

CHAPTER 3

POLICIES AND LEGISLATION INFLUENCING TEACHERS AND THE CULTURE OF LEARNING AND TEACHING

3.1 INTRODUCTION

After decades of apartheid, South Africa experienced the jubilation of the first non-racial elections in April 1994. One of the crucial challenges that the country faces is that, amongst other sectors of society, education is one of the most important and intractable issues in the new South Africa (Lemon 1995: 101). This means that the new democracy is faced with the reconstruction, against all odds, of a society and an education system left in ruins by apartheid. Since 1994, numerous changes have taken place in the education system in terms of the governance structures, curricula, and allocation of resources and funds, new policies and new legislation. In a document entitled *Education in South Africa: Achievements since 1994* (Department of Education 2001: 3) it is said that the governments' two imperatives have been to overcome the devastation of apartheid and provide a system that builds democracy.

As a result of this major aim of the government, as Jansen (2001: ix) points out, there has been a policy for everything from early childhood development to language in education to school finance to higher education, laws have been made, amended and re-made to give legal authority to formal policy. Changes in policy which includes the legislation and others are expected to filter down the hierarchy of the education system, that is from the national level to the school level (Sayed & Jansen 2001: 1). A major question, which has been posed by numerous academics and researchers, has been "how these policies (which are called official statements) are put in practice at school level (that is, the experiences of teachers and learners in schools) (Motala 1998: 6; Sayed & Jansen 2001: 1).

For instance, the implementation of Curriculum 2005 as one of the policies which were constructed after 1994 has been dodged with so much controversy from academics and researchers alike (Jansen & Christie 1999: 3). This policy is discussed in detail later. For the purpose of this study, the policy which is under the spotlight is the culture of learning and

teaching campaign which was launched in 1997. (See Chapter 2 section 2.3.1). Officially, this campaign was intended to provide schools with ready funding to improve their physical infrastructure, and raise levels of teaching and learning within the schools (Department of Education 2001a: 18). However, as Jansen (2001: 92) and Malcolm (2001: 207) mentioned that several major difficulties surfaced including a poorly defined operational environment, a high rate of staff turn-over especially among provincial project managers, an appointment policy which meant hiring people lacking capacity for leadership in such an innovative and complex programme. It became clear as Malcolm (2001: 207) points out that part of changing a culture is through a reconceptualisation of roles of different participants and stakeholders, and also the reconceptualisation of what professionalism means at all levels of the education system. This implies that from the national level, down to the school level, each person has to understand their roles, possess and demonstrate professionalism in the way that they carry out their duties. Since this study is more focused on teachers, Malcolm (2001: 205) points out that for many principals and teachers in South Africa, the basics of professional behaviour such as motivation to perform well, punctuality, planning, task completion and ethical behaviour are lacking.

As a result of the above-mentioned issues, one of the aims of this study is to determine the important role that teachers have to play in order to enhance COLT and the academic achievement of learners in schools. The government, through the Department of Education has introduced policies, has promulgated Acts, and formed professional bodies and other structures in order to improve, amongst others, the teachers' working conditions, motivation and professionalism. Teacher unions and organisations take care of the interests, concerns and grievances of teachers. At school level, teachers form part of the school governing body so that they can voice their opinions regarding daily issues in the school.

Hence, this chapter will deal with the following:

- Legislation such as the South African Constitution of 1996, Education Labour Relations Act of 1993, the Labour Relations Act of 1995, the National Education Policy Act of 1996, and the South African Schools Act of 1996, professional bodies,
- new policies and resolutions; as well as the COLTS campaign

- the role of the teacher unions and organisations in as far as teacher
- motivation, professionalism and COLT is concerned.

3.2 LEGISLATION

3.2.1 Introduction

The law gives particular recognition to the professional status of the teacher by awarding them certain rights, duties and responsibilities, and knowledge of relevant legal arrangements is a necessary prerequisite for a professional attitude (Bondesio *et al* 1989: 153). This implies that the law can help teachers to know their rights and also the rights of the learners. This can make teachers feel comfortable and recognized as members of society. There is legislation which is directly related to education and legislation that is not. The research will first of all begin with the legislation which is not directly linked to teaching, but has an impact on teachers as they form part of society. For instance, the Constitution entrenches a variety of rights which all South Africans are entitled to, such as the right to assemble, to demonstrate, and to picket and to present petitions (Section 17). Hence, the next section will discuss those sections of the Constitution that are relevant to this study only.

3.2.2 The Republic of South African Constitution of 1996, no.108

The Republic of South Africa Constitution no.108 of 1996 is the supreme law; hence all citizens are entitled to all rights, privileges and benefits which are entrenched in it. Teachers as a part of society also enjoy all the fundamental rights in the Constitution, for example, the right to:

- a) equality (section 9)
- b) human dignity (section 10)
- c) privacy (section 14)
- d) freedom of expression (section 16)
- e) assembly, demonstration, picket and petition (section 17)

- f) freedom of trade, occupation and profession (section 22)
- g) labour relations (section 23)
- h) education (section 29).

In the light of South African Council Educators' right to regulate the professional conduct of educators, it is also important that both teachers and SACE know their rights and limitations, so that both parties can be able to respect the teachers' fundamental rights such as freedom of expression, right to assembly, picket and petition, freedom of association, freedom of trade, occupation and profession, and labour relations (Joubert & Prinsloo 2001: 164). These sections of the South African Constitution are linked to the issue of teacher trade unionism discussed later in the chapter. Since the issue of trade unionism can be likely to have an impact on the educators' motivation and professionalism, sections 17, 18, 22 and 23 seem to be more relevant to the study in a sense that maybe one would have expected that with such provision, teachers may use the provisions to their advantage without losing their professionalism and motivation.

For the purpose of this study, sections 17, 18, 22, and 23 of the Constitution (1996) will be discussed in conjunction with other legislation such as the Education Labour Relations Act of 1993 which was later replaced by the Labour Relations Act of 1995, and also the Educators Employment Act of 1998.

According to the South African Constitution, No.108 of 1996, page 13, Section 29,

Everyone has the right

- a) *to a basic education, including adult basic education; and*
- b) *to further education, which the state, through reasonable measures, must make progressively available and accessible.*

This means that the Constitution recognises that everyone has a right to basic education and it is the responsibility of the state to ensure that everyone receives basic education. For example, the state must see to it that enough schools are built and maintained, teachers are trained and paid, books and other materials for the schools are purchased, and that good

standards of education are maintained (Potgieter, Visser, Van der Bank, Mothata & Squelch 1997: 5). Thus, in order for the state to achieve this, teachers play a

primary role, and it is very crucial for them to know what the state and society expect of them. The state can achieve this goal by employing qualified, motivated and professional teachers who can improve the performance of learners and enhance COLT.

Another section of the Constitution (Section 28) states that 'a child's best interests are of paramount importance in every matter concerning the child'. This means that the governance of a school, the manner in which teachers conduct themselves, the subject matter taught and other important issues in education must at all times be in the best interest of the learners.

The Constitution also protects every person's fundamental human rights, that is learners, educators, parents and everyone involved in school education. It is worthwhile for teachers to know that as much as the Constitution considers the learners' best interests, they are also protected by the fundamental human rights. That is why they have freedom of association, they also have a right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions. This in a way can motivate teachers to know that they have rights too, then they are much likely to work hard to enhance the performance of learners. These sections which are discussed are supposed to motivate teachers to perform their duties as expected and to help to enhance COLT in schools.

3.2.3 Education Labour Relations Act 1993, no.146

The advent of the Education Labour Relations Act (ELRA) no.146 of 1993 changed the nature of labour relations in education completely. It introduced the concept of fairness in education labour relations whereas the previous dispensation focused mainly on the correctness of procedures and the legality of actions and decisions (Potgieter *et al* 1997: 19). This concept of labour fairness is also supported by the Republic of South Africa's Constitution of 1996, section 33 which states "everyone has a right to just administrative action".

