



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

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TO: HEADS OF PROVINCIAL EDUCATION DEPARTMENTS
HEADS OF PROVINCIAL HUMAN RESOURCES SECTIONS
DISTRICT DIRECTORS
AREA MANAGERS
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SCHOOL PRINCIPALS
SCHOOL GOVERNING BODIES (SGBs)
SCHOOL-BASED EDUCATORS

LABOUR RELATIONS

DBE CIRCULAR NO 04 OF 2021

OPERATIONAL REQUIREMENTS FOR SCHOOL-BASED EDUCATORS, THERAPISTS, COUNSELLORS AND PSYCHOLOGISTS POST-BASIC EDUCATION SECTOR COVID-19 VACCINATION PROGRAMME

1. Applicability

- 1.1 The provisions of this circular shall apply to all institution-based educators, Therapists, Counsellors and Psychologists post the Basic Education Sector COVID-19 Vaccination programme that came to an end on 14 July 2021.

- 1.2 These provisions shall also be applicable during the various adjusted alert levels as per the regulations of the Disaster Management Act, 2002 as shall be announced from time to time.
- 1.3 This circular shall replace DBE Circular(s) 01, 02 and 03 of 2021 and shall come into effect immediately when the schools resume for the third term of the 2021 academic year.

2. Purpose

- 2.1 The purpose of this circular is to provide guidance in respect of the operational requirements for educators employed in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998), (EEA), following the implementation of the Basic Education Sector COVID-19 Vaccination Programme.
- 2.2 This circular will also serve as a guide to managing vulnerable employees in the context of the current SARS-CoV-2 pandemic as mentioned in the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002.
- 2.3 The circular further seeks to give effect to the Consolidated Direction on Occupational Health and Safety measures to address, prevent and combat the spread of COVID-19 in certain workplaces in the Republic of South Africa, issued in terms of Regulation 4(10) of the National Disaster Regulations.

3. The following provisions shall apply to all Institution-based Educators, Therapists, Counsellors and Psychologists:

3.1 Return to work after the Departmental Vaccination Programme

- 3.1.1 Whilst it is not mandatory for educators (employees) to be vaccinated, the employer had put the necessary measures in place to ensure that educators feel safe and are encouraged to take the vaccine.
- 3.1.2 According to the prevailing science taking the vaccine will reduce the impact of COVID-19 on lives and livelihoods and would drastically reduce the risk of severe disease and related fatalities.
- 3.1.3 The DBE's vaccination concluded on 14 July 2021 therefore, all educators who were granted the concession to work from home would be required to report for duty when the schools resume for the third term of the 2021 academic year.
- 3.1.4 Educators that have opted not to take the vaccine and those who have taken the vaccine are also required to report for duty when schools reopen.

3.2 Educators who elect to exercise their right not to be vaccinated

- 3.2.1 The Department respects the rights of educators who opt not to be vaccinated on constitutional, religious, cultural, comorbidity or medical grounds.
- 3.2.2 An educator who opts not to be vaccinated on medical grounds shall be required to submit a detailed medical report indicating that taking a vaccine will pose a health hazard to him/her or that he/she is allergic to the vaccine;
- 3.2.3 The Department may refer such educators as contemplated in 3.2.2 above, for further medical evaluation which may include to the Health Risk Manager (HRM)

3.2.4 Where an educator does raise one of the objections based on constitutional or medical grounds, the Department shall make voluntary counselling available to the employee.

3.2.5 The educator shall also have the right to consult a health or safety representative or a union official.

3.2.6 Where practically possible and based on the operational requirements, the Department shall take reasonable steps to accommodate the educator by making amendments to their role or work environment in one or more of the following ways:

- allow them to work from home where possible,
- require that they self-isolate in the workplace where adequate self- isolation facilities are available; or
- Should the above not be available, the employee will not be required to self-isolate at the workplace.

3.3 Educators who opt not to be vaccinated based on medical, Constitutional or cultural grounds and whose medical condition or comorbidity does not allow them to teach at an institution or be reasonably accommodated

3.3.1 After considering the educators' reasons for opting not to be vaccinated such as medical, religious, constitutional, cultural and comorbidity, the employer reserves the right to deal with such educators in terms of either operational requirements, incapacity procedures as contemplated in terms of the Labour Relations Act, No. 66 of 1998 read conjunction with the Employment of Educators Act, No 76 of 1998.

3.4 Processes pursuant to Schedule 1 and 2 of the Employment of Educators Act, 76 of 1998

3.4.1 Any educator, therapist, counsellor, psychologist who:

- refuses to report for duty whether having taken vaccination or not;
- is incapacitated to report for duty due to comorbidity as verified by the Department of Health as high risk or for other medical condition not stipulated but verified by a medical practitioner as high risk; and or
- may not be covered in terms of the reasonable accommodation stipulations,

3.4.2 shall be subjected to the processes as provided for in Schedule 1 of the Employment of Educators Act, 76 of 1998.

3.4.3 Any educator, therapist, counsellor, a psychologist who refuses to report for duty based on a reasonable instruction of his/her Department, subject themselves to be dealt with in terms of Schedule 2 of the Employment of Educators Act, 1998.

4. Provision of Safety measures by the Employer

4.1 The Department continues to take the necessary precautions to ensure that learning and teaching take place in a safe environment where all the non-pharmaceutical safety protocols such as wearing of masks at all times, regular washing and sanitisation of hands as well as social distancing are adhered to.

4.2 Schools are requested to ensure that the screening processes are conducted thoroughly for all employees at all times.

- 4.3 Any employee who may not feel well at any given time should immediately report such to the relevant authorities at school. He/she is encouraged to consult his/her medical doctor immediately.
- 4.4 Where an employee has tested positive for Covid-19 and is required to self-quarantine or is hospitalised, schools should liaise with their provincial education departments for assistance to ensure that teaching and learning are not severely hampered.
- 4.5 Schools are required to keep a record of all reported COVID-19 incidents/cases. Principals must report all laboratory-confirmed Covid-19 related cases (including deaths) to their respective Circuit/Area Managers and Schools' Health Teams within 6 hours of been notified by the staff member, parent or learner. This is to facilitate the quick response in terms of psycho-social support and tracing and tracking of close contacts.
- 4.6 Covid-19 School Committees should also be provided with the contact details of their local Integrated School Health and/or Environmental Health teams to provide the necessary risk assessment/compliance and support to the school as and when Covid-19 cases are reported.
- 4.7 If we all play our role to safeguard the learning and teaching space, we will succeed in providing quality education amid the COVID-19 pandemic.

4.8 All Employees in schools appointed in terms of the Public Service Act shall be dealt with in terms of the relevant DPSA Circulars regulating the management of the pandemic in the Public Service and/or subsequent procedures and measures as may be determined by the employing PED.

4.9 Be assured of the Department's concern and support.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'HM Mweli', written in a cursive style.

MR HM MWELI
DIRECTOR-GENERAL
DATE: 23/07/2021