt. The role conflict experienced by educators is potentially important to my research since none of Naylor's above-mentioned roles, which are intrinsic to teaching receive any recognition in the National Education Policy Act, No 27 of 1996.

In this Act, the seven roles and associated competencies, which the state expects of competent educators in public schools, are identified and described. According to law, educators are expected to fulfil the following roles:
- Learning mediators
- Interpreters and designers of learning programmes and materials.
- Assessors
- Learning area, discipline and phase specialists
- Leaders, administrators and managers
- Scholars, researchers and lifelong learners
- Pastoral roles in their communities

In conclusion, Naylor emphasises the role conflict and competing priorities to which educators are constantly subjected.

2.3.4 The Work Intensification Thesis

Hargreaves' article (1992:87-108) takes a critical look at competing perspectives of the work intensification thesis by referring to the general theories of the labour process as outlined by Larson (1992:88), who makes the following claims regarding work intensification, namely that it:
- Leads to reduced time for relaxation during the working day, including no time at all for lunch,
- Leads to a lack of time to retool one's skills and keep up with one's field,

- Creates chronic and persistent overload, which reduces areas of personal discretion, inhibits involvement in long-term planning and fosters dependency on externally produced materials and expertise,
- Leads to reduction in the quality of service as corners are cut to save time,
- Creates scarcities of preparation time, and
- Is often mistaken for professionalism.

Hargreaves and his colleagues conducted research on the work intensification thesis (1992:90).

The first set of issues arising from their data concerned the changes, pressures and increased expectations that many educators had experienced in recent years. They found that accountability to parents and administrators increased the sense of pressure for a number of educators. One educator, whom they interviewed, stated that, "At this school we have parents who are very demanding as to what kind of program their children are getting, how it's being delivered and how papers and tests are marked".

In addition to such demands, Hargreaves also suggests that increased accountability has led to an increase in paperwork and time spent attending meetings, conferences and workshops, which offers strong support for the intensification thesis. Hargreaves (1992:94) furthermore claims that many of the demands and expectations in teaching seemed to come from within the educators themselves. Educators appeared to drive themselves with almost merciless commitment in an attempt to meet the virtually unattainable standards of pedagogical perfection they set for themselves. In some cases, work became almost an obsession.

Hargreaves also refers to research conducted by Apple (1992:89) who claims that there is a proliferation of administrative and assessment tasks, lengthening of the educator's working day and elimination of opportunities for more creative and imaginative work. Apple points to one particular effect of intensification on the meaning and quality of educators' work, namely reduction of time and opportunity for educators to show care for and "connectedness" with their students, because of their scheduled preoccupation with administrative and assessment tasks.

In the conclusion of his article, Hargreaves (1992:104) states that heightened expectations, broader demands, increased accountability, more "social work" responsibilities, more meetings, multiple innovations and increased amounts of administrative work are all testimony to the problems of chronic work overload. He does, however, point out that intensification may not have an impact on all educators in the same way.

Hargreaves' article may be considered significant as it draws attention to the consequences of increasing educator workloads. One of the more important consequences, which he mentions, is the reduction in the quality of service, which is one of the key issues I intend to address in this study.

2.3.5   The Job Demands-Resources Model

Hakanen, Bakker & Schaufeli (2005:496-497) used the Job Demands-Resources Model in a study on educator stress and burnout.

In their empirical research, they concluded that stress is the result of a disturbance in the equilibrium between the high job demands to which employees are exposed and the resources they have at their disposal. The job demands to which they refer include physical, psychological (i.e. cognitive or emotional), social or organisational aspects of the job that require sustained effort. They argue that teaching is traditionally viewed as a profession with high commitment and can be viewed as a calling. However, they suggest that efforts aiming at the reduction of job demands to prevent burnout should be of primary concern for schools and other organisations.

Hakanen, Bakker & Schaufeli's model draws attention to the possibility that educators may increasingly suffer from burnout and stress if the balance between the demands of teaching and educators' personal physical and psychological resources is not restored. This implies that the demands placed on educators need to be assessed and possibly addressed.

2.3.6   The Work-Life Conflict Study

Similarly, Robertson (2002:1) reports on the results of the Health Canada Study on "Work-Life Conflict" which confirms that health workers and educators are "the most committed, overworked, stressed and politically maligned workers in the country".

The Nova Scotia Teachers' Union reported that more than 80% of their members felt rushed every day and did not have time to reflect on their teaching and work collaboratively with peers. A survey conducted by the Canadian Teachers' Federation in 2001 determined that educators' assigned workloads had become heavier and that educator fatigue and burnout have gone global. They call this the inevitable consequence of schools' becoming "high commitment work systems" that devour their employees' time, minds and hearts.

Robertson's report highlights the fact that Canadian schools have evolved into systems that require high levels of commitment from educators. I assert that South African schools situated in middle-class contexts have followed a similar pattern of development.

2.3.7 Riccio's Educator Expectations

Riccio (2001:43) addresses the debate on educator expectations. He claims that we should train educators to have realistic expectations of themselves and their profession. He believes that if we prepare educators to have expectations of performance that are almost impossible to meet in today's classroom, we sow the seeds for eventual and early burnout.

Riccio (2001:44) refers to a book authored by Freudenberger (1980) who suggests that burnout is the result of the differences between expectations and observations in the work setting. It is also important that educational expectations be tempered by the constraints of the work situation. As early as 1980, Freudenberger stated, "The truth is that frequently the constraints in the environment are such that many educators are literally doing the most that can be rationally expected of them".

Educators who teach at schools situated in middle-class contexts may in future need to assess the expectations they hold of themselves to determine whether their expectations are realistic and achievable in practice. They may also need to contemplate whether the apparent increase in their workloads can be attributed to an overly responsive sense of professionalism or to the increased expectations of parents.

2.3.8 Summary of the First Domain: International Literature with Foci on Educator Workload

In the fist domain of my literature review, I presented the findings that emerged from international empirical studies, which focus on the intensification of educator workload. The three-domain model of Dinham & Scott holds particular significance for this study as it probes the political and societal-based factors, which appear to affect educator workload. Firstly, the Macro Level focuses on the virtually global "rush of simultaneous, educational reconstruction in an effort to improve teaching outcomes and learner performance". Secondly, in the Micro Level, Dinham & Scott present the findings that emerged from a series of related studies, which question whether imposed reform strategies have had positive or negative effects on education and educators. Thirdly, in the Third Domain, they examine factors outside the control of educators, which have had an influence on the work-life of educators.

In the first domain of my review of the international literature relevant to my study theme, I furthermore referred to the global trend toward educational "marketisation" and "new-managerialism", which appear to emanate from decentralisation and which have sparked a heightened concern for the quality of services, financial and entrepreneurial management and competitive markets in education. I probed the implications that these trends may hold for schools and educators in the South African middle-class context.

In addition, I used Naylor's Time-use study to emphasise issues of educator workload and related stressors as well as the continual role-conflict many educators appear to experience owing to competing priorities and time-constraints.

I included Hargreave's Work Intensification Thesis, which examines issues concerning the changes, pressures and increased expectations that many educators have experienced in recent years. The Job Demands-Resources Model of Hakanen, Bakker & Schaufeli studied concerns about educator stress and burnout, Robertson's Work-Life Conflict Study confirmed that educators are among "the most committed, overworked, stressed and politically maligned workers in the country", while Riccio's Educator Expectations addresses the debate on educators' personal expectations regarding their professional performance.

2.4   The Second Domain: South African Literature with Foci on Educator Workloads

In this second domain of the literature review, I shall present a discussion on South African literature pertaining to educator workload.

