



**EDUCATORS' PERCEPTIONS, EXPERIENCES AND EXPECTATIONS ABOUT
PROFESSIONALISM VERSUS UNIONISM IN EDUCATION**

by

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DEDICATION

This dissertation of limited scope is dedicated to my mother who went to great lengths and never failed to encourage me in order to ensure that I received an education, and to all my friends and colleagues, for sacrificing hours helping me with domestic routines and tasks while I was engrossed in my studies.

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ACRONYMS

COSATU	Congress of South African Trade Unions
COLT	Culture of learning and teaching
CPTD	Continuing Professional Development
CTA's	Common Tasks for Assessment
DoE	Department of Education
EEA	Employment of Educators Act (Act 76 of 1998)
ELRC	Education Labour Relation Council
ELT	Ethical and Legal Training
EVE	Ethics and Values in Education
FETA	Further Education and Training Act (Act 98 of 1998)
IQMS	Integrated Quality Management System
NAPTOSA	National Professional Teachers' Organisation of South Africa
NCS	National Curriculum Statement
NEPA	National Education Policy Act (Act 27 of 1996)
PAM	Personnel Administration Measures
PDP	Professional Development Portfolio
PL	Post Level
PRODCO	Professional Development Committee
SACE	South African Council for Educators
SACEA	South African Council for Educators Act (Act 31 of 2000)
SADTU	South African Democratic Teachers Union
SATA	South African Teachers' Association
SASA	South African Schools Act (Act 84 of 1996)
SATU	South African Teachers' Union
SMS	Short Message System
TO	Transvaalse Onderwysersvereniging
TQM	Total Quality Management
VSAO	Vereniging van Suid-Afrikaanse Opvoeders

DECLARATION OF ORIGINALITY

I, Pieter Kroukamp (student number: 95221817) hereby declare that this dissertation of limited scope for the degree Magister of Education at the University of Pretoria, has not previously been submitted by me for the degree at this or any other university; that it is my own work in design and execution, and that all materials from published sources contained herein has been duly acknowledged.

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SUMMARY

Educators are the key agents in the quality of the education system who are members of a profession or professional people. In education this profession is an occupation with a crucial social function. Important values centre on the interests of the clients (learners) and are made explicit in a code of professional ethics.

This implies that there should be an exemplary and professional lifestyle. Professional ethics refers to the code of conduct or ethical code, which serves as a guideline on how to behave. The integration of these ethics into the purpose, mission and goals of the organisation is of vital importance, as ethics forms an integral part on how the organisation defines itself and how things are done within a specific organisation.

Educators also have a constitutional obligation to respect, to protect, to promote and to fulfil learners' right to education (section 29 of the Constitution) in a safe and disciplined school environment (section 24 of the Constitution).

However, educators are in terms of the Labour Relations Act (Act 66 of 1995) also workers with the right to join a workers union of their choice and to take part in the different forms of industrial action to promote or defend the socio-economic interests of workers.

The problem however, is how to cultivate the culture of a school to encourage all educators to enhance their professionalism and employ the help of their union in doing so.

This study draws a distinction between continuous professional development and unionism in education. Here the perceptions, experiences and expectations of educators come into play in regard as to how they perceive their own professionalism versus unionism.

Finally, Principals and School Management Teams should ensure that their school based professional development programmes are established at schools in conjunction with what unions do to ensure that all educators participate in appropriate curriculum delivery.

KEY WORDS

Professional people

Continuous professional development

Professionalism

Unionism

Values, ethics and morals

Culture of teaching and learning

Constitutional rights, duties and obligations

Service delivery

Integrated Quality Management System

Conduct

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CHAPTER 1: ORIENTATION

1.1 INTRODUCTION

Educators are the key agents in the quality of the education system and they should be treated and conceptualised as members of a profession or professional people (Department of Education, 2005: 3). A profession is an occupation with a crucial social function. It requires a high degree of skill in addition to drawing on a body of systematic knowledge. While experience is regarded as being important, the acquisition of this body of knowledge and the development of specific skills require a lengthy, compulsory period of higher education training, which also involves the process of socialization into professional values. These values centre on the interests of the clients (learners) and are made explicit in a code of ethics and/or code of conduct (NAPTOSA, 2005: 2).

This implies that there should be an exemplary and professional lifestyle, where the term “professional ethics” comes to mind, which refers to this code of conduct, or ethical code, which serves as a guideline on how to behave. The integration of ethics into the purpose, mission and goals of the organisation is of vital importance, as ethics forms an integral part on how the organisation defines itself and how things are done (Rossouw, 2005: 28).

Educators have a constitutional obligation to respect, to protect, to promote and to fulfil learners’ right to education (section 29 of the Constitution) in a safe and disciplined school environment (section 24 of the Constitution).

However, educators are in terms of the Labour Relations Act, Act 66 of 1995 also workers with the right to join a union of their choice and to take part in the different forms of industrial action to promote or defend the socio-economic interests of workers. According to Wood, as quoted by Heystek and Lethoko (2001: 223), a trade union is an

agency and a medium of power seeking to address the imbalance of power in the workplace. To link this with education, Chase (1997: 10) states that unionism means being as strong an advocate for the professional side of the education equation as we have been for the economic and social well-being of the society that we live in, in order to promote educator professionalism.

1.2 RATIONALE

On the one hand educators are seen as professionals, in other words, as persons who belong to or are associated with the teaching profession, who have or manifest the skills or professional competence to teach, and who conduct themselves in a professional manner in terms of a code of ethics. Educators should act as role models to their learners. Their conduct needs to reflect a professional and exemplary lifestyle in terms of the South African Council for Educators Professional Code of Ethics.

However, educators are also seen as workers in terms of the Labour Relations Act, Act 66 of 1995. In terms of section 23 (2) (a) of the Constitution every worker has the right to form and join a trade union and in section 23 (2) (c) has the right to strike. In terms of section 17 of the Constitution they have the right to assemble, demonstrate, picket and to present petitions, provided that such activities take place peacefully and unarmed. It is important to take note that teaching has not been designated as an essential service in terms of section 71 of the Labour Relations Act (Act 66 of 1995) Squelch, (2005:111) which means that learners' right to education is not protected against strikes.

Educator labour rights should however, be balanced with their professional obligations to respect, promote, protect and to fulfil the learner's right to effective education (section 29 of the Constitution) in a safe school environment (section 24 of the Constitution). Here SACE (all the teacher unions and the Department of Education are represented on the South African Council for Educators) and the teacher unions should play an important role to see to it that a balance is achieved between educators' professional duties and their labour rights and to do everything in their power to ensure that effective teaching and learning take place in all South African schools.

The following reports point to a lack of professional conduct by some South African educators and it seems that many educators do not comply with the requirements expected from professionals to act in the best interests of their learners.

The former Minister of Education Kader Asmal (in Dispatch Online, 1999: 2) said that the actions of balaclava-clad educators driving educators and students at gunpoint out of schools could not be associated with the movement of educators, which included the likes of John Dube, Mathew Goniwe and others. The former President Mbeki (1998:5) is even sharper in his criticism:

We the members of SADTU stand out as competent practitioners of toyi-toyi. We come across as militant fighters for a better pay cheque at the end of the month. We are seen as excellent tacticians as to when to disrupt the school programme so that we can extort from the Government the greatest material benefit for ourselves and create the space to improve our own qualifications.

During the teachers' strike of 2007 the learners' education was neglected for more than a month. According to newspaper reports, union members went so far as to intimidate colleagues, parents and learners who wanted their schools to function normally.

The following report was placed in The Sowetan on the 19th of June 2007: **"Strike turns ugly as teachers attack teachers"**. Sibongile Mashaba reported how a group of non-striking educators were attacked by a group of strikers at one of the secondary schools in Soweto.

In another report, The Citizen dated 5 June 2007, disclosed that Thabiso Thakali reported how violence had flared up at least four schools, south of Johannesburg. Protesting teachers ransacked their own schools and intimidated and assaulted non-striking teachers. Alleged striking teachers left the principal of one of the schools badly injured after an attack. In both the above-mentioned cases, the role of the union was unclear.

The abovementioned incidents in which educators were involved show that a group of educators used their labour rights to intimidate the State, to infringe the right of other

educators to practice the teaching profession (section 22) and to infringe the learners' right to education (section 29) in a safe school environment (section 24). It further seems as if a tension may exist between the expected professional conduct of educators and their labour rights as union members. The purpose of this study is therefore to determine the perceptions, experiences and expectations of educators about professionalism versus unionism.

1.3 FORMULATION OF THE PROBLEM STATEMENT

This study is concerned with the educators' perceptions, experiences and expectations about their own professionalism versus their labour rights as members of teacher unions.

The problem statement then, revolves around the following critical questions to elicit data for this study. These are *inter alia*:

- 1.3.1 What is educator professionalism and unionism?
- 1.3.2 What is the legal framework in which educators practice their profession?
- 1.3.3 To what extent do education trade unions and SACE help to strike a balance between educator professionalism and unionism?
- 1.3.4 How do educators perceive and experience professionalism in relation to unionism?

1.4 THE AIM OF THE STUDY

In view of the problem stated above, the general aim of this study is to determine the perceptions, experiences and expectations of educators about professionalism versus unionism.

In order to achieve the general aim of this study, the following objectives need to be realised:

- To define "professionalism" and "unionism" and to determine the relationship between these two concepts.
- To determine the legal framework in which educators practice the teaching profession.

- To determine the role of SACE and educator unions to strike a balance between educator professionalism and unionism.
- To determine the perceptions, experiences and expectations of educators about professionalism in relation to unionism.

1.5 RESEARCH DESIGN AND METHODOLOGY

According to McMillan & Schumacher (1993: 157) research design describes how the researcher will go about selecting subjects, research sites and data collection procedures to answer the research questions. The design will show which individuals will be studied, and when, where and in which circumstances will they be studied. Selecting the appropriate method for research is important. As every inquiry is unique, each research project will have a different approach, methodology and methods.

In this research project, the researcher shall make use of qualitative research methodology. Kincheloe (2003: 189-190), states that qualitative research focuses on the “lived experiences” of people, as it attempts to:

- Describe qualities of events
- Interpret meanings and relationships among these events
- Measure the importance of events in the larger picture of educational concern
- Ground these appraisals on explicit social values and human interests

This qualitative study will be in the form of a narrative inquiry. The researcher’s intention is to describe educators’ perceptions, experiences and expectations about their professionalism and unionism, in order to come up with relevant recommendations in order to improve professionalism and ethical behaviour in education.

1.5.1 Research approach

Qualitative research, as stated earlier, is concerned with abstract characteristics of events and the meaning given to events by participants. As context is very important in

qualitative research, the research takes place in the normal context, in which the participants find themselves every day,

According to De Vos (1998: 71) qualitative research gives the researcher a first hand, holistic understanding of the phenomena of interest by means of a flexible strategy of problem formation and data collection. It is therefore, the view of the researcher that qualitative techniques could be effectively used to determine the perceptions, experiences and expectations of educators about their own professionalism and unionism.

Tutty, Rothery and Grinnel (1996: 4) describes qualitative research as the study of people in their natural environments as they go about their daily lives. For this study, the qualitative research method will be employed in response to the demand of the research problem. Qualitative research is concerned with understanding the social phenomenon from the participant's perspective. Understanding is acquired by analyzing the many contexts of the participants and by narrating participants' meanings for these situations and events. Participants' meanings include their feelings, beliefs, ideals, thoughts and actions (Macmillan & Schumacher, 1997: 392).

Qualitative research include some distinctive characters such as aims which are directed at providing an in depth and interpretive understanding of the social world of research participants by learning about their social and material circumstances, their experiences, perspectives and histories (Lewis and Ritchie, 2003: 3). This study will therefore focus on the *lived experiences* of educators as it focuses on educators' perceptions, experiences and expectations about their own professionalism versus unionism in education.

1.5.2 Research methodology and data collection methods

Cohen, Manion and Morrison (2000: 75), refers to research methodology as the preceding orienting decisions and strategies in the field, how tactical they are and how well these decisions can establish the practicality of the research. This study will be informed by a narrative study design. In narrative inquiry, people's individual life stories are the focus.

This method assumes that people live “storied lives” and seeks to collect data to describe their lives. Narrative analysis can also be applied to in-depth interview (Marshall and Rosman, 1995: 86). This method assumes that people construct their realities through narrating their stories. The researcher then explores these stories told by the participants and records their stories (Marshall and Rossman, 2006: 117). Narrative inquiries are always composed around a particular wonder or problem, and in this case the focus is on the professionalism of educators and how it is affected or influenced by unionism.

Clandinin and Connelly (2000: 124) indicate that these problems carry with them not only qualities of clear definability and the expectation of solutions, but also a sense of a search, a “re-search”, or searching again. In other words, it gives a sense of problem definition and solution. In this study, the researcher will make use of the following methods to gather data:

1.5.2.1 Initial interviews

During the initial interviews the researcher introduced himself to the selected participants and clearly stated the purpose of the investigation. The confidentiality measures are negotiated. Consent-for-participation forms are signed and the procedures about the narrative essays are explained. The purpose of the narrative interviews is also explained to the selected participants.

1.5.2.2 Narrative essays

Participants are asked to give their perceptions, experiences and expectations in writing about professionalism versus unionism.

1.5.2.3 Narrative interviews

The narrative essay or discourse can be used as a point of departure for the narrative interviews. Czarniawska (2004: 47 – 51) defines interviews as collecting views and opinions on whatever topic is mentioned. During an interview, an interviewee may retell narratives that circulate on a given site of practice, or the interviewee them self may become a site for a narrative production. The interview questions normally follow from every participant's narrative essay. After the data analysis was completed, there was no need to follow up the narrative essays of the respondents with individual interviews, as there were no issues that were unclear.

1.6 PARTICIPANTS AND SAMPLING

The purpose of a sample is to get a manageable group for research purposes. Sampling is used in qualitative research in the selection of interviewees (Krathworl 1998: 160).

McMillan and Schumacher (2001: 404) suggest that the sample size should be directly related to, and determined by, factors like the purpose of the study, the research problem, the major data collection technique and the availability of information-rich participants.

Based on convenience, the data are collected from the 2007 first year M. Ed (Leadership) group on the Groenkloof Campus of the University of Pretoria. The group consists of 24 students and represents schools in the provinces of Gauteng, Limpopo, North-West and Mpumalanga, South Africa. The sample for this study consisted of six participants.

1.7 DATA COLLECTING AND DATA ANALYSIS PROCEDURES

Robson (2002: 385) states that collecting the data is about using the selected methods of investigation. Doing it properly means using these methods in a systematic, professional fashion. As stated earlier, data for this study will be gathered by making use of narrative essays to elicit what the relationship between educators' own professionalism versus unionism.

The different discourses of the participants will require a careful reading and interpretation of the textual material, with interpretation being supported by verbal evidence. Coffey and Atkinson (1996: 58 – 59) state that narrative analysis can lend itself to certain kinds of data. The elements that the researcher therefore will look at depend on the following structure:

1.7.1 *Abstract*

What was this about? The abstract or summary refers to the situation or circumstances, in other words the time, place and person.

1.7.2 *Orientation*

Who? What? Where? When? The orientation gives the background which is needed in order to understand the narrate events.

1.7.3 *Complication*

Then what happened? The complication gives the event sequence, which is often terminated by the result, and shows a turning point, a crisis or problem. It is basically the content of the narrative.

