

**EDUCATION LABOUR RELATIONS COUNCIL**  
*Established in terms of the LRA of 1995 as amended*



**COMMON UNDERSTANDING 1 OF 2022**

07 DECEMBER 2022  
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**SAFETY PROTOCOL FOR THE MANAGEMENT OF VIOLENCE  
AGAINST EMPLOYEES BY LEARNERS AND COMMUNITY  
MEMBERS WHILST ON DUTY**

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## **EDUCATION LABOUR RELATIONS COUNCIL**

### **COMMON UNDERSTANDING 1 OF 2022**

#### **SAFETY PROTOCOL FOR THE MANAGEMENT OF VIOLENCE AGAINST EMPLOYEES BY LEARNERS AND COMMUNITY MEMBERS WHILST ON DUTY**

##### **1. PURPOSE OF THIS COMMON UNDERSTANDING**

The purpose of this protocol document is to ensure that mechanisms are in place to manage incidents of assault on Western Cape Education Department (WCED) Employees by learners, parents and or other community members in the Western Cape.

##### **2. OBJECTIVE OF THIS COMMON UNDERSTANDING**

The objective is to provide guidelines for the protection and support of education employees against violence by learners, parents and /or other community members.

##### **3. SCOPE OF THIS COMMON UNDERSTANDING**

This common understanding applies to and binds:

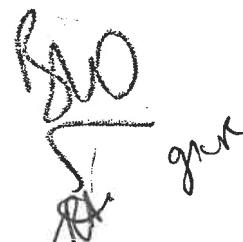
- 3.1. The Employer (Western Cape Education Department)
- 3.2. All employees of the employer as defined in the Employment of Educators Act, 1998 (as amended) whether such employees are members of trade union parties to this common understanding or not.
- 3.3. All trade unions admitted to the Council whether such trade union is a party to the common understanding or not.
- 3.4. All trade unions not admitted to the Council, that utilise the services of the Council in terms of the certified ELRC Constitution. All trade unions not admitted to the Council, that utilise the services of the Council in terms of the certified ELRC Constitution.

##### **4. THE PARTIES TO CHAMBER NOTE AS FOLLOWS:**

- 4.1 The need to provide guidelines for the protection and support of education employees against violence by learners, parents and /or other community members whilst on duty.

##### **5. THE PARTIES TO CHAMBER THEREFORE AGREE AS FOLLOWS:**

- 5.1 To adopt the Safety Protocol Document for the Management of Violence against Employees by Learners and Community Members whilst on duty with the attached Annexures A and B.

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## 6. DATE OF IMPLEMENTATION



This common understanding shall, in respect of parties and non-parties, come into effect on the date it is signed in Chamber.

THUS, DONE AND SIGNED AT CAPE TOWN (place) THIS THE DAY OF \_\_\_\_  
DECEMBER 2022

### ON BEHALF OF THE STATE AS THE EMPLOYER

DEPARTMENT	NAME	SIGNATURE
WESTERN EDUCATION DEPARTMENT	CAPE Mr Brent Walters	

### ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
SADTU	Mr. Jonavon Rustin	
CTU-ATU	Mr. Riedwaan Ahmed	

# **SAFETY PROTOCOL FOR THE MANAGEMENT OF VIOLENCE AGAINST WESTERN CAPE EDUCATION DEPARTMENT (WCED) EMPLOYEES BY LEARNERS AND COMMUNITY MEMBERS WHILE ON DUTY.**

## **1. Introduction**

The purpose of this protocol document is to ensure that mechanisms are in place to manage incidents of assault of WCED employees by learners, parents and/or community members.

## **2. Background information and rationale**

- 2.1 School violence violates the right to basic education and learning for learners and WCED employees. Furthermore, violence at schools influences the safety of employees and learners negatively which, in turn, impedes the quality of teaching, learning and the well-being of all in the school environment.
- 2.2 In 2016 the Centre for Justice and Crime Prevention defined “school violence” as any act of violence that takes place inside an educational institution, when travelling to and from school or at a school-related event. These school-related acts of violence can be both physical and non-physical and may or may not result in bodily and/or emotional harm to the victim. This violence typically takes the form of learner-on-learner, learner-on-educator, educator-on-educator, educator-on-learner, and at times, even parents-on-educators and it severely disrupts the normal functioning of the schooling system.
- 2.3 Incidents of violence on employees are on the rise and it results in low morale which compromises effective teaching and learning. An institutional environment, such as a school, may be subjected to a variety of forms of abuse by learners/parents. Such abuse was historically insignificant, but in recent years this has escalated to a level that it increasingly poses various threats to the physical safety and even the lives of employees and other learners.

## **3. Purpose**

The purpose of this document is to outline the actions that can be taken to protect all employees in a school environment.

## **4. Objective**

The objective of this document is to provide guidelines for the protection and support of WCED employees against violence by learners, parents and/or other community members.

## **5. Scope of protocol**

This protocol is applicable to all WCED employees while on duty.

