

INVOLVEMENT OF WCED EMPLOYEES (EDUCATORS AND PUBLIC SERVICE STAFF) IN THE LOCAL ELECTIONS (PART-TIME)

1. BEFORE ELECTIONS
 - 1.1 The Public Service Code of Conduct stipulates in regulations 2.7 and 3.7 of Chapter 2 of the Public Service Regulations that an employee (including those that are candidates) -
 - (a) may not abuse his/her position in the public service to promote or prejudice the interest of any political party; and
 - (b) must refrain from any political activities at the workplace.
 - 1.2 No employee may therefore further the interests of his or her political party during the formal school day or office hours.
 - 1.3 An employee who intends campaigning in the elections during school or office hours must -
 - (a) obtain in advance the necessary approval of the Head of Education, specifically mentioning the use to which that leave will be put;
 - (b) follow the normal leave application procedure by submitting a fully completed application form, via his or her principal and circuit manager, to the office of the Head of Education; and
 - (c) bear in mind that the interests of the learners and/or the service requirements of the institution or office will receive priority when it is determined whether leave can be granted.
 - 1.4 The WCED will under no circumstances grant an employee leave of absence for the purpose of assisting another person (whether such person is an employee of the WCED or not) in his or her election campaign.
 - 1.5 Should any such employee fail to apply for leave, or be absent without leave, he or she may face disciplinary action.

1.6 The WCED will not provide substitutes for educators attached to educational institutions who are on leave for campaigning purposes.

2. AFTER ELECTIONS

EMPLOYEES ELECTED AS PART-TIME POLITICAL OFFICE BEARERS (PART-TIME LOCAL COUNCIL MEMBERS)

2.1 Employees may not further the interests of a political party during the formal school day or office hours.

2.2 Although employees elected as part-time members of local councils are remunerated for their services, they do not have to resign from their posts in the WCED.

2.3 Circular 0048/2006 stipulates the procedures when submitting applications to perform other remunerated work outside of the Public Service. All employees, unless the employee's conditions of service determine otherwise, may not perform, or undertake to perform, remunerated work, apart from his or her official duties, without the permission of the employer. Employees elected as part-time representatives to local councils must apply in writing (via the official channels of communication) to the Head of Education for permission to perform such other remunerated work.

2.4 This application must be submitted within 21 days of the employee being elected, and must provide the following information:

(a) How the employee will ensure that his or her functions as a member of the local council will not interfere with his or her official duties (especially with regard to a teacher's responsibilities to his or her learners). In this regard, teachers are reminded that they are expected to be on duty at their schools for at least 7 hours per day.

(b) In the case of office-based employees (educators and public service personnel), the written recommendation or comments of the director responsible must accompany the application.

2.5 When necessary, and where applicable, the Head of Education will take into account the employee's service record when considering an application.

2.6 Employees serving as part-time council members must take note of the following:

- (a) An employee may not perform any sort of work for the local council in the office or on the school premises and/or during the formal school day or office hours.
- (b) An employee who is a council member who must undertake council functions during the formal school day or office hours will be allowed to perform these functions only if the necessary approval (which may involve leave on a weekday or weekdays) has been obtained via the correct channels.
- (c) This means that the employee concerned may not leave his or her post without the necessary official approval for such absence or leave.
- (d) Should the employee not fulfil this requirement, he or she will not be remunerated during that period of absence. In addition, disciplinary action can be taken against that employee.
- (e) School or WCED resources, including school or departmental premises and/or personnel and learners, may not be used by the employee elected as council member during the formal school day or office hours in order to promote the activities of the local council.
- (f) Should the employee, as a result of his or her duties involving the local council, neglect, refuse or not be in a position to carry out his or her official duties, such negligence, refusal or inability will be regarded by the WCED as a serious breach of the employer-employee relationship and it can lead to disciplinary action.

2.7 Heads of institutions must note that the WCED will not appoint substitutes for employees elected as council members.

3. LEGISLATIVE FRAMEWORK

The provisions of the Public Service Act, and regulations made thereunder, are also applicable to educators appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998).

The policy measures were, with due cognisance of Section 19 of Chapter 2 of the Constitution of the Republic of South Africa, informed by the following:

- Section 33(1)(b) of the Employment of Educators' Act, (Act 76/1998)
- WCED Circular 48/ 2006
- Resolution 7/1998 of the Educational Labour Relations Councils(ELRC)
- Section 36 of the Public Service act, 1994
- Section 30(1) of the Public Service Amendment Act, 2007
- Section 36 of the Public Service Amendment Act, 2007
- Regulation G2.4 of Part V11 of the Public service Regulations, as amended
- Regulation D.2 of Chapter 2 of the Public Service Regulations 2001
- Electoral Act, 1998 (Act 73 of 1998)
- Section 31(3) of the Electoral Act, 1998