2.4.1   The Educator Workload in South Africa Study

In the review of South African literature on educator workloads, I refer to a recent study entitled Educator Workload in South Africa conducted by the Human Sciences Research Council (HSRC) for the Education Labour Relations Council (ELRC). The study focused entirely on the hours that educators actually spend on their various activities. Closed and open-ended survey questions indicated that about three in four educators felt that their workload had increased significantly since 2000. Educators also indicated that they suffer from stress as a result of continual policy change. They indicated that the following factors have an impact on their workload (HSRC, 2005:x):
- The assessment, planning, preparation, recording and reporting requirements of outcomes-based education (OBE) constitute a major burden and need serious attention;

- The number of learning areas for which there are no resources or educators places strain on educators and schools;
- Class sizes and related issues of overcrowding, staff shortages and inadequate classrooms have an impact on whether and how well workload is managed;
- The Integrated Quality Management System (IQMS) increases workload;
- Numerous departmental requirements add to workload, especially that of principals;
- Norms and standards for educators and policy aimed at mainstreaming learners with barriers to learning intensify work.

In addition to indicating the factors that have an impact on educator workload, the Educator Workload in South Africa study (HSRC, 2005:x) compared the number of hours that educators spend on their different activities with national policy. The findings that emerged from the data indicate that there is a gap between policy and practice. The comparative data revealed that educators spend less time overall on their teaching activities than the total number of hours specified by policy (HSRC, 2005:xi).

There is, however, evidence to suggest that schools and educators vary considerably in terms of how they respond to and manage workload pressures. The national averages reported in this literature tend not to consider some important differences. Among these are:
- Significant differences exist between urban, semi-rural and rural schools. Educators in urban schools generally spend more time on teaching and administration than their counterparts in rural schools. They also spend the most time on guidance and counselling. Educators in rural schools spend more time on professional development and pastoral care than educators in urban areas. Educators in semi-rural schools spend more time on extra-curricular activities.
- Differences arising from South Africa's history exist in different types of schools. Generally, educators in former white (HOA) schools tend to spend more time on activities than educators in other schools for various reasons.
- Gender appears to influence the amount of time that male and female educators spend on various activities. Female educators spend more time than male educators on core duties such as teaching, planning and preparation. Male educators spend more time than female educators do on non-core duties.
- Foundation Phase educators spent more time, teaching, preparing and planning than educators in the Senior Phase (HSRC, 2005:xii).

The findings of the report on Educator Workload in South Africa (HSRC, 2005:x) provide evidence that the Outcomes-Based Education (OBE) requirements for continuous assessment, planning, preparation, recording and reporting are the single most contributing factors to increased workload. In addition, the Norms and Standards for Educators and policy aimed at mainstreaming learners with barriers to learning intensify educators' work. Furthermore, the report (2005:xiii) suggests that, "either policy is out of line with realities or that demands on educators are so extreme that the overall effect is for work to be less well managed ands less effectively done than it could be". It therefore encourages further research into educator workload in South Africa. It states that, "More research can also be done to establish the relationship between internal and external accountability regimes and alignments in South African schools" (2005:xiv). This is precisely one of the aims of this study.

2.4.2 Chisholm & Hoadley's Report on the Educator Workload in South Africa Study

In this report, Chisholm & Hoadley (2005:1) raise questions concerning the results of the Educator Workload in South Africa study (See § 2.4.1) and probe potential contextual explanations for the increase in educator workloads. They maintain, "Teachers across the board report that workload has increased, but teachers in formerly White and Indian schools report more time on their tasks than teachers in formerly African schools, especially in rural areas" (2005:2). This finding supports one of my assumptions namely that educators who teach at schools located in middle-class contexts are expected to manage comparatively heavier workloads than teachers in the lower socio-economic strata of South African society.

In their report, Chisholm & Hoadley (2005:3) firstly discuss two accountability regimes, the Integrated Quality Management System (IQMS) and Outcomes-Based Education (OBE) together with the Revised National Curriculum Statement (RNCS), which they aver have "greatly expanded the external requirements of educators".

2.4.2.1 The Integrated Quality Management System (IQMS)

Chisholm & Hoadley (2005:3) report that the IQMS (See § 2.5.1.5) was an agreement reached in the Education Labour Relations Council in 2003, which was intended to integrate the Developmental Appraisal System (DAS), the Performance Management System that was agreed to in April 2003 and the policy on Whole School Evaluation.

Chisholm & Hoadley (2005:3) explain that from a political-historical perspective, the IQMS was a measure taken by government to replace the former system of school and educator inspection, which existed in schools during the Apartheid era and which had become dysfunctional in Black schools owing to judgemental and autocratic forms of educator appraisal. The IQMS would assist in endeavours to reconstruct the education system and redefine the roles and functions of educators. The idea of performance management as a means to evaluating educators was introduced.

However, Chisholm & Hoadley (2005:7) report, "implementation of IQMS had hardly begun in 2005 when conflicts emerged between educator unions and the Department of Education over the role of the Department. It also constituted a significant source of dissatisfaction in the Educator Workload Survey conducted in 2005".

2.4.2.2   The Revised National Curriculum Statement (RNCS)

Government's intention with the introduction of the RNCS was not only to eliminate racist and sexist elements from the curriculum but also to streamline the curriculum in order to make it more understandable in South African classrooms (Chisholm & Hoadley, 2005:7). In addition, the main emphasis of the Assessment Policy of 1998 was on assessment and administration. The idea was that educators would assess learners' work continuously throughout the year and store the evidence of the learners' performance and assessment in learner portfolios.

The implementation of the RNCS however, has had far-reaching consequences for the workload of South African educators. Chisholm & Hoadley (2005:13) succinctly summarize:

> The curriculum-related administration overload was directly related to the assessment, reporting and recording requirements of outcomes-based education and the number of learning areas that educators are expected to teach.

One of the conclusions reached by Chisholm & Hoadley (2005:18) regarding educator workload is that there are essentially three tiers of accountability. The first is the sense of responsibility of the individual teacher. The second encompasses the collective expectations of parents, educators, learners and administrators while the third revolves around organisational rules, incentives and implementation mechanisms (Carnoy, Elmore & Siskin, 2003, 4).

2.4.3   Morrow's Report: What is Teachers' Work?

Morrow's explication of what an educators work entails, although not based on empirical studies as such, offers meaningful insights into the work-life of educators, which is one of the main themes of this study. Morrow's report (2005:2) refers to the website he discovered concerning a National Agreement in the United Kingdom, signed by employers, government and unions in January 2003, called "Raising Standards and Tracking Workloads". This agreement was an "acknowledgement that schools have to deal with a number of issues", amongst which were:

* Workload is the major reason cited by educators for leaving the profession
* Over 30% of an educator's working week prior to the National Agreement was spent on non-teaching activities
* Educators generally had a poor work/life balance.

Morrow (2005:2) furthermore reports:

> At the heart of this Agreement is a concerted attempt to free teachers to teach by transferring to support staff administrative and other tasks not intrinsically related to teaching. Cutting unnecessary burdens on teachers is essential to ensuring a valued and motivated teaching profession.

I assert that stakeholders in education may need to assess the validity of Morrow's statement should they, in the future, decide to investigate educator workload in contexts other than those investigated in the Educator Workload in South Africa survey. Morrow's (2005:12) concluding comment appears ominous yet significant to this study theme:

> If we continue to muddle the formal and material elements of teaching, we will continue to produce teachers who will be faced with a suicidal workload, and lack the professional autonomy and flexibility that is and will increasingly be required in the rough and volatile world in which we try to achieve the ideal of providing quality education for all.

2.4.4   Govender's Policy Images and the Contextual Reality of Teachers' Work in South Africa

In this section, I briefly refer to Govender's critique of the reports that pertain to educator workload advocated by among others, Chisholm & Hoadley and Morrow. Govender comments, "Thus, a big piece of the puzzle that appears to be missing is a broader contextualisation of

teachers' work". Furthermore, the following citation from Govender's critique serves as justification for this study:

> Although the papers make fleeting references to the double-edged ideological contestation of unionism and professionalism underpinning teacher-state relations, there is an overall silence on how the invoking of one or the other in the context of school micro-politics, can mediate the nature of teachers' work. Unpacking current debated relating to unionism and professionalism could thus offer an additional lens to deepen our understanding of teachers' work (Govender, 2005, 2).