1.7.4 *Evaluation*

So what? The evaluation is the means used by the narrator to indicate the point of the narrative or why it was told.

1.7.5 Result

What finally happened? The result describes the result or resolution of a conflict that occurs in the narrative.

1.7.6 Coda

The coda finishes the narrative by returning the listener to the present moment by saying: “That was it.”

To elicit further data, the researcher made use of the interview guide approach. Here topics and issues that were already identified through the narratives are outlined further in order to decide sequences and questions to further the understanding of the issues at hand (Cohen *et al*, 2000: 271).

After transcribing the collected data, categories were used to link the textual material of the participants, in order to discover patterns and broad areas in the narratives (Cohen *et al*, 2000: 299). This was done in order to discover intentions, functions and consequences of the narratives. Then, after asserting the generalisability, reliability and validity of the findings, it was communicated in a form that takes the ethical aspects of the investigation into consideration. To conclude, the results were then presented in a readable format.

1.8. VALIDITY AND RELIABILITY

Validity is concerned with whether the findings are “really about what they appear to be about.” Reliability on the other hand, refers to the consistency or stability of a measure to ensure that the same results are obtained (Robson, 2002: 93).

The research methodology for this study looked at the validity of the findings by providing and reflecting the implications of educator conduct in relationship with their professionalism and unionism.

1.9. ETHICAL CONSIDERATIONS

Reynolds (1979), as quoted by Robson (2002: 65), refers to ethics as the rules of conduct; typically, to conformity to a code or set of principles. It is important not to be misled about the true nature of the study and not to be faced with situations that can cause stress or anxiety. These considerations must be put alongside time and effort as 'costs' of carrying out the enquiry, to be set against 'benefits' including the knowledge gained from the study, and the possible changes and improvements to situations or services.

Cavan, as cited by Cohen and Manion (1994: 359), explains ethics as "a matter of principal sensitivity to the rights of others". Being ethical limits the choices we can make in the pursuit of truth. Ethics say that while truth is good, respect for human dignity is better, even if, in the extreme case, the respect for human nature leaves one ignorant of human nature. According to De Vos (1998: 240), ethics is a set of moral principles that are suggested by an individual or group, that are subsequently widely accepted and offer rules as well as behavioural expectations about the most current conduct towards experimental subjects, and respondents, employers, sponsors, other researchers, assistants and students. Ethical guidelines are standards and the basis upon which the researcher ought to evaluate his/her own conduct. Ethical principles need to be internalized in the personality of the researcher to such an extent that ethically guided decision-making becomes part of his/her total lifestyle. The researcher in this study is guided by the following ethical guidelines:

1.9.1 Voluntary participation

According to Trochim (2001: 24) the principles of voluntary participation requires that people be not forced into participation in research. Research subjects need to participate voluntarily and without any pressure or manipulation. Closely related to voluntary participation is the aspect of informed consent.

1.9.2 Informed consent

Diener and Crandal in Cohen and Manion (1994: 350) define informed consent as “procedures in which individuals choose whether to participate in an investigation after being informed of facts that would be likely to influence their decision”. This definition involves four elements; competence, voluntarism, full information and comprehension. Informed consent is the knowing consent of individuals to participate as an exercise of choice, free from any element of fraud, deceit or similar unfair inducement or manipulation (Farnham and Pilmott, 1995: 47)

According to Trochim (2001: 24) informed consent means that prospective research participants are fully informed about the procedures and risks involved in research and must give their consent to participate. This informed consent implies that all possible or adequate information on the goal of investigation and the credibility of the research be rendered to potential subjects. Informed consent is necessary even if the subjects do not listen to explanation or is not interested in knowing (De Vos, 1998: 26).

1.9.3 Confidentiality and anonymity

According to Trochim (2001: 24) confidentiality and anonymity are the two standards that help to protect the privacy of research participants. Farnham and Pilmott (1995: 48) reinforce that confidentiality is an active attempt to remove, from research records any elements that might indicate the subject’s identities while anonymity means that the subject remain nameless. Trochim (2001: 24) further indicates that participant confidentiality assures the participants that identifying information will not be made available to anyone who is not directly involved in the society.

Nachmias and Nachmias in Cohen and Manion (1994: 366) say, “The obligation to protect the anonymity of research participants and to keep research data confidential is all – inclusive. It should be fulfilled at all costs unless arrangements to the contrary are made with the participants in advance”. Anonymity is a stricter standard that means that the participants will remain anonymous throughout the study, even to the researchers themselves.

1.9.4 Securing data/ right to privacy

Farnham and Pilmott (1995: 48) state that, the researcher must take intentional precautions to ensure that information does not accidentally fall into the wrong hands or become public. In this study, precautions are taken to ensure that research related information is not carelessly discussed, so the researcher abided by the ethical code to ensure that nothing is left to chance.

Cohen and Manion (1994: 365) state that the right to privacy extends to all information relating to a person's physical and mental condition, personal circumstances and social relationships, which is not already in the public domain. It gives the individual or collective the freedom to decide for themselves when and where, in what circumstances and to what extent their personal attitudes, opinions, habits, eccentricities, doubts and fears are to be communicated to or withheld from others. For the current study, information is highly guarded and the respondents' right of privacy respected.

1.10 DEMARCATION AND LIMITATIONS OF THE STUDY

1.10.1 Demarcation of the study

The present study confined itself to the first year students in the MEd Leadership program at the University of Pretoria. The sample for this study is then further defined by making use of non-probability procedures, and more specific, aim/purposive sampling. Here the researcher handpicked the cases to be included in the sample on the basis of the requirements of the study that are satisfactory to the specific needs of the study (Cohen *et al*, 2000: 103). The participants for the sample are chosen by looking at the conditions and experiences of educators when dealing with their professionalism and unionism, in both primary and secondary schools. The narrative essays of the participants are compared to the aims and objectives of the study to determine the final sample. For this study then, principals as well as educators are included into the sample.

1.10.2 Limitations of the study

A prolonged study would have been preferable, following the experiences of the educators over a longer period of time. In a short dissertation, however, the scope of prolonged fieldwork becomes too vast.

1.11 STRUCTURE OF THE RESEARCH REPORT

Chapter 1 gives the orientation and overview of the study: This chapter deals with the background and nature of the problem to be addressed, research design and methodology.

Chapter 2 continues with the literature review on educator professionalism and unionism. This chapter provides a brief summary of the literature review on the legislative frame work which controls the teaching profession, educator conduct in public schools and the role of the South African Council for Educators (SACE) and the education unions to promote and to protect educator professionalism.

Chapter 3 presents the qualitative data collected on how educators perceive and experience their own professionalism with regard to the role that unionism play and presents a detailed analysis and interpretation of the data.

In Chapter 4 the research findings of the present study are compared with the literature reviewed, and the interpretations are discussed.

1.12 CONCLUSION

This chapter introduced the research project, namely: Educators' perceptions, experiences and expectations about professionalism versus unionism in education. The rationale, the problem statement, critical questions and the research objectives followed this. The research design and methodology, data collection and analysis methods, the ethical considerations and the limitations of the research were further discussed.

In the next chapter a brief summary of the concepts of professionalism and unionism in education are provided. A literature review on the legislative framework which rules the teaching profession, educator conduct in public schools and the role of the South African Council for Educators (SACE) and the education unions to promote and to protect educator professionalism are given.

CHAPTER 2: LITERATURE REVIEW

EDUCATOR PROFESSIONALISM AND UNIONISM

2.1 INTRODUCTION

Educators face enormous challenges on a daily basis. Some of these challenges include the limited resources (text books, computers, desks) available to most educators, which make it a struggle to make a difference in the lives of the learners that they teach. Moreover, while performing their duties, educators are required to act both professionally and ethically in their role as professional people.

Oosthuizen (2003: 107) states that the professional educator is placed in a relationship of professional authority within the parent community to whom he/she renders a service. This authority stems from his specialised knowledge and skills. The measure of this specialisation depends on the trust placed in the professional by society as a result of the high quality of service rendered by the profession as a whole or individually.

The South African Council for Educators (SACE) has a mandate to promote and help with the development of educators to ensure this high quality of service. This is reflected clearly in section 5 (b)(iv) of the South African Council for Educators Act, (Act 31 of 2000) indicates that, in terms of professional development SACE must promote the in-service training of all educators. Part of realising this professional development function and role includes, amongst other things, the coordination, management and advocacy of various professional development activities available in the country. A part of this professional development of educators should include the role of ethics, values and morals. Essex (2008: 280) stresses the importance of guarding against behaviour that sets a poor example to learners and violates moral integrity, as this type of conduct impairs the effectiveness of the educator.

Unions also play an important role in furthering educators' professionalism. Oosthuizen, Rossouw and de Wet (2004: 34) refer to the Labour Relations Act No. 66 of 1995 that ensures that collective bargaining may take place between the employer and an employers' organisation and employees who have organised themselves in labour unions. Schimmel, Fischer and Stellman (2008: 9) in turn reflect on the growing number of schools, educators and other workers that are now represented by labour unions that enter into collective bargaining agreements, or contracts that govern the work environment as well as conditions of employment.

It is also important to note the legal framework governing education in South Africa. Barry (2006: 7-8) refers to the Constitution of the Republic of South Africa (1996), the South African Schools Act, (Act 84 of 1996), the National Education Policy Act, (Act 27 of 1996), the Employment of Educators Act, (Act 76 of 1998) and the educational laws passed by the 9 provinces that are the principal laws governing schooling. The education system is governed by the Constitution and schools and education authorities must conduct them in a manner consistent with the Constitution and must fulfil the obligations imposed on them by the Constitution.

2.2 CLARIFICATION OF CONCEPTS

2.2.1 Professionalism

Helterbran (2008:123) defines the characteristics, qualities, and attitudes of professionalism as problematic. This problem results from the general practice of defining and using the term *professional* as both a position for which someone is paid and the quality of the performance of one's job. On the other hand Grady, Helbling and Lubeck (2008: 603), argue that while the definition of professionalism can be elusive and its elements are subject to debate, some features would be common to any definition. For one, the public accords a certain respect to professionals because of their special skills and knowledge. Professionals exercise discretion in making decisions within the scope of their expertise, and they assume some authority for their own professional development.

Joubert and Prinsloo (2001: 149) indicate the importance of distinguishing between the terms profession, professional and professionalism. They refer to a profession as a vocation or a calling, especially one that involves some branch of advanced learning. A professional on the other hand, is a person who belongs to or is associated with a profession, who has or manifests the skill of professional competence, and who conducts him- or herself in a professional manner. In turn to link these two concepts, professionalism refers to the qualities or typical features of a profession or of professionals, especially competence skills, all of which reflects on ethical behaviour.

The NAPTOSA document on professionalism (2005: 1) refers to professionalism as a profession to an occupation with a crucial social function. It requires a high degree of skill in addition to drawing on a body of systematic knowledge. While experience is regarded as being important, the acquisition of this body of knowledge and the development of specific skills require a lengthy, compulsory period of higher education which also involves the process of socialisation into professional values. These values centre on the interests of the clients (learners) and are made explicit in a code of ethics and/or code of conduct.

NAPTOSA further states that professionalism (the process) needs to take place in the contexts of:

- Improved performance (changing the self-esteem and perception of educators themselves);
- Response to demands for greater accountability in order to gain public trust (changing the perception of the public at large); and
- Enhanced status (changing the perception of clients as well as of the state).

Bebeau (2002: 271) links up with this view by further stating that professional practice is predominantly a moral enterprise. Consequently, schools are concerned with the ethical development of their students as well as designing the necessary activities to promote ethics.

It seems that it is the application of educators' feelings of commitment and loyalty to their occupation or profession, their employer and colleagues that should form the basis of their professional relationship with the people around them. If educators accept this belief, they should be dedicated to their work to instill a positive virtue that is described by such positive terms as industrious, diligent, persevering and willing to take initiative or be devoted to one's occupation.

2.2.2 Values, ethics and morals

Nieuwenhuis (2007: 9) describes values, morals and ethics as follows. The root or origin of the word value comes from the Latin *valere* and old French *valior* and it is clear that the concept of a value first and foremost refers to that which is worth striving for or living for. The word ethics comes from the Greek word *ethos* meaning character or custom. In Greek *ethika* refers to principles or standards of human conduct. In Latin, principles or standards of human conduct are called morals, coming from *mores* meaning customs.

Bondesio, Beckmann, Oosthuizen, Prinsloo and van Wyk (1989: 153) state that a professional attitude and sensitivity on the part of the educator is required for him/her to make a contribution to the further professionalisation of the teaching profession.

This, however, cannot take place without ethics. Goel and Goel (2005: 48) define ethics as the science of morals in human conduct, which includes moral philosophy and moral principles, which in turn rules their conduct. The utility of ethics rests on the fact that it requires one to reason, to analyse and to search for morally correct position while taking a decision. Value education, on the other hand, involves social education but extends beyond it in so far as it covers the way the individual deals with his own powers and potentialities as well how he/she behaves in his/her relationship with other people and the community at large (Goel and Goel, 2005: 7).

In turn, Halstead and Taylor (1996: 3) highlight the part schools play in the teaching of values and the part values play in the organisation of schools. The values of schools are apparent in their organisation, curriculum and discipline procedures, as well as in the

relationship between educators and learners. Values are reflected in what educators choose to permit and encourage in the classroom and in the way they respond to children's contributions to learning. Children learn values from such responses.

De Villiers, Wethmar and van der Bank (2000: 11) agree with this statement by adding that ethics for the different partners in education is not only needed to address the moral crisis in the society and in education. It is also needed to ensure the just transformation of education. The challenge that the partners in education, especially the Department of Education, school governing bodies and school management teams face is to manage the transformation process in a just manner. On the one hand, they have to see to it that the transformation of process complies with the criteria for distributive justice to ensure the just distribution of finances, job opportunities and expertise. In order to address the inequalities of the past they often have to resort to some sort of restitution and to affirmative action. On the other hand, they also have to exercise fairness or commutative justice in dealing with individuals. Fairness demands that hard work, experience and excellence should be awarded.

Cranston, Ehrich and Kimber (2003: 137) argue that an understanding of ethics and ethical dilemmas is crucial for educators due to the value-laden nature of their work. The meaning of ethics is subject to much contestation. In some instances it is defined in terms of what it is not, referring to matters such as misconduct, corruption, fraud and other types of illegal behaviour, while in others, notions of integrity, honesty, personal values and professional codes are raised. If ethics is viewed in this light, it indicates that people are faced with choices that require them to make decisions that enable them to lead an ethical life within the context of their relationships with others.

Sonyel (2004: 399) attempts to foster and encourage lifelong learning through professionalism and learning throughout life as being essential for adapting to the evolving requirements of the labour market and for better mastery of the changing time-frames and rhythms of an integral part of national and international policies. Sonyel also suggests that lifelong learning is significant as the nature of teaching demands teachers

to be engaged in continuous career-long professional development and that they are the schools' greatest asset to deliver knowledge. Noddings (2006: 339) agrees with this statement by stating that leadership in education requires both breadth and depth of knowledge about education. At the very least, an educational leader strives to have a defensible position on the aims of education, on a theory of motivation and on what constitutes ethical practice.

Heystek and Lethoko (2001: 222) also stress the enhancement of the culture of learning and teaching (COLT) and how important it is in education. To achieve this aim educators play an important role because they are responsible for the one crucial part namely teaching. The educators' motivation to perform well together with their professionalism in the delivery of a high level performance is important in this aspect. A positive attitude and highly motivated teachers may have a positive effect in enhancing a positive COLT. The professional attitude of educators and the perspective of teaching as a profession can also play an important role in the enhancement of COLT. In these circumstances it is important to recognise the role that the teacher unions can play in the enhancement of COLT as well as in the professionalism and motivation of teachers.

