



## NAPTOSA North West

National Professional Teachers' Organisation of South Africa

22 May 2020

NF 20/2020

TO **THE NAPTOSA NW UNION REPRESENTATIVE**

*Please make this communication available to ALL NAPTOSA members at your school/college/office*

### **25 MAY 2020 – WHAT TO DO?**

On 25 May 2020 teachers and education support personnel will be returning to school to prepare to receive the first cohort of learners on 1 June 2020.

Two important principles guide this return to work. On the one hand there is the principle of a lawful instruction and on the other the employer's responsibility to provide employees with a safe working environment.

On the first principle it is necessary to take into account that in terms of the Lockdown Level 4 Regulations issued under the Disaster Management Act, 2002, Education Services were identified as a permitted service from dates and schedules to be determined separately. The Minister of Basic Education on 19 May 2020 exercised her power in this regard.

For schooling to be functional, teachers and education support staff are required. Instructing these employees to assume duty on 25 May 2020 was therefore within the Minister's rights and also lawful, despite opposition to the re-opening of schools from certain organizations and individuals. NAPTOSA has always given its conditional support to the re-opening of schools, with conditions centering on the health and safety of our members.

Which brings us to the second, and from our point of view, most important principle, namely that the employer is obliged to ensure that employees work in a safe environment, and safety to include the physical and psychological health of members. A safe working environment under COVID-19 circumstances means adequate provisioning of personal protective equipment (PPEs) to staff, the maintenance of health and safety protocols and the adequate supply of sanitizing materials to schools.

It is therefore NAPTOSA's position that if PPEs had not been delivered to schools and the required cleaning had not taken place when teachers return on Monday, they are not to endanger their lives by entering such schools. Upon arrival at school, staff must have their temperatures taken by means of a digital thermometer scanner and be supplied with at least 2 face masks each. Where staff are expected to gather there must be sufficient room to maintain social distancing. Sufficient soap and water and/or hand sanitisers must be available. Frequent cleaning and disinfecting of often touched surfaces such as door handles, handrails, desks, tables, windows, must also be evident.

**In the absence of these measures, members are to inform the Principal or relevant district office, and the NAPTOSA provincial office, that they are not prepared to enter or remain on the school premises.** Only once the Principal is able to confirm that the non-negotiables have been complied with, are such members to return to school.

While NAPTOSA and the Department have not often been in agreement since lockdown, we do agree that members, in assessing the adequacy of required materials to ensure their health and safety, should consider whether it is sufficient for their return to school and not concern themselves at this stage whether sufficient supplies have been delivered for the return of learners. Such an assessment will need to be done later in the week.

To date we have not received any official confirmation from the Department on how the issue of comorbidities will be dealt with. We will be informing the DBE that we are advising our members that the guidelines issued by the Department will be accepted as the official policy on the matter until they inform us differently. In other words, if a member complies with any of the risk factors indicated by the Department in their guideline document (see NW News Flash 19 of 2020) they are to remain home and submit evidence to their school and district and request work that can be done from home.

Members should take note that the definitions of the risk factors are, for the most part, very technical in nature and would require the assistance of a medical practitioner to determine whether there is compliance with a specific definition.

A number of provinces have instructed staff with comorbidities, and those over 60 years old with comorbidities, to remain home until Regulations or protocols have been published in this regard. As indicated, there is, however, no national position on the matter at this stage. We advise members to rather err on the side of caution and to advise their Principals accordingly.

Because Education Departments will be issuing face masks, there has been agreement by trade unions that only such official face masks are to be worn by staff on school premises. Face masks with union logos may be used outside school premises. The motivation for this is that it is accepted that the official face masks comply with the safety standards set by the DBE. Unions also do not want fingers pointed at them should any of their members contract the virus and such members have been wearing union issued face masks.

NAPTOSA wishes all its members a safe return to school, knowing that your union has your back in the fight against the pandemic.

*DULY SIGNED*

**TSHWANELO MMUTLANA**  
**PROVINCIAL CHIEF EXECUTIVE OFFICER**

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