



SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION



NATIONAL INDUCTION MANUAL



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Trade Unionism

What is a Trade Union?

Workers can organize themselves into worker's organizations called trade unions. Workers who belong to a trade union are **organized workers**.

An independent trade union is:

- Controlled by its members
- Run by its members
- Paid by its members

Organised workers in factories elect shop stewards and committees to represent them and report back to them in the workplace. The shop stewards and workers discuss the problems in the workplace and the shop stewards take the workers' problems to the management.

What are the aims of trade unions?

Aims	How
To negotiate with employers	<ul style="list-style-type: none"> • for decent wages and conditions of work • for recognition by the employer of the unions and shop stewards in the workplace • for agreements and ways for these agreements to work, for example, agreements about maternity benefits, paternity benefits, retrenchment, health and safety, and so on.
To protect workers	<ul style="list-style-type: none"> • from unfair dismissal and unfair labour practices



	<ul style="list-style-type: none"> • from discrimination and abuse. • by uniting workers first at shop floor level
To educate workers	<ul style="list-style-type: none"> • on their rights and how to enforce these rights • on how to carry out their tasks in the trade union. • about the political economic situation in the country
To represent workers	<ul style="list-style-type: none"> • to the employers and other authorities • to get and improve benefits, for example UIF, Compensation, pension, and so on.
To take legal action when necessary	<ul style="list-style-type: none"> • to defend workers rights • to defend union organizational and constitutional rights
To unite with other unions, to strengthen the workers' power to negotiate with employers and other authorities	<ul style="list-style-type: none"> • to deepen solidarity in the working class • to build industrial unionism • to build a strong federation
To advocate better social and economic policy that is pro working class	<ul style="list-style-type: none"> • to take industrial action when government or other social partners are unresponsive • to ensure policy is pro poor e.g. The Basic income Grant (BIC) • to protect against job losses • to protect democracy in South Africa



The strike is the ultimate weapon of organized workers. But not every strike succeeds. Other ways for workers to put pressure on the employer include going on a go-slow, refusing to work overtime, taking legal action when necessary, and so on.

Employers are more willing to negotiate if they know that united worker action is possible. The union is not just the paid union workers or organizers who work in the union office in the middle of the city. They cannot solve workers' problems. The union is made up of workers at shop-floor level who act together to solve problems.

HISTORY OF SADTU

The idea to form a national and-racial teachers' union originated at a teachers' conference in Harare in April 1998. There were various teachers organizations present like African Teachers' Association South Africa (ATASA), Union of Teachers Association of South Africa (UTASA), Teachers Association of South Africa (TASA), National Education Union of South Africa (NUESA), Democratic Teachers' Union (DETU), Western Cape Teachers' Union (WECTU), Education for a Democratic and Aware South Africa (EDASA), Progressive Teachers' Union (PTU), and the Progressive Teachers' League (PTL). The organizations committed themselves to establishing one national teachers' organization in a unitary, non-racial and democratic South Africa. Some of these organizations were regarded as established organizations whilst others were progressive organizations.

These "Harare Accord" organizations formed the National Teachers' Unity forum (NTUF). COSATU became the convenor of the NTUF and helped in initiating a process of building one organization out of many which existed. In fact, COSATU was entrusted with the role of midwife to unitary non-racial, non-sexist, democratic union of teachers.

NTUF developed in the process. Eastern Cape Teachers' Union (ECTU), East London Progressive Teachers' Union (LEPTU) and



Mamelodi Teachers' Union (MATU) were admitted as affiliates and the Natal Teachers' Society (NTS) and Transvaal Teachers' Association (TTA) as observers. This unity process culminated in the establishment of SADTU.

The South African Democratic Teachers' Union was then launched in Johannesburg on the 6th October 1990. That launch was historic occasion because it brought together a range of racially divided teacher organizations into a unitary structure with progressive vision. SADTU challenged the legitimacy of ethnic education departments and made an important contribution to the struggle for non-racialism in South Africa.

The first president of SADTU, elected on the 6th of October 1990 at the launch was Cde Shepherd Mdladlana. In 1991 he was re-elected President at the first SADTU Congress which was held at NASREC in Johannesburg. The General Secretary was Randall van der Heever and his assistant was Cde Thulas Nxesi. In 1993 a second Congress was held at the Crown Mines.

The second Congress resolved to discuss the question of affiliation to COSATU. The National Council following the Congress resolved in favour of affiliation. The aim of affiliation was to strengthen and build solidarity and unity amongst all workers and to share experiences with other unions.

The main aim of SADTU is to eradicate all forms of discrimination in education and to strive towards a free and democratic system of education in South Africa. SADTU teachers are strongly committed to overcoming the serious legacies of apartheid education, and view their union as an effective structure through which they can participate in a transformative programme of national reconstruction and development.

SADTU now represents more than 235,000 teachers, making it the largest teacher organization in the country. It has become an affiliate of COSATU, the trade union federation in South Africa. The union



also enjoys international affiliation to Education International (EI) the all Africa Teachers' Organisation (AATO) and the Southern Africa Teachers' Organisation (SATO).

SADTU members view their union as an effective structure through which they can participate in a transformative programme of national reconstruction and development. The union championed the installation of democratic government, together with other COSATU unions.

At the moment all its stewards and leaders are involved in transformative processes in the form of policy making, review and implementation.

THE FUNCTIONING OF A TRADE UNION

Constitutions and Organising

An important part of union organizing is to ensure that members play an active and ongoing role in the trade union. Part of this is organizing workers into structures so that they can debate issues and give direction to the union. For members to be actively involved in the union they must be familiar with the union constitution. This is also the right and duty of anyone belonging to a membership based organization.

All unions have slightly different constitutions but basically they all cover similar areas;

Purpose of the organization

This lays out the reason for the union existing and will normally relate to protecting workers and advancing their interests.