The ELRA is different from other labour relations legislation because:

- a) it defines for the first time the fundamental labour rights of employers and employees in the field of education;
- b) it defines unfair labour practices in education and prohibits them;
- c) for the first time education is given access to the Industrial court in cases of disputes
- d) regarding labour matters and the Act;
- e) educators are given the right to take industrial action including the right to strike lawfully, while employees are given the right under certain conditions to lock out employees;
- f) the Act makes provision for the Education Labour Relations Council (ELRC) which is a
- g) is a body in which both employer and employee organisations are represented. Negotiations take place in this council on matters of mutual interest to both groups;
- h) the Act provides for the resolution of disputes, through the use of arbitration and mediation;
- i) the Act provides for professional registration that will be handled by the South African Council of Educators which was formed in 1995 (Maree 1995: 45).

The promulgation of the ELRA (1993) was done in order to improve teachers' working conditions in a sense that, for instance, a teacher cannot be dismissed unfairly. In this case, teachers ought to feel more secure with their work and feel at peace. Then such teachers may work hard and become motivated because they know that the law is on their side. This can motivate teachers to show dedication and professionalism in their work. This can help teachers to develop a positive attitude towards their work, which will in turn enhance COLT.

3.2.4 Employment of Educators Act, no.76 of 1994/1998

The Act is directed towards the provision of employment of educators by the state, for the regulation of the conditions of service, discipline, retirement and discharge of educators and for matters connected therewith (Republic of South Africa 1998a: 1).

The first Employment of Educators Act, proclamation 138, was promulgated in 1994. The second, revised act commenced on 2 October 1998. This implies that the government through the Department of Education saw a need for teachers to know the law that governs their employment and working conditions. If teachers know the contents of this act, especially Chapter 5, which deals with the incapacity and misconduct of teachers, this can help them to change their attitude and work ethics. For instance, in Chapter 5, section 17(1)(d) the Employment of Educators Act, no. 76 of 1998 states that:

An educator shall be guilty of misconduct if an educator is negligent or indolent in the carrying out the duties attached to the educator's post.

(Republic of South Africa 1998a: 17).

This section could imply that it is an offence punishable by law for a teacher to neglect his/her duties, which include preparation for lessons, being punctual, delivering the lesson, disciplining learners, giving homework and marking the learners' work. In a way, the Educators Employment Act of 1998 can be said to enhance and promote teacher professionalism, especially through the establishment of the South African Council of Educators (SACE) which is the statutory body which has the right to regulate the teaching profession (Joubert & Prinsloo 2001: 144). In the light of SACE's right to regulate the professional conduct of educators, section 33 of the Constitution (1996) makes provision for just administrative action. According to Joubert & Prinsloo (2001: 145) this means that every educator has the right to:

- lawful administrative action when any of his or her rights are affected or threatened
- procedurally fair administrative action when any of his/her rights or legitimate expectations are threatened
- be furnished with reasons in writing for administrative action that affects any of his/her rights or interests, unless the reasons for such action have been made public
- administrative action that is justifiable in relation to the reasons given for it when his/her rights are affected or threatened.

This can imply that should somebody file an official complaint with SACE, and should SACE take action against the educator concerned for alleged misconduct, the actins should be procedurally fair. In a way, teachers can positively view such a situation since they know that there is a statutory body which is meant to look into their disciplinary and professional problems.

In addition, this Act deals with:

- a) the appointment, promotions and transfer of educators
- b) their terms and condition of service and employment
- c) secondment of educators
- d) the availability of educators
- e) termination of services – the discharge and resignation of educators
- f) misconduct, incapacity and disciplinary procedures

(Potgieter *et al* 1997: 19; Republic of South Africa 1998ba 2).

In a way, one can conclude that teachers need to feel motivated to know their rights and privileges as far as their employment is concerned. This could help them to motivate teachers perform their duties better and improve their professionalism, so that COLT can be restored in the schools.

3.2.5 The Labour Relations Act of 1995, Act 66

The Labour Relations Act (LRA) affects the rights and duties of employees, including educators and non-educator members of staff at schools. The Act regulates trade unions, their right to strike, promotes bargaining, procedures in the workplace and the participation of employees in decision-making (Potgieter *et al* 1997: 19; Joubert & Prinsloo 2001: 144). The Republic of South Africa's Constitution (1996: section (23) (1) states that "everyone has a right to fair labour practices" which can be through collective bargaining between the employer and employee representatives, and section (23) (2) adds that " everyone has a right to strike". In a way, both the LRA and the Constitution cater for teachers' rights as South Africans and employees.

Cooper, Lagrange & Pretorius (1997: 3) have listed the following aims of the LRA:

- a) To promote economic development, social justice, labour peace and democracy in the workplace
- b) To provide a framework for regulating the relationship between employees and their unions, and employers and their organisations
- c) To promote the right to fair labour practices and to form and join trade unions and employers' organisations, and
- d) To organise and bargain collectively.

The LRA improved the situation in the teaching field drastically. Before the advent of the LRA (1995) there was a Labour Relations Act of 1956 which did not apply to government employees including teachers (The rights and duties of educators 1997: 1). Educators were required to honour the fundamental rights of employees, but were bound to follow correct procedures and respect the principles of natural justice in all decisions and actions regarding employees. If an employee believed that he/she had been treated unfairly, help could be sought in the structures of the employer itself – that is 'so-called internal remedies'. For example, the teacher had to appeal to the Director or Minister of Education (The rights and duties of educators 1997: 2).

As a result, teachers need to be proud and feel a sense of recognition through these laws. This could help motivate them to perform their duties as expected for they know that if they are unfairly treated, they have a right to go to court or seek other remedies. In a way, teachers who know their rights may be motivated to help to restore COLT in schools, and thus enhance the learners' academic achievement.

3.2.6 National Education Policy Act, no. 27 of 1996

This Act makes it possible for the state to do the following:

- to provide for the determination of a national policy for education

- to amend the National Policy for General Education Affairs Act of 1984, so as to substitute certain definitions
- to provide afresh for the determination of policy on salaries and conditions of employment of educators and
- to provide for matters connected therewith (Republic of South Africa 1996b: 2).

This Act deals with a wide range of issues concerning the education system. These include management of education from the top down, funding of education, admission of learners in public schools, curriculum, educators and their employment and many other important aspects. For educators, the Minister may determine the national policy for:

- the ratio between educators and learners
- the professional education and accreditation of educators
- the minimum number of hours per day and days per year during which education shall be provided in education institutions
- co-ordination of the dates of school terms among provinces
- curriculum frameworks, core syllabuses and education programmes, learning standards, examinations (Republic of South Africa 1996b: 4).

This Act deals with teachers because they are also stakeholders in education. So, it is crucial for teachers to demonstrate their abilities and capabilities to perform well, as the state, which is the employer expects. Hence, motivation and professionalism is needed in their work. Their possession of these essential qualities can help to enhance COLT and improve the learners' performance.

3.2.7 South African Schools Act No.84 of 1996 (SASA)

The SASA aims to:

- provide for a uniform system for the organisation, governance and funding of schools
- amend or repeal certain laws relating to schools

- provide for matters connected therewith

(Republic of South Africa 1996c: 2)

According to Potgieter *et al* (1997: 6) SASA (1996) aims to:

- reverse the results of unfair discrimination that may still be present in the school system, for instance, the admission of learners to public schools [Section 5(1)]
- create and manage a new national school system which will give all South Africans an equal opportunity to develop their talent
- improve the quality of education of all learners e.g. there must be better facilities, better trained teachers, better methods of teaching and better school conditions,
- thus enhancing COLT in schools
- better motivated and disciplined learners who take their education seriously and to use opportunities that are now open to them – that is the culture of learning.

According to the South African Schools Act (1996) section 16, the governance of every public school is vested in its governing body. Governing bodies have statutory functions (article 20) and allocated functions (article 21). The following functions of the governing body are relevant to this study:

- a) **to adopt a code of conduct for learners at school (article 20; 1 (d));**

If a school has a code of conduct which has been adopted by the school governing body (SGB) and the code is properly enforced, that could help teachers to focus more on their teaching since they might be fewer discipline problems. Thus teachers could be motivated to teach and work hard since there is order and discipline in the school. In such a case, the culture of learning and teaching can be restored.