Norberg and Johansson (2007: 279) bring all the above together by stating that ethics as a discipline is based on the theories of human nature such as valuing, selecting and acting.

2.2.3 *Unionism*

Litzcke (2001: 1) states that new teacher unionism hinges on the belief that the collective good of educators is best served when union members are effective in the workplace, that is, when they are teaching successfully - with success measured by student outcomes. Teacher unions are not giving up being unions. As bargaining agents for their members, they remain protective of job security, teacher welfare, and working conditions. He further states that new teacher unionism in the United States of America, also known as teacher union reform, involves using existing union structures and tools in collaborative rather than adversarial ways for the pursuit of excellence in teaching as

well as for the promotion and support of teachers. Among the innovations pioneered by new teacher unions are such programs as peer assessments and reviews, differential pay arrangements, organization around student achievement standards and teacher participation in school-based management. These innovations are being brought to the bargaining table by unions and entrenched in contracts to greater or lesser extents in different districts across the US.

We also have teacher unions in South Africa with the same approach as the new teacher unionism in the USA namely to prioritise educator professional support and development and to ensure excellence in teaching.

A trade union, according to Squelch (1999: 78) is an association of employees whose main purpose is to regulate relations between employees and employers, including that of employers' organisations.

Govender (2005: 1) states that throughout history, teacher union-state relations have been perceived as conflictual, in spite of efforts of cooperation. Arguably, the conflict has been associated more with teacher unionism than with teacher professionalism as the former has often challenged state authority and power, especially over control and ownership of education policy and the labour rights of teachers. Teacher professionalism has been regarded as standing in opposition to unionism because it invokes notions of 'the good teacher' and 'the ideal of service'. Professionalism has been the preferred ideology, especially by the state, because of its propensity to produce good behaviour and curb teacher radicalism. However, in the era of democracy, human rights and labour peace, teachers' rights to collective bargaining and strike action have been recognized and institutionalised. This has resulted in teacher unionism being accepted as integral to teacher union-state relations. Nevertheless, labour unrest and policy contestation has continued unabated. This has given rise to calls for more cooperative teacher-union state relations in the interests of the public good and the improvement of education quality.

2.3 UNIONISM IN EDUCATION IN SOUTH AFRICA

The website of the Education Labour Relations Council (*ELRC*) states that the council is based in South Africa and serves the public education sector nationally. The *ELRC* is a statutory council, initially established by the Education Labour Relations Act of 1993 but now draws authority from the Labour Relations Act of 1995. The *ELRC* is primarily established with the aim of maintaining labour peace within public education. This is achieved through a process of dispute prevention and dispute resolution.

The *ELRC* is integrally involved in initiatives to prevent disputes from arising within the public education sector. This is achieved through facilitating the process of constructive collective bargaining between the educator unions and the department of education as the employer. The trade unions active in South Africa can be divided into two main groups, namely

- Combined Trade Unions - SADTU, which includes the South African Democratic Teachers Union (SADTU) and the Cape Teacher's professional Association (CTPA), and
- Combined Trade Unions – Independent Labour, which includes the National Professional Teachers Organisation of South Africa (NAPTOSA), Suid-Afrikaanse Onderwysersunie (SAOU), National Teachers Union (NATU), the Professional Educators Union (PEU) and Public Servants Association (PSA).

In his study, De Wet (2002: 239) presents as well as refers to the internationally recognised right of association that is recognised in South Africa by the Constitution and the Labour Relations Act. Each worker, including educators, has the right to participate in establishing a trade union and to join a trade union of his/her choice. However, some politicians and academics doubt whether the educator as active trade union member, can be reconciled with the professional educator. The study showed that the teachers' union members, who participated in De Wets' study, actively participated in trade union activities. It also appeared that educators joined trade unions for, amongst others,

economic, professional, educational, political, social and psychological reasons. Respondents regarded the role of a teachers' union in education policy matters, professional development of educators, and improvement in the economic position of members, as the most important objectives of teachers' unions.

2.4 AN INTERNATIONAL PERSPECTIVE OF UNIONISM IN EDUCATION

In research done by Skoulas (2006: 68) he states that trade unions (or syndicates), who represent the main organisations of the working class, appear powerless on the international level and are required to undergo necessary transformation to maintain important influence within the post-industrial era. Skoulas (2006: 76) continues to mention the main reason why the labour organisations and trade unions are not capable of comprehending the implications and consequences of the post-industrial society. He refers to the fact that they are "left behind" in both theory and education. In other words, there is a delay in theoretical understanding that is directly related to the side effects and basic implications of changes, which are continuously taking place within society. The workers and the syndicates needed to find viable answers to repression and exploitation, and for that, they needed to expand the investigation to the international field. The website of Education International insists that education is a human right and a public good, and it is the responsibility of all governments to provide all women and men, boys and girls, free quality public education. In recent years, Education International has expressed concerns that proposals for a significant increase in the scope of trade liberalisation might see education services covered by commercial trade agreements. Education International has actively lobbied to have education services excluded from the scope of the General Agreement on Trade in Services (GATS).

In order to make this possible, the trade unions themselves must recognise the politics of the age of information, telecommunication and globalisation.

Feldman (2000: 6) found that in the United States of America, teachers and unions that were elected to represent them are working hard to make every American school a place where students can work and learn, to which parents gladly send their children.

However, school management is, or should be, as interested in the quality professional development as what teachers and their unions are. The negotiation process can build consensus on how to invest in teachers' growth, how the union can engage teachers in professional learning, and how it can use its expertise in determining the content of professional development. Working together on this issue often leads the union and management to successful collaboration in other areas.

Koppich (2005: 90) on the other hand argues that the worldwide trend of conventional wisdom has the teacher unions singularly concerned with enhancing only the compensation packages of those whom they represent. Issues central to educational quality, from better teacher preparation to more rigorous professional evaluation, play second fiddle to the primary union focus on wages and benefits. However, the notion that teacher unions are interested only in improving salary levels belies an emerging truth that agreements form the foundation of programs designed to improve the quality of teaching and levels of student learning.

2.5 THE LEGAL FRAMEWORK IN WHICH EDUCATORS PRACTICE THE TEACHING PROFESSION

2.5.1 *The Constitution*

2.5.1.1 Introduction

Section 2 of the Constitution provides that the Constitution is the supreme law of South Africa. Any law or conduct inconsistent with it is invalid, and the obligations imposed by the Constitution must be fulfilled (Joubert and Prinsloo, 2009: 5). Chapter 2 of the Constitution comprises the Bill of Rights and is particularly important because it contains fundamental human rights. The human rights contained in the Constitution of the Republic of South Africa have, to a large degree, placed South Africa on the road to providing legal foundations that will ensure schools where there is respect for the rights of all partners in education.

2.5.1.2 Labour relations

Labour relations include rights specifically pertaining to employees and employers, for example, section 23(1) makes provision for the right to fair labour practices, section 23(2) to form and join a trade union, to participate in the activities and programmes of a trade union and to strike. According to section 23(3) every employer has the right to form and join an employers' organisation and to participate in the activities and programmes of an employers' organisation. In terms of section 18 of the Constitution everyone has the right to freedom of association, which means that educators and all other workers have the freedom to choose a trade union (Joubert and Prinsloo, 2009: 187)

2.5.1.3 The right to work

Joubert and Prinsloo (2009: 187) continue to state that after having been appointed, the employee exercises the right to work, that is, to practice a calling, trade or profession, and to perform the duties as agreed upon between the parties. Section 22 is also a very important fundamental right in that it protects the right of every citizen to choose their trade, occupation or profession freely. There is however, a built in limitation in this provision namely that the practice of the trade, occupation or profession may be regulated by law. The right in section 22 to choose and to practice the teaching profession is regulated by the South African Council of Educators Act (Act 31 of 2000) and the South African Council for Educators Code of Professional Ethics.

2.5.1.4 Other Constitutional rights

Educators as any other worker or professional are also entitled to the following rights:

- In terms of section 10 of the Constitution educators have a right to inherent dignity and the right to have their dignity respected and protected by the law for employer, colleagues, the parents and the learners.
- In terms of section 14 of the Constitution every one has the right to privacy, which includes the right to confidentiality.

- The right to freedom of expression, which is guaranteed by section 16, protects all forms of communication on, including its contents and those to whom it is addressed. *Expression* is a wide concept that includes the following:
 - a) Speech (the spoken word, displaying posters, painting, dancing).
 - b) The written word and publications (the press and the media).
 - c) Symbolic acts (burning flags, wearing certain items of clothing and physical gestures).

In terms of section 16(2) the right to freedom of expression does not extent to -

- (a) propaganda for war;
- (b) incitement or imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Section 16(2) is a good example of a built-in limitation in the Constitution.

- In terms of section 17 everyone has the right to assemble, demonstrate, picket, and present petitions, provided the activity takes place peacefully and those involved are unarmed. The right to demonstrate is limited by the built in limitation that the demonstration, picket or the presentation of petitions must take place peacefully and that demonstrators must be unarmed.
- In terms of section 24 of the Constitution, everyone has the right to an environment that is not harmful to his/her health and well-being. This means that educators have a fundamental right to teach in a safe and healthy school environment.
- In terms of section 32 of the Bill of Rights everyone has the right of access to any information that is held by the state or any other person and that is required for the exercise or protection of any rights. The Promotion of Access to Information Act (Act 2 of 2000) gives effect to section 32 of the Constitution. The purpose of this Act is to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and to promote

a society in which the people of South Africa have effective access to information to enable them to exercise and protect all their rights. According to Malherbe & Beckmann (2001: 58) reasonable access to information is essential in an open and democratic society, not only for ensuring transparency and accountability, but to further the trust without which democratic government and the management of public educational institutions become impossible.

- In terms of section 33(1) of the Constitution, everyone has the right to administrative action that is lawful, reasonable and procedurally fair. In subsection, 33(2), provision is made that everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. The Promotion of Administrative Justice Act (Act 3 of 2000) gives effect to section 33(2) of the Constitution. Section 3(1) makes provision that any administrative action, which materially and adversely affects the rights or legitimate expectations of any person, must be procedurally fair. Section 3(2)(b) states that in order to give effect to the right to procedurally fair administrative action, an administrator, subject to subsection (4), must give a person referred to in section 3(1) –
 - a) adequate notice of the nature and purpose of the proposed administrative action;
 - b) a reasonable opportunity to make representations;
 - c) a clear statement of the administrative action;
 - d) adequate notice of any right of review or internal appeal, where applicable;
 - e) adequate notice of the right to request reasons in terms of section 5.

2.5.1.5 Limitation of rights

Fundamental rights and freedoms are not absolute and may be limited. The rights of others set their boundaries, for nobody may unjustifiably infringe on another person's rights. The boundaries are also set by the legitimate needs of society. No one may use a right to infringe unjustifiably the rights of others. For example, educators on strike may not use the right to strike to infringe their colleague's right to practice the teaching profession (Bray, 2005:31-34).

The rights in the Bill of Rights may be limited (section 36) in terms of a law of general application to the extent that the limitation is reasonable and justifiable in an open

democratic society based on human dignity, equality and freedom, taking account all the relevant factors, including

- a) The nature of the right;
- b) The importance of the purpose of the limitation;
- c) The nature and extent of the limitation;
- d) The relation between the limitation and its purpose; and
- e) Less restrictive means to achieve the purpose.

It is further important to note that although educators have fundamental rights, they also have duties or obligations concerning these rights. A right is usually balanced by a duty. A person may have both rights and obligations pertaining to the same matter. Educators have the right to practice the teaching profession (section 22) but they have the obligation to promote, protect and fulfil the learners' right to receive effective education in a safe school environment. Learners have the right to education but they also have a legal obligation in terms of section 8(4) of the South African Schools Act to adhere to the code of conduct of the school they attend, to attend school on a regularly basis and to do their assigned work. Parents may claim the best education for their children but they have a legal obligation in terms of section 3 of the Schools Act to send their children of compulsory school going age to a school and to pay school fees in terms of section 40(1) of the Schools Act, unless they have been exempted.

Bray (2005: 15) further states that the Bill of Rights incorporates a wide range of fundamental human rights documents. Whether the Bill of Rights creates a hierarchy of rights is a debatable point and the courts will be guided by the values of an open and democratic society based on human dignity, equality and freedom. Moreover, the internationally recognised view that human rights are interdependent and indivisible may also have a persuasive influence in this regard.

2.5.2 National legislation applicable on education

Foster and Smith (2001: 28) highlight the following legislation applicable to the teaching profession:

2.5.2.1 South African Schools Act (Act 84 of 1996) (SASA)

SASA is the substantive cornerstone of South African school law, providing for the decentralisation of authority to schools and the creation of school governing bodies. SASA deals with rights of learners, the governance and funding of public schools, as well as with independent schools. Several regulations and policies have been adopted under SASA:

- ~ *Age Requirements to an Ordinary Public School;*
- ~ *Exemption of Parents from the Payment of School Fees Regulations;*
- ~ *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners;*
- ~ *National Norms and Standards for School Funding;*
- ~ *Norms and Standards for Language Policy in Public Schools;*
- ~ *Regulations Relating to the Minimum Requirements of an Agreement between the Member of the Executive Council and the Owner of Private Property on which a Public School is Provided;*
- ~ *Transfer of Funds and Other Moveable Assets of the State to Public Schools.*

Another most important section in the South African School Act, which has a bearing on educators' professional conduct, is section 10, which prohibits corporal punishment at a school. Corporal punishment is seen as an infringement of the learners' right to freedom and security of the person (section 12 of the Constitution).

2.5.2.2 South African Council for Educators Act (Act 31 of 2000) (SACEA)

SACEA provides for the continuation of the SACE, a professional body which among other duties establishes a code of professional ethics for educators, all of whom must be registered with SACE. In terms of section 23 (c) of the South African Council for Educators (Act 31 of 2000), the council may direct the chief executive officer to remove the name of the educator from the register if the educator was found guilty of a breach of the code of professional ethics (Joubert and Prinsloo, 2009:187-188).

2.5.2.3 Employment of Educators Act (Act 76 of 1998) (EEA)

The *EEA*, as its name implies, provides for the employment of educators by the state and, among other purposes, for the regulation of their conditions of service. In this Act, an educator is defined to include “school-based educators” (employed in a school or *FET*) and “office-based educators” (employed in a department of education). Section 4 of the *EEA* allows the Minister, subject to provisions and a collective agreement concluded by the Education Labour Relations Council (*ELRC*), to determine the salaries and other conditions of service of educators. The Minister has done so in a set of “administrative measures”, these and other key regulations have been adopted, as listed below. In terms of section 17 and 18 of the Employment of Educators Act, as amended in the Education Laws Amendment Act (No 53 of 2000) can be regarded as an attempt by the legislators to clarify exactly which kind of conduct is expected and not expected of educators (Rossouw, 2003:84). Schedule 1 of the Employment of Educators Act includes the *Incapacity Code and Procedures of Poor Work Performance* and the *Incapacity Code and Procedures for ill Health and Injury*; and Schedule 2, the *Disciplinary Code for Educators*.