Principles of the organization

These may be set out from the beginning in the constitution or brought about through policy decisions of the union decision making bodies. Some important principles for democratic trade unions which are often found at the beginning of a constitution are concepts such as:



Workers control of the organization leadership should be regularly elected by the broad membership union independence decisions by paid up membership.

Decision making structures

This would outline the major decision making bodies in the union. Normally there is a congress or conference open to the broad membership through shop floor representative systems and acts as the parliament of the trade union. This body elects leadership positions such as General Secretary, President, Deputy General Secretary, National Treasurer and could include other National Office bearers. The constitution determines how often this body meets which is usually not less than every 4 years.

The may also be a smaller but still general meeting every year for the taking of important decisions that affect all and then a regular structure such as an executive committee that has both elected and worker delegates that meets very regularly to oversee the general running of the trade union.

Depending on the size and area covered by a union there may well be regional or branch decision making bodies that oversee the running of local union activities and staff and may well be factored into the representation system at the national decision making bodies.

Election of office bearers and leadership

The election of office bearers and leadership is an important element and is normally under the powers of the Constitution of the union. Some constitutions prevent leadership being re-elected more than once or twice to allow the organization to remain dynamic and prevent too much control coming to rest in the hands of one or two people for a long time. Constitutions also determine what level of officials of the union are elected or appointed but this normally relates to regional and organizer positions, more senior positions are normally elected



through a democratic process that involves membership. The election of leadership is key to the concept of workers control of democratic trade union organization.

Procedures for changing the constitution

Because a union is a democratic organization working in a changing environment (e.g. the union suddenly has many more members it must serve) there needs to be ways to change the Constitution but this should never be left in the hands of a few people. Thus the constitution can normally only be changed by the largest meeting with the broadest representation such as a Congress. The constitution will also determine the level of support necessary for a constitutional change to be effected.

Scope of the union

The scope of the union is sometimes in the constitution. This covers the areas or industries that the union organizes in. Some times this is only in the registration of the union with a government body such as the Department of Labour.

Financial controls

The constitution will normally also stipulate who can make money decisions and may limit the Amount of money involved in a transaction that officials can make without referring back to membership. It would also normally stipulate that the union books should be audited and the role and duties of the treasurer such as annual reporting of the financial status of the union which covers monies collected and donated and how these have been spent. The constitution often gives the right to any paid up member to inspect the financial statements of the union on demand.



Meeting rules and procedures

The constitution of the union should also set out how meetings such as branch, executive and congress should be run and the powers and duties of people such as the chairman of a meeting. Such rules will normally also include how people are selected to speak for how long and under what circumstances somebody can interrupt a speaker. These rules are sometimes called standing orders.

The constitution is the foundation of the union and needs to be respected by all in the union. If the union is to continue to represent workers in a vibrant and active manner it is critical that Members participate actively and knowledgeable in meetings and structures of the union. The union has a duty to ensure that every member understands the constitution and the principals of the union. Where a union prevents members from accessing such a document it is normally a sign of undemocratic organization. This can only end up harming workers interests which defeats the purpose of the organization.

WHAT IS A CONSTITUTION ?

A constitution is the rulebook of the organization. A union constitution makes sure that there is one set of rules within the union that everyone in the union is guided by. Because there is one set of rules a constitution prevents disputes and arguments about the way the union should be run. A union constitution also deals with issues when there is conflict in the union. Every member should have a copy of the constitution.

It is important that all office bearers has a working knowledge of the constitution to save time, prevent arguments, and to make sure that members have control of their union and the union is run democratically. If office bearers do not know exactly what the constitution says about a certain matter,

Then he/she must at list know where in the constitution to find this information. Office Bearers should always have a copy of the constitution with them at union meetings.



The constitution of SADTU was agreed to and adopted by SADTU members. Members can change the constitution from time to time if they want so that the constitution meets members' needs in the best possible way. The majority of members must agree to any changes in the constitution at the SADTU congress.

These are some of the things the SADTU constitution sets out:

- The aims and objectives of the union and what the benefits are to union members:
- Who can be a member of SADTU
- The rights and duties of members
- The structures of the union, from workplace up to national level
- Who sits on each SADTU structure
- The procedures and rules for meetings of the union
- How the finances of the union are controlled
- Which structures will deal with the day-to-day affairs of the union
- Matters concerning industrial dispute and how to conduct ballots
- How union leaders or office bearers at each level are elected
And powers of these office bearers

Roles and Responsibilities of Office Bearers (Refer to the SADTU Constitution)

RULES OF PROCEDURE FOR MEETING

Aims: To help us to:

- Ensure that meetings are informative and educational



- Ensure that meetings are properly convened and meet constitutional Requirements
- Understand meeting procedures and implement them
- Develop writing skills

DECISION MAKING

In a democratic organization and at a time when it is increasingly becoming necessary to involve most levels of organizational structures in decision making, meetings play an important role. For meetings to succeed in carrying out the business, procedures must be adhered to. Organizational procedures at times vary from organization, the customs and traditions must not be compromised.

DEFINITION

A meeting can be defined as a gathering/assembly of two or more people to discuss matters of mutual/common interest and taking any necessary decisions relating to these matters.

LEGALITY OF MEETINGS

Meetings are legal/valid if they are held in accordance with the following:

1. The laws and statutes of the country
2. Common law
3. The Constitution of the Organisation
4. Custom and tradition (i.e. procedures at meetings)
5. Convened by a person authorized to do so
6. If a quorum is present
7. If the Chairperson has been properly appointed



STRUCTURAL MEETINGS

Types of meetings are always determined by the various structures found in the Constitution.

In a well functioning organization a programmed of meetings must be drawn annually i.e. terms of the frequency of various structural meetings allowed by the Constitution.