In this study, I intend to add a small piece to the puzzle surrounding the nature of educators' work and partially try to explain some of the silences that exist in the knowledge base of the nature of educators' work in schools situated in South African middle-class contexts.

2.4.5   Summary of the Second Domain: South African Literature with Foci on Educator Workloads

In the second domain of my literature review, namely South African literature that focuses on educator workload, I firstly referred to the Educator Workload in South Africa survey, which was intended to assess the nature of educators' work in South Africa. I included Chisholm & Hoadley's report on the findings of this survey specifically in terms of the effects of the Integrated Quality Management System (IQMS) and the Revised National Curriculum Statement (RNCS). Morrow's insights into the nature of educators' work have a bearing to the theme of this study while Govender's critique of Chisholm & Hoadley and Morrow's insights provides a measure of justification for this study.

2.5   The Third Domain: The South African Education and Labour Law Context

In this section, I shall present a narrative reflection on prevailing education law, education labour law and other relevant law, which may apply to educator workloads. In commencing the review of the literature in respect of legislation, I shall firstly explain the sources of education and labour law. Bray (1989:70) states that the sources of the legal rules and customs pertaining to education are legislation, common law and case law. Bray (1989:70) asserts that legislation is by far the most important source of the law of education and can be classified into parliamentary and administrative legislation. We also refer to legislation and statutory or written law.

2.5.1 Statutory Law

Statutory law comprises national legislation, which has been promulgated in Parliament. Statutory law includes the Constitution of South Africa, various Acts, policies, proclamations issued by the Minister of Education and signed by the State president, regulations, circulars and minutes distributed by the Education Department. It would be appropriate to commence the discussion on South African education and labour law by firstly referring to the Constitution of the Republic of South Africa, Act No 108 of 1996 as it is South Africa's supreme law.

2.5.1.1 The Constitution of the Republic of South Africa, Act No 108 of 1996

The Constitution of the Republic of South Africa, Act 108 of 1996, is the supreme law of the country. This means that no law or any other Act may be inconsistent with any provision contained in it. Squelch (2000:9) emphasises that most provisions in the Constitution are entrenched, which means they are guaranteed and may only be changed in Parliament following a prescribed procedure. The Bill of Rights, located in Chapter 2 of the Constitution, comprises a list of all the fundamental human rights, many of which apply to education, specifically to schools, educators and learners.

It is imperative that all educators be conversant with these rights in order to protect not only their own rights but more importantly the rights of all role-players in education. I assert that knowledge of the following fundamental human rights, among others, is indispensable for educators:

- Section 10   The right to human dignity

This section provides that all persons have inherent dignity. In the teaching context, this would mean that educators must ensure that they do not infringe on learners' rights to dignity by insulting, criticising or humiliating them.

- Section 12   The right to freedom and security of the person

Educators need to ensure that learners are not deprived of their freedom without a just cause, detained without a trial, tortured in any way and not treated or punished in a cruel, inhuman or degrading way.

- Section 14   The right to privacy

The consequences of this right are that educators may not seize or search the property or possessions of learners, such as school bags. Learners' letters may also not be intercepted and read.

- Section 28   Children's rights

Children have a right to among others, a name and a nationality from birth, to a family, parental care, basic nutrition, shelter and health care. Children must be protected from maltreatment, neglect, abuse, degradation and exploitative labour practices.

- Section 29   The right to education

This section provides that everyone has the right to basic education.

The Bill of Rights also includes fundamental human rights that apply in matters concerning labour relations and specifically to employers and employees such as Section 23(1), the right to fair labour practices and Section 33, the right to just administrative action. These rights naturally apply to all educators employed in schools in South Africa.

2.5.1.2   The South African Schools Act, No 84 of 1996

Government's primary intention with the promulgation of the South African Schools Act, No 84 of 1996, was to encourage all stakeholders in education to accept their responsibilities in regard to the organisation, governance and funding of schools. The South African Schools Act, No 84 of 1996, consists of 64 sections, one third of which deal directly with governing bodies while a further twelve sections refer to governing bodies. One may therefore deduce that Government views the roles and functions that members of school governing bodies fulfil as crucial to the quality and success of education in South African schools (Davies, 1999:58).

In the following section, I shall discuss the sections of SASA, which directly link to my study theme.

Section 16(1) of the South African Schools Act, No 84 of 1996 reads: The governance of a public school is vested in its school governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act. This section, should in practice, eliminate any misunderstanding regarding school governance and professional management, which may occur between members of school governing bodies and educators.

The school governing body functions specified in the South African Schools Act, No 84 of 1996, Section 20(1), which are related to, and may have an effect on educator workload, are as follows:

(a)   Promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school.

This is the overarching empowering provision concerning school governing bodies' right to expect educators to support their activities and act as their instruments. At the very least, this is a moral right.

(d)   Adopt a code of conduct for learners at the school.

Adopting a code of conduct creates work for educators since educators and parents need to work together in the formulation of agreed rules, which serve to regulate the conduct of learners.

(f)   Determine times of the school day consistent with any applicable conditions of employment of staff at the school.

The governing body decides the number of hours educators spend on the various activities that constitute the working school day.

(g)   Administer and control the school's property, buildings and grounds occupied by the school, including school hostels, if applicable.

Educators are often required to provide services that make it possible for governing bodies to implement this function.

(h)   Encourage parents, learners, educators and other staff at the school to render voluntary services to the school.

Educators may need to write letters to parents or contact them telephonically to encourage them to fulfil this function, which could increase an educator's administrative workload and decrease the amount of time available for teaching responsibilities.

(i)   Recommend to the Head of Department the appointment of educators at the school, subject to the Employment of Educators Act, No 76 of 1998 and the Labour Relations Act, No 66 of 1995.

The Act does not make them the educators' employer but often involves them in the appointment process such as the compilation of personnel interview schedules and attendance at interviews. Section 20(4) provides that, subject to the Labour Relations 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 Member of the Executive Council in terms of Section 3(1) of the Educators' Employment Act, 1994. In this case, the school, acting through its governing body, is the employer of such educators. Such educators are consequently expected to adhere to the agreements stipulated in their job descriptions, which the governing body compiled. Section 36(1) of SASA

contains a provision, which has a direct implication for the theme of this study. It reads:

> A governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to the learners of the school. This provision drives many of the actions and activities of a significant number of governing bodies to a large extent and which logically and in the spirit of the partnership contemplated in the preamble of the Act, gives rise to expectations with which educators should assist governing bodies.

This section explicitly states that educators are expected to assist members of school governing bodies in the execution of their duties. In this instance, section 36(1) specifically refers to the governing body function of supplementing the resources of the school to ensure the provision of quality education.

Another provision of SASA, which merits scrutiny, is Section 19(2), which reads as follows:

> The Head of Department must ensure that principals and other officers of the education department render all necessary assistance to governing bodies in the performance of their functions in terms of this Act.

Clearly, this subsection encourages educators to render assistance to governing bodies to enable them to exercise their rights and carry out their functions.

The discussion, which focuses on some of the provisions of the South African Schools Act, No 84 of 1996, allows one to draw the conclusion that educators are by law expected to assist members of school governing bodies in their various functions, which has the implication that educators need to be involved in the governance and professional management of their schools, which could play a role in the intensification of their workloads.

2.5.1.3   The National Education Policy Act, No 27 of 1996

Government's intention with the promulgation of the National Education Policy Act, No 37 of 1996, is clearly explained in the Preamble to the Act. Firstly, this Act is to provide for the determination of national policy for

education and secondly to provide for the determination of policy on salaries and conditions of employment of educators.