2.6 DUTIES AND RESPONSIBILITIES OF EDUCATORS – THE BALANCE BETWEEN RIGHTS AND DUTIES

2.6.1 Introduction

Squelch (1999: 14) states that the concept of rights and duties are significant when there is a relationship between legal subjects, or between a legal subject (that is, any being or entity capable of being a bearer of rights and duties) and another legal subject, or between a legal subject and a legal object (that is, anything or any object which has economic value to people to which the law has not granted the competency to have legal rights and duties). It is from a framework of relationships that the concepts of rights and duties derive their particular meaning. In terms of relationships, the term “right” implies the ability to claim something and the term “duty” implies an obligation to perform. For example, an educator has the right to remuneration and the employer has an obligation to ensure that he or she receives that remuneration (contractual right). For

the purpose of this study it is important to distinguish between contractual rights i.e. rights, which the educator is entitled to in terms of the conditions of service for educators, and fundamental rights. Educators are as any other citizen in South Africa also entitled to the following fundamental rights in the Constitution of the Republic of South Africa.

Joubert and Prinsloo (2001: 146) highlight the following rights of educators:

- Everyone has inherent dignity and the right to have his or her dignity respected and protected.
- Everyone has the right to fair labour practices
- Every employee has the right to strike
- Everyone has the right to assemble, demonstrate, picket and present petitions, provided the activity takes place peacefully and those involved are unarmed
- The right to equality covers equal opportunity and fair treatment in employment by eliminating unfair discrimination and implementing affirmative action measures.

Educators have a constitutional obligation to fulfil the learners' right to education in terms of sections 29 (1) (a) of the Constitution and their right to a safe school environment (section 24(a)). In Section 8 of the Policy handbook for Educators (2003: H-4) the following is noted:

On the 27th of July 1999, Professor Kader Asmal, the Minister of Education, announced his "Tirisano: Call to Action" detailing South Africa's educational priorities and vision for the next five years. This is operationalised through an annually revised "Implementation Plan for Tirisano". The Tirisano statement acknowledges that, "the educational condition of the majority of people in this country amounts to a national emergency". School safety is highlighted as a critical obstacle to learning.

The depth and breadth of the impact of crime, abuse and violence affects every community. The school community pays a considerable cost. Crime creates unnecessary expense related to the maintenance of infrastructure, human resource costs and the loss of opportunities.

Education is directly threatened through the loss of learning and teaching time, through the negative impact on the resilience of educators and learners and through damage to property. The safety of schools and the prevention of violence, particularly gender-based violence, are enormous challenges facing government, schools and communities. In a focused drive to develop environments in which the sharing of knowledge is enabled, the “Safe Schools” initiative of the Department of Education aims to free the school community from fear, risk of victimisation, and to promote the realisation of the potential of all our youth. Early intervention is seen as the most cost-effective and reliable way to support and guide youth to self-fulfillment through education.

The above statement links up closely with The Children Amendment Act (Act 41 of 2007), which governs the main areas of the childcare and protection system. It places a legal obligation on educators to report any form of child abuse or child neglect to the welfare or the police. The reporting clause is found in the Children's Amendment Act 41 of 2007.

This Act is not yet in operation and neither is the full Children's Act. Currently the Child Care Act is still in operation as far as the reporting duties are concerned. Section 110(1) of the Children's Amendment Act sets out the reporting duties as follows:

Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.

The Act also emphasises the core international and constitutional principle, which emphasises that in every matter affecting a child, the child's best interests should be of paramount importance. Most of the services that give effect to these rights are in sections of the Act that are not yet in force or are in the Children's Amendment Bill. In terms of item 3 of the South African Council of Educators Code of Professional Ethics an educator must take reasonable steps to ensure the safety of the learner.

2.6.2 The educator's duties regarding the safety of the learner

Joubert and Prinsloo (2001: 95) states that in terms of common law, the legal duty to protect a learner from danger arises from the delegation of such legal duty by the parent to the educator or the school. The educator therefore acts in the place of the parent. This is called the principle of *in loco parentis*. In the school situation, the educator acts *in loco parentis* on the grounds of original and delegated authority. The educators' original authority over the child emanates from his or her profession as an educator, while the parent delegates their authority over their children, to the educator. This does not, however, mean that the educator replaces the parent. The parent remains the primary educator of the child. Furthermore, the educator acting in place of the parent has an important duty of care towards the learners entrusted to them. This 'duty of care' means that the educators have to accept responsibility for the safety and well-being of the learners for as long as they are in their care.

The duty of care of the educator as a professional person should be seen against the following background:

- The child is compelled to attend school.
- The child has a right to education and his parents have a corresponding right and duty to provide that education.
- Parents are compelled to have their children attend school and they may, therefore, expect that:
 - Their children will be properly educated;
 - Educators will be properly trained;
 - Education departments (and other employers of educators) will not appoint educators who do not possess the attributes and qualifications which make them suitable for appointment; and

- Education departments (employers) will see to it that educators properly and satisfactorily acquit themselves of their duties.

With respect to this duty of care, the demands of the educator are, to a large degree, comparable with those of the parent. The educator therefore has the same rights and duties in this regard as the parent. Moreover, the fact that the educator is specifically trained for and performs the task professionally for gain, implies that the law sometimes expects more from the educator than expected from the parent because the educator should, on the strength of the work, the training and the teaching experience, be able to exercise greater and more effective care in respect of the physical and psychological integrity of the child. The duty of care of the educator is linked strongly to various dangers which may threaten the safety of the child in various ways (Bondesio, Beckman, Oosthuizen, Prinsloo and Van Wyk, 1989: 50 – 53).

Joubert and Prinsloo (2001: 147) agree with the above by stating that all educators have an obligation to protect the right of learners to education (Section 29 of the Constitution) by their professional conduct.

2.6.3 Other duties and obligation of educators

Squelch (1999: 15) also refers to further rights and duties of employers and employees that can be found in legislation and collective agreements. For educators, the Personnel Administrative Measures (PAM) clearly sets out matters such as the workload requirements for educators and the duties and responsibilities of educators concerning general administration, teaching, personnel, interaction with stake-holders and extra-curricular activities. In addition to core duties and responsibilities, the appropriate representative of the employer may allocate certain specialised duties and responsibilities to staff in an equitable manner.

The educator has the following common law duties towards the employer:

- Perform his or her work with reasonable competence and efficiency.
- Obey reasonable orders given to him or her in the normal course of his or her employment.

- Not deal dishonestly with the property of the employer.
- Act in good faith.
- Be respectful and obedient (Bendix 1996: 116).

2.7 THE ROLE OF THE SOUTH AFRICAN COUNCIL FOR EDUCATORS (SACE) TO ENCOURAGE EDUCATOR PROFESSIONALISM

2.7.1 The primary functions of SACE

Educators have an obligation to respect, promote and protect the rights of learners in our schools. The South African Council for Educators Act (Act 31 of 2000), not only fulfils its Constitutional duty in terms of section 22 of the Bill of Rights to regulate the teaching profession, but also makes provision to promote educator professionalism through the South African Council for Educators. SACE is the professional body to ensure and maintain a high standard of performance by members. In practice this means that educators have in terms of section 22 of the Constitution of the Republic of South Africa (Act 108 of 1996) the right to choose and practice the teaching profession, but the profession is regulated by the South African Council for Educators Act (Act 31 of 2000) and the South African Council for Educators. SACE has three primary functions namely:

- The registration of educators. SACE keeps a register of all those persons entitled to teach in South Africa.
- The professional development of educators. The maintenance and enhancement of professional standards is a major concern of SACE and its activities are directed towards improving the quality of teaching and learning in South Africa. SACE oversees standards of entry into the teaching profession and renders advice on the training and qualifications of educators.
- The regulations of the ethics of the profession through the Code of Conduct and its disciplinary measures (Department of Education, Sept. 1998: 59-60).

2.7.2 The Code of Professional Ethics of the South African Council for Educators (SACE)

2.7.2.1 The Preamble of the Code

The Preamble of the code of ethics reads as follows:

The Educator who are registered with the South African Council for Educators:

- *acknowledge the noble calling of their profession to educate and to train the learners of our country;*
- *acknowledge that the attitude, dedication, self-discipline, ideals, training and conduct of the teaching profession determine the quality of education in this country;*
- *acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa;*
- *commit themselves therefore to do all within their power, in the exercising of their professional duties, to act in accordance with the deals of their profession as expressed in this Code; and*
- *act in a proper and becoming way such as their behaviour does not bring the teaching profession into disrepute. (Oosthuizen, 2003: 112).*

2.7.2.2 Contents of the Code

The purpose of the code of ethics laid down by the professional council for educators is to ensure and maintain a high standard of professional conduct and performance by the teaching profession and professional organisations. The South African Council for Educators has adopted this code of ethics. This national body has the right to investigate any complaint by a parent or teacher. It also has the right to fine a teacher up to R1 000 if they transgress against the code of ethics.

This code further acknowledges, upholds and promotes basic human rights. It includes:

▪ **The educator and learners**

An educator:

- respects the dignity, beliefs and rights of learners, and the right to privacy and confidentiality
- acknowledges the individuality and needs of each child, and guides and encourages them to reach their potential
- does her or his best to imbue learners with values consistent with the Bill of Rights in the Constitution
- is authoritative but compassionate
- does not humiliate learners, or have sexual relationships with them
- does not harass learners, sexually or physically
- uses respectable language and behaviour, and acts in a way that will earn respect from learners
- takes reasonable steps to ensure the safety of learners
- does not abuse his or her position for financial, political or personal gain.

▪ **The educator and parents**

An educator:

- promotes good relationships with parents, recognising them as partners
- keeps parents informed of a learner's progress

- **The educator and the community**

An educator recognises that her or his school or institution serves the community, and accepts different customs, codes and beliefs within the community.

- **The educator and colleagues**

An educator:

- does not undermine the status and authority of colleagues
- does not sexually harass colleagues
- respects the responsibilities and authority of colleagues
- uses proper procedures in cases of professional incompetence or misbehaviour

- **The educator and the profession**

An educator:

- acknowledges that his or her duties require co-operation with and the support of colleagues
- keeps abreast of educational trends and developments
- promotes the ongoing development of teaching as a profession
- accepts that she or he has a professional obligation towards education and to induct new members into teaching

- **The educator and the employer**

The employer of most teachers in public (state) schools would be the Department of Education.

An educator:

- recognises the employer as a partner
- acknowledges that the employer has responsibilities and authority, and so serves the employer to the best of his or her ability
- does not discuss confidential and official matters with unauthorised people

An educator found guilty of a criminal offence in a court of law may be subject to a disciplinary hearing if the offence is also a breach of the code of conduct.

- **The educator and the council**

The South African Council of Educators will decide on the nature and extent of disciplinary measures against educators guilty of breaching the code of conduct, for example being struck from the register of teachers.

Together with the provisions of the South African Council for Educators Act (Act 31 of 2000) and section 3 of the South African Council for Educators Disciplinary Procedures the following is stressed:

- Any person who believes that an educator has breached the code may lodge a complaint with the Council.
- The complaint should preferably be in writing and clearly disclose the alleged breach of the code.

- The disciplinary committee may investigate any alleged breach of the code, whether or not a complaint has been lodged.
- The chief executive officer must, as soon as possible after receiving a complaint, refer it to the disciplinary committee for consideration.
- The disciplinary committee must refer an alleged breach to an investigating panel for investigation.
- An investigating panel may, in investigating any alleged breach of the code interview complainants and other possible witnesses; subject to clause 3.7, interview the educator who is alleged to have breached the code; notify the educator of the alleged breach and, subject to clause 3.7, give the educator an opportunity to respond within the period specified in that notice, gather evidence relevant to the alleged breach, and if necessary, cause summons to be served on any person who may assist the panel in its investigation as contemplated in section 14(4) of the Act.
- Before interviewing an educator as contemplated in clause 3.6.2, and in any notice contemplated in clause 3.6.3, the investigating panel must warn the educator of the educator's right against self-incrimination; and that any admission or explanation given by the educator may be used as evidence against the educator at a disciplinary hearing.
- The investigating panel must keep a record of the investigation.
- If an investigating panel is satisfied that there is sufficient evidence of a breach of the code by an educator, the disciplinary committee may refer the matter to a disciplinary panel for hearing.
- A member of a panel that has investigated an alleged breach of the code cannot serve as a member of the disciplinary panel which hears the matter.

Item 6 of the Code then continues to state that:

- The disciplinary panel must make its recommendation on whether or not there has been a breach only after evidence has been completed; and every party to an inquiry has been given a fair opportunity to be heard.

- If the disciplinary panel recommends that the educator has breached the code, the panel must request the parties to make representations on an appropriate sanction. This may include the leading of further evidence, including evidence on any previous convictions of the educator for breaches of the code. A certificate issued by the chief executive officer containing details of any previous convictions constitutes *prima facie* evidence of such previous convictions.
- If the disciplinary panel recommends that the educator has breached the code and recommends a sanction it must record its recommendations, inform the educator in writing of its recommendations, and submit the record of the hearing and its recommendations to the disciplinary committee.

Item 7 of the Code in turn highlight the recommendation of the disciplinary committee:

- On the basis of the recommendation of the disciplinary panel the disciplinary committee must recommend a finding and appropriate sanction, if any, to the Council and inform the educator concerned accordingly.
- An educator who is dissatisfied with a recommendation of the disciplinary committee may make written submissions to the Council within fourteen (14) days of his or her knowledge of the recommendation of the disciplinary committee.
- The written submissions must set out the grounds on which the educator believes the recommendation to be wrong.

Then, in item 9, the procedures to appeal against the recommendation/s of the Disciplinary Committee are set out:

- Any educator who is found guilty of a breach of the SACE Code of Ethics may, appeal to the Council against the recommended findings or sanction of the disciplinary committee or against both.

- The appeal must be lodged with the Chief Executive Officer, within 14 days after the disciplinary committee has informed the accused of its recommendation.

2.7.3 Professional development

The South African Council for Educators' Professional Development Document (2005: 2) states that the South African Council for Educators derives its professional development mandate from section 5 (b) of the South African Council for Educators Act no. 31 of 2000. This Act mandates the South African Council for Educators to promote the development of educators, develop and promote the image of the teaching profession, advise the Minister of Education on various teacher education and developmental issues, and develop a professional development policy.

In addition, the Act requires the South African Council for Educators to perform these in terms of developing a professional journal, developing material and running courses and workshops, and establishing a facility to assist educators with various educational and professional matters. In terms of the Act the professional development mandatory functions are the ones the South African Council for Educators does and the professional development discretionary functions are the ones the South African Council for Educators performs.

2.7.3.1 The Professional Development Division

According to section 5 (b) (i)-(iv) of the South African Council for Educators Act (Act 31 of 2000), the professional development Division acts:

- to promote, develop, and maintain a professional image;
- advise the Minister on matters relating to the education and training of educators, including but not limited to
 - ~ the minimum requirements for entry to all the levels of the profession;
 - ~ the standards of programmes of pre-service and in-service educator education;

- ~ the requirements for promotion within the education system; and
- ~ educator professionalism;
- must research and develop a professional development policy; and
- promote the in-service training of all educators.

2.7.3.2 The discretionary functions of SACE professional development

The South African Council for Educator's document Professional Development (2005: 2) states that the South African Council for Educators:

- may develop resource materials to initiate and run, in consultation with an employer, training programmes, workshops, seminars and short courses that are designed to enhance the profession;
- compile, print and distribute a professional journal and other publications; and
- may establish a professional assistance facility for educators.