NB: REFERENCE SHOULD BE MADE TO THE CONSTITUTION

COLLECTIVE LEADERSHIP

Supports the principle of collective leadership. The challenge is to move from more autocratic, rule-bound approaches such as that which the apartheid government favoured, to more democratic, accountable, participative and equitable forms of leadership. Under collective leadership there is mutual responsibility for the proper running, guidance and overall leadership of an organization, in accordance with the stated principle of that organization.

Leaders have a responsibility to those they lead. This involves building shared visions and goals, and acting in such a way as to achieve these visions and goals. They need to influence others to do the right thing, and lead by example. They must also lead democratically, taking the views and ideas of others in the group into account.

Leaders shouldn't set the goals and formulate the visions for the way forward alone-

In fact, it is better when this is a collective effort and when other members of the group feel ownership of these visions and goals. But leaders are responsible for ensuring that the group as a whole sets goals and objectives. So in most cases, leaders shouldn't take decisions alone (certainly not on important matters). but they must ensure that the necessary decisions are taken (by the group). 'Leading from behind',



in this way, is often very effective, and certainly more democratic than more autocratic forms of leadership.

This philosophy of collective leadership also applies when group decisions are being implemented. Leaders are not superwomen or supermen, but in the most part are ordinary people – they cannot do everything themselves. It is important that leaders delegates tasks. Of course, the leader must ensure that the delegated members have a clear understanding of what is expected of them. And the leader has ultimate responsibility and accountability, so they must make sure that the work is done, and done properly.

Just as we must open ourselves up to new styles of leadership, so we must encourage new people to lead us. In a Union and a society that values human rights and equality, leadership needs to involve both men and women. Many people think of masculine characteristics when they think of leaders – female qualities are often ignored. This is due to women's historical oppression, which meant that leaders have tended to be male (and still tend to male). The issue of female leadership is particularly pertinent in our Union, where the majority of members are women. Women need to hold key positions in the union if the union is to be properly representative of its members.

DEVELOPING COLLECTIVISM

AIMS: To help us to:

- Think about what makes a good collective
- Identify any advantages of collectivism in the union
- How we can use collective work more in the union



ACTIVITY

Using your constitutional authority and Developing Collectivism

- * For your group, e.g. Chairpersons, Treasurers etc identify and list all the duties powers, etc that the constitution gives you. Differentiate between Branch, Regions and Provinces.
- * Are these duties, powers etc clear and unambiguous, if not propose amendments and additions if any?
- * What kinds of relationship network, if any does the constitution provide for between:
 - Chairperson and Secretary
 - Secretary and Treasurer
 - Secretary and Deputy Secretary
 - Secretary and Convenors

How can this area of the constitution be improved?

ACTIVITY

PROMOTING ACCOUNTABILITY

SADTU National was used by “Band O” for failing to honor a contract entered into by some Office Bearers of a province and the bank. SADTU settled the matter in court in favour of the bank on the advice of our lawyers who pointed out that there were serious problems and inconsistencies between the financials regulations in our constitution and the actual financial practices of our structures”



How would you address the following challenges in your region?

Challenges	Strategy	By whom
Always late for meetings		
Authoritarian leadership		
Not a team player		
Blame and Complain syndrome		
Lack of capacity		
Lack of commitment		
Sexism		
Do not adhere to mandates		
Racism		
Gossip mongering		
The person always knows best		



POWER, AUTHORITY AND ACCOUNTABILITY

It is important to note the difference between 'power' and 'authority'. Someone has power if they are to get others to do what they want. They can do this by persuading or by forcing others. For example, the apartheid government used its power to force people to do things, while the new government used persuasion.

Someone has authority if they hold power legitimately. People hold formal authority if they are appointed to a position. For example, under apartheid, the authority of the education system was rejected. The system did not have legitimacy. If someone earns the respect of others they have personally earned authority. It is important to note that in any position, respect is not guaranteed, but earned.

The other side of power is accountability. Leaders must be prepared to explain their decisions and actions to those they lead. It is very important that leaders communicate with their members, account for their actions and report significant developments in union activities and policy. Such communication leads to unity, organization, and loyalty from members to the union. Non communication brings about rumour mongering, disorientation and disgruntlement. Such conditions are fertile ground for counter revolutionary forces.

MANAGING INTERNAL CONTRADICTIONS

- Cultivate open debate. If we suppress open debate we will treat each other with suspicion
- Leaders must never be immune from criticism
- Criticism must be constructive and given in order to build the movement
- Cadres must reflect upon themselves in a quest to improve their revolutionary activities and comradely behavior



RESPECTING ELECTED LEADERS AS A UNITARY FORCE

- All of us possess leadership qualities
- Many cadres will be entrusted to lead the organization at different levels
- These leaders help to bind the organization together, and thus deserve the Respect of all, no matter how intelligent we think we are in comparison to them.
- Our duty is to strengthen the capacity of these leaders and work with them
- We must regard leaders as unitary figures

ORGANISATIONAL DISCIPLINE

- Every member must adhere to organizational principles and objectives
- Issues must be raised internally and constructively.

SADTU SITE STEWARDS TRAINING MANUAL

- This will minimize factionalism and groupings, both of which are detrimental to fulfilling Union objectives.

STRATEGIC PLANNING

Introduction

This section endeavors to clarify aspects, which should be used to analyze and Planning in an organization. Some of you might have had the opportunity of attending Strategic Planning workshops and would therefore be in a position to make inputs on these issues and to add value by sharing experiences. This paper further attempt to assist in the different understandings of what strategic planning entails



and should therefore not be seen as completed. Strategic planning is crucial for any organization to achieve success.

Why should organizations be strategic? Do they have knowledge of the turbulent?

Environment that they exist in? What are the features of a turbulent environment and is there something that is constant?

Features of a turbulent environment:

- Rapid socio-economic change
- Economic patterns, breaking with existing trends.
- An increase in dynamic complexity in social and economic areas

Organisations therefore face increasing unpredictability of social and economic future patterns and increasing potential instability in social, economic and institutional life.

