



# MEDIA RELEASE

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## REINSTATEMENT OF UMLAZI COMP TECH EDUCATORS

The National Teachers' Union (NATU) is delighted that KwaZulu-Natal Department of Education as Employer has reviewed and altered its decision to dismiss 11 educators at Umlazi Comtech High School. Head of Department, Mr G.N. Ngcobo approved that these educators be reinstated with effect from date they will assume duties in their new schools, thus regarding the period of dismissal as leave without pay.

Employer published media statement on 02 March 2022 on discharge of these educators, claiming that they had absconded and were dealt with in accordance with Section 14(1) of Employment of Educators Act, Act 76 of 1998. NATU disagreed with Employer regarding the applicability of Section 14 on our members, based on fact that these educators have always had been at school even on the date in which they were served with letters of termination. These educators had been begging to be allocated teaching work since the beginning of academic year 2022. As disciplined members of NATU, they penned to District Director alerting the Office that, whilst awaiting the outcomes of their grievances on alleged incorrect interpretation and application of KZN HRM Circular 50 of 2021, their services were under-utilised, and their names removed from the time-sheet to create false perspective that they are absent from work. Sadly, Principal and District Director did not budge to their plea.

NATU noted the Department's media release but professionally opted not to put petrol into fire by responding to the same in public, for the statement appeared too aggressive and harsh to our members. Instead, NATU resorted to administrative processes and invoked Section 14(2) and filed application for reinstatement on 25th March, arguing that Section 14(1) was wrongly activated against our members. In *Mkhwanazi v MEC of KwaZulu-Natal Department of Education (2022)*, Labour Court held that (par 30.) 'The purpose of section 14(1) is for the efficient removal of employees who have absconded and is intended to be used sparingly only in cases where the employer is unaware of the whereabouts of an absent employee or if the employee has evinced a clear intention not to return to work. The applicant was contactable, and it cannot be said that the applicant had absconded given the communications between her, her trade union and the respondent in that period'.



Moreover, as a jurisdictional requirement for Section 14(1) stipulated in item 7.2 of HRM Circular 15 of 2011, 'the supervisor/head of the institution must notify him/her in writing on the 8th day after the first day of absence that he/she has failed to submit the applicable leave forms, duly complete and must advise the employee that in terms of the measures relating to abscondment, he/she will be deemed to be discharged from service should he/she fail to return to work or should a valid application for leave, duly completed not be received within 14 days. The notification in this regard must be either handed to the employee concerned personally or forwarded by registered mail to the last known address'. Since the duty to notify allegedly absconded educators is the duty of the Head of Institution i.e. principal, NATU blame him for misleading the Department of Education and for continuously threatening our members saying that he will use his 'connection' to discharge them from 'his school'. NATU is aware that school principal is a former leader of SADTU and is targeting our members for he is aggrieved that they have joined our union. Fact that 11 of 14 dismissed educators are NATU members justifies that they were indeed targeted. As a union, we are calling on the Department of Education to institute an investigation and prefer charges on the school principal for breach of Section 18(1)(g), 18(1)(u) and 18(1)(ff), that principal misused his position to prejudice the interests of our members, intimidating and victimising employees for their association with trade union NATU.

"We welcome the decision of the Employer to reinstate our members. Department would have been far poorer as these educators had lot of experience as teachers. I could imagine life was not the same for their families not earning a salary over the past two months. NATU received the news of their discharge with shock, and we would have expected consultation in this regard. Consequence management must be imposed on those who infringe on constitutional rights of others to associate with union of their choice. This outcome will send clear message to those who thought NATU is now toothless and irrelevant for we remain a powerful and strong voice of employees in the sector. We'll meet and consult with our members in due course to chart way forward with regards to the dispute filed with Education Labour Relations Council (ELRC) regarding their un-procedural declaration as additional to the establishment of Umlazi Comtech High School", concluded NATU Acting President, Mr S.V. Malinga.

**ISSUED BY NATIONAL TEACHERS' UNION - OFFICE  
OF THE ACTING PRESIDENT**

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