- b) **to support the principal, educators and other staff in the performance of their professional functions (article 20; 1 (e)).**

It could be motivating for teachers to know that the SGB pledges its full support to their

work which includes teaching, disciplining learners, extra mural activities and others. Even when they experience problems at school, they know that they have a legal body which is expected to support them. In addition, through SASA (act 84 of 1996) the majority of parents

in South Africa, especially those in townships and rural areas who have been denied a say in education of their children acquire the right to make inputs and influence school policy (Kgobe 1996: 3). Parents are part of the SGBs, which can imply that teachers are able to talk to parents and let them know the problems that they encounter on a daily basis regarding their children. In a way, such a situation can help teachers to know that parents can be able to help them especially in disciplinary problems.

Moreover, teachers are the agents of change which SASA aims to provide to all South Africans. Teachers need to be role models, better trained, motivated, disciplined and professional. The last two aims tend to focus more on teachers in a sense that as much as the Department of Education and other role-players have a stake in improving the quality of education for all learners, teachers are the ones who do the actual teaching. So as it is stated in the last aim, students also need to be motivated and disciplined so that teachers can be able to teach them. If learners would be better disciplined, that could make the teachers' job much easier, thus they would also be motivated to teach. In Chapter Two, Section 3(1) SASA says that every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year. If parents succeed in taking their children to school on that day only to find that teachers have not come to school, or they are present but not prepared to teach, this can be a waste of time for learners.

On the first day of the opening of schools, Minister Kader Asmal went to a number of township schools in Gauteng only to find chaos, teachers were late and others did not turn up for that day (Lekota 2000: 6). Hence, teachers need to know their responsibility and do their work as expected because a day without teaching is never regained.

The Constitution has been discussed in this section as part of legislation which is supposed to have a positive effect on teachers' motivation and general behaviour towards the profession.

The Constitution protects all citizens alike and everyone is supposed to enjoy all the rights entrenched in it. Therefore, teachers are supposed to be motivated to work better and help to enhance COLT and the teaching profession. The discussion of the other four Acts which are directly linked to education serves to show that the teaching profession is getting the recognition that it deserves. For instance,

- the Labour Relations Act regulates trade unions, their right to strike, promotes collective bargaining procedures in the workplace
- the Education labour Relations Act introduced fairness in education labour relations
- the Employment of Educators Act is aimed to provide for employment of educators by the state, for the regulation of the conditions of service, discipline, retirement and discharge of educators
- the National Education Policy Act makes it possible for the state to provide for the determination of national policy for education (Potgieter *et al* 1997: 290).

Therefore, one may expect teachers to be motivated to work harder since all matters regarding their employment and their work is taken care of by the law. However, this is not reflected in the results of their work. One of the indicators is the end of year matric results. Out of 5 500 high schools countrywide in 1999, 330 schools, have a 100% pass rates, nearly half of the schools (2 612) obtained a pass rate of below 40% and 1 056 schools scored less than 20% in the examination (Pretorius 2000: 17). This is an appalling situation, which needs urgent attention from all the stakeholders in education, including teachers. The enactment of legislation in education was done in order to improve the prevailing crisis in the education system, and teachers are expected to work hard in order to improve the situation.

The next section will discuss the policies and resolutions in education. The professional bodies and councils which are concerned with teachers will also form part of the next section.

3.3 PROFESSIONAL BODIES IN THE SOUTH AFRICAN EDUCATION SYSTEM

3.3.1 Introduction

A lot of discussion and debate has taken place regarding the question of whether teaching is a profession or not. Some people, especially authors, have agreed and disagreed on this issue in numerous books (Lemmer & Badenhorst 1997: 5). In South Africa, this phenomenon has caused confusion amongst a lot of people as teachers embark on strikes as a means of solving their grievances. The teachers' participation in strikes and demonstrations has left a lot of people asking themselves whether teachers are professionals or workers. In an attempt to defend teachers, Bengu (1996: 7) pointed out that the founding of the South African Council of Educators (SACE) implies that "the mother of all professions will become truly professionalised".

The establishment of professional bodies in education can help to motivate teachers and enhance their attitude towards teaching. For example, the four bodies discussed in this section have the following functions:

- SACE plays a central role in the facilitation and promotion of professional development of educators for example, keeping a register of teachers, providing a code of conduct (Republic of South Africa 1998b: 27)
- Education Labour Relations Council (ELRC) represents teachers in negotiations which concern the working conditions of teachers e.g. remuneration, conditions of service, pension, sick and other funds (Maree 1995: 46)
- South African Qualifications Authority (SAQA) is to create an integrated national
- framework for learning achievements (Republic of South Africa 1995: 36).

Each of these professional bodies has a specific function as has been outlined briefly above. Hence, it is believed that teachers may be motivated to work harder and develop positive attitudes towards teaching because they will know that there are professional bodies

monitoring their work and also ensuring that their rights are upheld. Such a situation can help to enhance their professionalism.

This section will discuss the following bodies: The South African Council of Educators (SACE), the Education Labour Relations Council (ELRC), and the South African Qualifications Authority (SAQA).

3.3.2 South African Council of Educators (SACE)

The SACE was established in 1994 as per Government Gazette Notice No.16057 of 17 October 1994 (Republic of South Africa 1998c: 27). This council consists of 48 members, 15 nominated by the government to represent the national and provincial Departments of Education, 30 members are from three teacher unions, SATU, NAPTOSA and SADTU, two co-chairpersons and the appointed Chief Executive Officer.

3.3.2.1 Functions and powers of SACE

Subject to the Employment of Educators Act 76 of 1998 and the National Education Policy Act 27 of 1996, SACE shall:

- establish minimum criteria and procedures for provision of registration of educators
- keep a register of names of all people who are registered or provisionally registered
- promote professional development of educators
- establish a code of professional ethics which shall apply to all educators registered with the Council
- establish a fair and equitable enquiry procedure and appoint a committee to investigate
- any alleged breach of the code of professional ethics
- have the power to:
 - caution or reprimand
 - impose a fine not exceeding one month's salary

- strike from the register the name of the educator found guilty according to the code of professional ethics
- have the power to establish committees and assign functions to them; and
- perform any function which is necessary for the proper functioning of the Council (Republic of South Africa 2000: 4).

This Council plays a central role in the facilitation and promotion of professional development of educators; for instance, no teacher can be employed without first registering with SACE. The code of conduct helps to control the teachers' discipline and behaviour because they know that serious steps will be taken if to break the rules stipulated in the code of conduct. The establishment of SACE's Code of conduct can help teachers to act as professionals and to do their job as it is expected. This can help to establish a conducive environment in a school whereby COLT is likely to thrive. At present, SACE is busy with the registration of teachers and its other functions have not yet been effective because of financial constraints (information supplied by South African Teachers Union's Executive Officer interviewed on the 20 January 2000).

3.3.3 Education Labour Relations Council (ELRC)

On the 18th of November 1998, the Education Labour Relations Council (ELRC) agreement was signed by the government and the three teacher unions, namely, the South African Democratic Teachers' Union (SADTU), the National Union of Professional Teachers of South Africa (NAPTOSA) and the South African Teachers Union (SATU). According to Motala (1998: 8) this Council helped to reach a consensus of conflict-ridden issues in the teaching profession, and it also marked an important shift among all stakeholders to a commitment to create a workable schooling system in South Africa. The agreement covered the following areas:

- an educator post provisioning model for education institutions, that the distribution of educators on a learner: educator ratio

- procedures for rationalization and redeployment of educators in the provisioning of educator posts (to be discussed later in the chapter)
- duties, responsibilities and transfer of educators
- workload of educators (to be discussed later in the chapter) (Motala 1998: 9).

In addition, The ELRC is composed of employer organisations and employee organisations. The teacher organisations in the ELRC represent teachers, and it is through these representatives that teachers are able to air their views, fears and aspirations (Maree 1995: 45).

Table 3.1: The composition of the ELRC

Employer organisations	Employee organisations
<ul style="list-style-type: none"> ▪ The National Department of Education ▪ The nine Provincial Departments of Education ▪ The South African Federation of State-aided Schools (SAFSAS) 	<ul style="list-style-type: none"> ▪ The National Professional Teachers' Organisation of South Africa (NAPTOSA) ▪ The South African Democratic Teachers Union (SADTU) ▪ The South African Teachers Union (SATU) ▪ The North-West Teachers Union (NOWETU)

(Source: The rights and duties of educators 1997: 8).

