



ADVOCATING FOR TRANSFORMATION IN A LABOUR RIGHTS ENVIRONMENT

A CYCC PERSPECTIVE
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Background of PCH

- ▶ 2011 – 2014 – Unionized child care workers within the Home refuse to comply with regulations of the Children's Act
- ▶ Were unwilling to complete their basic qualifications in child care, refused to change the duty roster to accommodate for the ratios required, and refused to implement any programmes for children
- ▶ Continued communication with the union and staff were unsuccessful and led to threats, violence, manipulation of children, and an unprotected strike in April 2014
- ▶ Below presentation talks to factors that were considered, in deciding to take action against staff members – which led to mass dismissals and a whole new team stepping in to engage with our children

IMPACT OF POSITIVE AND NEGATIVE ROLE MODELS

Resilience Theory

- ▶ Resilience - concept emerged as researchers became interested in understanding why some children who are faced with adversity are able to overcome their risks, avoid their negative effects, and thrive and succeed in life.
- ▶ Resilience is defined as “a dynamic process wherein individuals display positive adaptation despite experiences of significant adversity or trauma” ([Luthar & Cicchetti, 2000](#), p.858).
- ▶ It requires both experiencing adversity and having positive adjustment outcomes despite the adverse experience(s) ([Fergus & Zimmerman, 2005](#); [Luthar & Cicchetti, 2000](#)).

IMPACT OF POSITIVE AND NEGATIVE ROLE MODELS

Study based on 2 Models –

Compensatory: A compensatory factor is said to counteract the effects of the risk factor on the outcome of interest ([Zimmerman & Arunkumar, 1994](#)).

- ▶ It will contribute to an outcome in an additive (but opposite) manner - the risk factor (e.g. disgruntled staff) and compensatory factor (e.g. board and management support) have opposite, but main (direct) effects on a specific outcome (e.g. stable and well cared for children). ([Garmzey et al., 1984](#); [Masten et al., 1988](#); [Zimmerman, Steinman, & Rowe, 1998](#)).

Protective: Protective factors operate in an interactive fashion to buffer an individual from the negative effects of the risk factors. A risk-protective variable (staff suspensions) interacts with the risk factor (child manipulation) to reduce likelihood of negative outcome.

IMPACT OF POSITIVE AND NEGATIVE ROLE MODELS

Negative Nonparental adult influences on Adolescents

- ▶ Study - found that adolescents' perceptions of the negative behavior of a very important nonparental adult were predictive of adolescent misconduct [Greenberger, Chen, and Beam \(1998\)](#)
- ▶ **This finding suggests that nonparental adults can have a negative influence on adolescents if adolescents consider the nonparental adults to be very important persons in their lives.**
- ▶ Further research suggests - nonparental adults may exert a negative influence on adolescents by modeling unlawful and destructive behavior.
- ▶ When adults are modeling unlawful or destructive behaviors, it is likely that adolescents will be negatively influenced by these observed behaviors, particularly if the adolescents are exposed to multiple deviant behaviors by several adults in their environment. [Anderson \(1990\)](#)

IMPACT OF POSITIVE AND NEGATIVE ROLE MODELS

Role Models and Resilience

- ▶ Several researchers found an association between having a role model and positive outcome - role models helped protect high-risk children from several risks they faced. [Werner \(1995\)](#)
- ▶ Regardless of the source (e.g., family member, neighbor, school teacher), having an adult who modeled positive behavior was a reoccurring theme for resilient children.
- ▶ [Yancey et al. \(2002\)](#) - adolescents with an identifiable role model received higher grades, had higher self esteem, and reported stronger ethnic identity than their counterparts who lacked role models.
- ▶ [Oman and colleagues \(2004\)](#) - having nonparental adult role models protected low-income, inner-city youth against several negative behaviors including involvement in sexual intercourse ([Oman, Vesely, Kegler, McLeroy, & Aspy, 2003](#); [Vesely et al., 2004](#)), participation in violence ([Aspy et al., 2004](#)), and substance use ([Oman, Vesely, Aspy, et al., 2004](#)).