The National Education Policy Act, No 27 of 1996, which includes the Norms and Standards for Educators, Government Notice 82 of 2000, was published in the Government Gazette No. 20844 of 4 February 2000 in terms of Sections 3(4)(f) and (l). This Act describes and defines seven roles and associated competencies, which the state expects of competent educators in public schools. The Act states that the seven roles are described in a manner appropriate for an initial teaching qualification. The seven roles are:

(a) Learning Mediators
The educator will mediate learning in a manner, which is sensitive to the diverse needs of learners, including those with barriers to learning; construct learning environments that are appropriately contextualised and inspirational; communicate effectively showing recognition of and respect for the differences of others. In addition, an educator will demonstrate sound knowledge of subject content and various principles, strategies and resources appropriate to teaching in a South African context.

This section means that it is an educators' duty and responsibility to expose the learners in his/her care, all of whom have different intellectual and emotional capacities, to effective teaching and learning strategies so that quality instruction can effectively take place.

(b) Interpreters and Designers of Learning Programmes and Materials
The educator will understand and interpret provided learning programmes, design original learning programmes, identify the requirements for a specific context of learning and select and prepare suitable textual and visual resources for learning. The educator will also select, sequence and pace the learning in a manner sensitive to the differing needs of the subject/learning area and learners.

I assert that educators will require time and financial resources to design a variety of quality learning programmes and materials, which are needed to stimulate and interest learners and encourage them to learn effectively.

(c) Leader, Administrator and Manager
The educator will make decisions appropriate to the level, manage learning in the classroom, carry out classroom administrative duties efficiently and participate in school decision-making structures. These competences will be performed in ways, which are democratic, which

support learners and colleagues and which demonstrate responsiveness to changing circumstances and needs.

This section places emphasis on good classroom management and discipline, which are indispensable to effective teaching and learning. In the classroom context, educators need to be leaders, administrators and managers. They need to lead their learners by setting good examples, ensuring that all administrative duties and responsibilities are effectively carried out and manage the classroom environment so that effective teaching and learning takes place.

(d)   Scholar, Researcher and Lifelong Learner

The educator will achieve ongoing personal, academic, occupational and professional growth through pursuing reflective study and research in their learning area, in broader professional and educational matters and in other related fields.

I assert that to fulfil this role effectively, educators will require time and financial resources to engage in study and to conduct research in their professional field.

(e)   Community, Citizenship and Pastoral Role

The educator will practise and promote a critical, committed and ethical attitude towards developing a sense of respect and responsibility towards others. The educator will uphold the Constitution and promote democratic values and practices in schools and society. Within the school, the educator will demonstrate an ability to develop a supportive and empowering environment for the learner and respond to the educational and other needs of learners and fellow educators. Furthermore, the educator will develop supportive relations with parents and other key persons and organisations based on a critical understanding of community and environmental development issues. One critical dimension of this role is HIV/AIDS education.

This role requires educators to be involved in community and social issues, which spill over to the school and have a profound effect on teaching and learning, such as, among numerous others, HIV/AIDS.

(f)   Assessor

The educator will understand that assessment is an essential feature of the teaching and learning process and know how to integrate it into this process. The educator will have an understanding of the purposes, methods and effects of assessment and be able to provide helpful feedback to learners. The educator will design and manage both formative and summative assessment in ways that are appropriate to the level and

purpose of the learning and meet the requirements of accrediting bodies. The educator will keep detailed and diagnostic records of assessment. The educator will understand how to interpret and use assessment results to feed into processes for the improvement of learning programmes.

(g)   Learning Area, Discipline and Phase Specialists

The educator will be well grounded in the knowledge, skills, values, principles, methods and procedures relevant to the discipline, subject, learning area, phase of study or professional or occupational practice. The educator will know about different approaches to teaching and learning and where appropriate, research and management, and how these may be used in ways which are appropriate to the learners and the context. The educator will have a well-developed understanding of the knowledge appropriate to the specialism.

It is clear that the seven roles that the National Education Policy Act, No 27 of 1996 prescribes for educators, will demand a great deal of effort, sacrifice, financial input and time on the part of the educator, to fulfil effectively.

It may be significant to note that Morrow (2005:7) is particularly critical of the seven roles and associated competencies for educators defined in the Norms and Standards of the National Education Policy Act, No 27 of 1996. He argues that the roles are not context specific. The description of what it means to be a "competent educator" is context blind and therefore leads to the overload of educators. He believes that "it makes greater demands than any individual can possibly fulfil".

2.5.1.4   The Employment of Educators Act, No 76 of 1998

The Employment of Educators Act, No 76 of 1998 and the Personnel Administration Measures provide for the employment of educators by the State, for the regulation of the conditions of service, discipline, retirement and the discharge of educators. The Personnel Administration Measures (PAM) in Chapter A of the above-mentioned Act, form an important part of educators' conditions of service. Section 3 deals with the Workload of Educators and Section 4 deals with the Duties and Responsibilities of Educators.

The Personnel Administration Measures apply to all full-time educators that are school based, inclusive of primary, secondary and ELSEN (Education for Learners with Special Educational Needs) schools. They describe the core duties performed by educators both during a formal school day and outside the formal school day. They also state that each post level within a school has different duties and responsibilities,

encompassing core duties, but to a varying degree. Furthermore, there should be an equitable distribution of workload between the various post levels and within a post level, to ensure that one or two of the levels or an educator is not overburdened. The expectation is that every educator must be able to account for 1 800 actual working hours per annum.

The core duties listed under Section 3 of the Personnel Administration Measures of the Employment of Educators Act, No 76 of 1998 and entitled Workload of Educators, are the following:

(i)   During the formal school day
(aa)   Scheduled teaching time.
(bb)   Relief teaching.
(cc)   Extra and co-curricular duties.
(dd)   Pastoral duties (ground, detention, scholar patrol, etc.)
(ee)   Administration.
(ff)   Supervisory and management functions.
(gg)   Professional duties (meetings, workshops, seminars, conferences, etc.)
(hh)   Planning, preparation and evaluation.

(ii)   Outside the formal school day
(aa)   Planning, preparation and evaluation.
(bb)   Extra and co-curricular duties.
(cc)   Professional duties (meetings, workshops, seminars, conferences, etc.)
(dd)   Professional development.

My comments on the core duties listed above are as follows:

(a)   Teaching Time
The first core duty mentioned is teaching time, which is an educator's primary function and which refers to the scheduled teaching time allocated per learning area and post level.

(b)   Planning, Preparation and Evaluation
Planning, preparation and evaluation form an integral part of educators' teaching and learning duties and responsibilities and involve important and essential aspects such as planning the learning programmes, preparing individual lessons for different learning areas, assessment of performance and evaluation of learners' progress. In addition, educators are required to intervene and assist learners with learning difficulties and extend learners with a flair for learning.

(c)   Extra-curricular Duties

Extra-curricular duties receive high priority at many schools and refer to educators' involvement in and availability for school activities outside the classroom and outside teaching hours. These duties may include sports and cultural activities, fundraising events, meetings with parents and learners and committee work.

(d)   Pastoral Duties

These duties include playground duty, bus duty and scholar patrol duty, which educators perform and which serve to keep learners safe and secure in the school environment.

(e)   Administrative Duties

Educators are required to perform various administrative duties on a day-to-day basis, which may include the collection of money, taking register, medical emergencies, handing out newsletters and keeping various important records.

(f)   Classroom Management and Maintaining Discipline

Educators' supervisory and management functions centre on classroom management, the creation of positive teaching and learning environments and maintaining discipline.

(g)   Professional Development

Professional development requires educators to attend workshops, meetings and conferences in order to acquire new knowledge and skills in educational thinking, administration, management, vocational and technical areas. In this manner, educators are able to keep abreast with developments in their phase or fields of expertise.

Section 4 of the Personnel Administration Measures of the Employment of Educators Act, No 76 of 1998, entitled Duties and Responsibilities of Educators, expands on the following expectations that government holds of educators as follows:

(i)   Teaching

- To engage in class teaching, which will foster a purposeful progression in learning and which is consistent with the learning areas and programmes of subjects and grades as determined.
- To be a class teacher.
- To prepare lessons taking into account orientation, regional courses, new approaches, techniques, evaluation, aids, etc. in their field.
- To take on a leadership role in respect of the subject, learning area or phase, if required.