2.7.3.3 Professional development activities

The South African Council for Educator's document Professional Development (2005: 3) continues to highlight that over the past few years the South African Council for Educators managed to successfully identify various professional development activities that covered both the mandatory and discretionary functions. Some of these activities were:

- The Ethical and Legal Training (ELT) Project which provided training and development workshops for educators to make them aware of both the ethical and legal issues that are significant for the implementation of the SACE Code of Professional Ethics in schools, and various educational institutions and centres (for example, Early Child Development and Adult Education Centres, and Further Education and Training Institutions). While, the SACE is not currently implementing this project, it has the relevant training material that can be used by schools and various

stakeholders for training purposes and familiarising the educators with the legal and ethical obligations of the profession.

- The Ethics and Values in Education (EVE) Project resulted in the production of the *SACE Handbook on the Code of Professional Ethics*. The purpose of the handbook is to provoke thinking, debate and discussion about ethical issues in education and to sharpen educators' understanding of ethical issues and their ability to act ethically. The *SACE Handbook on the Code of Professional Ethics* has been circulated in most of the public schools in the country. The Professional Development Division would like to encourage all the educators in schools to hold workshops, seminars and information sharing sessions where they can engage in critical discussions and debates on ethical issues in education.
- The Professional Development Portfolio (PDP) Project has been implemented in all the provinces from 2003 to date. The purpose of the project is to encourage educators to take responsibility for their own professional development and engage in critical reflection of their own practice. The project produced three sets of the Professional Development Portfolio Guidelines for Post Level 1 Educators, Heads of Departments (PL 2), and Deputy Principals and Principals (PL3 and PL4). The guidelines are in a form of self-study material that could be used by educators, independently, to reflect critically on their practice and enhance their own self-development.
- World Teachers' Day has been celebrated in the country since 1999. SACE has in the past five years, taken the lead in ensuring that 05 October is celebrated in various ways to honour the South African educators.
- IQMS Performance Standard # 5 Training and Development Project develops and supports educators who identified areas of needs around this performance standard from their Professional Growth Plans and School Improvement Plans. The Professional Development Division has developed some training material that can be used to address this need.

The SACE Professional Development Division is currently running a programme on IQMS Performance Standard # 5: Participation in the Field of Career/Work and Participation in Professional Bodies. The Division worked closely with some provincial departments of education in delivering this programme to the educators (SACE, 2005: 5).

- Continuing Professional Development (CPTD) Point System: the Council is discussing and debating various proposals regarding the proposed CPTD Point System. It has, adopted the system in principle. As soon as the system is finalised through the national policy process, the SACE will endorse the professional development programmes from various service providers and will track educators' progress. The SACE will also communicate and market the system to the educators accordingly (SACE, 2005: 5).
- Professional Development Database and Directory Project: part of this project's process entails the data and information collection on various professional development activities for purposes of establishing the SACE directory and database containing various professional development activities offered by different organizations, professional associations/bodies, employers, individual private providers, unions, higher educations institutions, schools and many others. The directory will, firstly, be used as one of the other directories SACE will be developing as part of its professional development function on the establishment of the educator professional assistant facility as per section 5(b) of the SACE Act. SACE strongly believes that the professional development directory and database will promote various professional development activities among educators and provide them with various options that will address their identified needs on their professional growth plans, school improvement plans and the district improvement plans in terms of the Integrated Quality Management System (IQMS). The lack of a comprehensive database and directory on the professional development activities and professional associations has been identified as a gap that needs to be addressed as

soon as possible. SACE hopes that this database and directory will assist the Council in terms of finding possible areas of professional development collaboration and partnerships with its constituencies and stakeholders for the benefit of the entire teaching profession and educators in particular. We will be working with all the SACE constituencies and broader stakeholders in developing this database and directory. SACE therefore, kindly requests all the stakeholders and constituencies to provide information on their professional development activities.

- Professional Development Partnership Projects are important in terms of delivering professional development activities to more schools. The SACE has a number of partnership projects with organisations such as INTEL Teach to the Future, Greater Good South Africa, Microsoft, Beautiful Schools Campaigns, and others (teacher unions and Departments of Education) (SACE, 2005: 6).

Moreover, in terms of section 23 (c) of the South African Council for Educators Act (Act 31 of 2000), the Council may direct the chief executive officer to remove the name of the educator from the register if the educator was found guilty of a breach of the code of professional ethics.

2.7.3.4 The Professional Development Portfolio

The South African Council for Educators (SACE) published various articles in which a serious interest in the education field and teaching profession in particular was highlighted. One of these is the Professional Development Portfolio (PDP) Project (SACE, 2003: 1). The PDP Project will continue to provide educators with ongoing support so that they can be in a position to complete their portfolios and use them as tools for life long learning and ongoing Professional Development. SACE started implementing the PDP Pilot project in the first three provinces - Limpopo, Gauteng, and Mpumalanga in the beginning of 2003 and then moved to Northwest, Free State and KwaZulu-Natal between April and July 2003. The last three provinces – Western Cape, Eastern Cape and Northern Cape were visited between August and October 2003.

The South African Council for Educators (SACE) came up with a project slogan that will encourage educators to be responsible for their own Professional Development as they engage in a process of developing their own portfolios: “Taking Responsibility for My Own Professional Development”. This slogan attempted to encourage self-development among educators. Professional Development is NOT ALWAYS something that one does to educators. They need to take responsibility of initiating their own development as well. Professional Development as a continuous process of growth is closely linked to Education for Life/Life Long Learning Concept. This is philosophy that says learning is a continuous process that takes place throughout an individual's span of life. This philosophy is based on the assumption that knowledge, skills and attitudes change with time. It is therefore desirable that an educator should continue to learn in order to equip themselves for changes that affect their life in general and their professional work in particular (SACE, 2003: 3).

2.7.3.5 Activities for further development

The South African Council for Educators (SACE) further suggests the following activities for educators to:

- read the literature relevant to their profession, work context and learning area
- exchange experiences with colleagues and other educators in the profession
- attend Professional Development Programmes that may come through their union, Department of Education, SACE, ELRC, NGOs and Professional Associations/Committees
- engage in group projects
- engage in research activities that will come up with some learning experiences
- encourage research into relevant topics and assisting other educators to publish their results
- encourage reading culture among educators in their school

- invite guest speakers to the school to present papers or address educators on topical issues. These topical issues could be discussed at regular seminars within the schools
- hold regular staff development programmes at their school in which different members of staff take turns to lead discussions
- establish learning area committees
- learning-on-the-job (learning by doing)
- having a mentor (An experienced colleague)
- participate in school, union, SACE, ELRC and Department of Education activities
- Peer-Group Learning. Educators should come together to share ideas and experiences. Participants learn from each other. It increases group expertise and it is cost effective.
- drawing on experiences from colleagues
- Learning Area Committees, Cultural Committees, Sports Committees, Music Committee
- Professional Associations, Maths, Science, Language Association
- Own Studies through Institutions of Higher Learning.

The aim of the PDP Project is to provide educators with ongoing support. SACE also assist educators in monitoring and evaluating the project on an ongoing basis in each province. The PDP also offers provincial workshops, as they have begun with a process of conducting PDP workshops in provinces. The main outcomes of the workshops were:

- Participants to have hands on experience and skills in the process of developing their own Professional Development Portfolio
- Participants to show understanding of the Professional Development Portfolio Concept and its implications for one's own Professional Development
- Instil sense of responsibility and commitment for one's own Professional Development

- Encourage participants to practice collegiality where they will share Professional Development Portfolio experiences and ideas
- Take participants through reflection process that is central to the process of developing one's portfolio
- Produce one's own Professional Development Portfolio that reflects ongoing professional development needs (SACE, 2005: 4).

2.8 THE ROLE OF THE EDUCATOR UNIONS IN EDUCATOR PROFESSIONALISM

2.8.1 Introduction

As stated earlier, the *ELRC* is primarily established with the aim of maintaining labour peace within public education. Squelch (1999: 95) states that the *ELRC* is a registered bargaining Council for educators. The functions of the bargaining committee are to (according to the Labour Relations Act, s 11(5)(b)):

- negotiate matters referred to it, with the view of reaching provisional agreement for ratification by the Council
- consult on matters referred to it by the parties
- give parties the opportunity to pursue interests of their principals on matters of mutual interest through collective bargaining
- reach final agreement on matters which have been delegated to it by the *ELRC*
- refer matters which require further investigation to other appropriate
- take steps to settle disputes that arise in the bargaining committee
- recommend to the *ELRC* what research should be undertaken (Squelch, 1999: 95)

2.8.2 Role of individual unions

2.8.2.1 The South African Democratic Teachers Union (SADTU)

The constitution of SADTU states that it is a union of organised teachers - irrespective of race, creed, or gender - nationally throughout South Africa. The union believes that

teaching - more than any other profession influences who we are and also the societies we live in. The union believes that, in balancing the professional and trade union aspects of its members' lives, to be the long-term goal for its members and society at large. It ranks amongst the largest unions affiliated to the Congress of South African Trades Unions (COSATU); and is also a member of the Education International, an international trade union coordinating body organising workers in the educational sector with over 23 million members.

In the 'Continuing Professional Teacher Development (CPTD)' document (SADTU, 2008: 1) it is clear that motivated teachers are committed to their own (professional) development and central to the establishment of a culture of learning and teaching and the transformation of education in South Africa. SADTU, however, believes that professionalism cannot be developed in isolation from other problems being experienced in the education system. Professional teacher development deals with the professionalisation of teaching that would be part of teacher development and could be used to enhance teacher professionalism. Thus professionalisation of teaching can be viewed as a process that can be driven outside of the teacher himself even outside of the school. Professionalisation of teaching therefore becomes a means of quality assurance for the profession in general and teaching in particular.

2.8.2.2 The South African Teachers Union (SATU)

The website of the South African Teachers' Union (SATU) states the following reasons why educators need the backing of a professional teachers union:

- You are a professionally trained person
- You are helping to equip society with trainable and employable young adults, without whom no modern country can exist
- You are thus the very cornerstone of socio-economic development in South Africa
- It is however only through a professional teachers' union that you can promote your own further development and that of your profession and thereby serve education to best effect.

Section 51 of the Manual for the South African Teachers Union states that:

The South African Teachers Union (SATU) is a teachers' union operating within South Africa. The basic principles of the SATU are:

- to aim at a high level of professionalism for all educators;
- to strive towards improving all aspects of the working conditions in the education sector;
- that education should ideally be in the mother tongue of the learner;
- that quality education is the inalienable right of every child within an equal, non-racial, non-discriminatory educational system.

The following services are offered to teachers:

The SATU:

- is a professional teachers' union committed to the highest Christian values and norms in serving its members, the profession and the learners/students for whose development teachers are responsible
- is a strong occupational body with the numbers and the muscle to bargain with the employer over remuneration and conditions of employment and to intervene on the behalf of the teacher when grievances and disputes arise
- maintains good working relations with the employer and other teachers' unions
- provides valuable financial and other services to its members
- liaises continuously with members on matters of importance to them
- provides its members with unrivalled professional enhancement and support in their professional lives, quality service and value for money

Other professional empowerment services are:

- Subject-specific support material and training
- The opportunity to make inputs to policy development
- Special interest groups, e.g. for the management of technical, agricultural, special education, pre-primary and private schools

- Workshops, e.g. for administrative staff, newly appointed principals, school management teams, subjects and phases as well as selected curriculum and management matters
- Assistance in the professional empowerment of teachers
- Communication with members by newsletters, e-mail or faxed news flashes and SMS's.

Further examples of the service that the South African Teachers Union provides:

- **Acquisition and/or release of information on the curriculum and related matters such as assessment and examinations or clarification of matters that are not clear or are causing uncertainty.**
 - The Curriculum Service regards it as its task to keep SATU members informed on all curriculum related matters and to clarify aspects that need clarification. *Curriculum News* is used for this purpose, but individual support is also provided.
 - Members are also free at all times to request the Curriculum Service to acquire specific information or clear up uncertainties.
 - The Curriculum Service ensures that its networks give access to persons and structures that make this service possible.
- **Training**
 - Where the provision of information as such is not sufficient, orientation and training opportunities are arranged.
- **Facilitation of discussions between heads/teachers and departments/statutory bodies**
 - Where there is a need for direct contact between schools/colleges and departments/statutory bodies, the Curriculum Service is able to facilitate such discussions. Discussions with departmental officials on the implementation of the National Curriculum Statement (NCS) in special schools, is a good example.

- **Presentations and adoption of standpoints on behalf of members (heads/educators) at departmental forums and formal structures**
 - The Curriculum Service represents the SAOU on various departmental forums and statutory structures, and can thus make inputs towards the development of policy, and can state and motivate positions in areas where schools/educators/colleges experience problems.
- **Participation of SATU members in activities of the National Education Department**
 - The Curriculum Service regards it as its duty to ensure that SATU members are involved in initiatives of the Department, where such involvement will be to the advantage of the members, learners and education as such. Examples include the in-service training of educators and the development of Common Tasks for Assessment (CTA's) and other assessment instruments.
- **The development of material in support of the educator in the classroom or the school/college principal and his/her management team**
 - The Curriculum Service regards it as its task to assist members in the execution of their duties by developing and distributing documents which ease the workload, amongst others. The draft learning programmes made available electronically over the past two years serve as an example in this regard. In this case, groups of skilled and experienced educators were brought together, and the development of the programmes thereby facilitated.
 - Educators and schools can also request the Curriculum Service to facilitate the development of specific material.
- **Applied research and release of the results to schools and departments**
 - It is the task of the Curriculum Service to research curriculum related matters in order to ensure that SATU members are always empowered in all relevant fields.

- Members are also welcome to make the Service aware of aspects that justify or require research.

2.8.2.3 The National Professional Teachers' Organisation of South Africa (NAPTOSA)

The website of NAPTOSA indicated that their principles are mainly focused on teacher professionalism, bearing the slogan "teach with dignity". NAPTOSA seems to be aware of a lack of a culture of learning and teaching in schools and the lack of professional ethos in the teaching corps. As a result, they have decided to organise workshops for teachers in those schools, which do not perform well.

The website of NAPTOSA further states that:

- NAPTOSA was registered by the Registrar of Labour Relations as a Trade Union on 1 November 2006. Furthermore, with in excess of 43,000 State employed members and a further 6,000 School Governing Body, College Council and Independent School members, making a total of almost 50,000 members, which make them by far the second largest union in the education sector.
- The services that members receive from NAPTOSA are as good if not better than that which they received previously from the union. There are more than 80 employees of the Union across the country whose sole aim and purpose is to serve our members. We have improved, and increased the frequency of our communications; offer cutting-edge Professional Development Programmes; increased the number of staff to deal with members' queries and grievances; provide a wide range of structures and forums for members to air their views (Branches, Portfolio Committees, Phase and Principals' Forums, Conferences etc).
- NAPTOSA rejoices in the fact that it is the only education sector union that is truly representative of the demographics of our country. Our strength lies in the diverse backgrounds of our members. We are bound by a common

commitment to professionalism and to educating the youth of South Africa.
If we stand accused of being inclusive then we are happy to plead guilty!

