



ELRC Collective Agreement No. 1 of 2020

The COVID-19 pandemic drastically changed the way of life for people the world over. The swift decision of the South African government to minimise the spread of the virus through a national lockdown has allowed the system to prepare for the intake of new infections and minimise the loss of life.

Day 67 of the lockdown saw the movement to Alert level 3 of the lockdown with the economy opening up and most citizens returning to work.

One of the fundamental parts of our society is education and to ensure that the academic year is not lost, the schooling system opened up on 1st June 2020 with a phased-in approach.

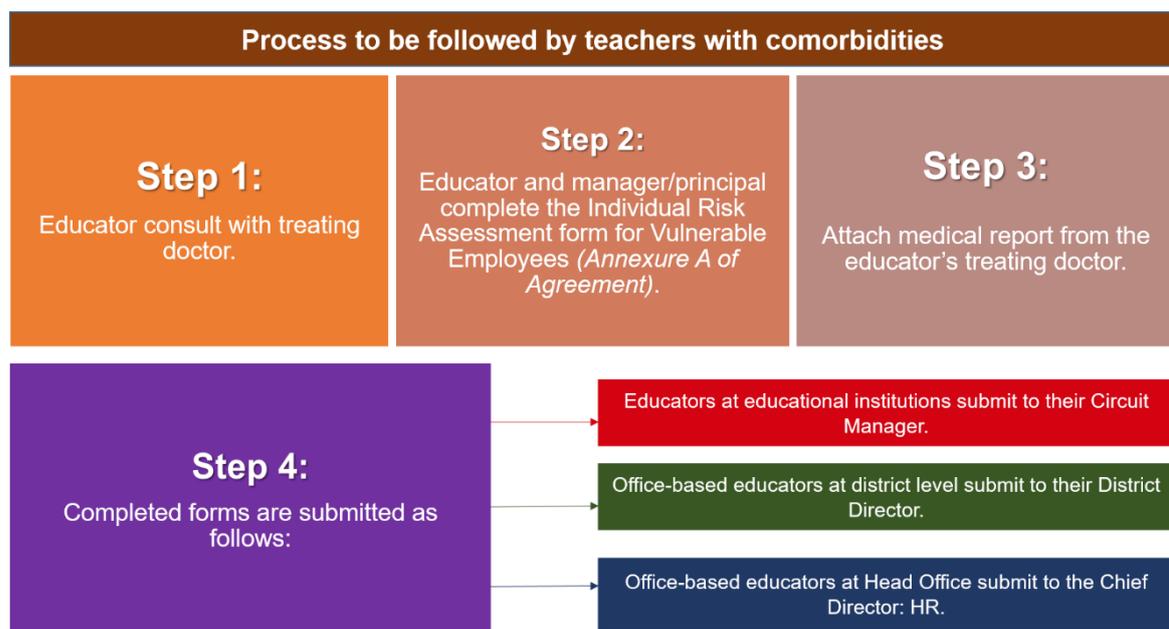
In observing the safety protocols for the education system one of the key HR-related concerns brought about by the pandemic is ensuring the safety of educators with comorbidities.

The Parties to the ELRC concluded Collective Agreement No. 1 of 2020, *Concession process to follow for employees with a comorbidity (COVID-19)*, on 30th May 2020 to address this risk factor and curtail the spread of the virus in the schooling system.

Frequently Asked Questions (FAQs) in terms of the Agreement:

1. What is the purpose of the Agreement?

The Agreement provides a protocol on the management of educators with underlying medical conditions (comorbidities) in the schooling system.



2. What if my condition is not classified as high risk by the Department of Health?

The educator's treating doctor would have to motivate that the educator's condition renders him/her vulnerable to infection. Annexure A must be completed for this purpose.

3. What if I am 60 years or older with no comorbidities and concerned that I may contract the virus if I return to work?

If a teacher is 60 years or above with no comorbidities and concerned about his/her health, the educator is not allowed to stay or work from home without approval.

The educator is required to complete Annexure A. Such an application must be submitted to the relevant Provincial Education Department for a decision.

4. What if I am below 60 and have one or more underlying conditions, can I do the same submission?

Yes, you can. As long as the educator's treating doctor can provide medical evidence that the educator's condition falls within the category of comorbidities determined by the Department of Health, irrespective of the educator's age.

High risk conditions classified by the Department of Health

			
Respiratory conditions	Specific cancers	Cerebrovascular disease	Human Immunodeficiency Virus (HIV)
			
Organ transplant recipients	27+ weeks pregnant	Type II Diabetes Mellitus	Rare diseases

5. What if my condition is not classified as high risk in terms of the list from the Department of Health?

The educator's treating doctor would have to motivate that the educator's condition renders him/her vulnerable to infection. Annexure A must be completed for this purpose. The application must be submitted to the relevant provincial department for a decision.

6. Will these concessions be in place for the rest of the year only or also in 2021?

Concessions granted in terms of Collective Agreement No. 1 of 2020 will only be applicable for the duration of Alert levels 3 and 2 of the national state of disaster as a result of COVID-19.

7. Who decides which educator can work from home?

This decision is at the discretion of the Employer.

The Head of Department may subject an educator's application to the Health Risk Manager or a Health Professional for further assessment for a period not exceeding 30 calendar days. The educator shall be allowed to remain and/or work from home with full pay whilst waiting for the outcome by the Health Risk Manager or a Health Professional.

8. Will educators be on leave and will they be required to fill in leave forms?

No. This is not an application for leave but an application for a concession to work from home or in a working environment that is safe and without risk to the health of the employees. Therefore, educators will be expected to work in keeping with their core functions.

9. What if the educator and the manager/principal do not agree with the suggestions on how their condition can be accommodated in the workplace?

In the event that there is no agreement on the matter, or if the application to work from home is not approved, the grievance procedure in Chapter G of the Personnel Administrative Measures (PAM) document will be activated.