- To plan, co-ordinate, control, administer, evaluate and report on learners' academic progress.
- To recognise that learning is an active process and be prepared to use a variety of strategies to meet the outcomes of the curriculum.
- To establish a classroom environment, which stimulates positive learning and actively engages learners in the learning process.
- To consider and utilise the learners' own experiences as a fundamental and valuable resource.

(ii)   Extra & Co-curricular
- To assist the HOD to identify aspects which require special attention and to assist in addressing them.
- To cater for the educational and general welfare of all learners in his/her care.
- To assist the Principal in overseeing learner counselling and guidance, careers, discipline and the general welfare of all learners.
- To share in the responsibilities of organising and conducting of extra and co-curricular activities.

(iii)   Administrative
- To co-ordinate and control all the academic activities of each subject taught.
- To control and co-ordinate stock and equipment which is used and required.
- To perform or assist with one or more of other non-teaching administrative duties, such as:
-      secretary to general staff meeting and/or others.
-      fire drill and first aid
-      time-tabling
-      collection of fees and other monies
-      staff welfare
-      accidents

(iv)   Interaction with Stakeholders
- 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.
- To contribute to the professional development of colleagues by sharing knowledge, ideas and resources.
- To remain informed of current developments in educational thinking and curriculum development.
- To participate in the school's governing body if elected to do so.

(v)   Communication

- To co-operate with colleagues of all grades in order to maintain a good teaching standard and progress among learners and to foster administrative efficiency within the school.
- To collaborate with educators of other schools in organising and conducting extra and co-curricular activities.
- To meet parents and discuss with them the conduct and progress of their children.
- To participate in departmental committees, seminars and courses in order to contribute to and/or update one's professional views and standards.
- To maintain contact with sporting, social, cultural and community organisations.
- To have contacts with the public on behalf of the principal.

It is clear that the core duties of educators prescribed in section 3 of the Personnel Administration Measures of the Employment of Educators Act, No 76 of 1998, the duties and responsibilities of educators prescribed in section 4 of the same Act and the seven roles of educators prescribed by the National Education Policy Act, No 27 of 1996, are identical. Only the terminology used distinguishes the one from the other. All three these sections spell out what government expects of educators in terms of their work.

However, what appears not to have been stated explicitly in the Acts I have discussed, and which constitutes some of the gaps and silences in education and labour law, are specifications concerning the maximum number of hours or total time educators need to spend on certain roles and responsibilities. The only reference to the amount of time educators are expected to spend working, is evident in section 3 of the Personnel Administration Measures of the Employment of Educators Act, No 76 of 1998, entitled Workload of Educators, which specifies that every educator must be able to account for 1 800 actual working hours per annum.

Furthermore, certain sections are somewhat open-ended and therefore open to individual interpretation. Examples of three such omissions are the etc. added to pastoral and professional duties, which means that any type of activity may be added to the pastoral and professional duty list. In addition, the types of extra mural and co-curricular activities in which educators are expected to participate, are not explicitly stated. This means virtually any type of activity may be categorised as an extra or co-curricular duty and be added to the list. The consequences of these silences, gaps and omissions in education and labour law may ultimately play a significant role in the intensification of educator workloads.

In the next section, I discuss the Integrated Quality Management System (IQMS), which provides the criteria by which educators are appraised.

2.5.1.5 The Integrated Quality Management System (IQMS) for School-Based Educators

According to the Department of Education's document entitled Support Materials for Integrated Quality Management System (IQMS) Training, 2004, an agreement was reached in the Education Labour Relations Council (ELRC) in Resolution 8 of 2003 to integrate the existing programmes on quality management in education. The existing programmes were the Developmental Appraisal System (DAS) that came into being on 28 July 1998 as Resolution 4 of 1998, the Performance Management System that was agreed to on 10 April 2003 as Resolution 1 of 2003 and Whole-School Evaluation (WSE).

The purpose of Schedule 1 of the Employment of Educators Act, No 76 of 1998 is twofold. It firstly informs the IQMS where the Minister is required to determine performance standards for educators in terms of which evaluators rate their performance and secondly it prescribes the incapacity code and procedures for the poor work performance of educators.

The IQMS appraisal instrument for educators consists of seven performance standards. Each performance standard is associated with an expectation and a list of criteria, which the evaluator rates on a scale ranging from unacceptable to outstanding. I include the performance criteria rated as "outstanding", which is the ideal it is hoped educators will strive to.

Performance Standard: 1. CREATION OF A POSITIVE LEARNING ENVIRONMENT	
Expectation: The educator creates a positive working environment that enables learners to participate actively and to achieve success in the learning process.	
CRITERIA	**RATED OUTSTANDING**
(a) Learning Space	Organisation of learning space shows creativity and enables all learners to be productively engaged in individual and co-operative learning.
(b) Learner Involvement	Learners participate actively and are encouraged to exchange ideas with confidence and to be creative.
(c) Discipline	Learners are motivated and self-disciplined.
(d) Diversity	Educator uses inclusive strategies and promotes respect for individuality and diversity.

Performance Standard 1 expects the outstanding educator to be an outstanding classroom manager. The educator is expected to utilise classroom space effectively and to create an atmosphere that is

conducive to teaching, individual and co-operative learning, while taking the learners' diverse needs and backgrounds into account. The outstanding educator is expected to motivate learners to participate confidently and enthusiastically in learning activities. Moreover, the learners that the outstanding educator teaches will be well-disciplined and exhibit self-discipline.

Performance Standard: 2. KNOWLEDGE OF CURRICULUM AND LEARNING PROGRAMMES	
Expectation: The educator possesses appropriate content knowledge, which is demonstrated in the creation of meaningful learning experiences.	
CRITERIA	**RATED OUTSTANDING**
(a) Knowledge of Learning Area	Educator uses knowledge to diagnose learner strengths and weaknesses in order to develop teaching strategies.
(b) Skills	Educator uses learner-centred techniques that provide for acquisition of basic skills and knowledge and promotes critical thinking and problem solving.
(c) Goal Setting	Curriculum outcomes are always achieved by being creative and innovative in the setting of goals.
(d) Involvement in Learning Programmes	Excellent balance between clarity of goals of learning programme and expression of learners' needs interests and background.

Performance Standard 2 expects the outstanding educator to have a professional knowledge of the areas in which learners sometimes encounter learning difficulties and to utilise a variety of teaching and learning strategies to counteract these barriers to learning. The educator must set clear goals and make it possible for every learner to achieve not only the stated outcomes but also his/her maximum potential while taking each learner's needs, interests and background into account.

Performance Standard: 3. LESSON PLANNING, PREPARATION AND PRESENTATION	
Expectation: The educator demonstrates competence in planning, preparation, presentation and management of learning programmes.	
CRITERIA	**RATED OUTSTANDING**
(a) Planning	Lesson planning is abundantly clear, logical, sequential and developmental.
(b) Presentation	Outstanding planning of lessons that are exceptionally well structured and clearly fit into the broader learning programme. Evidence that it builds on previous lessons as well as fully anticipates future learning activities.
(c) Recording	Outstanding record keeping of planning and learner progress.

(d) Management of Learning Programmes	Excellent involvement of learners in lessons in such a way that it fully supports their needs and the development of their skills and knowledge.

Performance Standard 3 expects the outstanding educator to distinguish himself/herself in managing learning programmes. To achieve this expectation, the educator must plan and prepare all lessons with the necessary competence. Thorough year, term and daily planning will need to be logical, sequential, developmental and impeccably completed and implemented. The outstanding educator presents lessons in a lively and interesting manner, thus capturing and keeping the learners' attention then actively involving learners of all ability groups in related activities that will broaden their knowledge, sharpen their skills and inculcate values.