On 16 January 2008 NAPTOSA published a document “Continuing Professional Teachers Development (CPTD)” in which they interviewed Ms. Cereseto, the Chairperson of SACE, in order to obtain clarity on the recently announced policy on continuing professional development for teachers. SACE is responsible for the implementation of the policy. Ms. Cereseto emphasised that there is currently a DoE / SACE task team that is in the process of developing the system of implementation. The concern was raised that the investment the government is making in education has not yet yielded the results that should be expected. Researchers as one of the reasons have identified insufficient knowledge and lack of skills for this. The new curriculum demands more of learners and consequently more of teachers. All teachers therefore need to enhance their skills. The CPTD system will at first apply to school-based SACE registered teachers. It is envisaged that the 80-hour provision in the Personnel Administration Measures (PAM) will be used for accumulating points. At present it is suggested that teachers will have to obtain 150 points over three years with a maximum of 90 per year. The commencement date is likely to be 2009. Points can be accumulated in many ways, ranging from school-based professional development to formal qualifications. Points can also be gained by presenting workshops for teachers, being involved in a school improvement workshop, submitting an article to or even reading an article in a peer-reviewed education journal.

2.9 CONCLUSION

Wright and Gunderson (2003: 12) argue that schools must be well organised if teachers are to be creative and productive. School districts need to create systems that promote teachers as professionals. All school employees must feel important within the system and empowered to help children reach their potential. Better labour relations between teachers, administrators, and Districts are necessary to make better schools. Implementing total quality management (TQM) interventions are needed in order to achieve the desired results that are generally agreed upon. These include customer

satisfaction, employee involvement and continuous improvements in quality. The debate continues as to whether unions are necessary to help teachers to make schools better.

Helterbran (2008: 123) continues with this argument by saying that it is essential that teachers take a proactive look at their profession and themselves to strengthen areas of professionalism over which they have control. Identifying and engaging in professional strategies to develop one's own level of professionalism is important to the overall understanding of this topic and may be the lynchpin that makes the difference in determining whether or not a teacher is a professional. Teachers must decide who they are and how they want to be perceived in the classroom. Becoming more professional implies a commitment to change, to strengthen and to grow as a person as well as an educator. It is equally apparent that it is imperative for teachers, individually and collectively, to consider what they can do to ensure that they are practicing the art and craft of teaching in a manner that is of service to children's achievement and society. Professionalism is a process more than an outcome. It is a way of encountering new students and new classroom problems and of finding meaning and solutions to them as you grow.

Heystek and Lethoko (2001: 227) argue that unions like all other stakeholders in education have an important role to play in the restoration of teacher professionalism and a culture of teaching and learning. As a result, the unions must make their members aware of the different codes of conduct. It must be enforced with the assistance of all the role players in schools like parents and the Department of Education.

CHAPTER 3:

DATA COLLECTION AND DATA ANALYSIS

3.1 INTRODUCTION

The general aim of this study is to determine the perceptions, experiences and expectations of educators about professionalism versus unionism using data obtained from six narratives written by students in the M Ed (Leadership) programme. This chapter will deal with the analysis of the collected data of this research.

3.2 NARRATIVE ANALYSIS

According to Riessman (2001: 4), narrative analysis takes as its object of investigation, the story itself. This form of analysis is not only relevant for the study of disruptive life events, but also rather equally appropriate for studies of social movements, political change, and macro-level phenomena. Storytelling is therefore a relational activity, which gathers others to listen to the teller and empathise with what is being told. It is a collaborative practice, which assumes the interaction between tellers and listeners within a particular cultural milieu, of which the historical contexts are essential to interpretation. Analysis within narrative studies opens forms of experience and telling and not simply the content in which language is used.

Rossiter (2002: 1) argues that narrative and stories told within the educational system have been the focus of increasing attention in recent years. Narrative communication is deeply appealing and richly satisfying to the human soul, with an allure that transcends cultures, centuries, ideologies and academic disciplines. A narrative orientation to education is grounded in an understanding of narrative communication as a primary structure of human meaning and narrative as metaphor for the developing self. The actual uses of both narrative and story in adult teaching and learning are literally unlimited, as they arise from infinite expressions of interpretive interplay among teachers, learners and content. We can appreciate that stories like education itself, draw

us out and lead us beyond ourselves. And we can conclude that narrative in its many manifestations; function as a powerful medium of learning, development and transformation.

In this chapter the researcher presents the ideas, views and perceptions of respondents in an attempt to bring to light the meanings embodied in the narrative questions. The purpose of this chapter is to find an answer on the following research question: To what extent do education trade unions help to strike a balance between educator professionalism and unionism?

The approach is to present these ideas and perceptions as they have emerged from the six respondents.

The presentation is in the narrative convention and includes varying use of long and short text-embedded quotes as the narrative unfolds to describe the roles of the unions. The researcher is aware that this kind of presentation may carry with it a decontextualisation of data as it appeared in the original social encounter of the narrative process. Cohen *et al.* (2000: 28) argue that in data processing and analysis there is great tension between maintaining a sense of the holism of the data and the tendency for analysis (process) to atomise and fragment the data. The researcher has carefully ensured that the quotation taken from the text does so in support of the categories that have emerged from the narratives, but are as far as possible, not lost in the context from which they are taken.

The presentation of data serves as a first step in the analysis process but the attempt is to put the received data into perspective as it has formed suggested categories of actions by the unions. They have a common base that puts them into different groups but are also able to pass for other categories depending on the context of the discussion.

3.3 THE RESPONDENTS

In line with the ethnographic tradition the researcher has used pseudonyms for the six respondents in order to comply with anonymity and confidentiality understandings. The names used in most cases closely resemble their location in the school scenario. The six respondents are as follows:

- City School Principal: Mr. Herko
- Head of Department: Ms Ellim
- Shop Stuart: Mr. Everett
- Rural Area Principal: Mr. Leopold
- Staff Representative: Mr. Ricardo
- Deputy Principal: Mr. XYZ

3.3.1 *Profile of the respondents*

3.3.1.1 City School Principal: Mr. Herko

Mr. Herko completed his Higher Educational Diploma in 1988. After teaching for a few years he continued his studies by first completing a BA degree, followed by the B.ED (Hons) programme in School Management as well as a Post Graduate Diploma in Education. Currently Mr. Herko holds the position of Principal at a city primary school.

3.3.1.2 Head of Department: Ms Ellim

Ms Ellim obtained her Higher Education Diploma in 1985, after which she then enrolled for and completed her BA degree. In 2004 she continued her studies in school management and completed her B. Ed (Hons) degree at UNISA in 2006. She currently holds the position of Head of Department at a rural primary school.

3.3.1.3 Shop Stuart: Mr. Everett

Mr. Everett received his B. Prim Ed (Senior Primary) in 1992, after which he completed a Certificate in Mathematics Education for Senior Primary. He continued his studies with a B. Ed (Hons) in Education Management, Law and Policy. He currently holds the position of Head of Department at an Independent School and will move into the position of Deputy Principal in 2009.

3.3.1.4 Rural Principal: Mr. Leopold

Mr. Leopold started teaching at a public school in 1981 after completing a Higher Diploma in Education. He went through the ranks for promotion and ended up at that school as a Head of Department, as the school did not qualify for a Vice-Principal at the time. He applied for, and obtained a promotion post at a nearby school, which was fully integrated with regards to both learners and staff. He completed an FDE in Education Management prior to obtaining the post and was thus conversant with different management styles. He has been in the post of Principal for the past 10 years.

3.3.1.5 Concerned Educator: Mr. Ricardo

Mr. Ricardo completed his Secondary Teachers' Diploma in 1992. An Advanced Certificate in Educational Leadership and Management followed this. In addition, he has obtained certificates in Parent Involvement, Marriage Officer and Ministry as well as Community Services. He is currently employed in the position of Educator and Education Specialist at a Senior Secondary School.

3.3.1.6 Deputy Principal: Mr. XYZ

Mr. XYZ started his career by working as a weather observer for the Weather Bureau. He completed his Higher Educational Diploma in 1995. He enrolled for various courses related to Curriculum Development and Outcomes Based Education, after which he completed a B. Ed (Hons) degree. Mr. XYZ currently holds the position of Deputy Principal at a city primary school.

3.4 DATA PRESENTATION

Data is presented in a categorised form. It is important here to note that this presentation is not completely divorced from the whole analysis process as these occurred simultaneously. This should be done in such a way that outside individuals reading the results have complete understanding in order to draw conclusions. Categories have been built up from unitising processes and these have led to the establishment of categories.

This research seeks to understand the perceptions, experiences and expectations of educators about professionalism versus unionism in education. It also seeks to know conditions in schools that community members believe to be conducive to good performance.

The following categories are presented:

Category	No of references
Unions:	
• The role of unions	9
• Service delivery	7
• Intimidation and fear	5
• Strike action	7
• Victimization and manipulation	2
Professionalism	
• Tension	5
• The conduct of staff	10
• The role of the Department of Education	2
• Rights versus responsibilities	9
• Labour rights versus professionalism	8

It is important to note that these categories attempt to describe the unions' role as well as the role of the educator within a school. These in turn highlight the role of the unions as well as point to conditions conducive to the promotion of professionalism among educators.

3.5 DATA ANALYSIS

3.5.1 Unions

From all the narrative analysis it became clear that the unions who played the biggest role in the schools are SADTU, SAOU and NAPTOSA. To protect the confidentiality of individual unions, symbols will be used in the data analysis. Regarding the collection of data the following soon became evident:

3.5.1.1 The role of the unions

It was clear that union A takes its role very seriously to promote professionalism amongst its members. Mr. Leopold as well as Mr. Everett stated that union A encouraged professional behaviour and supported its members as far as appointments, salaries and handling of enquiries were concerned. There was also a support structure in place to assist its members with the current curriculum as well as in-service training opportunities. At the end of each course offered by the union, positive feedback on what had been done was made.

Ms. Ellim and Mr. Everett reported that union C seem to enjoy more rights than the beneficiaries of the system (i.e. the learners) and staff at their respective schools as well as hold unnecessary autocratic power. It was felt that this union did not adhere to the encouragement of professional working standards amongst its' own members. It came to light that certain union leaders manipulated the system through the appointment of personal friends to the position of managers at their schools. It was felt by Mr. Herko that this union has a selfish agenda and was not fighting for the improvement of general education, referring specifically to the learner. The general consensus was that union C protected and defended its members whether right or wrong. This resulted in a negative impact on the effective functioning of the respective schools.

3.5.1.2 Service delivery

Mr. Leopold and Mr. XYZ stressed that union A went to great lengths to ensure that information regarding curriculum matters were passed onto their schools, which when applied, benefited tremendously. Mr. XYZ went on to express that union A gave more support with regards to curriculum development than the Department of Education. This union also supported its members with regard to service contracts. Members of both union A and union B mentioned the professional manner in which all communication to their schools were highlighted with positivism. Both unions supplied regular updates such as relevant and necessary guidelines for behaviour in order to improve the quality of education. Both unions ensure the continuous and necessary skills and in-service workshops, which are always well organised and executed.

Mr. Herko and Mr. Leopold stated that union C, on the other hand, seemed to never communicate enough with the schools or provide positive service. Mr. Everett and Ms. Ellim felt that the main aim of union C was only to uplift its own members and not to be of any benefit to the school. If and when a meeting was scheduled, only certain members were informed regarding educational matters is later passed on to other members. Mr. XYZ felt that the focus was not always on learning and educating. Unions should be there to promote the well being of their members in light of what should be in the best interest of the school, as service delivery can either contribute positively or negatively to the professional obligation of its members. Individuals don't always have the resources or the knowledge needed to improve their working conditions, whereas the unions often do.

3.5.1.3 Intimidation and fear

The staff at Ms. Ellims' school felt fear and intimidation with regards to union C. One specific incident was mentioned where the members of this union marched onto the school grounds to "get them". Another incident, referred to by Mr. Ricardo, stated that a female principal in Gauteng was accosted by a group of union members who marched onto the school grounds and "sjambocked" her in front of fellow educators. Again, in another incident a male teacher went on the rampage, trashing and damaging equipment.

Respondents expressed their concern that unions should not condone such behaviour, not even to reach their objectives. It was strongly suggested that such members must be ostracized or expelled from whichever unions they belong.

3.5.1.4 Strike action

According to Mr. Everett, Mr. Leopold, Ms. Ellim and Mr. Ricardo, the members of union A were strongly against the countrywide strike action of 2007. None of its members were obliged or forced to join in the strike action. The members of this union stated that they were supported in their decision by whether they were to strike or not. Members agreed that the strike brought chaos to their schools. Mr Herko and Ms. Ellim reported that in

certain schools, the members of union C came to school on the first day of the strike, but remained at home the following days due to fear of their own union and threats from fellow union members. The staff and learners of these particular schools were filled with fear as the strike march came past their school.

Mr Herko and Mr. Leopold were of a strong opinion that educators should not strike, no matter what the unions suggest, but rather to act as their conscience guided them. In opposition to this, Mr. Ricardo mentioned that his staff felt that it was everyone's right to strike and that those who didn't, were happy to "ride on the backs" of those who were prepared to lose a couple of days' worth of pay in order to get what they saw as their fair share. Ms. Ellim confirmed that some of the members of union C also did not want to strike, but after the first day, they were adamant that they had to stay at home or strike due to the pressure put on them, despite the fact that they could not afford to stay away from school and have money deducted from their salary. This resulted in a lot of fear and safety related issues. The members of unions A and B reported that their unions stayed in constant contact with them and encouraged them to stay calm. The union officials also assisted by suggesting alternative actions for certain circumstances, which was of great help. Respondents were in unison in their expression that some unions were using learners as pawns in their fight against the Government.

3.5.1.5 Victimization and manipulation

Again it was highlighted that the members of union A and B were not victimized or intimidated in any way. This however, seems not to be the case with union C. Ms. Ellim referred to some of the members of union C who were too afraid to ask their union for assistance, just to save them from possible "victimization". Mr. Ricardo pointed out a case where a representative of union C made use of his/her position to manipulate staff appointments, resulting in discontentment at the school. Mr. Everett also mentioned that the site stewards of this particular union were interfering with the allocation of work for educators. The union protected its own members when educators complained about allocated subjects and not wanting to teach them, even though it is expected of them to do so. The principal of this school is also facing the challenge of not being able to follow

disciplinary steps, due to fear of the site stewards. The feeling was that site stewards are very quick to capitalise on the principals' weakness.

Mr. XYZ reported that there were also complaints from learners about educators using vulgar language, corporal punishment as well as not attending classes. These problems seem to be ignored, due to the "fear of the site stewards". Mr. Everett felt that these manipulated incidents could be avoided should the intimidating power of the site stewards be reduced. Mr. Leopold emphasises that this situation is worse in rural areas due to parents not challenging the *status quo*.

3.5.2 Professionalism

The respondents, especially Mr. Leopold, felt that it was important to constantly stress professionalism within their schools. The dress code, academic standards as well as acceptable behaviour of the learners towards other learners, their school and their community are constantly monitored. It was agreed to emphasise professionalism towards fellow educators especially in the presence of parents, learners and members of the community.

3.5.2.1 Tension

The respondents were unanimous in their response when agreeing on existing tension between the different union members. Mr. Ricardo reported that it was due to cultural and background differences that this situation existed between educators, impacting on the learners. Another area of concern raised by Mr. Everett was that the existing communication between management and staff was not always what it should be.

