

## Education as an Essential Service: Does South Africa have Sufficient Support Services to Turn Education into an Essential Service?

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**ABSTRACT** The ruling party in South Africa, the African National Congress (ANC)'s sub-committee, after its first meeting in the Mangaung Conference (in 2012) and the ANC Lekgotla resolved that education should become an essential service. There is an outcry from different stakeholders that education cannot become an essential service. Some stakeholders indicate that education is not like any other special service and cannot be given essential service status. The idea of making education an essential service was derived from the Mangaung Conference Resolution, which states that there is general agreement that education has to be protected from disruptions. Disruption of schooling through industrial action and service delivery protests negatively impacts the stability of schools and the quality of education. In this conceptual paper, researchers are arguing that education cannot become an essential service as per the Labor Relations Act, and there are still schools, which are under-resourced throughout the country. The schools are physically, financially and humanly under-resourced. Schools and teachers still need basic support services and competitive salaries.

### INTRODUCTION

Policies in the South African democratic government predominantly emerge from the African National Congress Policy and Elective Conferences. In a conference of the African National Congress (ANC), which was held in December 2012 in Mangaung, the Commission on Education and Health resolved the following. It is generally agreed that education needs to be protected from disruptions, it was agreed that a Presidential Commission needs to be established, the Commission will review the remuneration and conditions of employment of education and health professionals and it will make recommendations on salary adjustments and wage increases in a manner that protects education and health as national priorities, the education department has to match teaching skills and competencies with positions to which teachers are appointed, post-provisioning norms, in addition to numbers, must be informed by socio-economic context and curricula needs, and the department has to outline all educators on the basis of their qualifications and teaching experience (ANC 2013).

The first resolution, which states that there is agreement by the conference that education has to be secured from disruptions through industrial action is the main one prompting the ANC government to make education an essen-

tial service. The African National Congress, as the majority Party in Parliament, may enforce education to become an essential service.

In this paper, though researchers agree that education is a priority in any country's development, it is argued that education cannot become an essential service, as the Department of Basic Education is to provide basic minimum support services to educators. Remuneration of educators is also essential in the provision of education.

### EDUCATION AS AN ESSENTIAL SERVICE VERSUS SOUTH AFRICAN LAW

According to the Labor Relations Act, 66 of 1995, an essential service means the following.

- a. Any service that if interrupted can endanger human life, personal safety or health of the whole or any part of the population;
- b. The service of Parliament;
- c. The South African Police Service.

According to the Institute for Accountability in Southern Africa (IFAISA), over the past fifteen years, ESC has carried out its mandate and it has, after due notice and public investigation, designated a large number of services as essential services. IFAISA has outlined essential services as follows: police and municipal traffic services, municipal health services,

municipal security services, the supply and distribution of water services, the Department of Water Affairs and Forestry security services, generating, transmitting and distributing of power, firefighting, social pension payment one month after they fall due, court services, correctional services, and services provided by the South African Blood Transfusion Service for blood transfusion (Brand 2010).

As far as South African law is concerned, education does not fall under the essential service category. If it is interrupted, it cannot endanger human life. If the African National Congress wants to declare education as an essential service, it will then have to amend the Labor Relations Act and the Constitution of the Republic of South Africa. It should also provide minimum support services to schools and pay market-equivalent salaries to the educators.

#### **THOUGHTS ABOUT EDUCATION AS AN ESSENTIAL SERVICE**

Education, as an essential service might sound like a nice idea, which promises to solve educational problems. The idea also happens to be wildly not so popular with organized labor and is considered unlawful under South African jurisprudence. The idea would complicate South African law if education is classified as an essential service. The question, which should be asked, is how the country even began to debate the inclusion of education into the essential service category, as one is more easily and more likely to end up with a disclaimer about how complicated South African laws are, and how nothing is ever that simple. It is exactly the conclusion that the ANC has reached after a few days of fighting words and confusion (Hlongwane 2013).

Hlongwane (2013) further states that according to some labor experts, the reclassification might impossible in the way in which the Constitution and the Labor Relations Act are written. It should be borne in mind that essential services exist in a category of their own. Unlike other types of jobs, workers employed in jobs categorized as an essential service can never go on strike as a method of industrial action. That option simply does not exist in education. Traditionally, this restriction has been limited to jobs related to the preservation of life, personal safety or the health of people. Therefore, if educa-

tors can embark on an industrial action strike, there is no threat to human life or no human life is endangered.