Performance Standard: 4. LEARNER ASSESSMENT AND ACHIEVEMENT	
Expectation: The educator demonstrates competence in monitoring and assessing learner progress and achievement.	
CRITERIA	**RATED OUTSTANDING**
(a) Feedback to Learners	Feedback is insightful, regular, consistent, timeous and built into lesson design.
(b) Knowledge of Assessment Techniques	Different assessment techniques are used to cater for learners from diverse backgrounds with multiple intelligence and learning styles.
(c) Application of Techniques	Assessment informs multiple intervention strategies to address specific needs of all learners and motivates them.
(d) Record Keeping	Records are easily accessed and provide insights into individual learners' progress.

Performance Standard 4 expects the outstanding educator to consistently monitor learners' progress and achievement, or lack thereof, by means of different assessment instruments and techniques, which will cater for multiple intelligences and learning styles, thus providing every learner with an opportunity to achieve success. The outstanding educator is also expected to provide constructive, positive feedback to every learner and keep accurate record of all assessment activities and their results.

Performance Standard: 5. PROFESSIONAL DEVELOPMENT	
Expectation: The educator engages in professional development activities, which is demonstrated in his/her willingness to acquire new knowledge and additional skills.	
CRITERIA	**RATED OUTSTANDING**
(a) Participation in Professional Development	Takes a leading role in initiating and delivering professional development opportunities.

(b) Participation in Professional Bodies	Takes up leading positions in professional bodies and involves colleagues.
(c) Knowledge of Education Issues	Is informed and critically engages with current education issues.
(d) Attitude to Professional Development	Participates in activities, which foster professional growth and tries new teaching methods and approaches and evaluates their success.

Performance Standard 5 expects the outstanding educator to be actively involved in acquiring knowledge and skills regarding the most recent developments in the field. Opportunities for professional growth and development need to be fully utilised by outstanding educators. It is also expected that leaders in professional development issues will take a leading role in professional organisations or bodies.

Performance Standard: 6. HUMAN RELATIONS AND CONTRIBUTION TO SCHOOL DEVELOPMENT	
Expectation: The educator engages in appropriate interpersonal relationships with learners, parents and staff and contributes to the development of the school.	
CRITERIA	**RATED OUTSTANDING**
(a) Learner needs	Adds value to the institution by providing exemplary service in terms of learner needs.
(b) Human Relations Skills	Demonstrates respect, interest and consideration for those with whom he/she interacts.
(c) Interaction	Conducts self in accordance with organisational code of conduct and handles contacts with parents/guardians in a professional and ethical manner.
(d) Co-operation	Supports stakeholders in achieving their goals.

Performance Standard 6 expects the outstanding educator to deliver exemplary service to not only learners in the school but also to the entire school community. The outstanding educator is expected to be an approachable person who has the interests of all persons at heart and who supports, interacts and co-operates with people to assist them in achieving their goals in life.

Performance Standard: 7. EXTRA-CURRICULAR PARTICIPATION	
Expectation: The educator participates in extra-mural and co-curricular activities and is involved in the administration of these activities.	
CRITERIA	**RATED OUTSTANDING**
(a) Involvement	Educator plays a leading role and encourages learners and staff to arrange and participate in activities.

(b) Holistic development	Educator is most successful in using these activities for the holistic development of learners.
(c) Leadership and Coaching	Leadership and coaching is at an exceptional standard.
(d) Organisation and Administration	Administration and organisation is outstanding.

Performance Standard 7 expects the outstanding educator to participate fully in the school's extra and co-curricular programme and to encourage all learners and staff to participate in extra and co-curricular activities. The exceptional educator is a person who is involved in the organisation, administration, leadership and coaching of activities, which assist learners to develop in a holistic, healthy manner.

It is clear that the seven performance standards with which educators must comply, and the expectations they need to meet in order to be appraised as "outstanding" are extensive and require high levels of effort and commitment on the part of educators.

2.5.1.6 The Basic Conditions of Employment Act, No 75 of 1997

This Act only applies to educators employed by school governing bodies in terms of the South African Schools Act, No 84 of 1996 and to educators employed by independent schools. The purpose of this Act is to ensure fair labour practices by establishing, enforcing and regulating the variation of various basic conditions of employment. Employers and employees may alter or vary the conditions provided in the Act by means of a collective agreement. The sections, which appear to be most relevant to this study theme, are Section 7, the Regulation of Working Time and Section 9, the Ordinary Hours of Work. Section 7 reads:

Every employer must regulate the working time of each employee-
(a)   in accordance with the provisions of any Act governing occupational health and safety;
(b)   with due regard to the health and safety of employees;
(c)   with due regard to the Code of Good Practice on the Regulation of Working Time issued under section 87(1)(a);
(d)   with due regard to the family responsibilities of employees.

Section 9 (1)(a), among others, limits the number of hours an employee is expected to render serves to 45 hours per week. Various other sections prescribe other conditions of employment such as restrictions on working overtime, remuneration for work rendered on a Sunday, meal intervals of 60 minutes after five hours of work, etc. However, I assert that none of

these basic conditions could ever be applied practically to educators owing to the unique nature of teaching.

2.5.1.7 The Labour Relations Act, No 66 of 1995

The primary purpose of the Labour Relations Act, No 66 of 1995, is to advance economic development, social justice, labour peace and the democratisation of the workplace. It furthermore seeks to promote orderly collective bargaining, employee participation in decision-making in the workplace and the effective resolution of labour disputes (Squelch, 1999:6). In other words, the Act gives effect to and regulates the fundamental rights conferred by Section 23 of the Constitution of South Africa, whereby, among others, (1) every person shall have the right to fair labour practices.

The implications of the Labour Relations Act, No 66 of 1995 for this study are that educators have the fundamental right to fair labour practices, which includes equity, equality and non-discrimination in employment, equal opportunities as well as to be protected from unfair dismissals.

The **Education Labour Relations Council** (ELRC) is a juristic council, which aims, among others, to maintain and promote labour peace in education and prevent and resolve labour disputes in education.

Similarly, the **South African Council for Educators** (SACE) is a statutory body that operates in terms of Act 31 of 2000. It controls access to teaching and administers a code of ethics with which all educators must comply. The SACE code of ethics describes the expectations and duties of educators in terms of their attitude and loyalty to the profession and their relationships with learners, parents, the community, colleagues and employers as well as their relationship with SACE. An educator who contravenes the code is liable to several sanctions by SACE including removal from the register that provides access to the profession.

In my review, analysis and discussions that focus on statutory law, I have shown that educators are subject to and bound by important legislation, rules and regulations, which govern and regulate their work, particularly in terms of their professionalism, conduct and the manner in which they perform their duties and responsibilities.

In the following discussion, I analyse a second source of education and labour law, namely common law.

2.5.2 Common Law

According to Bray (1989:70) common law is that part of our law, which we inherited from Roman-Dutch and English law. Our common law is generally referred to as unwritten law. Common law refers to the oldest form of law that has evolved over many years from norms and traditions held by people to create order and harmony in society and which are recognised and upheld in our courts. In the South African context, important legal principles are embedded in common law. The legal principles, which are most relevant to this study, are the Principles of Natural Justice which relate to maintaining discipline, the *in loco parentis* and Duty of Care principles, which both relate to educators' pastoral roles.

2.5.2.1 The Principles of Natural Justice

The Principles of Natural Justice, which have their origin in common law, require educators to implement the following steps when disciplining learners:

- The alleged offender – The educator must make sure that the person to be disciplined or punished is the alleged offender.
- The alleged offence – The educator must inform the alleged offender of the alleged offence. In other words, the educator must tell the learner the reason for the impending punishment by making it clear which school rule was broken (Prinsloo & Beckmann, 1988:289).
- The educator must apply the *audi et alteram partem* maxim, in other words the alleged offender must be given an opportunity to state his or her case.
- The educator must be objective and may not be biased in any way.
- The educator must consider only the relevant facts pertaining to the alleged offence.