3.5.2.2 The conduct of staff

Mr. Leopold raised a concern that there existed unprofessional behaviour and bad conduct between the members of different unions. Mr. Everett agreed with this statement by stating that professional conduct was not a priority. Certain staff members would rather focus on fulfilling personal needs than concentrate on professional conduct or the needs of the school or institution. Ms. Ellim felt that educators were not qualified

or prepared to meet the daily challenges. The fight for survival seemed to put all other action, second. Another sore point raised by Mr. Herko focused on the low salaries of educators. This made certain educators very aggressive. Both Mr. Herko and Mr. Leopold agreed that these and other factors, such as theft of school funds, drunkenness at school, regular absenteeism, abuse of authority to secure sexual favours from learners and colleagues, sexual relationships with learners, assault, abuse and sexual harassment of both colleagues and learners, ill-preparedness and incompetence contributed to the fact that educators are no longer role models in schools. The unethical and unprofessional behaviour of so many educators, are all of grave concern as the unethical and unprofessional behaviour of so many educators still occur on a regular basis.

According to Mr. Everett, the above-mentioned factors must be seen against the background of “what we have”. He felt that if you teach at a school with no water and electricity and a pit toilet on the edge of the playground, how does this affect your moral obligation towards “education”? However, despite this understanding of the differences in our “education realities”, it was still felt that there was an invisible line over which no educator should step.

3.5.2.3 The role of the Department of Education

Another factor that was of concern to Mr. XYZ was what he referred to as “the unprofessional conduct and incompetence of certain officials at the Department of Education who fails to address or solve problems in schools”. It was felt that if schools received the necessary support from the Department, then standards would be raised and the attitude of educators, would improve. Mr. Everett agreed with this statement and stressed that educator professionalism is the direct responsibilities of the employee, the principal as well as the Department of Education.

3.5.2.4 Rights versus responsibilities

Respondents all agreed that, no matter how poor the salary or the conditions, and no matter how difficult it was to get employment conditions or wages improved, no-one, and

especially not educators, has the right to disrupt education, to vandalise school and/or private property, to intimidate and assault both learners and colleagues and to bring the education profession into disrepute. It was even suggested by Mr. Everett that those who are not happy with the way education is run or with the salary or with the conditions under which they teach, should leave education for “greener pastures”.

It was strongly felt by Mr. Leopold that everyone had a choice whether to teach, or not to teach. If one then counters this statement by arguing that most educators feel themselves “called” to teach, then the question is: Where are the ethics and the moral obligations that go along so closely with both the concept of a “calling” and with desired qualities and conceptions of the profession of teaching? Mr. Everett went as far as to stress that educators need to be taught how to disagree with the employer in a dignified and professional manner, how to stand up for their rights without infringing on the rights of others, specifically the rights of those for whom and to whom they are responsible.

Mr. Herko felt educators need to understand what is meant by acceptable behaviour that is behaviour which will not, and cannot, be tolerated. Mr. XYZ mentioned that he envisaged the role of both the unions and the South African Council for Educators as one of looking after the labour and personal rights of every member, as well as supporting the State, as the largest employer of educators. Mr. Leopold and Mr. Everett agreed that the unions as well as the Council need to clamp down harder on those who do not toe the professional and ethical line. Rapists, thieves, bullies, fraudsters and drunks should, after proper and due process and procedure, be uprooted and removed from the profession. Ms. Ellim said that unions, which currently play a destructive role in schools, should concentrate on adjusting their focus from the *rights* of their members to a balance between the rights and the *responsibilities* of those members.

It was again highlighted by Mr. Leopold that every teacher had an obligation to their learners, to be there for them and to educate them. Mr. Everett agreed with this statement and added that unions should look at the balance between the educators’ conduct and the rights and responsibilities prescribed. Ms. Ellim again stressed that

despite the empty promises made by the Department of Education and teacher unions of work being caught up, time lost can never be caught up. Mr. Ricardo concluded that labour rights are necessary; however, too many labour rights compromised the standard of effective teaching.

3.5.2.5 Labour rights versus professionalism

All the respondents agreed that it is vitally important that personal expectations of the educators' labour rights be in balance with their professional obligations and ethical conduct. Mr. Leopold mentioned that if no balance between personal obligations and labour rights existed, it could cause a lot of very negative feelings among educators. Some of the factors mentioned by Mr. Everett, which played a role in this regard, were the social structure we live in, the personal needs of educators and the position in which the educators found themselves. Ms. Ellim disagreed stating that if this is true, then educators put their personal needs before that of the profession and that this would cause the standard of professional conduct to be lower.

Seen against the background of the current education labour situation, Mr. Everett reported that educators in our country felt strongly that they deserved and should exercise, every single labour right assigned to them by labour legislation, and that the right to strike, be considered sacrosanct. Mr. XYZ reinforced fairness within the workplace. This extended beyond the conditions under which educators are expected to perform their duties or the manner in which they are treated by the employer, but included the salary received, and the manner in which concerns are dealt with.

Despite the above, Mr. Leopold believes that all educators have the responsibility to perform their tasks to the best of their ability at all times, to always be well-prepared and ready for any educational eventuality and to accept that their task is not confined to a typical eight hour working day, but extends outside of what is referred to as "office hours". Furthermore, respondents agreed that it is their responsibility to adhere to, and uphold, any and all professional and ethical guidelines set down by both the employer

and any labour organisation they might care to join, and to work and live within both the *letter* and the *spirit* of all education legislation and the Constitution of our country.

3.6 CONCLUSION

Respondents were unanimous on the following suggestions:

- Union leaders must learn to be accountable and strive to protect the future of learners from abuse by their members.
- If it were possible, unions should not be allowed to be politically affiliated with any political organisation as educators then became politicians rather than educators. They become involved in strikes that are not related to education but to support a particular political stance.
- Union leaders should not manipulate the system through manipulating the appointment process so that friends are appointed as managers at schools. A person considered expert within a union might not be suitable within the school management system. This manipulation can and must be avoided. It is worse in rural areas as parents are not challenging the status quo.
- Unions need to gain a vision for the future. They need to take time to develop and motivate their members as to how best can they do their work. Unions who value the actions mentioned above are not in majority. Who reminds unions to promote educator professionalism?
- Professionalism is promoted in staff meetings but the School Management solely does these and the progress is slow. Not all unions are therefore effectively involved due to the failure of the School Management to engage them as well as the disinterest of the unions to be involved.

In article 28 (2) of the Constitution it clearly states that a child's best interest is of paramount importance in every matter concerning the child. Surely the interest of the child is not being met within many schools under the current situation. Educators are neglecting their duties as they have the assurance of being protected by their unions.

From these statements it is noted that unions can and do play a major role in either promoting or hampering the professionalism of educators in general.

CHAPTER 4:

FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

This chapter includes the aim and objectives of the study, literature review, research methods and results. The findings of the study, its limitations and recommendations are also discussed.

4.2 SUMMARY OF THE AIMS AND OBJECTIVES

The general aim of this study is to determine the perceptions, experiences and expectations of educators about professionalism and unionism.

In order to achieve the general aim of this study, the objectives were:

- To determine the relationship between professionalism and unionism.
- To determine the legal framework in which educators practice the teaching profession.
- To determine the role of SACE and education unions to strike a balance between educator professionalism and unionism.
- To determine the perceptions, experiences and expectations of educators about professionalism in relation to unionism.

A literature review and empirical research, followed by an analysis of the results were undertaken to achieve the aim and objectives of the research.

This dissertation comprises four chapters. These chapters include the following:

- Chapter one: It gives an orientation to the study and includes an introduction, the rationale and problem statement, research aim and objectives, relevance of the study, the demarcation as well as a summary

of data collection methods which will be used. It also includes how data will be analysed, the ethical consideration of the study and its limitations.

- Chapter two: It covers the definition of concepts, the legal frame work in which educators practice the teaching profession and the role of SACE and individual teacher unions to protect and to promote educator professionalism.
- Chapter three: The empirical part of the study is covered in this chapter, including the collection of data and the analysis of data obtained from the narratives of the respondents.
- Chapter four: This final chapter of the study includes important findings from the literature review and the empirical study, the research questions are addressed, the recommendations and limitations of the study as well as aspects for future research.

4.3 IMPORTANT FINDINGS

The findings of the literature review and the empirical study will be concisely expounded in this sub-section.

4.3.1 Findings from the literature review

The literature review focused on professionalism and unionism in education and emphasise the legal framework in which educators practice the teaching profession. A synopsis of the most important theories, practices and principles which can influence the findings of this study include:

4.3.1.1 Professionalism

Professionalism refers to the qualities or typical features of a profession or of professionals, especially competence skills, all of which reflects on ethical behaviour. NAPTOSA (2005: 1) refers to professionalism as a profession to an occupation with a crucial social function. It requires a high degree of skill in addition to drawing on a body of systematic knowledge. While experience is regarded as being important, the acquisition of this body of knowledge and the development of specific skills require a

lengthy, compulsory period of higher education which also involves the process of socialisation into professional values. These values centre on the interests of the clients (learners) and are made explicit in a code of ethics and/or code of conduct.

4.3.1.2 Unionism

A trade union is according to Squelch (1999: 78) an association of employees whose main purpose is to regulate relations between employees and employers, including that of employers' organisations. Govender (2005: 1) states that throughout history, teacher union-state relations have been perceived as conflictual, in spite of efforts of cooperation. Arguably, the conflict has been associated more with teacher unionism than with teacher professionalism as the former has often challenged state authority and power, especially over control and ownership of education policy and the labour rights of teachers. Teacher professionalism has been regarded as standing in opposition to unionism because it invokes notions of 'the good teacher' and 'the ideal of service'.

4.3.1.3 Legal framework in which the educator practice the teaching profession

In terms of section 23(1) of the Constitution of the Republic of South Africa everyone has the right to fair labour practices. The Bill of Rights also contains other provisions guaranteeing specific fundamental rights relevant to the sphere of labour. It includes rights specifically pertaining to employees and employers, for instance, section 23(2) and 23(3) the right to strike and lockout and section 23(5) the right to collective bargaining.

In terms of section 18 of the Bills of rights everyone has the right to freedom of association, which means that educators and all other workers have the freedom to belong to a trade union of their choice or to refuse to be a member of a trade union.

Section 22 of the Constitution protects the right of every citizen to choose their trade, occupation or profession freely. There is however, a built in limitation in this provision namely that the practice of the trade, occupation or profession may be regulated by law.

In practice this means that educators have the right to choose and practice the teaching profession but the profession is regulated by the South African Council for Educators Act (Act 31 of 2000) and the South African Council for Educators' Code of Professional Ethics. The purpose of the code of ethics laid down by the professional council for educators is to ensure and maintain a high standard of performance by members of particular occupations, professional organisations or councils. In terms of section 23 (c) of the South African Council for Educators (Act 31 of 2000), the council may direct the chief executive officer to remove the name of the educator from the register if the educator was found guilty of a breach of the code of professional ethics (Joubert and Prinsloo, 2009:187-188).

Fundamental rights and freedoms are not absolute and may be limited. The rights of others set their boundaries, for nobody may unjustifiably infringe on another person's rights. The boundaries are also set by the legitimate needs of society. No one may use a right to infringe unjustifiably the rights of others. It is further important to note that educators do have fundamental rights, but they also have duties or obligations concerning these rights. A right is usually balanced by a duty.

The following rights of educators are also important:

- The right to equality covers equal opportunity and fair treatment in employment by eliminating unfair discrimination and implementing affirmative action measures (section 9).
- Everyone has inherent dignity and the right to have his or her dignity respected and protected (section 10).
- Everyone has the right to privacy which also includes the right to confidentiality (section 14)
- Everyone has the right to access to information (section 32)
- Everyone has the right to just administrative action (section 33)

In terms of section 17 and 18 of the Employment of Educators Act, as amended in the Education Laws Amendment Act (No 53 of 2000) can be regarded as an attempt by the

legislators to clarify exactly which kind of conduct is expected and not expected of educators (Rossouw, 2003:84). Schedule 1 of the Employment of Educators Act includes the Incapacity Code and Procedures of Poor Work Performance; the Incapacity Code and Procedures for ill Health and Injury; and Schedule 2, the Disciplinary Code for Educators.

4.3.1.4 Duties and responsibilities of educators

It became clear that the concept of rights and duties are significant when there is a relationship between legal subjects, or between a legal subject (that is, any being or entity capable of being a bearer of rights and duties) and another legal subject, or between a legal subject and a legal object (that is, anything or any object which has economic value to people to which the law has not granted the competency to have legal rights and duties). In addition to core duties and responsibilities, the appropriate representative of the employer may allocate certain specialised duties and responsibilities to staff in an equitable manner.

Educators have a constitutional obligation to fulfil the learners' right to education in terms of sections 29 (1) (a) of the Constitution and their right to a safe school environment (section 24(a)).

Joubert and Prinsloo (2001: 95) states that in terms of common law, the legal duty to protect a learner from danger arises from the delegation of such legal duty by the parent to the educator or the school. The educator therefore acts in the place of the parent. This is called the principle of *in loco parentis*. In the school situation, the educator acts *in loco parentis* on the grounds of original and delegated authority. The educators' original authority over the child emanates from his or her profession as an educator, while the parent delegates their authority over their children, to the educator.

The educator has the following common law duties towards the employer:

- Perform his or her work with reasonable competence and efficiency.

- Obey reasonable orders given to him or her in the normal course of his or her employment.
- Not deal dishonestly with the property of the employer.
- Act in good faith.
- Be respectful and obedient (Bendix 1996: 116).

4.3.1.5 Unionism in education in South Africa

In South Africa we have the Council of Trade Unions (SADTU), which includes the South African Democratic Teachers Union (SADTU) and the Cape Teacher's professional Association (CTPA), and the Council of Trade Unions (SAOU), which includes the National Professional Teachers Organisation of South Africa (NAPTOSA), Suid-Afrikaanse Onderwysersunie (SAOU), National Teachers Union (NATU), the Professional Educators Union (PEU) and Public Servants Association (PSA).

Working closely with the *ELRC*, unions in South Africa are striving towards a new unionism by the continuous maintenance and promotion of labour peace, by working together and contributing towards the transformation and development of a quality South African Public Education sector. Their mission is to be the leading provider of quality, effective, efficient and non-partisan administration and facilitative mechanisms for labour peace and for the development of a quality South African Public Education sector.

According to the constitution of SADTU it is a union for organising teachers, irrespective of race, creed, or gender, nationally throughout South Africa. The union believes that teaching, more than any other profession influences people and the societies we live in. The union furthermore believes in the importance of taking up the aims necessary to balance the professional and trade union aspects of members' lives and in the long-term interests of members and society at large.

The South African Teachers' Union (SATU) offers the following:

- it is a professional teachers' union committed to the highest Christian values and norms in serving its members, the profession and the learners/students for whose development teachers are responsible

- it is a strong occupational body with the numbers and the muscle to bargain with the employer over remuneration and conditions of employment and to intervene on the behalf of the teacher when grievances and disputes arise
- it strives to maintain good working relations with the employer and other teachers' unions
- to provide valuable financial and other services to its members
- liaises continuously with members on matters of importance to them
- provides its members with unrivalled professional enhancement and support in their professional lives, quality service and value for money.

NAPTOSA states that the services their members receive are as good if not better than that which they received previously. There are more than 80 employees of the Union across the country whose sole aim and purpose it is to serve their members. NAPTOSA claims to have improved, and increased the frequency of their communications, by offering cutting-edge Professional Development Programmes, has increased the number of staff to deal with members' queries and grievances and has provided a wide range of structures and forums for members to air their views.

