

**TO: The NAPTOSA Representative** for the attention of all NAPTOSA members



## NAPTOSA EASTERN CAPE

### NEWS FLASH

16 January 2019

Visit our website [www.naptosa.org.za](http://www.naptosa.org.za)

Newsflash 3 of 2019



In the matter Grootboom and Others v MEC: ECDOE held in the Grahamstown High Court, the applicants were, at various times, employed by School Governing Bodies (SGBs) as teachers. They were employed by the SGBs because the respondents had not appointed teachers to posts on the teaching establishment of public schools as they should have done. The applicants allege that they were paid a great deal less than they would have been paid if they had been employed by the second respondent, the Superintendent-General of the Department of Education in the provincial government. The applicants seek an order directing the respondents to pay them 'the amount that they would have been paid for the period during which they occupied a substantive post on the establishment, had they been appointed by the Eastern Cape Department of Education ("the Department") and remunerated in terms of the Department's salary scales for temporary teachers (i.e. the remuneration that would have been paid to an educator appointed to temporarily fill a substantive vacancy at the Applicant's school) and been afforded the benefits granted to temporarily appointed educators'.

In the judgment delivered on 8/1/2019 the Court made the following order.

1 An opt-in class is certified of all educators in the Eastern Cape Province who, between January 2010 and the date of this order:

1.1 ***occupied a substantive educator post allocated to a public school in terms of the Eastern Cape Department of Education's annual post establishment;***

1.2 were ***remunerated*** by the School Governing Body of the public school, rather than the Eastern Cape Department of Education ("the Department");

1.3 were ***paid an amount less*** than that specified in the Department's salary scales for an educator with similar qualifications and experience in a similar post (an amount to which they would have been entitled had they been appointed and paid by the Department);

1.4 seek payment from the Department of the difference between the amount that they would have been remunerated if appointed by the Department (basic salary plus an amount in lieu of benefits) minus the amount that they were paid by their respective School Governing Bodies.

This process must be completed by 8 April 2019 and NAPTOSA will forward all the relevant information to the Legal Resource Centre in Grahamstown. Educators are requested to complete the attached **Form A**

LP Mbinda

PCEO



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### FORM A

Educators are therefore requested to forward the following details to the NAPTOSA office at [peterdp@naptosa.org.za](mailto:peterdp@naptosa.org.za) before Friday 25 January 2019. If an educator was employed at different schools for the period from 2010 onwards until employed permanently a separate form must be completed for each post occupied.

1. Name and Surname.....
2. ID number.....
3. PERSAL number.....
4. Cell number ..... Email address.....
5. School where you occupied a substantive vacant post.....  
Period of employment: From.....To.....
6. Amount paid by SGB Monthly.....
7. Qualifications.....
8. REQV Level.....
9. Signature of principal.....
10. Signature of SGB Chairperson.....
11. Signature of Secretary of the SGB.....
12. School Stamp

13. I.....hereby certify that the information given is correct.

Signed at..... On this day.....2019.

Signature of employee.....