Strategic planning

Strategic Planning has to do with charting way forward for an organization after envisaged that organization's future. It is to outline strategic and necessary objectives, procedures and implementation strategies to achieve the future objectives.

It is about a commitment to change and implement decisions. It is about accountability and responsibility. It is further characterized by organizational self-examination, confronting difficult choices and setting priorities. Priorities need to be fed in the annual budget.



Strategic Perspective

A strategic perspective deals with the following:

- It is a way of drawing out where and how an organization might position itself in relation to essential stakeholders and a constantly changing world.
- To be strategic one has to balance the interests of a number of different stakeholders.

Possible shortfalls in strategic process

- When enough information is not brought into a process, it can result in decisions being Taken on misinformation. Every organization needs information as it lifehood, the important source of energy of organizations.
- The synthetic process is often weak. If some data is not well understood it is simply left out.
- Assessing the implications of taking certain options is not done.
- Ideas are not anchored into shared objectives, and objectives are often not converted into operational plans.
- Structures and systems are not reformed to carry the organization's new direction.

What is strategic thinking process?

What it is.

- A process, which strives for organizational success and sustainability. Success in achieving its goals and sustainability,



which is argued to be not being stable and holding onto the known. However, developing to a more complex and higher level of organization to work with increased complexity of the world in which we live.

- A reflective and continuous process.
- A way of looking at your organization in relation to its broader, ever-changing environment.

What it is not

- An event conducted once a year for two or 3 days
- It is not programme or activity planning.
- It is not SWOT
- It does not seek status or stability; it seeks opportunities for change development and adapting strategy.

Vision: Briefly indicate to outstanding structures in an organization. It should include a daringness as well as farsightedness about where that organization should go and what to do to get there.

Mission: Refer to the reason for the existence of that organization

Two very important activities that must occur throughout the Strategic Planning Process are Environmental Scanning that influences the organization.

Secondly, the implementation considerations that are an ongoing review at each phase of Strategic Planning to determine which elements need immediate implementation.

Environmental Scanning

For any organization, it is important to know the environment in which it finds itself.

It is in that particular situation that it can adapt or die. In scanning the



environment, the following factors are critical

- Political climate
- Economic factors
- Social factors
- Technological factors

It is within the above environmental aspects that the organization should make a SWOT analysis.

Strengths: Specific advantages that the organization can use to exploit an opportunity or reduce or overcome a threat.

Weakness: A specific disadvantage in an organization.

Opportunity: A favourable or unexploited situation not utilized favourably to advantage the Organization.

Threat: s the unfavourable situation, which if not proactively dealt with could lead to harm in the organization.

Implementation Consideration

It is necessary to understand that the important test of implementation is the degree to which leaders use the Strategic Plan in their everyday decisions.

What is important in this regard is how the financial and human resources are utilized in taking the organization forward.

Human Resource Management

The success of any organization lies in the ability to manage its human resources effectively. Any organization should take keen interest in the training of its personnel. For that to take place, skills audits must be conducted from time to time in order to assess the relative relevance of the skills to the challenges facing the organization. It is important



that the organization is not made to adapt downwards because of a lack of skills.

Organisations need people and people need organizations. The overall success of every organization lies in the ability of the leadership to lead and the ability of management to manage.

It therefore takes someone who is high in both management and leadership to be a complete leader. The trade union movement, like all organizations, needs these skills.

Conflict

Many people prefer to avoid conflict. Excellence in a group or organization process depends on conflict. Only conflict can raise the different points of view, surface innovations, hone ideas that may be initially rough, tap all the resources of all participants. Conflict is not often seen as productive. Most people avoid it and in the process, they avoid clarity and progress. Learning to use conflict productively, without hurting people in the organization, involves communication skills. They can be learnt. Communication is about listening to you and others.

IMPORTANT TOOLS THAT A SADTU LEADER MUST ALWAYS HAVE AT THEIR DISPOSAL

The Collective Agreement

Having a general knowledge of the agreement is necessary but, when answering a question about the agreement, you must look at all of the relevant clauses from the first to the last word of each, word by word, their relation to other clauses in the contract and their relation to the contract as a whole.



A list of site members

Keep a list of workers names, addresses, and phone numbers, seniority, classification and wage rates. Update your records and add new names as new employees join in.

Membership forms and cards

Forms for new employees to join up.

A copy of the employees' rules and regulations

All copies of Acts, Rules and Regulations governing the institution should always be readily available.

Grievance forms

These should be complimented by the plus fact sheets and any other forms the union expects to use.

Union Constitution

SADTU and COSATU constitutions, including all related policies.

Pencil and Paper

When you are approached with a request, complaint or grievance, get the information down immediately. Always put in the date and time. Don't rely on your memory or the member's memory for details.



ORGANISING AND RECRUITMENT STRATEGY (Refer to the existing Strategy)

As a site steward, you must seek and recruit members. Introduce yourself to new members of staff and explain your role as a site steward. Let them know that you are there to help with any problems they may have at work.

Here are some tips for persuading workers to join SADTU:

- Make sure that you have enough time for a discussion. Remember, you might need to meet more than once.
- Give new members copies of the contract and help them to understand it; give them material about SADTU that might assist them.
- Make sure you listen carefully to what workers say. Take their views seriously, and try and answer their questions and their fears and doubts.
- Explain how democracy in the Union works, and how members can influence decisions and play a full part in the activities of SADTU.
- Explain what the union does and explain contract provisions that have been negotiated. Be ready to explain some of the successes that SADTU has achieved.
- If you don't know the answer to a question, don't make one up. Say that you will find out and report-back to them.
- Don't over-react to what the workers might say. Their concerns may be serious. Try and be calm and friendly.
- Be ready to explain the gender policy of SADTU and how important it is to promote a society in which men and women are treated equally. Explain how important it is for workers



to play active part in advancing transformative campaigns of the union.