The inclusion of teacher organisations in the composition of ELRC implies that teachers have a platform where they can negotiate matters of mutual interest with their employers through the unions. NOWETU has been affiliated into NAPTOSA. They can negotiate teachers' remuneration, conditions of service, pension, sick and other funds, termination of service, professional control and other important issues. This is likely to bring job satisfaction to teachers which can enhance their morale and dedication to perform well and improve teaching standards and COLT.

3.3.4 The South African Qualifications Authority (SAQA)

The SAQA Act was accepted by parliament in 1995, enabling the Ministers of Labour and Education to work hand in hand. The SAQA has the ultimate responsibility for and authority over the National Qualifications Framework. The mission of SAQA is to 'ensure the development and implementation of a National Qualifications Framework (NQF)' (Republic of South Africa 1997: 35).

The objectives of the NQF are to:

- create an integrated national framework for learning achievements
- facilitate access to, and mobility and progression within education, training and career paths
- enhance the quality of education and training
- accelerate the redress of past unfair discrimination in education, training and employment opportunities; and thereby
- contribute to the full personal development of each learner, and the social and economic development of the nation at large (Berkhout 1996: 7 and Republic of South

Africa 1997:36).

These objectives are in a way indicative of the country's strive to improve the education system and enhance the quality of education and training. Thus in a way, if NQF could achieve these aims COLT could be enhanced in a way that the learners' and teachers' attitudes towards schooling are more likely to change.

The rationale for the establishment of SAQA is to:

- promote uniform standards for facilitating an integrated approach to education and training
- extend access to education, training and qualifications for a large sections of the population who were excluded from formal education in the past

- promote greater access ability of education to all South Africans
- oversee the development and implementation of the NQF
- formulate and publish policies and criteria for:
 - the registration of bodies responsible for establishing education and training standards
 - the accreditation of bodies responsible for monitoring and auditing achievements in terms of standards and qualifications
- advise the Minister of Education and Labour on registration of standards and qualifications
- be responsible for the finances of SAQA (Republic of South Africa 1995: 35).

The establishment of SAQA can be viewed as a motivating factor for teachers to further their studies and become fully qualified. This could mean that those teachers who have the right credentials feel more confident and they are expected to have learnt the subject they are teaching. As a result, they are likely to perform well and enhance the COLT in the school.

The next section will discuss the policies and resolutions that the DOE has passed in order to influence or improve the teachers' working conditions.

3.4 POLICIES AND RESOLUTIONS

3.4.1 Introduction

Since the dawn of a new democracy in South Africa, a number of policies and resolutions have been made and implemented. Teachers have the most important role to play since they are the ones who are supposed to implement policies such as Curriculum 2005 and the workload resolution. This implies that for such policies to succeed, the teaching workforce needs to develop a positive attitude towards their work and the new policies. The teachers' motivation and professionalism can contribute in the smooth implementation of these policies. However, as it is discussed later, these policies and resolution dealt with have been criticised by a lot of people, including teachers. These policies and resolutions have been selected amongst many others because they have an impact on teachers' motivation and professionalism. The next section will discuss Curriculum 2005, the workload resolution and

the rationalisation and redeployment policy.

3.4.2 Curriculum 2005

Curriculum 2005 as it is described by Mkhatswa (1997: 5) says that it has much to offer as a move from the rote-learning and content-driven curricula of the past. It represents a 'head, hands and heart approach' as learners are required to indicate what they have learnt in terms of knowledge, skills, attitudes and values (Department of Education 1999c: 13). Kraak (1999: 44) showed the differences between the old curriculum and the new one.

Table 3.4: Differences between the old curriculum and the new curriculum.

	OLD CURRICULUM	CURRICULUM 2005
THE LEARNER	Passive learners	Active learners
ASSESSMENT	Graded, exam-driven, exclusionary	Continuous assessment, learners are assessed on on-going basis
ROLE OF TEACHER	Teacher-centred, text-book bound	Learner-centred, teacher as facilitator, teacher constantly using group work and team work
CURRICULUM FRAMEWORK	Syllabus seen as rigid and non-negotiable Emphasis on what the teacher hopes to achieve	Learning programmes seen as guides Emphasis on outcomes – what the learner becomes and understands
TIME FRAMES AND LEARNER PACING	Content placed into rigid time frames	Flexible time frames allow learners to work at their own pace

According to table 3.4 one can see that there has been a paradigm shift from the old curriculum, however, it still remains to be seen as to whether what the Curriculum 2005 policy sets out to do has been achieved so far.

The national pilot project and national in-service project for teachers were conducted between 1st July and 31st December 1997 (Department of Education 2000b: 60). The Department of Education (DOE) initially commissioned the Media in Education Trust to provide a core of

twenty officials from each province with a basic understanding of the new curriculum, and these master trainers cascaded the knowledge and understanding that they gained to the district officials who then cascaded the information to the classroom practitioners (Kraak 1999: 44). This model was called the 'cascade' model.

From the on-set, numerous problems plagued the implementation of Curriculum 2005. The following problems have been identified with regards to the implementation of this curriculum:

- The sudden emergence of a policy bringing ordinary teachers into a curriculum discourse completely foreign to their understanding and practices
- The confusion between what is meant by Curriculum 2005 and outcomes based education (OBE)
- The lack of conceptual connection between the proposal for OBE and the early integration and competency debates
- The introduction of new complex, and voluminous terminology to describe the OBE
- The provincial differences in terms of infrastructure, resources and learning materials in order to realize the objectives of Curriculum 2005 and
- Inadequate teacher training (Gauteng Education and Training Council 1999: 8-9; and the Department of Education 2000b: 4-6).

Two years after the implementation of Curriculum 2005, the Department of Education appointed a review committee which was headed by Linda Chisholm in 1999. This report asserted that the success of this curriculum depends on all the stakeholders, that is:

- The DOE has to provide training for all teachers, provision of enough materials, facilities and buildings to be used. The DOE has to monitor the progress and implementation of Curriculum 2005 in schools.
- Principals have to ensure that good relationships are maintained in the school, so that those teachers who are from the orientation and intensive training programmes can transfer what they have learnt to other teachers (Cascade model); they also have to monitor if the learnt skills are being implemented by the teachers.

- Teachers need to be responsible, dedicated and willing to work hard in the implementation of this curriculum. They must attend the training and then train their colleagues. They must implement the new methods and not fall back on the old methods (Department of Education 2000b: 17).

In addition, teachers are, in many ways, the most important resource and they will determine whether the new curriculum succeeds or not. The success of the new curriculum therefore depends on the training and support that teachers receive, and their ability to mobilise and

manage the resources around them to implement the curriculum. The report on the implementation and development of Curriculum 2005 during 1998 (Gauteng Education and Training Council 1999: 52) had a number of loopholes to point out in as far as the teachers' participation in Curriculum 2005 is concerned. These include the following:

- a) From the outset, teacher development was not an integral part of curriculum planning
- b) Outcomes Based Education makes enormous demands on teachers and requires a major paradigm shift on the part of teachers
- c) The present right-sizing policies (the rationalisation and redeployment process) are eradicating the very skillful people necessary for this curriculum
- d) Training is insufficient. Some teacher trainers are inadequately trained themselves.

There has also been an explicit difference between teachers of former model C schools and those from ordinary schools, especially in the townships. In former model C schools, inexperienced teachers have well-developed structures and those who are experienced are coping because they do not rely on departmental officials for assistance (Gauteng Education and Training Council 1999: 53). Hence, this implies that the former model C teachers stand a better chance of implementing this curriculum in their respective schools. Teachers have an important role to play, and their willingness to work can lead to the success of this policy despite the criticisms that have been leveled against it.

3.4.2.1 Criticisms against Curriculum 2005

- a) Considerably more time is needed to develop and test the new curriculum approach, its teaching materials and assessment methodology. Teachers should be far more involved in that process. Without their enthusiastic acceptance of the new approach, it's likely to fail (Leading Articles 1997: 25).
- b) This highly sophisticated curriculum, based on first-world assumptions about well-resourced classrooms and highly qualified teachers, is being introduced without the training and resources needed to enable such a curriculum to be implemented in classrooms.
- c). This curriculum is likely to deepen the inequalities between white, privileged schools and black under-resourced schools (Jansen 1998: 56).
- d) South Africa has been besieged by “experts” from US, Europe and Australia since the demise of the apartheid state, offering some help and much advice on what should be done.
- e) Curriculum 2005 is one of the consequences. It makes sense for anyone to look at what has been tried elsewhere, provided attention is paid to the context – to the differing purposes, resources and values of different conditions. Too often current fashions are exported from one context to another with little regard for local traditions or situation, due to the globalising of political and policy trends (Jonathan 1999: 1).