## **6. The role of the WCED and other role players**

- 6.1 Circular 05/2017 (Management of School Safety), dated 17 February 2017, outlines the roles of the different persons and it should be followed consistently.
- 6.2 The WCED, as employer, has a legal obligation to protect all its employees. Ongoing issues of school safety and access to schools by outsiders are being addressed.
- 6.3 Both the employer and the employee have a range of actions and responsible entities that they can resort to in the case of any form of violence.

## **7. Injury on duty because of assault by learner, parent, or community member**

- 7.1 Principals are responsible to ensure that the correct processes are followed in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- 7.2 The employer must report these incidents to the Department of Employment and Labour in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993).
- 7.3 The official *Injury on Duty* documentation must be completed within seven days and forwarded to the WCED Directorate: Service Benefits. (Refer to WCED Minute 03/2009, dated 24 February 2009.) The form that needs to be completed is named *W.CL 2 – Employer's report of an accident*. This form should be completed whenever an employee meets with an accident out of or during employment that leads to personal injury, where medical treatment is required, or in the case of death. It is the employer's duty to submit this form.
- 7.4 In some cases, reasonable accommodation must be arranged by the relevant directorate in consultation with the employee. This may include the employee being temporarily or permanently transferred to another school or office, based on the severity of the circumstances.

## **8. Incidences of robbery, hijacking, theft, and other criminal acts against WCED employees**

- 8.1 The matter must be reported immediately to the district office and circuit manager.

- 8.2 The circuit manager must facilitate an intervention or refer the employee to the Employee Health and Wellness Programme for assistance.
- 8.3 The principal, in conjunction with the employee, must report the incident to the South African Police Services (SAPS) and the Safe Schools call centre.
- 8.4 If the area is identified as a hotspot, the WCED will facilitate the deployment of SAPS to ensure that there is effective implementation of access control at all schools in the area.

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**PROCEDURES TO FOLLOW IN THE EVENT OF AN INCIDENT OF ASSAULT**

**1. Assault on WCED employees by learners**

- 1.1 The employee reports incident/s to the principal. The normal disciplinary process instituted by the governing body will be followed in accordance with the school's code of conduct.
- 1.2 After the incident is reported, the principal must inform the circuit manager at the district office and all unions involved. They should follow the relevant policy regarding disciplining, suspensions and expulsions of learners as contained in Circular 18/2012, dated 23 May 2012.
- 1.3 The incident must be reported to the Safe Schools call centre and the relevant district's Inclusive and Specialised Learner and Educator Support directorate. (They are involved in assisting with the learner behaviour.)
- 1.4 The circuit manager must determine whether the matter should be escalated to the Head Office or wait until after the governing body hearing.
- 1.5 The employee should receive support. This would be dependent on the circumstances and should include all forms of support required to assist the employee, for example psychological, temporal transfer, permanent transfer, etc.
- 1.6 The employee may report the incident to SAPS.
- 1.7 The incident should be handled urgently to bring normality to the school as per Circular 0005/2017.

**2. Assault on WCED employees by community members**

- 2.1 The principal must report the incidents to the circuit manager, Safe Schools call centre and, depending on the nature of the incident, SAPS.
- 2.2 The employee should receive support. This would be dependent on the circumstances and should include all forms of support required to assist the employee, for example psychological, temporal transfer, permanent transfer, etc.
- 2.3 Safety measures must be put in place to ensure that the employee is safe while on duty.

### 3. Applicable leave measures

Special leave must be granted in cases where the safety of the employee is at stake or there are threats and intimidation against him/her.

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**DEFINITIONS OF ABUSE TYPES****1. Harassment**

Comments, conduct, or gestures that are insulting, intimidating, humiliating, malicious, degrading, offensive, or discriminatory, directed toward an individual or group of individuals.

**2. Sexual harassment**

Comments or conduct of a sexual nature undertaken with the intent of causing offence or humiliation.

**3. Abuse**

The unwarranted and/or inappropriate use of physical force, psychological stress or sexual involvement. This includes action which leaves no physical scars but results in emotional damage.

**4. Sexual abuse**

Sexual abuse is the unwanted touching of a person's sexual body parts. The lack of consent is the defining feature. Here it is important to note that the hierarchy determines that it is impossible for there to be consent between an employee and a learner.

**5. Physical abuse**

Acts of assault or threats of assault, such as hitting, slapping, etc. that cause or could cause physical injury or fear of physical injury. Physical abuse is more terrifying for those who cannot physically flee or escape.

**6. Verbal abuse**

Demeaning language, name-calling or negative verbal depictions of disability or attractiveness are all forms of verbal abuse.

**7. Emotional abuse**

The constant criticism, insulting, threatening, degrading, humiliating, intimidation or terrorising of a person. Of all the different types of abuse, this is the most difficult to define. Emotional abuse is the abuse of power, in any way, to cause a person to lose respect for him/herself.

**8. Spiritual abuse**

The demeaning of another's faith.

**9. Crimen injuria and public humiliation**

The deliberate use of a public platform or the presence of a public audience whether in person, or via the media, including social media, to cause emotional distress to a person by portraying him/her in a harmful way.

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