- Make sure new members receive their membership cards timeously.
- Don't be afraid of discussing politics. SADTU is one of the key COSATU unions and continues to place ideological and political work at the centre of working class struggles for transformation. Ensure that you have a copy of the strategic policy framework document, which guide our work in this area.
- Capacity building for branches and sites, including a training manual on handling cases, as a source of reference.
- Engage the DoE on delays in processing cases to ensure improvement in DoE capacity, case handling procedures and dispute referral system.
- Campaigns and bargaining on poor working conditions, employment practices and management problems in schools.
- Raise awareness amongst members on their rights to combat compliance and passivity.
- Apply SADTU code of conduct effectively, to reduce rate of misconduct by educators.

WHAT CONSTITUTES A GRIEVANCE?

As SADTU workplace representative, you will hear many problems and have many questions put to you by your co-workers. Some of these will be legitimate grievances, some will be borderline, and others will be complaints that may be addressed in the next round of collective bargaining.



Though employees often believe any source of conflict warrants the dispute procedure, some conflicts can be resolved through other means. We need to draw a distinction between complaints, grievances and disputes.

- A **complaint** is a dissatisfaction registered by an employee, arising as a result of various issues.
- A **grievance** can be either individual or collective and involves the registration of a formal complaint in the implementation of policy or rules etc.
- A **dispute** is the breach of policy or procedure agreed upon.

To find out whether a conflict involves a legitimate grievance, the following should be asked:

Has management:

- Violated the collective agreement?
- Violated a law?
- Acted unfairly or committed a violation of individual rights?

If your answer is 'yes' to any of the above questions, there may be a legitimate grievance.

IMPORTANT POINTS TO REMEMBER:

Be Tactful and Understanding

If you have to tell a worker she/he doesn't have a grievance when she/he thinks she/he has one, be diplomatic. She/he is going to be disappointed anyway, but you can help by giving her/him a full explanation of why this complaint isn't a grievance. Show her/him what the agreement says. If you give her/him the brush-off, she /he will lose faith in the union. When you can't convince the worker that it's not a grievance, tell her/him that she/he can talk to the other union officers



about it. You may be wrong, after all, and it is her/his democratic right to have a further hearing.

When in Doubt Ask

Whenever there is a doubt in your mind, investigate further. Sometimes you won't know whether it's a grievance until you have some additional facts.

Also, there are going to be grievances you don't know how to tackle. When this happens, don't know whether it's grievance until you have some additional facts.

Also, there are going to be grievances you don't know how to tackle. When this happens, don't be ashamed to ask for advice. Talk to an officer of the union. When they have told you how to handle the grievance, to back and take it up yourself. If you don't handle your own grievances, you'll lose the respect of the workers and the management.

Don't Try To Be Hero

Don't promise the worker the moon. If it looks like a legitimate grievance, tell the worker you'll do your best to settle it. But promises like, "We're sure to win" may build their confidence up, only to be letdown later.

CHECKLIST FOR GRIEVANCE PROCEDURE

1. INTRODUCTION:

Work is the primary means for the majority of people to sustain themselves. The law originally paid scant attention to the world of work. It did not even know how to classify it. But times have changed and the central role of work has attracted the attention of the law.



In South Africa, there is a substantial body of law, recently updated and modernized, dealing with the employment relationship and Collective Labour Law.

Workers, employers, trade unionists and employer's organizations need to know the law, because it defines their rights and duties. Knowledge and appreciation of labour law can contribute significantly to the chipping away of the adversarial relationships which have bedeviled our labour relations.

2. **WORK RELATIONSHIPS:**

The relationships that we find in the workplace can be divided into two broad categories. There are "INDIVIDUAL" relationships between an employer and employee which relate to the employee as an individual.

There are also "**COLLECTIVE**" relationships, which are relationships between collective entities or 'groups'

There is however, a watertight distinction between INDIVIDUAL LABOUR LAW and COLLECTIVE LABOUR LAW.

3. **COMPLAINTS, GRIEVANCES AND DISPUTES**

The work environment can be the centre of conflicts between individual employees or the collective and management. As a SADTU workplace representative, you will hear many problems and have many questions put to you by your co-workers. Some of these will be legitimate grievances, some will be borderline, whilst others will be complaints. Though employees often believe that any source of conflict warrants intervention, some conflicts can be resolved through other means.



PREPARATION FOR THE HANDLING OF GRIEVANCES/ CASE MANAGEMENT:

In preparing ensure that you get copies of all relevant letters which amongst others will include;

LETTER FROM MANAGEMENT IMPOSING DISCIPLINARY MEASURES:

This letter should give specific reasons for the discipline an, if it does not; a further letter may be requested from the employer.

COPIES OF EMPLOYER POLICIES OR RULES:

Since many disciplinary grievances deal with the application of employer policies or rules, A copy of such policies becomes an important part of the documentation needed in any such grievance. A study of the policy may help the Union representative to determine whether it is clear and unambiguous.

BE TACTFUL AND UNDERSTANDING:

If you have to tell a worker they don't have a grievance when they think they have one, be diplomatic. The member will be disappointed anyway, but you can help by giving them a full explanation of why the complaint is not a grievance.

WHEN IN DOUBT, ASK

Whenever there is a doubt in your mind, ASK. Additional information is certain to assist you. If you find that you have insufficient capacity to deal with a case, consult other leaders who can help you to prepare better.



DO NOT TRY TO BE A HERO

Don't promise the worker the moon. If it looks like a legitimate grievance, tell the member that you will do your best to settle it. Promises like "We are sure to win", may raise expectations only to be let down later.