The following recommendations have been made regarding the present situation:

- a) Teacher development should be a national priority, the COTEP, Teacher Appraisal Process and others should be utilised to the maximum
- b) Teachers have to be trained to understand the new curriculum and its challenges, including how to plan learning programmes in an integrated way

- c) Teachers have to be trained on how to facilitate learning using new methodologies and use a variety of methods to assess whether or not learning targets have been achieved
- d) The major professional teachers' organisations have an important part to play in inculcating professional values and ethics in teachers (Department of Education 1997b: 6, Gauteng Training Council 1999: 53).

The implication of the whole situation is that unless teachers are properly trained and supported, they will not develop a sense of ownership in the process, and it could be difficult to implement the curriculum, because the teachers will not be of the calibre required by Outcomes Based Education. Teachers are caught in the midst of all these problems and their motivation and professionalism is likely to be negatively affected.

3.4.3 The workload resolution

Jansen (1998: 56) points out that the failure of education policy is a direct result of the over-investment of the state in the political symbolism of policy rather than its practical implementation, in terms of personnel availability and training, availability of funds and many other issues. The first instance is that of the implementation of workload resolution No.7 of 1998. The resolution aims to:

- Bring educators in line with the Basic Conditions of Employment Act of 1998, which sets a goal of a 40 hour work week for all workers
- To bring the working hours of educators in line with other public sector workers
- For educators, this translates to a 7-hour workday, which includes breaks and the times when learners are not at school (Department of Education 1998a: 7).

However, the good intentions of this resolution had serious hindrances which hampered its smooth operation. For instance, the following problems became prominent:

- It is the responsibility of the provincial Departments of Education to ensure that the contents of signed agreements are communicated to educators, by formulating circulars

which must be sent to all schools. The Department of Education has been very slow in sending out circulars.

For those principals who received the circulars, they created chaotic situations in their schools, for instance

- Some schools implemented the 7 hour workday, whilst others did not
- In instances where it was implemented, some principals have increased the teaching time of learners and teachers
- Where schools have specific religious and cultural practices, principals are forcing teachers to remain at school for 7 hours a day, making it difficult for teachers to observe religious practices on Friday (Lorgat 1999: 2).

Therefore, lack of guidance from the departmental authorities is creating a serious problem with regards to the implementation of these policies. During the informal interviews, one principal asserted that in most township schools, teachers have a tendency to leave school at any time of the day. Hence, that principal felt that the workload resolution might help, if properly enforced, to ensure that teachers stay at work for as long as is necessary.

This implies that the DOE had good intentions when they came up with this resolution; it is the responsibility of principals and teachers to implement it properly and not to use it to suit their own needs. In a way, this demotivates teachers and leaves them with doubts as to whether to trust the DOE or not. But the aims of the resolution have been tabulated before; hence it is not directly the fault of the DOE. The policy is there to be properly implemented, and the principals decide to do otherwise, as is explained. However, for those teachers who are motivated to work hard, they can use these 7 hours to the benefit of their teaching, and to improve the learners' performance. In such a situation, that can help to restore COLT.

3.4.4 The rationalisation and redeployment process

This process is aimed at the redistribution of teachers from the previously advantaged schools to the disadvantaged schools. The Department of Education (1998b: 5) explains that the

objective for this process is to achieve equity in educator staff provisioning in terms of approved policy on educator post provisioning and teacher-pupil ratios.

However, this has had a negative impact on teachers. Teachers have a reasonable expectation of stability and job security, but this process has left teachers worried about their future. Some are removed from schools which are closer to their homes; some are left without jobs, whilst others are told to leave their matriculants mid-year because of this process (Nxesi 1999: 3). This process has left teachers demoralized and demotivated.

Many principals whom the researcher interviewed during the empirical study pointed out that the rationalisation and redeployment process puts most poor schools in the worst situation. The principals said that in this case, privileged schools have been able to employ extra teachers,

draw on educated parents to help to access private resources, and find ways to do better with fewer resources. This process has put a lot of strain on poor schools which are unable to behave like their wealthier counterparts (Motala 1998: 9). For instance, one principal asserted that in a school if a matric teacher is to be taken away from the school in September just before the examinations commence, this practice does not only demoralize the teacher, but also the learners who depend on the teacher for their future. This statement is supported by the statistics presented in table 5.15. This implies that the provincial departments have to study the pros and cons of this process before they can implement it. Many teachers who were interviewed pointed out that until the downsizing process is complete, teachers' morale will remain undermined by fears that they will be the next to be removed from their posts. This process has left teachers with a lower morale than it was intended to. Hence, it is the DOE's role to review its implementation in order to prevent more losses of valuable teachers.

The DOE is faced with the difficult task of ensuring that the policies and resolutions they pass are properly implemented and monitored so as to avoid demotivating teachers, because this can have a negative influence on their performance, professionalism and COLT.

The next section will discuss the COLTS campaign, its components and projects.

3.5 THE COLTS CAMPAIGN

3.5.1. Introduction

The COLTS campaign forms part of this chapter as part of the Department of Education's effort help in the restoration of COLT in schools and the aims of the campaign which are listed below help to clarify and support this point. The COLTS campaign was launched in 1997 by the then President Nelson Mandela in P. J. Simelane High School and the then Deputy President Thabo Mbeki at the University of Fort Hare. This campaign is intended to:

- Address the effects of the protracted struggle against apartheid on the learning and teaching environment
- Bring visibility, urgency and popular participation to the Ministry of Education's commitment to educational quality throughout the system; and to
- Mobilize political, popular and professional energies in support of the Ministry's goals

(Department of Education 1998b: 1).

One of the effects of apartheid on the teaching profession is the negative attitude, the negligence and despair of both teachers and learners that they have towards education. *Sunday Times* (September 2000: 1) pointed out that the breed of teachers we have today, especially the young and supposedly energetic ones, were learners during the struggle – during the year around 1976 up to late 1980s. So, they still carry the trauma of those days. Even though they are teachers and adults, the militancy in their actions and mindset reflects that a lot has to be done in order to straighten their attitudes. For those teachers who were already teaching around the 1976s up to late 1980s are used to lazing around because learners did not come to school during those days of the struggle. So, teachers are used to having a good time. Therefore, one can say that the time has come for a change of attitudes and behaviour. Highly motivated teachers can help to restore the COLT, because even if the State builds new schools, and equip all schools, if teachers are not motivated to teach, this can be a waste of time and money.

3.5.2 Components of COLTS

In order to motivate teachers, all those backlogs which seem to make them loose their morale are being addressed, for instance, the issues of class attendance, competence of school management and governing bodies, provision of resources and facilities, crime and others. The components are listed as follows in the COLTS campaign status report (Department of Education 1998b: 2).

- The *All Teachers and All Learners* component
- The *We make our schools work for us* component
- The *Basic Resource Package* component
- The *Education Charter* component
- The *No Crime in Schools* component

This campaign started at the national level, to the provincial departments and then in individual schools. It has a specific section within the DOE and a specific budget and personnel. The campaign is also sponsored by Non-Governmental Organisations (NGOs) such as READ, ISCOR, the *Sowetan Newspaper* and the South African Broadcasting Corporation (SABC). Through the sponsorships provided by the State and these NGOs, the COLTS campaign has a variety of projects which are aimed at conscientising the public and schools about the problems facing the education system.

3.5.3 COLTS campaign projects

The Department of Education is committed to the process of building a positive teaching and learning culture. To achieve this, all the stakeholders have been brought on board through awareness campaigns, consultations, working conferences, media campaigns (radio, newspapers, TV) and theatre productions. The popular slogan of this campaign is 'We are working in our schools'.