ROLE OF A CYCC

Sect 1 of CA: RIGHT TO CARE

- ▶ The essence of care is respecting and promoting a child's rights
- ▶ protecting him/her from abuse
- ▶ maintaining a sound relationship with the child
- ▶ providing a home and an environment in which the child can develop and flourish

ROLE OF A CYCC

Sect 8 of CA: refers to Juristic persons

- ▶ The Act applies to both natural and juristic persons – Juristic referring to organisations as a legal entity
- ▶ This emphasizes that all such organisations and its employees have legal obligations
- ▶ Duty to respect – means not to interfere with the enjoyment of a right
- ▶ Duty to protect – places an obligation on Government – means that the state has to take active steps to prevent 3rd parties from interfering with and violating children's rights
- ▶ Duty to respond

HOW DOES A CYCC RESPOND?

1. Obligation –to employ fit and proper persons
 - ▶ The CA does not give a definition of such a person
 - ▶ Only a Court/tribunal/panel eg. CCMA can decide whether a person is unsuitable to work with children
 - ▶ A criminal conviction is not required to come to a finding that a person is unsuitable
 - ▶ Important that as employers we are aware of this fact – often reference checks are not done...
 - ▶ Implications – it is an offence to allow someone declared unsuitable to work with children, access to children eg someone who's dismissal by the employer is upheld by the CCMA – this implies that such a person is not suitable to work with children

HOW DOES A CYCC RESPOND?

2. Obligation - to employ persons that are screened against the NCPR
 - ▶ Important to have all Board members, staff and volunteers screened against the register
 - ▶ Legal implications

3. Obligation - to employ persons with the prescribed skills and training to work with children
 - ▶ employers must draw up personal development plans to ensure that staff are skilling themselves
 - ▶ After the 3 year grace period – employer has an obligation to employ trained and skilled workers

FACTORS TO CONSIDER

Sect 9 of the CA – BEST INTEREST PRINCIPLE

- ▶ In all matters concerning the care, protection and well being of a child, “the standard that the child’s best interest is of paramount importance, **must** be applied” – applies to CYCC

Sect 7 of the CA – FACTORS TO BE CONSIDERED

- ▶ Attitude of the parents (CCWs) towards the children
- ▶ Capacity of the caregivers to provide for the needs of the children
- ▶ The likely effect of the children of any changes in their circumstances
- ▶ The need for the children to be brought up in an environment resembling as closely as possible a caring family environment
- ▶ The need for the CYCC to protect the children from any physical or psychological harm, or even witnessing harmful behaviour towards another person

OPPORTUNITIES TO ENGAGE

Sect 10 of the CA – CHILD PARTICIPATION

- ▶ The South African Constitution does not explicitly spell out the right of children to participate in decisions affecting them, but this right is stipulated in 2 International Instruments, that we our country has adopted:
 - United Nations Convention on the rights of the child
 - African Charter on the rights and welfare of the child

The CA follows these Children's Rights instruments

- ▶ “the child has the right to participate in an appropriate way and (the) views expressed by the child must be given due consideration”

OPPORTUNITIES TO ENGAGE

The CA goes on to say ---

- ▶ “the right to participate extends to collective decision-making, policy-making and planning, including decisions about the operation of child and youth care centres
- ▶ Solution - Engaging with a children’s forum – setting it up, providing leadership skills, allowing children and opportunity to engage meaningfully with adults who care for them, opportunity to participate at Board meetings

A ROAD TO SUCCESSFUL CHILD CARE SERVICES

Current Child Care status

- ▶ South Africa has approximately 355 registered CYCCs which accommodate 21000 children (Child and Youth Care Work, Vol 32, No 1 & 2, 2014, Paula Proudlock, UCT)
- ▶ Under 1% of the labour force in the sector are currently unionized
- ▶ Over 15 000 child care workers in the country
- ▶ Involvement of unions – A REALITY !!
- ▶ What can we do about it ??
- ▶ BE PRO-ACTIVE AS AN EMPLOYER AND ENGAGE OPENLY WITH THE UNION, AS A START...