KNOW AND UNDERSTAND THE CHARGE PUT TO THE MEMBER:

Now that the educator has received a charge sheet, the Union representative for the defense has to, on the basis of the charge:

- Prepare a written admission or denial
- Obtain an explanation for the charge
- Request evidence that the employer may want to submit
- Obtain the story of the accused (member) as related to the charges
- Obtain documentary proof of the story told
- Obtain names and addresses of potential witnesses

CONSULT WITH POTENTIAL WITNESSES:

- In private – one on one
- Establish their relationship with the client
- Find out if they have been approached by the investigating officer
- Inform them that they have been called upon to testify
- Compare the version of the witness to that of the member

PREPARING ON THE LAW

- This should be as thorough as possible
- Make a summary of the legal position
- Record sources like textbooks and decided cases
- Be careful of where the onus lies and its effect on the case
- Summarize the facts of the member and match it to the legal position



SECURING WITNESSES TO THE HEARING

Subpoenas should be secured for witnesses in order to prevent their consultation by the other party without your knowledge

Help secure time-off for the witness(es)

FINAL CONSULTATIONS

- Take the member through the initial statement and find out if there are changes to be made.
- Explain the documentary evidence and its effect on the case
- Assess the strengths and weaknesses of the witness(es)
- Avoid suggesting how the client should testify
- Discuss the possibilities of settlement or plea bargaining
- Explain to the witness the procedures during the hearing and what is expected of them
- Consider a mock examination in chief

PRE-TRIAL CONFERENCE

- Should be considered to attempt to narrow the issues

ESTABLISHING RELATIONS

- Establish relations with the Presiding Officer/opponent/witness (es)
- Treat all parties with respect. Disrespectful behaviour can prejudice your case

LANGUAGE

- Use a language of your choice
- Make a request for an interpreter where necessary
- Be relaxed
- Speak clearly and at a reasonable speed
- Be brief and to the point
- Avoid verbosity and repetition
- Use simple language



- Avoid confrontation with the parties
- Concentrate on important aspects
- Always keep calm

WHAT TO DO WHEN A MEMBER ASKS FOR UNION REPRESENTATION

Remain calm. Those involved in a grievance may be angry, frightened or both. Though the circumstances under which members need and ask for Union representation are often emotionally charged, your calm attitude can help to defuse the situation.

Only when you have the facts can you decide whether or not it's a grievance. The first place to look for facts is from the worker. **Listen to the worker's story patiently.** Then ask specific questions. Don't be satisfied with glib statements like, "The supervisor is picking on me", or "They are giving us too much work".

Set at time to discuss the grievance when you won't feel rushed. If you only have a few minutes, the grievant might feel that you don't think their problem is important.

At the interview, let **the grievant explain the problem.** If he or she is upset, just listen for a while. Then ask questions to get the full story. Be patient, listen carefully and make eye contact.

Make sure you have got the facts right on key points. ("So he told you it wasn't important one day, but the next day he wrote you up for it? How did he explain that?"). When something isn't clear, don't hesitate to ask it again. ('I missed something there. Would you go over that again?'). If the grievant makes statements like, "Everybody else does..." or, "The supervisor always told us" get the specifics: who, what, when, where, and who else would testify to it?

Sometimes workers take it for granted that you understand their case and forget to give your vital facts. Sometimes they skip the part of the story that might weaken their case. If you are to rectify their complaint,



you must ask questions that will give you the necessary information.

Most workers assume that the stewards know more about what is going on at work than they actually do. This assumption is based on the fact that they regard the steward as a leader and as someone who takes an interest in what is happening at work. They also assume that stewards know their work routines. Stewards should make a point of finding out these things. This knowledge will assist greatly in any grievance hearing.

Keep clear notes of your discussion. Use the SIX Ws' to make sure you've asked all the basic questions.

Explain why you want to have all the facts before you meet with management. Tell the grievant when you don't know something that the company knows. It only hurts the union's chance of winning the grievance.

Try to figure out the employer's decision. If the employer's actions don't make sense, you're probably missing something. Ask the grievant why they think the employer did what they did, or how it will justify its actions in the grievance meeting. Remember, the grievant naturally tells his/her side of the story. Explain that you're trying to figure out what management will say to be better prepared for the meeting

Explain relevant contract language, what determines just cause, prior grievance settlements or similar issues, and anything else that will help the grievant understand the strengths and weakness of the grievance. Ask the grievant what he or she wants done to resolve the problem, and discuss the possibilities of winning the settlement. Never promise a victory, even when you are sure you will win.

Once you have heard what the worker has to say, you have got some of the facts. But you have to check further. Investigate promptly. **Have the aggrieved write down the full story themselves, giving names, dates and places.** Advise grievers to use actual quotes in relating



things that they have heard or were told. The actual words may be important. Have the grievor sign and date the statement. It will be useful for refreshing his/her memory before the hearing.

Tell the grievant what you will do next. Are you getting information from the employer? Will you be interviewing others before the grievance meeting? When is the meeting, or when will you set it up? One way to avoid misunderstandings with the grievant is to keep him or her informed at every step of the procedure, until the grievance is settled.

Collect statements from all available witnesses. Interview not only those witnesses who support the grievor but also those that don't. You will need to do this in order to find out what really happened. You also need to know what you are up against. It is also helpful in the event that a witness changes her/his story at the hearing, so that the fact that the story has been changed can be proven, and so the witness's testimony can be undermined.

The information obtained in these statements can be used to test the grievor's version against the version of others, and is also useful in attempts to settle a grievance with management. The statements can be later used to advantage at an arbitration hearing in order to refresh a witness's memory if he/she testifies for the grievor, or to undermine a witness's testimony if he/she testifies against the grievor, and changes or embellishes earlier statements.

If you can, get statements in the person's own handwriting which are signed and dated. If not, write out the statement yourself and have the witness sign it.