The slogan is expanded as follows:

- *Teachers must teach,*

- *Learners must learn,*
- *Managers must manage*
- *and parents must cooperate.*

The COLTS campaign projects are discussed below. First of all I will discuss those that are directly linked to the DOE and those that are done in collaboration with non-state partners.

3.5.3.1 DOE-led projects

(a) System project

The DOE supports this programme which provides a second chance access to the critical areas of science, mathematics and technology. More than 750 students enrolled for this initiative countrywide in 1997 and all wrote the examination. Half of them got good grades. This

programme still continues and more and more learners are able to succeed in their studies (Department of Education 1998b: 5).

(b) Finishing and Winter schools

These schools are aimed at teaching those matriculants who are still struggling with their studies, so that they can improve their performance. More learners join this project so as to improve their work during the winter holidays. Since their teachers do not normally teach them, they seem to gain more in order to compensate for what they are taught at school (Department of Education 1998b: 5).

(c) Youth/Community Colleges Programme

These projects are geared to the needs of young people who have not been able to participate in the education and training system for various reasons. These young people are offered a second chance, just like the Adult Basic Education Training which is provided to adults. Most youths and street children are using this opportunity to their advantage (Department of Education 1998b: 5).

(d) National Schools Building programme

This programme is aimed at improving the physical conditions in which learning and teaching take place; that is classrooms and basic infrastructure such as clean water, sanitation and electrification. Numerous schools have benefited from this project, especially those schools in the disadvantaged communities and rural areas such as the Northern Province (Department of Education 1998b: 5).

3.5.3.1.1 Collaborative projects with non-state partners

a) Miracles in education

The primary objective of these non-state partners is to find those individuals, groups or schools that are making a difference in education. The following categories are being given recognition in each province monthly: schools, educators, learners, school managers, governing bodies, parents, learner representative councils, science and technology and others.

Then at the end of the year, there is a selection at national level for all the above-mentioned categories. Nomination forms are distributed to schools and communities, so that they can nominate suitable people. The SABC sponsored the finals which were held on the 2nd November 1999 at SABC premises at Auckland Park (Department of Education 1998b: 6).

b) SABC TV COLTS Drama : *Yizo Yizo*

The first part of this drama has already been broadcasted and the second part started on 20 February 2001. It explored the problems and challenges that schools faced through a powerful, compelling and authentic story, which raised a lot of controversy countrywide. However, a clear picture of the situation in the township schools was depicted to the public and a lot of people got to know what they did not know. The COLTS campaign had achieved its goal of conscientising people about the situation in the black township schools (Department of Education 1998b: 6).

c) Human rights in education

This project was established in collaboration with the South African Students' Volunteers

Organisation, with the guidance of Prof. Christoff Heyns of the Centre for Human Rights Education. This project was aimed at making learners recognise their value and worth as citizens of this country, so that they can take their education seriously. Some learners refuse to be disciplined because they think that they have human rights. This has made it difficult for teachers to punish learners for fear of being taken to court. The concept of human rights has to be explained clearly to learners without misleading them (Department of Education 1998b: 6).

d) Dialogue and drama projects

The COLTS creative arts initiative involves drama, music and arts. Schools are encouraged to act out problems encountered in their schools in a form of a drama. Whilst the drama is enjoyable, an important message is also delivered. The dramas are presented at District Festivals. Finally, two schools from each province performed at a National Festival to ensure that all South Africans understand the energy, diversity and commitment present in schools across the country (Department of Education 1998b: 6).

e) Creating a crime-free, violence free learning environment

This is a project which is lead by the DOE, together with the contribution of the South African Police Service to try and control crime in the schools. The use of sports and recreation can be a good strategy to combat crime in schools, hence, teachers have to be prepared to participate in extra-mural activities in order to occupy the learners' minds (Department of Education 1998b: 6).

3.5.4 Conclusion

The efforts of the DOE, some principals, school governing bodies, teachers, parents and learners cannot be overlooked. There are those schools that are making a difference despite resource backlogs and other disadvantages.

There are those teachers and learners who have a positive attitude and are motivated to perform well in their duties: these are the people who are making a difference. Therefore, the situation is not totally dismal, but it will take time for the good seeds to grow in the education

system. In the meantime, teachers as the primary agents of the change in SA need to be motivated in order to enhance their performance and COLT.

3.6 THE ROLE OF TEACHER-UNIONS IN THE IMPROVEMENT OF TEACHER MOTIVATION AND PROFESSIONALISM

3.6.1 Introduction

This section discusses the efforts Department of Education to restore COLT in schools, and the influence of teacher unions and organizations as bodies which represent teachers in negotiations with the Department of Education cannot be overlooked. Teacher unions and organizations can influence teacher professionalism and motivation to do well either in a positive or negative way, for instance, when a union organizes a strike, it is indirectly encouraging its members to miss classes which is not professional in as far as the "service to others ethos" is concerned. Hence, the role of teacher unions and organisations, which give rise to trade unionism in education, remains very controversial. There are those who believe that unions are an essential part of any job sector since being a member of a union is every South African's fundamental right entrenched in the Constitution (1996, section 18), so that they can be the employees' voice to the employers.

Again, the history of this country always leads people to look at most situations with a different eye in terms of the race of the people involved in a research. For instance, in this section, I wish to look briefly at the history of black teacher associations, not white associations. This is because white teachers, to a certain extent, have always had their views and aspirations accounted for by the government as early as the 1900s (Pienaar 1986: 31). They did not suffer as much as black teachers, even though such an argument might still not hold water today.

The second reason could be that black teachers, due to the unsatisfactory political system, resorted to unions and organisations as both political and professional weapons to fight against the previous government. Today, black teacher associations and unions are in the forefront of

negotiations for the rights of all teachers with the government. This does not imply that white unions are not involved, but the black voice is louder and there could be a good or a bad reason for that. The unions have moved from being subtle, considerate and professional to being militant and defiant (Sono 1999: 29).

This section will discuss briefly, the history of trade unionism in South Africa, militancy in unions, their grievances, and lastly their contribution to the restoration of COLT

3.6.2. History of trade unionism in South Africa

A trade union is an agency and a medium of power seeking to address the imbalance of power in the workplace (Wood 1998: 7). In order to address this issue of a trade union being a medium of power, unions and associations need to be formed so that they can be vehicles to carry grievances of that particular group in the workplace. Wood (1998: 8) has listed the following functions of unions in the workplace:

- a) To seek to enhance the material conditions of their workers,
- b) To establish a joint rule and make a system that protects its members from arbitrary managerial actions,
- c) To participate in the organisation for which they work, and to express the aspirations and political ideologies of their members.

One significant function to be noted here is the fact that unions are not in the business of keeping the wages of their members down to help either the employer or the state. What they want is to have their wages increased all the time. The issue of salary increment is the hottest one in the negotiations between the government and the unions, even today. Another important aspect to be raised here is that the trade union movement in South Africa has tended to have political objectives. These include the Congress of the South African Trade Unions (COSATU), which played a crucial role in spearheading anti-government campaigns in the late 1980s against the then government (Ginsburg & Webster 1995: 40). COSATU is an African National Congress (ANC) aligned federation.

To go back to the history of teacher unions, this will be divided into two eras: the beginning of the 1900s up to the 1980s, and the 1980s onwards.

a) The 1900s up to the 1976

In the early 1900s, black teachers felt that there was a need to establish a society or a union for black teachers. Pienaar (1986: 15) points out that the beginning was modest and there were few indications of any significant say by blacks in education and during negotiations. Therefore in an effort to obtain better negotiating powers teachers organisations' were established from 1904. These include:

- The Northern Transvaal Native Teachers' Association (NTNTA) (1904)
- The Southern Transvaal Native Teachers' Association (STNTA) (1904)
- Transvaal Native Teachers' Association (TNTA) (1919)
- Transvaal African Teachers' Association (TATA) (1926)
- Transvaal United African Teachers' Association (TUATA) (1957)

The most important issue here is that teacher unions and associations existed long ago in the country, but few of them were capable of influencing the teaching and learning processes as is happening currently. The question could be that maybe the demands and requirements of those teachers in those days were not as pressing and urgent as those of the teachers today. The rise of teacher militancy came after the 1976 Soweto uprising. This event has both negative and positive consequences on education since 1976 (Lethoko 1999: 22). Whatever the case, the establishment of unions can have either a negative or a positive influence on teachers' motivation and professionalism.

b) The 1976 era and onwards

In the wake of the 1976 education crisis, sparked off by the Soweto uprisings, new challenges confronted not only teachers, but also the learners' community and the state. The existing teacher organisations were increasingly criticized for their soft approach and working with the government. Therefore, the failure of the existing professional teacher associations to serve the needs of their members and the rise of political activism led to the development of a new

militant teachers' trade unionism (Machaba 1995: 30). There was a growing feeling among younger teachers in particular that teacher organisations had to confront the political and educational realities facing the profession head on. This was the beginning of the crisis in the teaching profession as teachers focused on their working conditions, salaries and other things at the expense of the teaching and learning processes. That was the beginning of the erosion of teacher motivation, professionalism and COLT.