One of the main talking points of that discussion (this has only subsequently become obvious) was the provision of declaring the education sector to fall under the special 'essential services' provisions of the Labor Relations Act, which would essentially ban strikes for everyone involved in the sector. If the Labor Relations Act can be amended such that education can become essential service, this would stop teachers from embarking on industrial action, and this would mean that educators would not be given chance to abandon classrooms for them to force a point in a negotiation chamber with their employers (Hlongwane 2013).

The obstacle, which is regarded, as the biggest one in declaring education an essential service is the Constitution of South Africa. The Constitution preserves the right to strike and basically denies anyone working under that classification above the right to demonstrate in the case of a wage negotiation deadlock.

According to Nicholson (2013), organized labor groups have criticized the ANC National Executive Committee's resolution to try to declare education an essential service, which would lump teachers in with other groups who are not legally allowed to go on strike, such as police officers, paramedics and emergency workers.

Different opinions have been formed on the issue. People have criticized and blamed South African Democratic Teachers Union (SADTU) for interrupting schooling and are happy that the ANC finally wants to take decisive action on the dismal education system. Many people think that it is SADTU, which is causing industrial actions, which disrupt schooling. Others believe that teachers have rights to withdraw their labor when it is absolutely necessary. However, others simply point out that it is probably unconstitutional to classify education as an essential service, and it is correct for them to point out this as unconstitutional.

SADTU General Secretary Magwena Maluleke, when interviewed by the Daily Maverick outside the Department of Basic Education office, stated that teacher strikes are just one issue, and stopping them will not solve education problems. He went on to point out the issue of resource such as large classrooms, which accommodate a number of 150 students taught by

one teacher (1:15) and students learning under trees are the greater challenge. He said that declaring education as an essential service is not going to build a classroom and other needed support services or resources (Nicholson 2013).

Nicholson (2013) states further that unions have an understanding that classifying education as an essential service would, likely be proposed to solve some of these issues. Congress of South African Trade Union (COSATU)'s own analysis of the National Planning Commission (NPC)'s diagnostic report indicates, *"The NPC statement about teachers is two-fold. Teachers are not supported, but teachers are also ill disciplined, period. They engage in strike action, they hide behind complex labor regulations, and hold union meetings during school hours. In short, the implication is that part of the problem with the education system is the labor market dispensation that governs the education system. Logically, the reform that will be proposed is to either ban strike action or place teachers under essential services (as the Democratic Alliance has suggested), introduce flexibility in the education labor market by making it easy to hire and fire teachers, limit unionization of teachers or devise ways to make it difficult for teacher unions to operate in the education system. If this is the direction that the NPC will be taking, the researchers wish to remind them of the Freedom Charter: 'Teachers shall have all the rights of other citizens.'"*

According to Nkomo (2013), the South African Democratic Teachers Union (SADTU), the National Professional Teachers Organization of South Africa (NAPTOSA) and the South African Onderwys Unie (SAOU) have banded together and accused the ANC of a narrow focus and elevating strikes as the main problem over bigger challenges in education.

The key points to remember in this debate are that while teacher strikes impact heavily on a child's right to education, the conditions for teaching and learning environments in many schools are not at par and also prevent children from accessing this right (Schoeman 2013).

Schoeman (2013) further states that at this point, the government also needs to consider the reasons why teachers strike. While salaries are often the reason for protest marches, teachers are also frustrated with poor working conditions, limited resources and poor levels of learning. Schoeman (2013) further states that while

education may be regarded as essential, declaring it an essential service to merely prevent teachers from striking without addressing the key problems serves no purpose. It would be crucial for the government to work towards reducing the teacher-to-pupil ratio in order for the government to create facilities for children with learning difficulties and/or disabilities, to increase access to early childhood development centers and to address issues of sanitation and nutrition at schools.

To declare education an essential service does not refute the government from its responsibility to provide children with quality education. It is, however, important for the government to strengthen the fabric of society by allowing access for children to their rights of education as set out in the Constitution (Schoeman 2013).

#### **NEEDED SUPPORT SERVICES FOR TEACHERS BEFORE EDUCATION BECOMES AN ESSENTIAL SERVICE**

Besides better remuneration, which is the main cause of industrial action by educator unions, support services needed to minimize industrial action in the education system of South Africa before education is categorized as an essential service are discussed in this paper. Throughout the years, different researchers have defined support services in various ways. Van Schalkwyk (1995), Lazarus (1997), Steyn (1997), Steyn and Steyn (1997), Steyn and Wolhuter (2008), and Mashau et al. (2008) define support services as something, which includes all human and other resources that provide support to the individual learners and to all aspects of the education system, and are referred to as organized external assistance given to the individual schools so that their education may run smoothly. Support services are specialized non-educational services, which are needed for the improvement of the quality and effectiveness of the educational activities according to the needs of the teachers and learners.