Brief members in advance of any meeting with employer. Explain the necessity of keeping a cool head. If the conduct or competence of a member is questioned they may well want to 'fight back on the spot'. Discourage them from doing this. The members should be briefed in advance to listen to the 'charge'



Call for expert advice before attending any meeting or taking any action. Call your provincial office, if the matter is urgent, say so.

Remember, if your agreement requires that you ask permission to leave job in order to investigate a grievance, **DO SO!** It is your duty to uphold the agreement. Flouting management's authority is not going to help you win grievances.

Attend the meeting at which any allegation against the conduct or competence of the member you are representing is brought forward. Evidence as to what was said, by whom and for who might be required later. Make notes to help you remember. Keep these notes in strictest confidence. This meeting should be formal and as short as is consistent with getting all the information about the charge or complaint. This meeting is not the time or place to discuss the entire matter or to attempt to solve the problem.'

Once the complaint and the circumstances around it have been made clear to the member you should both **withdraw to get specific advice on what to do next.**

For the protection of all our members, confidential matters are treated as such at all levels of the Union and by all Union Officers.

A grievance is like a detective story – you must sift through all of the evidence before you know who did what. It is very important to treat every investigation and every grievance as if it were going to arbitration. If it ever does, you'll be prepared!

Once you have completed your investigation, you should **make a written record to ensure key** points are not forgotten or distorted when passed from one person to another.

Remember that several months may elapse between the events giving rise to a grievance and its final settlement at arbitration. Several people will also be involved in assisting the grievor's presentation of



his/her case, each with a slightly different point of view. Therefore, it is only by committing the basic facts to writing at an early stage that you can guarantee that all the necessary information will be properly presented at the final arbitration stage.

Even if the matter is not taken to arbitration, a statement of the facts may be useful when preparing demands for subsequent negotiations. The written record may enable you to justify a new clause in a collective agreement to resolve a problem that could not be adequately handled through a grievance procedure at the time it first arose.

One test to ensure that you have done a thorough investigation is to check **The Six W's**

These are the **FACTS** and should be included in your written records.

1. **WHO** is involved in the grievance? Name(s), address (es), telephone number(s), work location, site date of appointment, ID number, the grievers record – including absenteeism record, disciplinary record and lateness record – age, family status, name of others involved, management's position and witness.
2. **WHEN** did the grievance occur? Date and time.
3. **WHERE** did the grievance occur? Exact location, department, classroom, etc.
4. **WHY** is a grievance? What has been violated"? This "W" directs your attention to what has been violated.
5. **WHAT** has happened that caused the violation? What is involved? What is management's contention?
6. **WANT** – What adjustments are necessary to completely correct the injustice and to place the aggrieved in the same position they would have been in had the grievance not occurred?



WHAT TO DO WHEN A MEMBER MAY BE CHARGED WITH AN OFFENCE

In circumstances where a member could possibly be charged with an offence it is very important that you act to preserve the member's rights to due process.

- Advise the member not to answer any questions from administrators or police before getting Union and legal advice.
- Terminate any meeting with management that becomes confrontational. You and the member are only attending the meeting to listen to what the management officials have to say.
- Advise the member not to discuss the situation with colleagues and not to talk to anyone involved in making the complaint
- Contact your Provincial Office. Your Provincial Office can approve initial legal assistance and arrange for the member to speak to a lawyer almost immediately if necessary
- Advise the member to maintain an accurate written record of events for the member's use only

THE DUTY TO PROVIDE FAIR REPRESENTATION

SADTU has a duty to provide fair representation. This duty is a natural outcome of the right to bargain collectively. A bargaining unit will be considered to have been unfair if its decision is arbitrary, discriminatory or in bad faith.

Most charges of failure to provide fair representation have involved an allegation that the bargaining unit did not provide a member with full and fair access to the grievance procedure. **A member does not have an absolute right to have a grievance taken to arbitration.** The bargaining unit has the right to weigh the merits of the proposed grievance against such considerations as the cost and its potential



negative implications for the bargaining unit as a whole. However, the mere desire to maintain the goodwill of the employer is not a sufficient reason for not grieving.

To avoid a charge that an action was arbitrary or in bad faith, a bargaining unit should be able to show that the facts were presented to the elected decision makers, that expert advice was obtained and that there were reasons for the decision that was reached. To avoid a charge that an action was discriminatory, a bargaining unit should establish a process for handling grievance requests which includes an appeals procedure.

CHARGES RELATED TO DISPUTES

- MISCONDUCT
- DISMISSAL
- INCAPACITY
- UNFAIR LABOUR PRACTICE

All of all the above charges are derived from violating the existing legislation applicable to the industry, which include:

- The Labour Relations Act
- The Employment of Educators Act 76/98 as amended in 2000
- Basic Conditions of Employment
- Employment Equity Act
- Occupational Health and Safety Act
- Personnel Administrative Measures (PAM)

REPORT WRITING

Introduction

As an elected Office Bearer of the Union you are accountable to the members. Members should be informed of decisions taken, of projects undertaken, of funds received and the utilization of those funds, of



problems facing the organization, etc. Members have a right to know, as they are the owners of the organization. A number of ways exist of ensuring that members are informed. One such way of accountability is by reporting, orally or writing. This allows members to participate in all activities of the organization.

Why are reports necessary?

- Help to participate in the democratic processes of the organization
- Instill a sense of accountability
- Keep members informed of developments.
- Educate members
- Help to plan and formulate policies or strategies
- Help members to make informed decisions
- It is easier to assess progress

Who do we write reports for?

- For our members, eg. On an ongoing crisis
- Reports to funders or donors, eg. On how we have spent our funds for a particular project
Or why we need more money etc
- To the media, eg on how we view certain issues
- To the executive committee of the organization, eg on a conference or workshop we attended
- To other organization, eg on the purpose and function of our organization.

It is important to remember that different people will be interested in different aspects of the organization. It means that your report to the members will be different from a report that you write to donors. Do not fill a report with unnecessary things, but structure your report in such a way that the readers of the report will find it interesting because the facts in the report are of interest to them. Report writing is a skill that has to be acquired by following guidelines and lots of practice.