3.6.3 The emergence of militant teacher organisations 1980 and onwards

After the 1976 uprising, the teacher unions and organisations resorted to being militant, that is using force or strong pressure, or supporting their use to achieve their aims (Hornby 1992: 784). The militant teacher organisations, unlike the traditional associations conscientised teachers on the political dimensions of the education struggle, hence they were strongly opposed to apartheid. Govender (1996: 35) asserts that these militant unions drew their membership largely from younger teachers, especially those politicised by the 1976 education uprisings, many of whom were still students then.

These organisations were:

- a) National Education Union of South Africa (NEUSA) (1980). It was the first union to organise teachers nationally on a non-racial basis
- b) East London Progressive Teachers Union (ELPTU) (1985)
- c) Western Cape Teachers Union (WECTU) (1985)
- d) Democratic Teachers Union (DETU) (1985)
- e) South African Democratic Teachers Union (SADTU) (1990).

Some of these unions merged with others in order to form a big and strong body which will fight against all kinds of ills plaguing the education sector. The purpose of creating more forceful unions has been a good move to a certain extent. However, the damage done is enormous. Asmal (1999: 13) summarises the whole situation by saying that 'this country is plagued with teachers who have a low morale, who have lost their professional ethos, who have largely contributed to the loss of the culture of learning and teaching in the schools'.

There is a belief that unions continue to worsen the situation. This assertion will be discussed in detail in Chapter Five, which will deal with the interpretation and analysis of the results of the interviews conducted with all the union leaders.

In addition, teacher militancy events take place in the following forms:

- a) Marches – this form is very popular amongst teachers and most of them are organised after the June vacation when the matric students are supposed to be revising
- b) Strikes – these have crippled the country's education system. The Constitution allows all South Africans to go on strike at one point in time. Hence, teachers are exercising their right here, though many people believe that this action is unprofessional, it is also the teachers' Constitutional right
- c) Occupying space which includes sit-ins or occupation of offices and sleep-ins
- d) Forceful expulsion of supervisors from school premises, for instance, principals, school inspectors, subject advisors and others
- e) Public demonstrations which gather outside departmental offices, schools or courts carrying placards and singing
- f) Picketing is a special type of public demonstration whereby protesters are organised and carry placards to the relevant offices (Maile 1999: 14; Govender 1996: 49-51).

These events disrupt the teaching and learning process because teachers do not go to school when these events take place. The learners' time is wasted, and at the end of the year they fail their examinations. On the other hand, the argument could be that teachers also have grievances which are not attended to, and so they sometimes abandon their responsibility and take to the streets. There are many reasons for teacher militancy. Some of them concern schools themselves and they are for the benefit of the learner. These include:

- a) School conditions – overcrowded classrooms, high pupil-teacher ratios, lack of qualified teachers, a shortage of equipment, buildings, books and learning materials
- b) Service conditions e.g. retrenchments, teacher evaluation systems, discrimination against women, inspectors' roles in evaluating and appointment procedures

- c) Salaries e.g. salary increase for a living wage, salary parity for women, payment of outstanding salaries
- d) Labour relations and victimization of teachers – teacher dismissals, suspensions, transfers, harassment of teachers and transfers (rationalisation and redeployment process)
- e) Crime in schools. Teachers demand that their lives be protected against criminals, learners and the community.

These grievances are not wholly teacher-centred and it is through the unions that teachers are able to air their views to their employers. Thus, no one can say that unions are unnecessary, for teachers, like other citizens need to make their voices heard. The recent teachers' strikes and stay-aways have crippled the pass rates as the 1999 matric results dropped by 2% from those of 1998 (Pretorius 2000: 2). It is important for those who organise and embark on strikes and other industrial actions to take into consideration the future of the learners, and how to make up for the time lost during their absence from school. Therefore, what is important is the union's contribution to the restoration and enhancement of COLT, and also the restoration of dignity to the teaching profession.

3.6.4 The role of unions in COLT

The history of teacher trade unionism which has been discussed in section 3.6 reveals that to a certain extent "black" teacher trade unions and organizations felt that it was not enough to be against apartheid and that teachers must practically show themselves to be part of the liberation struggle in South Africa (Pretorius and Lemmer 1998: 96). That was the beginning of teacher militancy which has existed even after the end of apartheid era. Section 3.6.3. discusses some of those militant actions such as strikes, sit-ins, and class boycotts which imply that when teachers take these actions the teaching and learning processes are disrupted and brought to a standstill in some cases. Thus, since this study is focused on the enhancement of COLT by teachers in schools, any form of activity or body which influences teachers to undermine the positive aspects of COLT such as school attendance, teacher motivation and professionalism, teacher preparedness and dedication to their work is worth to be studied and researched on.

As a result, union leaders were interviewed as part of this study. These include SADTU, NAPTOSA and SATU. These unions have a policy or document which deals with their contribution to COLT and teachers' professionalism. This can be the positive side of teacher trade unionism. And the policies of NAPTOSA, amongst others put a lot of emphasis on teacher professionalism. The only question could be how far do the unions enforce what they have written on paper? For instance, how do these organisations motivate teachers to do their work? After a strike or stay-away, how do they recover the lost time? The sample of the interview schedule is provided as Appendix 2 of the study.

According to the Labour Relations Act no.66 of 1995, the Act promotes the right to:

- fair labour practices
- form and join a union or an employer's organization
- organize and bargain collectively, and
- strike and lock-out (Republic of South Africa 1995: 2).

However, as much as teachers, like all the other people involved in the job sector, all rights go along with responsibilities and duties (Joubert & Prinsloo 2001: 65). Pretorius and Lemmer 1998: 27) stipulate that teachers should:

- promote the intellectual and personal development of learners
- promote a culture of teaching and learning
- foster in learners a culture of human rights
- act in a just and impartial manner in their dealings with learners, and
- take the appropriate measures to attain and maintain a high level of professionalism.

This list of teachers' responsibilities and duties could imply that somehow teachers need to strike a balance between their rights and duties, which may not be an easy thing to do. Thus in a way, unions can have either a negative or positive contribution in teacher professionalism and COLT in terms of some of the activities that unions engage in which disrupt the teaching and learning process. As a result, teacher unions form part of this study and this chapter specifically for the influence they have on teachers professionally.

Finally, although unions have both advantages and disadvantages, it is their notoriety that makes society dislike them. One reason could be that the society looks at its own interests, whilst teachers also look at theirs. Maybe a merger of these interests could prove more useful than the division that exists. For instance, if parents and learners could join teachers as they present their grievances to the government that might give the teachers' grievances more substance and also shake employers with this joint effort.

The next section will look at the nine priorities in education as the Minister of Education spells them out. A special emphasis will be put on the teachers and their morale as one of the relevant priorities of this study.

