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| **COSATU Submission:****Basic Education Laws Amendment Bill****15 June 2022** |
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**Submitted to:****Portfolio Committees:** **Basic Education****Parliament****Republic of South Africa** |

1. **Introduction**

The Congress of South African Trade Unions (COSATU) welcomes the tabling of the Basic Education Laws Amendment (BELA) Bill at Parliament. It has been developed after extensive engagements with teachers’ unions and at Nedlac. It provides for critical interventions, in particular requiring learners attend Grade R from the age of 6.

Whilst COSATU supports many of these provisions, we remain concerned about some key omissions and in particular the potential for misinterpretation of some provisions when they are implemented.

1. **Requirements to Attend Grades R to 9**

COSATU welcomes the requirement for all children aged 6 to attend Grade R and Grade R’s inclusion as part of the formal school curriculum. This will be a major boost in laying a stronger foundation for the success of learners in their educational career.

COSATU is concerned that government did not extend the required school years from Grade 9 to 12. Large numbers of learners drop out of school at Grade 9 and/ or 15 years of age. They are condemned to low paying jobs with few career prospects. The creation of a large pool of workers with little education is hampering the economy’s growth.

**COSATU Proposal:**

* Amend the required school period from Grade R to Grade 12.
1. **Attendance**

COSATU supports the provisions requiring learners to attend school, requiring and empowering the school to intervene in the event of their absence and to hold the parents accountable.

These are critical if we are to improve attendance. Parents must play their role in ensuring their children attend school at all times.

1. **Disruptions**

The Federation appreciates the need to protect schools from disruptions, e.g. political protests as cited in the Bill’s explanatory memorandum.

However, the Federation is concerned that the wording in Clause 2(C)(7) is dangerously vague and criminalises any disruption of schooling. This may have the effect of criminalising teachers and school staff from exercising the labour rights, including the right to strike, picket, protest. The wording in the provision now would classify a stay away by education staff as disrupting schooling and thus be a criminal offence. The wording is thus unconstitutional and needs to be clarified

**COSATU Proposals:**

* The provision should be clarified that it recognises education workers’ constitutional and labour rights to picket, protest and strike and that such actions are excluded from the ambit of Section 2 (C) (7).
1. **Admissions**

COSATU welcomes the provisions providing clear guidelines with regards to admissions. These will help in preventing unfair and often discriminatory exclusion of learners from schools.

1. **Languages**

COSATU welcomes the provisions providing clear criteria for selecting and approving school languages, including the needs of learners and communities and an approval role for the department.

The inclusion of South African Sign Language is a welcome step forward to including learners who are hearing impaired.

1. **Diversity**

COSATU supports the provisions providing for codes to guide diversity, inclusivity, religion, medical and other needs. This is important and will hopefully help to prevent such practises where learners are victimized on the account of their hair styles, religious requirements etc.

**COSATU Proposals:**

* There is a need for a template to be developed by the department to ensure that schools’ codes are in line with a standard code of good practise.
1. **Drugs and Weapons**

COSATU supports the provisions to prevent learners from bringing drugs, alcohol and weapons into school and to search them when necessary. Many schools are battling to cope with such behaviour. This has a massive impact upon schooling and needs to be tackled.

1. **Liquor Sales**

COSATU is wary about the proposals to allow liquor sales on school premises. Whilst the Federation appreciates the additional provisions setting the conditions for liquor sales, these may not be enough to prevent learners accessing liquor in such events. Selling liquor on school premises sends a message to learners in a society with a serious problem of alcohol abuse, that liquor is good. We need to be reducing the consumption of alcohol and not increasing it.

**COSATU Proposals:**

* Prohibit the sale of liquor in front of learners at schools.
1. **Corporal Punishment and Initiation**

COSATU supports the provisions prohibiting corporal punishment and initiation ceremonies that abuse the rights of learners. We need to build a society that values life and humanity if we are to overcome our legacies of violence.

1. **Mergers**

COSATU is deeply concerned about how schools are merged and closed. Whilst the department sets learner numbers as a determining factor, this has a massive impact upon learners in farming and deep rural communities. Learner numbers cannot be the sole criteria. Geographical access and transport need to be factored in as well.

**COSATU Proposals:**

* Amend the criteria for school closures and mergers to include maximum distances a learner should travel and the right to scholar transport in order to ensure that geographically isolated learners are not left behind.
1. **Centralised Procurement**

COSATU supports the provisions providing for the centralised procurement of certain large-scale items e.g. textbooks. This will help to save costs, support local procurement and prevent corruption. However, it is critical that the necessary measures be put in place to ensure that such procurement is transparent and not abused.

1. **School Governing Bodies**

COSATU supports the balance provided for in the provision for school governing bodies, in terms of their roles and responsibilities, and the department’s oversight role.

COSATU welcomes measures requiring persons with conflicts of interests to recuse themselves from SGB meetings. However, these will need to be enforced.

1. **Separated Parents’ Documentation**

COSATU welcomes the provisions providing accommodation for a single parent unable to provide the required documents of the other parent. This is a real problem for many single mothers. They should not be punished because of uncooperative ex-partners. Nor should the learner suffer.

1. **Financial Reports**

COSATU welcomes the provisions stipulating when financial reports are due. Corruption is a real problem across society. Every effort to hold public institutions accountable and clean must be supported.

1. **Prohibiting Officials from Doing Business with the State**

COSATU supports the provisions preventing officials from doing business with the state. These are in line with existing regulations. Officials are employed by the state on a full-time capacity. Education is a full-time occupation.

1. **Conclusion**

COSATU welcomes the BELA Bill. It is the product of extensive deliberations. Its provisions are long overdue and, in many areas, will make a positive impact.

There are some provisions where clauses need to be tightened and clarified, e.g. recognising education workers’ constitutional and labour rights to picket. There is a need to tighten the provisions on the sale of liquor at school premises. Parliament should be bold and amend the provision allowing children to leave school at the age of 15 years and increase it to Grade 12.

Thank you.

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