How to plan a report?

Ask yourself the following questions:

- Who is it for?
- Why are you writing the report?
- What do you want to say in the report?

These questions will help you decide what information to include and what to exclude in your report.

Preparation for a report includes a good set of notes. Remember to:

- Draw up plan of the information you want to include.
- Decide what to include, what to leave out, what to emphasize and what to just mention.
- Reorganize your plans so that there is a development of ideas
- Write short, brief paragraphs, using your plan.
- Write your headings and sub-headings
- Number your headings and sub-headings.

Points to note:

- **A well laid out report is easy to read.** Do not forget to include the date, the name of the person writing the report and the title of the report. If you report on a conference, meeting or workshop that took place
Includes the venue.
- **The report should be interesting so that people can read it.** Do not include unnecessary facts or detail. Rather argue concisely and clearly. The report should not be too long and do not repeat yourself in report.



- **It is important that everyone understands the points being made.** Do not vague or ambiguous statements. It is easier to organize members around an issue if they understand how that issue effects the personally.
- **Always read your document or report after writing it.** Ensure that it make sense to you!
- **The language used should be understandable to reader.** If you use abbreviations or unfamiliar words a good ider would be to include a word list at the end of your document that very simply explains the difficult words for the reader.
- **Your choice of words is also important.** Instead of referring to “he’ or she rather use the position or role of that person eg. Branch Secretary, etc. Give women the same respect as men. You can run the risk of alienating them. Similarly avoid the use of “racist” words.

DIFFERENT TYPES OF REPORTS

Routine reports

These are reports drawn up regularly by office bearers for members; they inform members of the activities of the official, and whether members’ decisions have been carried out.

Special Reports

These are reports drawn up after a special event or meeting on a specific issue. They inform members of the special activity that took place. They also inform members of the decisions taken at particular meetings.



How to Report Objectively

When reporting to your structures remember the following:

- Report must be as accurate as possible
- Report on all the views that were put forward, even if they do not agree
- With the decisions taken at the meeting
- Do not mix up facts with personal opinion
- If you include your own opinion on particular issue, the members must be told that it is your opinion

When preparing yourself for verbal reporting:

- Use your set of notes as a list of points, which will help you remember what you want to say
- Write large notes that are well spaced out so that you can read them at glance
- Go through each point clearly and allow members to ask questions
- Use sentences that are short and simple
- Use language that you are familiar with
- Give examples as you go along, where possible.
- If you have to read a report word-by word, then remember to:
 - ✓ Pause every now and then to look at the members
 - ✓ Explain in your own words some of the points you read out and always vary the tone of your voice.

Tips to help you speak effectively

- Talk clearly and loud enough for everyone to hear (not too loudly though)
- Look at everyone when talking (not just one spot or person)
- Vary the tone of your voice. Only boring speakers use the same flat tone throughout
- Sound interested in what you are saying
- Have confidence in yourself.



FINANCIAL MANAGEMENT (Refer to the Finance Manual)

Introduction:

Effective financial management is critical for the survival of any individual or organization. If expenses exceed income, the person or company or organization will experience problems and it may adversely affect the livelihood of the person or the organization. In order for proper management of finances to prevail proper planning (drafting of budgets). Implementation plan and budgetary controls must be in place.

What is a budget?

A budget is a financial plan for a particular for projects. A budget is not only a set of figures, but it translates into the overall organizational strategy or vision for a particular period or financial year into numerical representations about resources.

Budgets form an integral part of the planning and control programme of any organization. It is usually expressed in quantitative and monetary terms and serves a three-fold purpose, namely:

- To assist the Union structures to plan programmes and activities more effectively;
- To assist finance and executive committees to allocate resources more effectively; and
- To serve as an aid in the control and monitoring of union programmes and activities.

The Multiple Functions of budgets

Budgets serve a number of useful purposes. They include:

- **Planning annual activities:** planning leads to the refinement of long-term plans. This process should encourage conveners to anticipate problems before they arise, and hasty decisions that are made on the



- Spur of the moment, based on expediency rather than reasoned judgment, will be minimized.
- **Coordinating the activities of the various responsibility portfolio conveners.** It serves as a vehicle through which the actions of the different parts of an organization can be brought together and reconciled into a common plan
- **Communicating plans to the various responsibility departmental heads or conveners.** Everyone in the organization should have a clear understanding of the part they are expected to play in achieving the annual budget. This process will ensure that the appropriate individuals are made accountable for implementing the adopted budget.
- **Motivating conveners to strive to achieve the organizational goals.** The budget can be a useful device for influencing and motivating to perform in line with the organizational objectives. It can thus be used as a tool to assess delivery and non-delivery.
- **Controlling activities.** A budget assists conveners (spending officers) in managing and controlling the activities for which they are responsible. By comparing the actual results with the budgeted amounts for different categories of expenses, departments can ascertain which costs do not conform to the original plan and thus require their attention.
- **Evaluating the performance of departments.** The budget provides a useful means of informing members of how well activities were implemented.

Programmes and specific objectives, sub-programmes and activities for which funds would be expected. These usually include, but not limited to:

- Governance (constitutional meetings and meetings of standing committees)
- Administration (monthly operational expenses)



- Organisation (activities related to sport, arts, culture and visits to structures)
- Relations (attendance at COSATU meetings, assistance to fraternal organization, etc.)
- Members and Recruitment (campaigns, teacher forum, etc)
- Trade Union education (leadership training, site steward training)
- Gender (activities related to gender empowerment)
- Education and Professional Development (Activities related to the Curriculum development and implementation, etc.)
- Collective bargaining (activities relating to negotiations, grievance handling, etc)
- Research and Policy Development
- Technology, Media and Publicity
- Capital Expenditure