



OFFICE OF THE ACTING SUPERINTENDENT-GENERAL

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ACTING SUPERINTENDENT-GENERAL NOTICE

1. Following recent incidents of labour unrest in the East London District Office that spilled over into the disruption of school operations, the Department applied for a court order to interdict or restrain such conduct.
2. In terms of a Court Order issued by the High Court of South Africa, East London Circuit Local Division, on 1 November 2016, NEHAWU (Eastern Cape) and its members were interdicted and restrained from -
 - 1.1 engaging in any unlawful conduct aimed at or that may result in the disrupting, impeding, interfering with or obstructing the operations of the Eastern Cape Department of Education ("the Department") including, but not limited to, the supervision of the national matriculation examinations, learner annual assessments, and the provision of education at all schools in the Eastern Cape province;
 - 1.2 intimidating or threatening any of the Department's employees, consultants or contractors employed at schools and/or offices of the Department in the Eastern Cape province; and
 - 1.3 engaging in any unlawful occupation and/or obstruct access to or egress from offices of the Department, and/or any schools and or any property or building under the control or in use by the Department of Education , which has the effect of preventing or hindering the Department in the performance of its statutory functions and responsibilities.
2. It is important to note that any sit-down, work-to-rule or go-slow action/work behaviour is also prohibited by sub-paragraph 1.1. In the event that such work behaviour arises, serious consideration shall be given on individual-specific basis to declare such work days as leave without pay in accordance with the no-work-no-pay rule.
3. Should any employee who is a member of NEHAWU commit any of the above prohibited acts, such employee shall be guilty of misconduct, may be formally charged for misconduct and may be subjected to a disciplinary hearing.

4. Broader Management has been alerted to the above and instructed to monitor the work place behaviour of staff reporting to them and to report the detail of employees acting in defiance of the Court Order.
5. The Department has embarked on a process to address many issues that have been troubling our officials and educators for many years. Some of these issues are taking longer than others to resolve.
6. As organised labour is our collective strategic partner in this process, the Department is thus making a special appeal that, whenever there are misunderstandings about or differing views on matters, due processes to deal with these issues should be followed.
7. In conclusion, organised labour and their members are therefore urged to refrain from –
 - 7.1 embarking on any unprotected industrial action;
 - 7.2 attending to business of organised labour during working hours;
 - 7.3 conducting meetings during working hours without prior authorisation; and/or
 - 7.4 resorting to acts of intimidation and disruption in the work place.
8. Employees are warned that such actions are unlawful and will be dealt with harshly.

Yours in Education Delivery and Excellence



SN Netshilaphala
Acting Superintendent-General

Date 3 / 11 / 2016