

## NOTICE TO CLASS

### TAKE NOTICE THAT:

1. A class action has been certified in the Eastern Cape High Court, Grahamstown, under case number 173/2018 against the MEC, Department of Education in the Eastern Cape Province and the Superintendent-General of the Department of Education in the Eastern Cape Province in which an order will be sought directing them to pay the applicant educators who seek to recover salary owed to them. The Legal Resources Centre: Grahamstown (the LRC) of 116 High Street, Grahamstown has been authorised by the court to represent the class.
  
2. The class action will be brought on behalf of educators who meet the following requirements:
  - 2.1 The educator was appointed to a vacant substantive post allocated to a public school in terms of the Eastern Cape Department of Education's annual post establishment by a School Governing Body (SGB) during the period 1 February 2015 to 9 January 2019. The vacant substantive post should have been filled by the Department. The salary for this post should have been paid by the Department but was in fact paid by a

public school registered as such in the Eastern Cape or by such a school's SGB; and

- 2.2 the educator has suffered a reduction in his or her salary on account of SGBs being financially ill equipped to pay the same salary the educator would have received had he or she been appointed as a temporary educator by the Department.
  - 2.3. seeks to recover from the Department, the difference owed to them had they been appointed by the Department to a vacant substantive post on a temporary basis.
3. Educators who meet the requirements set out in paragraph 2 above and who wish to opt-in to the class proceedings are directed to deliver a written notice to the LRC by no later than 5 June 2019 which sets out:
- 3.1 details of the educator post in which they were employed, including, if possible, whether the post was listed as a substantive post on the provincial educator post establishment for that year;
  - 3.2 the dates of their employment in that post;
  - 3.3 their qualifications and experience as an educator;
  - 3.4 the amount that they were paid by the public school or School Governing Body for each month of their employment in that post;
  - 3.5 the amount that they should have been paid had they been appointed and paid by the Department on a temporary basis.
  - 3.6 steps previously taken to try and obtain payment from the Department and if no steps were taken, why.

4. Educators who do not opt-in to the class action will not be bound by the outcome of the case, whether successful or not. An educator will not automatically form part of the class action unless they actively opt-in by sending a written notice to the LRC in accordance with paragraph 3 above.
5. Should you require more information the attorneys for the class can be contacted via telephone (046 622 9230) or email ([valencia@lrc.org.za](mailto:valencia@lrc.org.za)).
6. Should you choose to opt in to the class action deliver your notice by no later than 5 June 2019 to Valencia Morrison as follows:

Hand deliver or courier	116 High Street, Grahamstown
Fax	04-622 3933
Post office	PO Box 932, Grahamstown 6140
EMAIL	<a href="mailto:valencia@lrc.org.za">valencia@lrc.org.za</a>