All learners have a right to a fair hearing when facing possible punishment for contravening the school's code of conduct. Section 33 of the Constitution of South Africa ensures that all people enjoy the right to Just Administrative Action. Section 33(1) stipulates that every person has the right to administrative action that is lawful, reasonable and procedurally fair. Furthermore, Section 33(2) determines that every person has the right to be given written reasons for the just administrative action taken against him/her (See § 2.5.3.1).

Furthermore, it is significant that educators note that Section 12 of the Constitution of South Africa, which deals specifically with Freedom and Security of the Person also determines that every person has the right to freedom and security of the person, which includes the right not to be treated or punished in a cruel, inhuman or degrading way.

2.5.2.2 *In Loco Parentis* and Duty of Care

The principles, *in loco parentis* and Duty of Care are crucial to ensuring the safety and security of learners. One may ask, "To what extent must an educator cater for the educational and general welfare of all learners in their care?" According to law, educators stand *in loco parentis*, which literally means that an educator exercises custody and control over the child in the place of the parent. As a result, the common law principle of duty of care imposes an imperative command on educators to care for learners under their supervision. The law is specific about the way in which it expects educators to care for learners.

According to Prinsloo and Beckmann (1988:122), this standard of care is expressed in terms of the reasonable man, the *diligens paterfamilias*, which means an educator must care of a learner like a prudent and caring father of a family. An educator who has been negligent and who has not fulfilled his or her duty of care properly may be held liable for damages or harm sustained by a learner. In addition, the principle of vicarious liability states that the state, in its capacity as employer, may subject to certain conditions, vicariously accept responsibility for damages caused by an educator's negligence. In order to prove negligence, the courts will apply the **reasonable educator test**. Potgieter (2004:154) explains the reasonable educator test as follows:

> In the case of an expert such as an educator, dentist, surgeon etc., the reasonable person test is adapted by adding a reasonable measure of the relevant expertise. For such persons the test for negligence requires greater knowledge and care than would be expected from the "ordinary" reasonable person who does not possess such knowledge or expertise.

The reasonable educator test rests on the following pillars:

- Did the educator foresee any danger?
- If so, what steps did the educator take to prevent the danger and the harm from occurring?
- How did the educator ensure that the steps he or she took were enforced?

If the court finds that the educator failed to take these three steps, then the court could find the educator negligent, which could result in the educator's dismissal from the teaching profession. When a court applies the reasonable educator test, it requires the professional, prudent educator to:

- Be knowledgeable and skilled in the demands of the teaching profession
- Know the nature of the learner
- Know the dangers to which learners are exposed
- Not to be ignorant of the legal provisions pertaining to the teaching profession
- Not to be negligent.

Potgieter (2004:156) indicates an understanding of the extensive range of responsibilities educators need to fulfil in terms of their pastoral roles:

> The parental standard of care needed in a secluded and restricted home environment is ill-suited to deal with the supervisory functions necessary to ensure reasonable safety for often hundreds of children of various ages in extensive school building complexes, on vast school premises and sports fields, and in dealing with a huge variety of school and sports activities, equipment, vehicles, transport, etc.

Educators, however, need to particularly be informed of Section 28 of the Constitution of South Africa, which exclusively covers the rights of children. This section determines, *inter alia*, that every child has the right:

- To be protected from maltreatment, neglect, abuse or degradation Section 1(d),
- A child's best interests are of paramount importance in every matter concerning the learner (Section 2).

It is also of paramount importance that educators take cognisance of the fact that they may under no circumstances plead ignorance as a defence to a claim against them in a court of law. In the landmark case of S v De Blom 1977(3) SA 513(A) it was accepted by the Court that a person who involves himself in a particular sphere of activity must keep abreast of the legal provisions applicable to that particular sphere. In light of this ruling, "ignorance of the law is not an excuse" (Prinsloo & Beckmann, 1988:128).

In my review and analysis of some of the common law principles that are binding on educators and their work, I showed that educators are indeed not only expected but legally compelled to care conscientiously for all learners in their care at all school related events and functions.

In the following section, I review the third source of education and labour law, namely case law.

2.5.3   Case Law

Bray (1989:70) avers that case law in another important source of the law of education because it consists of the authoritative and binding decisions of the courts. In the following section, I shall discuss single court cases and court decisions, which may be of some significance to educators and their work.

2.5.3.1   Moletsane v Premier of the Free State and Another 1996 (2) SA 95 (OPD)

Squelch (1999:35) demonstrates, by means of the following court case, the importance of promoting fair labour practices by informing educators in writing of investigations concerning alleged misconduct against them.

In July 1995, an educator was suspended pending a departmental investigation into alleged misconduct. The letter that the Head of Education addressed to the educator informing her of the suspension read: "It has been decided in terms of S 14(2) of the Educators' Employment Act 138 of 1994, that you be suspended from duty, with salary, with immediate effect, pending a departmental investigation into alleged misconduct on your part". The letter did not elaborate on the reasons for the investigation. The educator, the applicant, contended that the letter she received did not constitute a valid notice of suspension since it did not stipulate the reasons for her suspension as specified under the fundamental right pertaining to Just Administrative Action 33(2) in the Constitution. This section reads: "Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons". The main legal question the court had to decide on was whether the letter sent to the applicant was a valid notice of suspension. The court held that sufficient reason had been furnished to the applicant. The court also indicated that the more drastic the action taken, the more detailed the reasons should be.

2.5.3.2   Knouwds v Administrateur, Kaap 1981 1 SA 544 (C)

By means of the following court case, Bray (1989:99) demonstrates the importance of educators supervising learners properly, in other words, fulfilling their Duty of Care.

The facts of this case centre on a claim for damages instituted by Knouwds on behalf of her daughter, Ester Louw. On this particular day, before school had commenced, Ester and her friend ran races on the lawn between the school buildings. Ester stumbled against the lawnmower where a labourer was busy mowing the lawn. Ester's finger was caught in the lawnmower's fan belt. The finger had to be amputated on account of

the seriousness of the injury. At the time of the accident, the caretaker was approximately thirty metres away from the scene, on his way to the administrative offices. Knouwds alleged that the labourer, the caretaker and the school principal had acted negligently. The judge contended that mowing the lawn at that particular time, created unnecessary risk of injury to learners. In this judgment it was found that all three parties had acted negligently. Bray (1989:102) explains the authoritative legal principles that evolved from the judge's decision, namely that educators must bear in mind that learners often act impulsively and that the school has a special duty to ensure the safety of learners at play times.

2.5.4 Summary of the Third Domain: The South African Education and Labour Law Context

In the third domain of my literature review, I presented an analysis and discussion of the three sources of education and labour law, which are pertinent to this study. The first source of education and labour law I discussed was Statutory Law. Statutory law comprises authoritative sources and national legislation made by an organ of state. I commenced the discussion, by firstly referring to the supreme law of the Republic of South Africa, the Constitution. I explained the content and meaning of some fundamental human rights contained in the Bill of Rights and how they may be applied by educators in the context of schools and teaching.

In my discussion of certain sections of the South African Schools Act, No 84 of 1996, I demonstrated how the education authorities expect educators to assist the members of school governing bodies in carrying out certain governance functions and the impact this expectation could have on educators' workloads.

I briefly analysed the seven roles of educators, which are stipulated in the National Education Policy Act, No 27 of 1996, then clarified the workload of educators in Section 3 and the duties and responsibilities of educators in Section 4 of the Personnel Administration Measures (PAM) of the Employment of Educators Act, No 76 of 1998. I found that some of the duties and responsibilities are open-ended and not sufficiently specific in terms of what is expected of educators, which creates silences, gaps and omissions in the legislation that may be intentionally or unintentionally exploited by parents.

Thereafter, I discussed the Integrated Quality Management System (IQMS) and pointed out that the seven performance standards with which educators must comply and the expectations they need to meet in order to be appraised as "outstanding" are extensive and require high levels of effort and commitment on the part of educators.