Support services for teachers discussed in the paragraphs below may assist in enhancing quality in the South African education system. Before the ANC, through its majority advantage in Parliament, can enforce the Department of Basic Education to make education an essential service, it should enforce provision of minimum

support services for teachers to all schools throughout the country.

### **Support Services Needed for Teachers**

#### ***Library and Media Center Services***

The school library is regarded as one of the core elements of support services provided for the teachers (Theron and Van Staden 1995). The library or media center is an excellent place to schedule meetings attended by community members. Strangers to the school generally walk out feeling that their tax money is working for them (Lober 1993).

Media centers help teachers have a systematic plan, development, implementation and evaluation instructional units, activities and instructional strategies, which help meet the needs of students and teachers (Lee and Hicks 1997). Technological developments have made new equipment available in media centers, some of which have found its way into the classroom. Van Schalkwyk (1988) states that the function of the media center is to make efficiently housed and well-ordered collections of books, magazines and educational aids readily available for use by educators and learners.

#### ***Sufficient Communication Channels Between the School/Educator and Education Department***

Communication between the school and the department leads to an increase in the level of effectiveness in the educational program. Research has shown that direct contact proves to be the most important form of communication between school/educator and the department of education (Oosthuizen 1997). According to Lazarus (1997), lack of access to services like communication also affects the learning process and leads to learning breakdown or exclusion in the system.

#### ***In-service Training and Training of Educators***

Lazarus (1997) states that the non-availability of continuous in-service training of educators leads to insecurity, uncertainty, low self-esteem and lack of innovative practices in the classroom by teachers.

According to Dalin et al. (1993), in-service training (school-based) is becoming the norm. The training of educators can boost morale, and as Asmal (1999) indicates, many educators have been demoralized by the uncertainty and distress of rationalization and redeployment. Educators have a reasonable expectation of stability and job security, but that is taking long to achieve.

#### ***Curriculum Services***

Van Schalkwyk (1988) states that the curriculum must continually reflect on the relevance of subject objectives, the acceptability and the suitability of the subject content, the effectiveness of didactic guidelines, which have a bearing on such subject content, and the applicability of educational media to the teaching of such subject content. Curriculum developers must get in touch with subject-experts, experts in the education field, educationists and those who draw up curricula, and undertake sustained study of recent and relevant scientific publications in order to bring about the necessary and relevant innovation in curricula and syllabi.

#### ***Subject Advisory Services and Subject Courses***

It should not be assumed that the upgrading of teachers' subject knowledge and skills is an inappropriate or an unreasonable form of educational investment. Subject upgrading is an essential and central part of an educator's professional development. Iredale (1996) states that the World Bank cites evidence that in many situations, teachers are unable to pass the examination, which they have personally set for their pupils. This is, obviously, a disastrous basis for effective teaching because the teacher is likely to provide incorrect or misleading information, and this can lead to lack of self-confidence on an educator in front of a large class. It may well be the 'teacher monologue', so familiar to many children in a developing country classroom, that arises from the teacher's fear that interaction and questions may expose a teacher's ignorance of the subject (Iredale 1996).

#### ***Current Image of a Teacher in Education***

Asmal (1999) indicates that the morale of educators in all the communities is low. The caus-

es and incidences may be different depending on different institutions. Teachers may be demoralized because of the process of redeployment and rationalization. Other reasons may be vulnerability to trespassing, vandalism, use of weapons, drug dealing, rape, sexual abuse or even murder.

### ***Personality and Personal Problems***

Eysneck (as quoted by Fontana 1977) states that personality is regarded as a relatively stable organization of a person's motivational characters, which might arise from the interaction between biological origins and the social and physical environment.

Digman (as quoted by Jackson et al. 2000) states that after the resolution of the damaging and distracting person situation debate occurred in the 70s and early 80s. From then, there is a remarkable and widespread resurgence of research and interest in personality and individual differences. This has been part of interest because of remarkable developments in psychological and statistical methods, as well as intensive work on the psychometric properties of personality tests. At the same time, the researcher has been on a move to further develop psychobiological models of personality.

### ***Problems in the Working Environment***

According to Dalin (1993), the environment is important to all schools. 'Environment', in this case, refers to the administrative links of school authorities and the informal links with homes, organizations, institutions and business in the community. Therefore, the school should respond to the demands of the environment.