3.7 NINE EDUCATION PRIORITIES

3.7.1 Introduction

In the document called *Call to action: mobilizing citizens to build a South African education system for the 21st century*, the Minister of Education, Kadar Asmal selected the worst troubling features of the education and training system which is massive inequalities in access

and facilities, the serious state of morale of teaching force, failures in governance and management, and the poor quality of learning in much of the system (Asmal 1999: 2). Then this document has listed nine priorities which have been spelled out by the Department of Education as a way forward in education, hence they form an important part of this chapter as they are the Department of Education's efforts to improve the education system and priority number five looks specifically at teachers. Hence, this discussion is relevant in this chapter although these points are not part of legislation, but they are certainly one of the Department of Education's policies. This study seeks to determine what can teachers and other stakeholders do to enhance teacher professionalism and motivation, which will help to restore COLT. Numerous problems have been dealt with in Chapter Two, and also the government's attempts to improve teacher motivation and professionalism as prerequisites for COLT. One can say that since 1994 many improvements and positive achievements in schools and in the

education system are evident as they have been elaborated on a document called *Education in South Africa: Achievements since 1994* (2001). However, the 1999 matric results were not what was expected. As it has been mentioned earlier on, the results dropped by 2% from those of 1998 (Pretorius 2000: 2). This decline encouraged the Departments of Education in the nine provinces and the Minister himself to react in a way that some people viewed negatively, whilst others thought it was a giant step to demonstrate to all involved in education that a time has come for all stakeholders to be serious.

It was the first time for the people to see the Minister himself and all the Provincial Directors visit schools on the first day of school. The situation differed from one school to another. In some schools there were few teachers and few learners, in others learners and parents queued at the principal's office forcing the principal to admit their children in the already over-crowded school. In some schools learners were sweeping their classrooms and arranging desks: no teaching was done on that day. On the other hand, for those schools which are better organised, classes began at 08:00 until the usual time for the school to go home. The Minister, Kadar Asmal, has threatened to take steps to correct the situation in the schools which do not start teaching on the first day of school. These include expulsion of those teachers who are not doing their work and those who absent themselves without leave. The Minister also promised to see to it that those schools that do not have principals have principals appointed to those schools timeously, and all principals should perform their duties as expected. However, those principals, teachers and learners whose schools have worked hard and attained satisfactory grades were congratulated and encouraged to work harder and keep up the good work (Mecoamere 2000: 3). This implies that there are those schools, principals, teachers and learners who are making a difference no matter how small it might be. The National Awards Scheme has been established in order to honour those people who contribute positively in education.

The Minister of Education and other relevant role-players have looked at all the problems, shortcomings as well as past and present backlogs in the education system and in the schools, then he came out with the nine priorities. The Department of Education uses the following slogan "*Tirisano*" (which means working together). The nine priorities are listed below, and

only those that are directly linked to this study will be discussed in detail (Asmal 1999: 2-18).

3.7.1.1 Priority 1: We must make our provincial systems work by making co-operative government work

Since 1994, when each province had its own provincial administration in education, a lot of problems have been experienced in terms of management, allocation and use of funds, and many other functions. As a result, there is an urgent need for the national Department of Education to empower and train the personnel in the provincial departments all over the country.

3.7.1.2 Priority 2: We must break the back of illiteracy among adults and youths in five years

The new Adult Basic Education and Training enables adult learners to improve their literacy skills in formal education. Asmal (1999: 9) says that no adult should be illiterate in the 21st century. This training programme is aimed at improving adults' job skills.

3.7.1.3 Priority 3: Schools must become centres of community life

The school will truly become a centre of community and cultural life if its facilities are being put to use for youth and adult learning, community meeting, sports and recreation. This will help the community to develop a sense of belonging to the school. This could help to decrease the levels of vandalism and crime in schools.

3.7.1.4 Priority 4: We must end conditions of physical degradation in South African schools

The infrastructure, facilities and resources form part of the 'services' part of COLT. Thousands of schools have poor physical facilities, many are dangerous and unfit for human habitation, and some have no water, electricity and toilets. These circumstances threaten the

health of teachers and learners, and the social and teaching activities of the school. This in turn affects the morale of the teachers in the school for they know that they can never compete with other schools because of the poor condition of their school.

3.7.1.5 Priority 5: We must develop the professional quality of our teaching force

There are two types of teachers in this country – there are those who show signs of a high level of professionalism, dedication and motivation to perform their duties as expected. Then there are those teachers who have lost their professional ethos due to the circumstances they find themselves in (Vally 1999: 7). In some schools teachers are confronted with extreme inequality in learner-education ratios, poor facilities, inadequate learning resources, greater isolation from urban centres and infrequent or no professional support services (Asmal 1999: 15). These teachers need to be helped and the Department of Education is prepared to address those ills.

On the negative side of the continuum, there are those teachers who, despite all the improvements in their schools, have decided to abuse the teaching profession. They are lazy and blame their failures on the government or the apartheid era, and they abuse alcohol, drugs and school children (Vally 1999: 7). Such a situation can imply that these teachers do not heed the government's attempts to improve the teaching force. Maybe the SACE and its code of conduct can help with such teachers. As for those who work hard, the president has proposed to establish a National Teacher Award scheme aimed at motivating all teachers. This priority is directly linked to this study because teacher motivation and professionalism are the core concepts of this study. The Minister of Education's and Provincial Director's visits to the schools at the beginning of the school year in 2000 are a big step in the improvement of COLT in the schools. It is good for all involved in schools to know that education officials can visit their schools anytime and anywhere. Hence, such visits can motivate teachers to do their work and stop dodging classes, and COLT can be enhanced in a way.

3.7.1.6 Priority 6: We must ensure the success of active learning through outcomes-based education

The government and the Minister of Education give complete support to the new national curriculum framework, which is based on the concept of outcomes based education. However, the implementation of this new curriculum has been plagued with numerous problems such as funding, a need for new learning materials, teacher training and other hindrances. Therefore, the DOE is faced with an enormous task of making this curriculum work.

3.7.1.7 Priority 7: We must create a vibrant further education and training system to equip youth and adults to meet the social and economic needs of the 21st century

Further Education and Training includes education in the senior secondary schools, technical schools and colleges, community colleges, and others. It is essential that such institutions be available to the youth and adults who were unable to continue their education because of poverty or lack of opportunity.

3.7.1.8 Priority 8: We must implement a rational, seamless higher education system that grasps the intellectual and professional challenges facing South Africans in the 21st century

Every country depends on the higher education system to meet its high level of human resource needs, to be the engine for creation of new knowledge and innovation (Asmal 1999: 16). Thus, it is important that universities, technikons and colleges become more efficient and accountable for the utilisation of their intellectual, infrastructural and financial resources.

3.7.1.9 Priority 9: We must deal urgently and purposefully with the HIV/AIDS emergency in and through the education and training system

The impact of HIV/AIDS is enormous in this country in all sectors of life including education. As a result, the Ministry of Education has to work with the Ministry of Health in the conscientisation campaign in the schools and higher institutions where there is a large number of teenagers and youths who are most likely to be sexually active (Chisholm & Peterson 1999: 7). These nine priorities cover a wide spectrum of ideas concerned with education in the country – from the low sectors of education up to the highest: the curriculum, provincial departments of education, the morale of the teaching force, facilities and infrastructure and lastly the HIV/AIDS epidemic. The Minister said that the country has strong and committed leadership, excellent policies and laws for the 21st century, but he said that the education system is not ready for the 21st century (Asmal 1999: 2). These priorities only provide the framework for the plan of action – what is needed is a team or workforce of motivated and dedicated men and women to make them a reality. Teachers form a major part of this framework, as they are the ones who are charged with the responsibility to enhance COLT and impart knowledge to the learners in order to make them ready to participate in the economy, technology, education and other sectors of life successfully.

3.8 SUMMARY

In this chapter, the researcher has discussed the improvements that the DOE has embarked on, especially after the 1994 democratic elections. These include the legislation, the professional bodies in the South African system, policies and resolution and the COLTS campaign. This chapter serves to highlight the fact that the government is aware of the collapse of the teaching force's morale and dedication. Hence, in an attempt to counteract the situation, all these above-mentioned attempts to address the past imbalances have been implemented. What is left now is for those teachers who lack motivation, who have lost their professionalism to draw their inspiration from the DOE's attempts and get back to work, either individually or collectively.

The teachers' collective effort is represented by their unions and organizations, which are being viewed controversially by the government and the community. Unions have a role to play in the establishment of COLTS-related activities, so as to motivate teachers, since they

are the teachers' voice.

The literature review which forms part of this chapter will help in the formation of questions which will be used as questionnaires for teachers and principals, and also for an interview schedule for union officials in Chapter 5. In Chapter 4, this research will discuss the research methodology or the empirical research as a way of consolidating what the literature review has revealed so far.