


## Chapter 8

# Perpetuating Social Injustice Through Neglecting the Voices of the Non-Unionized Teachers: An Analysis From the Rawlsian Perspective

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### ABSTRACT

*The democratic dispensation elevated teacher trade unionism to unparalleled and unprecedented levels in the South African education system. The education laws of South Africa recognize teacher unions which meet the South African labor-related requirements. The three powerful teacher unions that recognize and represent thousands of teachers are the South African Democratic Teachers Union (SADTU), the National Professional Teachers' Organisation of South Africa (NAPTOSA), and the Suid Afrikaanse Onderwysersunie (SAOU). These recognized teacher unions represent their members in decision making processes and not teachers who are non-union members. This chapter is based on an in-depth evaluation of extant literature, and further, it is interpretive in approach and employs social justice as the theoretical and conceptual framework.*

### INTRODUCTION

South Africans experienced brutal episodes of oppression, segregation and apartheid. One of the most cruel and barbaric former government tactic was to suppress the rights of workers. The government unfairly treated other races and nationalities. The racial segregation found blacks in particular excluded from most of the privileges afforded to other races particularly white South Africans. This segregation affected public institutions and schools were not excluded from these injustices (Thobejane, 2013, Steyn, n.d). As result of these events, teachers felt it necessary to organise themselves and this culminated in the formation of teachers' trade unions. The Apartheid government tried to resist the formation and

DOI: 10.4018/978-1-7998-7706-6.ch008

most teachers were arrested and some dismissed from their jobs. The brutal response of the apartheid government slowed down teacher activism and organised labour (Hyslop, n.d).

When South Africa became the democratic state in 1994, a new constitution was adopted and organised labour was recognised and trade unionism gained a lot of traction. The following major teacher unions were formed and legally recognised teacher unions, the South African Democratic Teachers Union (SADTU), the National Professional Teachers' Organisation of South Africa (NAPTOSA) and the Suid Afrikaanse Onderwysersunie (SAOU) (Uys, 2011). These three unions are the biggest role players in the education sector and largely influence decision making. The most militant and biggest in terms of membership and politically strong union is SADTU.

The democratic transformation that engulfed South Africa impacted on the way business was conducted in the education system and schools in particular. This era was characterised by multiple changes in labour laws and the way decision making in the education system is processed. Bernhard (2006) views decision making as the process through which individuals, groups or teams arrive at implementable outcomes from a range of competing choices about issues in their organisations. The democratic epoch represented a departure from the way decision making was conducted in the government circles particularly in the education system which was largely characterised by top-down decision making approach (Department of Education, 1996). This top down approach in decision making was dominant in the government including the education system (Williams, 2011). As a result of this culture, schools were also affected in terms of how decision were arrived at. Hallinger (2004) argues that even in schools, the traditionally way of decision making was from top to down because principals just gave commands in staff meetings. The entire education leadership employed the militaristic leadership style and expected their words to be followed.

The role players in the education system, particularly teachers through various platforms such as recognised teachers' unions, from time to time consult on major issues that affect the running and the operation of the education system. The purpose of the introduction of the Labour Relations Act of 1996 was to ensure that employees and employers engage in matters of mutual interest (Republic of South Africa, 1996b). These labour relations laws provide role players with opportunities to engage in negotiations through bargaining councils (Republic of South Africa, 2005). These are statutory structures established to enhance relations between the employer and the employees. Only recognised and registered teacher unions are afforded opportunities to engage in issues of mutual interest in the education system. At the school level, teachers through their local union structures such as site based committees (for SADTU) have and claim the right to be heard and represented on all matters affecting their members. Teacher unions do have bilateral with the employer in all levels from the school level to the national level.

The central argument in this chapter is that engaging only members of recognised teacher unions in decision making processes in schools exclude teachers who are not members of the trade unions. This negates the intentions of social justice education. When the voices of role players in the organisation (including the non-unionised teachers) are consulted before a final decision is taken, fairness and justice prevail. Teachers who are affiliated to unions are advantaged because their representatives in most cases hold bilateral meetings with the leadership and the management of the education department. Union executive members who sit in these labour forums derive their mandate from their members. In this chapter, I problematize recognition of only teachers who are union members in decision making process and the exclusion of those who are not members as social injustice and unfairness.

This chapter is conceptual, interpretive in approach and employs social justice as the theoretical framework. Analysis of relevant literature was conducted. This chapter addresses the following areas:

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