

Navrae  
Enquiries  
Imibuzo

CIRCUIT MANAGERS

Telefoon  
Telephone  
Ifoni

Faks  
Fax  
Ifeksi

Verwysing  
Reference  
ISalathiso

13/12/10/1



PROVINSIALE ADMINISTRASIE WES-KAA  
Onderwysdepartement

PROVINCIAL ADMINISTRATION WESTERN C  
Education Department

ULAWULO I.WEPHONDO LENTSHONA KOLA

ISebe leMfundo

CIRCULAR 0131/99

TO:

CHIEF DIRECTORS, DIRECTORS, AREA AND CIRCUIT MANAGERS AND  
PRINCIPALS AND CHAIRPERSONS OF GOVERNING BODIES OF PUBLIC SCHOOLS

APPOINTMENT OF CS AND NON-CS EDUCATORS BY GOVERNING BODIES  
ADDITIONAL TO THE APPROVED ESTABLISHMENT OF PUBLIC SCHOOLS

1. In terms of section 20(4) and (5) of the South African Schools Act, 1996 (Act No. 84 of 1996), as amended by the Education Laws Amendment Act, 1997 (Act No. 100 of 1997), governing bodies of public schools may appoint educators and non-teaching staff out of school funds. These posts are not part of the establishment of the Western Cape Education Department and the school is the employer of such staff.
2. In terms of section 3 of the Employment of Educators Act, 1998, the conditions of service of such educators and non-educators are not determined by the Minister and are not negotiated in the Education Labour Relations Council (ELRC). Their conditions of service are regulated in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995), and the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
3. Governing bodies of public schools must note that, with a view to appointments by the governing body in terms of section 20(4) and (5) of the SA Schools Act, a contract must be drawn up between the parties concerned.
  - 3.1 The contract must make provision for, but are not limited to, the following:
    - 3.1.1 PAYE – deductions (Income Tax Act)
    - 3.1.2 UIF-deductions (Unemployment Insurance Act)

MELD ASSEBLIEF VERWYSINGSNOMMERS IN ALLE KORRESPONDENSIE. / PLEASE QUOTE REFERENCE NUMBERS IN ALL CORRESPONDENCE

PROJEK 166-GEROU  
HANS STRIDOMLAAN 22  
PRIVAATSAK X9114  
KAAPSTAD 8000

PROJECT 166 BUILDI  
22 HANS STRIDOM /  
PRIVATE BAG X9  
CAPE TOWN 8

- 3.1.3 Procedures in respect of misconduct (Labour Relations Act)
- 3.1.4 Injury on duty (Occupational Health and Safety Act and Compensation for Occupational Injuries and Diseases Act) (Insurance should be taken out by the school itself.)
- 3.2 If schools/governing bodies do not have the laws concerned, they can be ordered/purchased from the Government Printing Works at the following address and telephone number:  
  
Government Printing Works  
90 Plein Street  
CAPE TOWN  
8001  
  
Telephone: (021) 465-7531
- 4. Governing bodies bear the sole responsibility for establishing governing body posts and appointing persons to such posts. When contracts in this regard are drawn up, governing bodies must ensure that they are familiar with all the contents of the laws concerned.
- 5. Despite section 60 of the SA Schools Act, the State is not liable for any act or omission by a public school relating to its contractual responsibility as employer in respect of staff employed in terms of section 20(4) and (5) of the SA Schools Act.
- 6. Your co-operation in this regard will be appreciated.



HEAD: EDUCATION (Acting)  
DATE: 17.11.99