

## BLOG SEVENTEEN

Here is an example of the type of paternalistic pre-determined prejudiced type of thinking that I have been up against since day one:

**THIS IS SO OUT OF STEP WITH THE CONSTITUTION AND THE VITAL CHANGES IN MINDSET THAT WE HAVE PRESUMED TO HAVE BEEN IMPLEMENTED VIA GOVERNMENT DECREE.**

In August of 2009 a matric learner had threatened my life. This learner was not one of my pupils. The altercation began when I was about to bat for a grade 10C class. This was the first time I faced this class.

After waiting for the students to settle in order to lead them in which took the good part of 10 minutes, one of the male pupils steps out of line and began walking away just as I indicated they were now ready to enter. I stop him and ask him where he is going. He says, "It has nothing to do with you." And so the altercation begins which was jeered and supported by the class.

MUCH later, when I discover that this was a matric learner I realise he was not supposed to have been lining up with this class.

By September I was in a terrible psychological state. Late one night, researching possible support structures (the Education Department cannot find it within themselves to respond to anything...possibly because THEY DON'T KNOW WHAT TO DO) I came across the ELRC web site and wrote a plea in the 'contact' box....hardly expecting any response. The following day I received an email from the (then) General Secretary to meet with him in his offices in Sydenham as he perchance was going to be in Durban. I took with me three letters that I had written at various times concerning my plight to the Education Department and others.

He was extremely pleasant and we 'got along' very well.

But he did not read the documents I had brought with me. I left them with him in the understanding that he would read them at a more convenient time.

However he gave me a form to fill out and said that I must approach the Police Station and report the threat to them. I was somewhat alarmed but said nothing. He said that I should then take these forms and go and see SADTU. He gave me a contact name.

I did not report to the police station as my INSTINCT felt unhappy with this CONFRONTATIONAL approach. And, not being too sound of mind, I thought that a SECOND OPINION would be worth exploring.

I spoke to the SADTU official and he said I MUST NOT REPORT THE MATTER TO THE POLICE STATION as I WOULD BE SEEN AS A TROUBLE MAKER.

Now just stop and think about this for a minute.

I am the one who is going out of my mind trying to cope with an untenable situation while still trying to maintain my teaching mandate, and suddenly I AM THE TROUBLE MAKER!!

Hello?

Now, apart from the bizarre conclusion of this official, I concurred with this suggestion because of the CONFRONTATIONAL aspect of this 'resolution'.

I did not see this as a solution but rather as a psychological misstep (i.e. LACKING PSYCHOLOGICAL INSIGHT) of further confrontation: I don't have bodyguards. I ride around on a bicycle. I am hence vulnerable in the streets and anywhere else for that matter. I saw this proposed solution as ANTAGONISTIC - further endangering my life, further alienating the pupil, and hence unacceptable.

*Yet the SADTU official did not come up with any other POLICY SOLUTION.*

Surely if a person is given such adamant advice, then there should be an ALTERNATIVE course of action?

Nothing was forthcoming.

I could not get any further response from the SADTU officials.

*When I related this story in the ELRC hearings (2010 AND 2015) it felt as if I was speaking to deaf ears.*

Nobody was willing to look at the irrational nature of the solution or the fact that no other alternatives were forth coming.

It all stopped there.

Now: why was there no further option of a resolution?

1. Why was a meeting not arranged with the HOD and the Principal WITH THE LEARNER to unearth what was the basis of the learner's irrational response and his threat to me?
2. Did they know that the learner was possibly TRAUMATIZED by the possibility of being caned and any meeting might have brought this to light? It had become obvious (in hindsight) that normal disciplinary recourse escalated into a 'crisis' due to the inherent threat of corporal punishment. At this stage the penny had not dropped that corporal punishment was 'the norm' in this school.
3. Had the learner already been caned and therefore the 'problem had been solved'?

When relating this issue in his award, the commissioner

**BLAMES ME FOR NOT FOLLOWING SOUND ADVICE.**

Given the circumstances, what type of person comes to this warped conclusion?

I am left with the conclusion that NOBODY in any DEPARTMENTAL structure, whether SADTU, the ELRC, the COMMISSIONERS or the LEGAL PROFESSION has had ANY REORIENTATION TRAINING since the demise of apartheid.

Where is there any understanding of the Constitution?

Where is there any application of the Bill of Rights?

Are there TWO constitutions?