4.3.1.6 An international perspective on unionism

The research states that the trade unions or syndicates, as the main organisations of the working class, appear today powerless on international level to undergo the necessary transformation and maintain important influence in the post-industrial era. One of the reasons mentioned for this is that they are left behind in theory and education and that there is a delay in their theoretical understanding that is related to the side effects and basic implications of the changes, which are taking place in society. The workers and the syndicates must find viable answers to repression and exploitation and for that they must expand the investigation to the international field. In order to make this possible, the trade unions themselves must recognise the politics of the age of information, telecommunication and globalisation.

Litzke (2001: 1) states that new teacher unionism hinges on the belief that the collective good of teachers is best served when union members are effective in the workplace, that is, when they are teaching successfully - with success measured by student outcomes. New teacher unions are not giving up being unions. As bargaining agents for their members, they remain protective of job security, teacher welfare, and working conditions. Among the innovations pioneered by new teacher unions are such programs as peer assessments and reviews, differential pay arrangements, organization around student achievement standards and teacher participation in school-based management. These innovations are being brought to the bargaining table by unions and entrenched in contracts to greater or lesser extents in different districts across the USA.

4.3.1.7 The South African Council for Educators (SACE)

The purpose of the Professional Code of Ethics laid down by the South African Council for Educators is to ensure and maintain a high standard of professional conduct and performance by the teaching profession and professional organisations. The South African Council for Educators' Professional Development Division concentrates on the following:

- to promote, develop, and maintain a professional image;
- advise the Minister on matters relating to the education and training of educators, including but not limited to
 - ~ the minimum requirements for entry to all the levels of the profession;
 - ~ the standards of programmes of pre-service and in-service educator education;
 - ~ the requirements for promotion within the education system; and
 - ~ educator professionalism;
- must research and develop a professional development policy; and
- promote the in-service training of all educators.

In terms of section 23 (c) of the South African Council for Educators (Act 31 of 2000), the council may direct the chief executive officer to remove the name of the educator

from the register if the educator was found guilty of a breach of the code of professional ethics (Joubert and Prinsloo, 2009:187-188).

4.3.2 Findings from empirical study

4.3.2.1 The role of unions

It was found that union A and union B take their role very seriously to promote professionalism among its members. It seemed that these unions encouraged professional behaviour and supported its members as far as possible. In the case of union C it was felt that the union didn't seem to care about encouraging their members to adhere to professional standards required for the teaching profession. The general feeling was that union C was keen to protect its members irrespective whether they are right or wrong. In the cases reported, there was a negative impact on the effective functioning of the school as a result.

4.3.2.2 Service delivery

The members of both union A and union B mentioned the professional conduct of their unions by stating that all communication from the unions was highlighted with positivism. These unions encouraged educators to improve the teaching profession by supplying regular updates as well as the necessary guidelines needed to improve the quality of education. Union C, on the other hand, seemed to seldom communicate enough with the schools or provide positive service to the schools. The general feeling was that the aim of union C was not focused on the professional conduct of educators and effective teaching and learning, but rather to promote the labour rights of their members.

4.3.2.3 Intimidation and fear

The respondents reported that they have a great fear for some of the members of union C. Respondents expressed the concern that unions should not condone behaviour where its members go to great lengths to instil fear and try to manipulate fellow union members, to achieve their labour objectives. It was strongly suggested that such members must be ostracised or expelled from membership of that teachers union.

4.3.2.4 Strike action

According to the members of both union A and union B, the unions did not condone the countrywide strike action of 2007. None of the members were obliged or forced to join in the strike action. All the members of the unions stated that they were supported in their decision to strike, or not to strike. It was stated in turn by the members of union C that they were compelled to strike, or stay home due to fear of their own union and threats from their fellow union members. The staff and learners of these particular schools were filled with fear as the strikers marched past their school.

4.3.2.5 Victimization and manipulation

Again the members of union A highlighted it and B that they were not victimized or intimidated in any way. This however, seemed not to be so with union C. Some of its members were too afraid to ask their union for assistance just to save them from possible “victimization”.

4.3.2.6 Professionalism

The respondents felt that teacher professionalism is of vital importance as reflected by their dress code, teaching standards and acceptable behaviour in the school towards the learners and the community. But despite given guidelines, the respondents were unanimous that there was a lot of tension between the different union members and a concern was raised that there seem to be a lot of unprofessional behaviour and poor conduct between the members of different unions. The fight for survival seemed to put all other action second. The unethical and unprofessional behaviour of so many educators though, was still a grave concern.

4.3.2.7 The role of the Department of Education

There was a concern about the unprofessional conduct and incompetence of certain officials of the Department of Education who failed to address or solve problems in schools. It was felt that educator professionalism is the direct responsibility of the employee, the principal as well as the Department of Education.

4.3.2.8 Rights versus responsibilities

Respondents all agreed that, no matter how poor the salary or the conditions, and no matter how difficult it was to get better conditions of service or wages, no-one, and especially not educators, had the right to disrupt education, to vandalise schools and/or private property, to intimidate and assault both learners and colleagues or to bring the education profession into disrepute. It was again highlighted that an educator has an obligation to their learners to ensure quality teaching, to be there for them and to teach them, irrespective of what the constitution or their Union, says. In terms of section 29 and 24 of the Constitution educators have a constitutional duty to promote, protect and fulfil the learners right to quality education in a safe school environment.

4.3.2.9 Rights versus professionalism

Respondents agreed that it is very important that the personal expectations of the labour rights of educators must be in balance with their professional obligations. Furthermore respondents agreed that it was also their responsibility to adhere to, and uphold, any and all professional and ethical guidelines set down by both the employer and any labour organisation they might care to join, and to work and live within both the *letter* and the *spirit* of all education legislation and the Constitution of our country.

4.4 RECOMMENDATIONS

In light of the responses to the research questions, the following recommendations are made:

- The State must use its authority to link accountability to school improvement and quality teaching. Accountability can only be achieved by holding a school and the responsible individuals accountable: learners are the responsibility, during educational programmes, of the principal and the educators, who are in turn accountable to the school governing body and the educational authorities, which are accountable to the broader community and to the citizens of the democratic society. Action must be taken against educators who wilfully neglect their teaching duties.

- Teacher unions and their members must be seen willingly accountable for quality education. Commitment to the acceptance of accountability for professional conduct and quality teaching of their members is crucial to public acceptance of teaching as an occupation with the status and respect associated with the “term” profession. All the teacher unions in South Africa should accept the approach of the new teacher unionism in the USA which hinges on the belief that the collective good of teachers is best served when union members are effective in the workplace, that is, when they are teaching successfully - with success measured by student outcomes. Unions should therefore do everything in their power to support the professional development of their members and to discourage unprofessional conduct by their members.
- Teacher unions must do everything in their power to strike a balance between educators’ rights as workers (their right to strike) and learners’ rights to quality education (section 29) and a safe school environment (section 24) and other educators right to practice the teaching profession.
- It is clear from the research that certain teacher unions have regarded educator professionalism as standing in opposition to unionism because it invokes notions of ‘the good educator’ and the ‘ideal of service’. SACE should look in co-operation with the State and teacher unions on the ELRC at strategies to change this attitude and to promote educator commitment and dedication to professional conduct and quality education.

4.5 LIMITATIONS OF THE STUDY

Although the respondents are a good representation of all the different types of schools in South Africa, the group was very small.

4.6 FUTURE ASPECTS FOR RESEARCH

Although this study had only a limited scope, various issues came to the fore, which needs further investigation:

- School based research to acknowledge leaders in schools as motivators and executors of expected guidelines to promote educator professionalism.
- The impact of educator professional behaviour on school effectiveness and quality education.

4.7 CONCLUDING REMARKS

The act of educating others is a moral act based on values. All the action of educators as role models and authority figures should be value-laden and send messages of right and wrong, acceptable or unacceptable, just or unjust to those they teach. Educators as professionals are experts in a particular field that excludes any person from another profession, they are service orientated and they accept individual as well as corporate responsibility and accountability for all the teaching and learning in a school (Joubert and Prinsloo, 2009:183).

In terms of section 22 of the Constitution, every citizen has the right to choose his or her trade, occupation or profession freely but there is however, a built in limitation in this provision namely that the practice of the trade, occupation or profession may be regulated by law. The teaching profession is regulated by the South African Council for Educators Act (Act 31 of 2000) and the South African Council for Educators' Code of Professional Ethics.

Educators also have the right in terms of section 23(2)(a) of the Constitution to form and join a trade union and in terms of section 23(2)(c) the right to strike.

Educators have in terms of section 29 of the Constitution a constitutional obligation to promote, protect and to fulfil the rights of learners to quality education. It is therefore in the best interest of learners and the future of our country that all partners in education seem willingly accountable for quality education. Commitment to the acceptance of accountability for professional conduct and quality teaching is crucial to public

acceptance of teaching as an occupation with the status and respect associated with the “term” profession.

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Annexure A

LETTER TO PARTICIPANTS

Dear Participant

RESEARCH PROJECT – Mr Pieter Kroukamp

I would like to request your participation in this study in order to learn more about:

‘The perceptions, experiences and expectations of educators about professionalism versus unionism in education’.

I am a Masters student (M Ed Leadership) in the Department of Education Management and Policy Studies at the University of Pretoria and will conduct the research as part of my Masters Dissertation. My supervisor is Dr. I J Prinsloo. Participation in this programme will take about two hours of your time. The participation in this research project is willingly and strictly confidential.

The researcher will adhere to the highest ethical standards as required for a research project of this nature and prescribed by the University of Pretoria. The names of the participating individuals and any reference to the names of teacher unions will be kept anonymous. You may refuse to participate, to answer certain questions or to withdraw at any time without penalty.

For any questions about your right as researcher participant, you may contact Dr. I J Prinsloo at 012 420 5591 at the University of Pretoria.

The outcome of the research project will be made available to the participants upon request. If you are willing to participate in this study under the conditions as set out in this letter, please sign it as declaration of your informed consent.

Participant’s signature:

Date:

Annexure B

NARRATIVE GUIDELINES

Reflect on the following statement by writing your own story about professionalism in relation to unionism in public schools:

Labour rights should be balanced with the professional obligations of educator to respect, promote, protect and to fulfil the learners right to effective education (section 29 of the Constitution) in a safe school environment (section 24 of the Constitution).

Please give practical school examples (positive and negative) to substantiate your story. Try and include the following elements in your narrative:

- On personal level: Tell us about how you feel about the relation between educator professionalism and unionism at your school.
- Social level: Look for outward conditions in the school environment to understand your feelings about the professional conduct of educator.
- Look backwards to remember stories or incidents about sound professional conduct or union related activities, which could have a negative impact on the professional obligation of educators.
- Future: Look forward about your personal expectations of how the labour rights of educators could be balance with their professional obligations.

Please include the answers of the following questions in your narrative essay:

- What have you done (or still do) at your school to promote educator professionalism/
- How do you perceive and experience the role of teacher unions and SACE to promote educator professionalism at your school.

Thank you for your co-operation

Pieter Kroukamp



Annexure C

LETTER TO REQUEST PERMISSION TO CONDUCT RESEARCH

Inq: Kroukamp, P
Tel: 082 457 5437

University of Pretoria
Pretoria
0002
Dr. I. J. Prinsloo
Tel: 012 420 5591
Fax: 012 420 3581

PERMISSION TO DO RESEARCH: RESEARCH PROJECT – MR P KROUKAMP

Prof. Eloff

I am hereby requesting permission to conduct research at the University of Pretoria, especially among the students in the MEd Leadership group. This will be done for my study to learn more about “Educator’s perceptions, experiences and expectations about professionalism versus unionism in education.” I am a M. Ed (Leadership) student in the Department of Education Management and Policy Studies at the University of Pretoria. I will conduct this research to complete my dissertation of limited scope. My supervisor is Dr. I.J. Prinsloo.

I plan to give the students a set of narrative questions to guide them in writing a narrative essay in which they relate their “perceptions, experiences and expectations about professionalism versus unionism in education” in their schools. These narrative essays will then be followed up with a narrative interview in some cases where necessary, to clarify certain issues from the essays.

The researcher will adhere to the highest ethical standards as required for research projects of this nature, as prescribed by the University of Pretoria.

The participation in this research project is willingly and strictly confidential. The names of the participating schools and educators will be kept anonymous during analysis and publishing. Students may refuse to participate or withdraw at any time without penalty. For interviews the participants have the right to not answer the questions they prefer not to answer. If there is anything about the study that is unclear or if you have questions, you can contact Mr. Kroukamp on 082 457 5437 or pkroukamp@webmail.co.za or Dr. I.J. Prinsloo on 082 500 2189 or ijprinsloo@gk.up.ac.za, of which both may be reached at the address on this letterhead.

The outcomes of the research will be made available to the participant upon request.

Kind Regards.

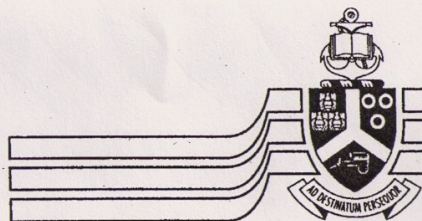
Pieter Kroukamp



Annexure D

PERMISSION LETTER TO CONDUCT RESEARCH

Our ref: Mrs JC Beukes
Tel: (012) 420 3080
Fax: (012) 420 5933
Email: jeannie.beukes@up.ac.za
Student No: 95221817



University of Pretoria

Faculty of Education
10 January 2008

Mr P Kroukamp
PO Box 28416
SUNNYSIDE
0132

Dear Mr Kroukamp

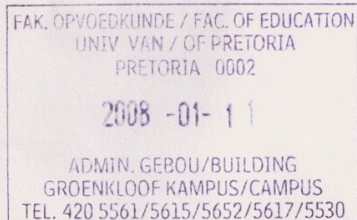
REQUEST TO CONDUCT RESEARCH AMONGST Med STUDENTS

Your request to conduct research at the University of Pretoria, especially amongst the students in the MEd Leadership group, was considered and approved by the acting Dean, Prof I Eloff. This is subject to the approval of your project by the faculty's Ethics Committee.

Yours faithfully

Mrs Jeannie Beukes
for DEAN: FACULTY OF EDUCATION

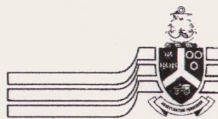
cc Prof JL Beckmann, acting Head of Department
Dr S Human-Vogel, Chair Ethics Committee





Annexure E

ETHICAL CERTIFICATE



UNIVERSITY OF PRETORIA
FACULTY OF EDUCATION
RESEARCH ETHICS COMMITTEE

CLEARANCE CERTIFICATE

DEGREE AND PROJECT

INVESTIGATOR(S)

DEPARTMENT

DATE CONSIDERED

DECISION OF THE COMMITTEE

CLEARANCE NUMBER : EM08/03/01

M.Ed Education Management, Law and Policy
Educators' perceptions, experiences and expectations about
professionalism versus unionism in education.

Pieter Kroukamp - 95221817

Educational Management and Policy Studies

22 May 2008

APPROVED

This ethical clearance is valid for **2** years from the date of consideration and may be renewed upon application

**CHAIRPERSON OF ETHICS
COMMITTEE**

Dr S Human-Vogel

22 May 2008

CC

Dr I J Prinsloo
Mrs Jeannie Beukes

This ethical clearance certificate is issued subject to the following conditions:

1. A signed personal declaration of responsibility
2. If the research question changes significantly so as to alter the nature of the study, a new application for ethical clearance must be submitted
3. It remains the students' responsibility to ensure that all the necessary forms for informed consent are kept for future queries.

Please quote the clearance number in all enquiries.