Fullan (1992) states that environment changes include the shuffling around of principals and support staff in the school systems without regard of the continuity of the project at the school. It should be understood that in many ways, teachers do not differ from employees in other organizations. Similarly to employees from other organizations, teachers need decent salaries and benefits, which are suitable for their working conditions, and they also need recognition and promotion opportunities. As of now, there are dissatisfied educators, and there is considerable scope for eliminating sources of dissatisfaction.

A component, which is critical in improving schools, ensures that the working environment in schools enhances the job satisfaction of educators (Steyn et al. 1994). Besides the shuffling of the principals and support staff, there can be major changes from government policies, demographic changes in student populations, economic trends affecting the availability of funding and public opinion (Fullan 1992). All these affect the working environment of teachers, and in order to cope with all changes, they need to be prepared.

### ***Promotion Opportunities and Job Placements***

From an administrative standpoint, a manager who understands what his or her employees believe to be in their best interest can develop a unique reward system. Rewards must be flexible enough to meet the expectations of individual employees. It is also necessary to structure the individuals' jobs so they realize that when they act in the best interest of the school circuit, they are acting in their own best interest as well (Rebore 1982).

In China, educators naturally spend their whole career in one school. They cannot make a personal decision to move. Internal promotion is the major vehicle for their career development. The promotion process involves the principal, an internal committee of educators and the educational bureau. To be transparent, the committee nominates a candidate for a vacant post. If the principal accepts the nomination, it is put forward to the education bureau for the final decision (Bush and Gay 1998).

### ***Educational Aids***

Teaching and learning aids are often referred to only as teaching and learning aids. This concept encompasses more than audio-visual aids, but includes all aids which the educator can use in his teaching and which the learner can use in his learning (Kruger et al. 1983).

Kruger et al. (1983) state further that teaching aids are media, which can be used in the interaction or dialogue between the educator and the learners. These can be used as a bridge to reach the position that the educator has achieved. They, therefore, function as the intermediary in a teaching-learning situation.

### *Office*

For effective communication and administration, school offices should have furniture, computers and telephones. These items will be discussed in the following paragraphs.

Oldert and Braas-Baker (1992) state that what should be obvious to everyone is that the use of computers represents one of the learning alternatives, which is at least an alternative that must be seriously considered. People who know about computers in education are already convinced that computers are part of the solution.

The importance of a telephone is for the educators to contact their students' parents within the first three weeks of the school. The educators are able to introduce themselves one by one to the parents and talk about the students while everything is still going well. As a result of early contact such as this, parents feel at ease to call educators and ask questions when in doubt. Concerns do not build, instead, they become problems (Lober 1993).

### *Gymnasium and Sports Field*

Regular physical activity provides numerous health benefits. The school's physical education program promotes physical activity and can teach skills as well as form or change behaviors amongst teachers. It holds an important key to influencing health and well-being across the lifespan of a human being (Lambert 2000).

Lambert (2000) further states that to provide healthy lifestyles through education, a quality program of physical education must be a core requirement in all schools and a central component in a comprehensive school program. Teachers need to be involved in physical training.

According to a USA report, the importance of physical activity is its ability to increase the level of activity among children and youth, including teachers. Physical inactivity results in substantial, negative health consequences. Obesity, high blood glucose, high blood pressure and high blood lipids all occur more often among sedentary adults. These problems increase the risk of chronic disease such as cardiovascular disease, various cancers, Type II diabetes and hypertension. Quality physical education programs are essential in helping teachers gain competence and confidence in a variety of movement forms such as sports, dance, recreational

activities, and fitness activities (Lambert 2000). Physical activities can take place either in the gymnasium or sports field.

### CONCLUSION

Education cannot be regarded as an essential service in South Africa as it is not part of essential service, according to the Labor Relations Act and the Institute for Accountability in Southern Africa. For education to be regarded as an essential service, it is important for the Department of Basic Education to provide at least minimum support services to educators. It is, therefore, obvious that ending the educators' strikes does not and will not address the challenges that education is facing in South Africa.

### RECOMMENDATIONS

To avoid teachers' industrial actions, teachers are supposed to have basic support services. This is beyond competitive salary increases. Support services for teachers would be library and media center services, in-service training, promotion and other kinds of placements. Their dignity needs to be restored through access to offices and educational aids. Other challenges, which they come across in their schools, are to be addressed immediately. It is also recommended that after the minimum support services have been delivered to schools, the African National Congress should influence the Parliament to amend the Constitution of the Republic of South Africa, together with the Labor Relations Act.

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