TWO Bill of Rights?

TWO value systems?

AND

in another BIZARRE interpretation of events, the commissioner (2015) claimed that by resigning from one school as a GB employee, while being given the option of a PENSION, MEDICAL AID, HOUSING SUBSIDY and permanent employment with the Ed. Dept. –

**THAT I LEFT ONE INSECURE APPOINTMENT FOR ANOTHER!**

SPEECHLESS.

INCLUDED WITH THIS BLOG IS THE FIRST OFFER I HAD FROM THE EDUCATION DEPARTMENT PRIOR TO THE COMMISSIONER RELEASING HIS AWARD IN 2010.

ANY WONDER WHY THE EDUCATION DEPARTMENT IS SEEN AS BEING CONTEMPTUOUS OF THEIR EMPLOYEES?

I REJECTED THIS OFFER OUTRIGHT!

## **IN THE EDUCATION LABOUR RELATIONS COUNCIL**

**CASE NUMBER: PSES 627-09/10 KZN**

In the dispute between:

**Helge Janssen**

**APPLICANT**

**And**

**The Department of Education (KZN)**

**RESPONDENT**

---

### **PROPOSED AGREEMENT OF SETTLEMENT**

---

Whereas the Applicant, Helge Ole Janssen, declared an Unfair Dismissal dispute that the Education Labour Relations Council registered as Case Number: PSES 627-09/10 KZN against the Respondent Department of Education (KZN);

Whereas the Applicant was appointed on a fixed term contract as a substitute educator on the establishment of Brettenwood High School in the Chatsworth Circuit of the Umlazi District as from 18 May 2009 to 31 December 2009;

Whereas the Applicant alleges that the Respondent unfairly dismissed him when his service was terminated at the expiry of his fixed-term contract on 31 December 2009, as was also confirmed in an e-mail that the Ward Manager, Mr G. Kedian, transmitted to the Applicant on 04 January 2010 in reply to the Applicant's earlier e-mail communication;

Whereas the Respondent argues that it did not dismiss the Applicant, but that the termination of his service happened as a result of the lapse of the Applicant's fixed-term contract that clearly stated that the Applicant's period of employment ran from 18 May 2009 to 31 December 2009;

Whereas the Respondent holds that, in terms of paragraph 3 of the Applicant's fixed-term contract, it was not obliged to give the Applicant a thirty (30) days Notice period as the contract had run its full course;

The Applicant and the Respondent now agree to the following terms:

- 1) The Applicant withdraws the Unfair Dismissal dispute registered under the Case Name: Janssen, H. vs Department of Education (KZN); Case Number: PSES 627-09/10 KZN;
- 2) The Respondent undertakes to re-employ the Applicant in a temporary capacity as a substitute educator or in any vacant substantive post that is within the PPN of Brettenwood High School or any other school. Such re-employment will be in accordance with the terms and conditions that apply to temporary educators employed by the Respondent;

- 3) The re-employment of the Applicant shall commence on the date on which the Applicant shall assume duty at a workstation and payment of salary will be effective from such date.
- 4) The Applicant and the Respondent regard the terms of this Settlement Agreement as final and binding and in full settlement of the current dispute between these parties.

THIS LETTER WAS UNSIGNED.

***HELLO?***

***WHERE IS THE FIXED TERM CONTRACT UPON WHICH THIS SETTLEMENT IS BASED?***

**THIS WAS THE FIRST 'SETTLEMENT' OFFER BY THE EDUCATION DEPARTMENT BEFORE THE ISSUING OF THE FIRST AWARD.**

***THE PUNISHMENT LANGUAGE AND CONTEMPT INHERENT IN THIS OFFER UNDERPINS THE ONGOING DISRESPECT WITH WHICH THE KZN EDUCATION DEPARTMENT TREATS THEIR EMPLOYEES.***

**I REJECTED THIS OFFER IN SHOCK, ANGER, AND SADNESS.**

***DO THEY EVER GET IT?***

**THIS 'SETTLEMENT' ALSO EXHIBITS THE ONGOING CONTEMPT WITH WHICH I HAVE BEEN TREATED BY THIS SO- CALLED 'HONOURABLE' INSTITUTION.**

**EDUCATORS CONTINUE TO BE TREATED LIKE NAUGHTY CHILDREN, NOT MATURE ADULTS TASKED WITH EDUCATING A NATION.**