I rounded up my discussion on statutory law and legislation, which is particularly relevant to the education context and this study with brief references to the Basic Conditions of Employment Act, No 75 of 1997, the Labour Relations Act, No 66 of 1995, the Education Labour Relations Council (ELRC) and the South African Council for Educators.

In my analysis and discussion pertaining to a second source of education and labour law, namely Common Law, I referred to *in loco parentis* and Duty of Care, two important legal principles, which govern the manner in which educators fulfil their pastoral and classroom management duties and responsibilities.

I concluded my analysis and discussion of the third domain of my literature review, the South African education and labour law context, by referring to the third source of law, namely Case Law. The two court cases I cited have specific bearing on the nature of an educator's field of work.

In the following sections, I address the implications that the three domains of the literature review hold for this study.

2.6   Implications of the Literature for my Research

In this section, I present a brief discussion in which I shall examine the implications of the literature for my research question, aims, working assumptions and methodology.

2.6.1   Implications of the Literature for the Research Question

The international and South African literature that I have reviewed and discussed in my three domain model that focuses on educator workload, hold significant implications for the research questions which guide this study.

The first domain comprising the review and discussion of the international literature dealing with education reform strategies, centralisation as opposed to decentralisation, marketisation, managerialism and their apparent contributions to the educator workload intensification thesis, link directly to the first research question, namely:

- What are the expectations of governing bodies with respect to educator workloads?

The second and third domains comprising the review and discussion of the South African literature on educator workloads, prevailing education,

labour law and other relevant law, link directly to the second and third research questions, namely:

- What are the rules and regulations governing educator workloads as established in prevailing education labour law and other relevant law?
- To what extent is there alignment or divergence between governing body expectations of educator workloads and what is expected within prevailing education labour law as it affects the work of educators?

In support of an implication that the second domain of the literature review appears to hold for the research question, I wish to cite from the South African literature reviewed in the report on Educator Workload in South Africa (Department of Education, 2005:42):

> The review of the international literature has examined literature on international norms, reasons for increased workload and the impact of workload. Reasons for increased workload include class size, the expanded roles of educators, professionalisation and intensification of work including increased curriculum and assessment demands, the growing accountability movement, salary and status and the beginning teacher syndrome. Studies on the impact of workload have also linked workload to school variables, educators' professional concept and student behaviour.

> One may view much of this literature as part of the wider 'change' literature, focusing on the impact of educational reform and restructuring in the last twenty years. These debates are well rehearsed in the South African literature, where many parallels have been drawn. However, neither this literature, important as it is in identifying the problem, nor the large number of unpublished theses by students that suggest that workload is a key concern, explicitly address the relationship of workload against national and international policy on workload or examines the latter in relation to actual workloads carried in day-to-day practice.

In view of this claim, this research aims to provide reliable, empirically based findings that will answer the research question and satisfy the silences and gaps in the knowledge base by examining educators' actual workloads in day-to-day practice and comparing it to national policy.

2.6.2 Implications of the Literature for the Aims of the Study

I expect that the literature I have reviewed will assist me to achieve the specific aims I set for this study, namely:

- To ascertain the expectations that governing bodies hold with respect to educator workloads.
- To identify and examine the rules and regulations governing educator workloads as established in prevailing education labour law.
- To determine the extent of correspondence or divergence between governing body expectations of educator workloads and what is expected within prevailing education labour law as it affects the work of educators.

I expect that the aims of this research will enable me to be conversant with the literature dealing with prevailing education labour law and that they will assist in providing me with partial answers to the research question. Conversely, I expect that the literature will support the aims of the research and guide the research process.

2.6.3   Implications of the Literature for the Working Assumption

Briefly stated, the claims I make in my working assumption are that members of primary school governing bodies situated in middle-class contexts tend to hold high expectations of educators and that such expectations regarding educator duties and responsibilities contribute to the intensification of educators' workloads and possibly high educator turnover. The first domain of my literature review, namely the discussion of the empirical findings of international scholars who have focused on educator workloads, positively supports my working assumption.

The Three Domain Model of Dinham and Scott (2000), Whitty's(1989) contributions in Apple (2001), Ball (1994), Naylor and Schaefer's BCTF Reports (2002), Naylor's Time-Use Study (2001), Hargreaves' Work Intensification Thesis (1992), Hakanen, Bakker and Schaufeli's Job Demands-Resources Model (2005), Robertson's Work-Life Conflict (2002) and Riccio (2001) address the debate on educator expectations and have empirically proved that educators' workloads have intensified over the past years.

The second domain of my literature review focuses on South African literature pertaining to educator workload. The Educator Workload in South Africa study conducted by the Human Sciences Research Council (HSRC) (2005) for the Education Labour Relations Council (ELRC) also confirms my working assumption that despite the fact that educators' workloads have intensified over the past few years, educators spend less time on teaching and learning duties and responsibilities than they do on other school activities. The findings that emerged from the data indicate that there is a gap between policy and practice. This supports my assumption that prevailing South African education labour law creates a

Chapter 2: The Three Domain Model of Literature with Foci on Educator Workload

space in which governing bodies could influence the workloads of educators. In doing so, they could militate against not only educators' rights to fair labour practices, but also children's rights and best interests.

2.6.4   Implications of the Literature for the Research Design and Methodologies

The literature I reviewed holds significant methodological implications for my research, specifically for my data collection methods and instruments.

In the first domain of the literature review focusing on international empirical research on educator workloads and work intensification, Naylor (2001:3) reports on a time-use study, in which educators were encouraged to record their time use in a diary. Similarly, in the second domain, the report on Educator Workload in South Africa conducted by the Human Sciences Research Council (HSRC) for the Education Labour Relations Council (ELRC) focused entirely on the hours that educators actually spend on their various activities. Researchers used closed and open-ended survey questions to calculate and determine the extent and nature of educators' workloads.

Both these reports focus on the number of hours that educators spend on their various duties, responsibilities and activities. Naylor found that educators tend to underestimate the actual time they spend on the various aspects of their day-to-day duties. The reality only becomes evident when they keep a written record of the time spent on activities as accurately as possible.

At the outset of my research and prior to the literature review, I had contemplated using a time-use diary as a data collection instrument to record the actual time that educators spend on their various duties, responsibilities and activities. I was persuaded when I accessed Naylor's report in the literature as it confirmed that a time-use diary is a means of obtaining reliable data concerning the nature of educators' workloads. The literature also suggests that meaningful data may only become available by means of qualitative research.

2.7   Conclusion of Chapter Two and Preview of Chapter Three

In Chapter Two, I presented and discussed my three-domain model of literature with foci on educator workload. I commenced the literature review with a brief description of the approaches I used to gain access to the available literature. Thereafter, in the first domain, I presented a review and discussion of the international literature with specific focus on educator workloads. In the second domain of South African literature, I

discussed the findings of a pertinent study conducted by the Human Sciences Research Council (HSRC) for the Education Labour Relations Council (ELRC). In the third domain, I included a review of the most recent and pertinent education labour law and other relevant law, which relates to my research question.

The reflection and discussion of my three domain model of literature with foci on educator workloads serves as evidence that educators' workloads have not only intensified in South Africa but also internationally. Various scholars attribute the intensification to different factors. Among these are global education reform strategies such as decentralisation and marketisation together with an increase in parental expectations of educators' responsibilities toward learners owing to societal factors. The third domain demonstrates that education law in South Africa places numerous expectations on educators in the form of duties, responsibilities and obligations, which are not specified and given sufficient attention to under education labour law. Furthermore, gaps and silences in education law and education labour law render such laws open to own interpretations, which may hold negative consequences for educators, learners and the quality of teaching and learning in schools.

In Chapter Three, I discuss the research design and methodology I used in the implementation of the research plan. Chapter Three also describes the procedures I followed in the data collection process.