

**EDUCATION LABOUR RELATIONS COUNCIL**

*Established in terms of the LRA of 1995 as amended*

**(EASTERN CAPE CHAMBER)**



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

**COLLECTIVE AGREEMENT  
NO 1 OF 2014**

**31 JANUARY 2014**

**PERMANENT APPOINTMENT OF TEMPORARY  
EDUCATORS IN VACANT SUBSTANTIVE POSTS  
AND TRANSFER OF SERVING EDUCATORS IN  
TERMS OF OPERATIONAL REQUIREMENTS**

*M.L.*

**EASTERN CAPE PROVINCIAL CHAMBER OF THE ELRC  
COLLECTIVE AGREEMENT NO 1 OF 2014**

**PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT  
SUBSTANTIVE POSTS AND TRANSFER OF SERVING EDUCATORS IN  
TERMS OF OPERATIONAL REQUIREMENTS**

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**1. PURPOSE OF THIS AGREEMENT**

- 1.1 To provide a procedure for the permanent appointment of temporary educators in vacant substantive posts.
- 1.2 To provide procedures for the equitable distribution of educator posts and the transfer of educators affected by operational requirements.
- 1.3 To provide a procedure for addressing and correcting possible anomalies that may emanate from post declarations, commencing with the 2014 post declaration.
- 1.4 To assess the impact of the current (2014) post declaration and the subsequent ones on the workload of educators for effective teaching and learning and find solutions to same.
- 1.5 To assess the impact of inefficiencies in the system and find solutions to same.
- 1.6 To develop credible information base to assist the process of teacher provisioning.

**2. SCOPE**

This agreement applies to and binds:

- 2.1 The Employer,
- 2.2 All employees employed by the Eastern Cape Employer of Education as defined in the Employment of Educators Act no 76 of 1998 (the Act) whether such employees are members of Trade Union parties to this agreement or not.
- 2.3 The Employer and the employees who fall within the registered scope of the Education Labour Relations Council (ELRC).

**3. THE PARTIES TO THE PROVINCIAL CHAMBER NOTE AS FOLLOWS:**

- 3.1 Section 6B of the Act allows the Head of Department after consultation with the School Governing Body (SGB) of a public school

to convert the temporary appointment of an educator appointed to a post on the educator establishment of the public school into a permanent appointment in that post without the recommendation of the SGB.

- 3.2 Subject to the Regulations G.N. 1451 of 2002 published in Government Gazette No. 24077 dated 15 November 2002 on educator post provisioning for educational institutions, the Head of Department is required to notify all educational institutions of their educator post provisioning which may increase *or* decrease the number of posts at a particular institution.
- 3.3 The Employer shall annually declare and notify all public schools of their post establishments for the following academic year by the end of September following a meaningful consultation with the Parties.
- 3.4 The post establishments referred to above may have an impact on the job security of educators.
- 3.5 The Employer's commitment to the principle that no class will be without a teacher.
- 3.6 The need for a multi-year agreement for post provisioning.
- 3.7 The provisioning model and the current post declaration are not responsive to the curriculum challenges and needs.
- 3.8 PELRC Collective Agreement no 1 of 2012.
- 3.9 The Memorandum of Agreement (MoA) between the Provincial Government and Trade Unions signed in 2012.
- 3.10 PELRC Collective Agreement no 1 of 2008.
- 3.11 Collective Agreement no 2 of 2003.

#### **4. THE PARTIES TO THE PROVINCIAL CHAMBER AGREE AS FOLLOWS:**

##### **4.1 Permanent Appointment of Temporary Educators in Public Schools**

- 4.1.1 All professionally qualified temporary educators in the system and covered by PELRC Collective Agreement no 1 of 2012 are protected for the purpose of being permanently appointed in vacant substantive posts.
- 4.1.2 Serving temporary educators on Post Level 1 in public schools, who meet the minimum requirements for permanent appointment, shall be appointed permanently in vacant substantive posts in

terms of section 6B of the Act.

- 4.1.3 The minimum requirements for permanent appointment shall be as determined and amended by the Minister for Basic Education. The requirements for permanent appointment are as follows:
- (a) Professionally qualified with at least an REQV 13 qualification
  - (b) Registration with the South African Council for Educators;
  - (c) South African citizenship or permanent South African residency.
- 4.1.4 The process of identifying and translating temporary educators to permanent shall be done in terms of their schools' approved educator post establishments for the relevant academic year as distributed by the Employer.
- 4.1.5 Educator posts that become vacant through natural attrition (retirement, medical boarding (PILIR), resignation, death) or promotions will be reserved for the placement/appointment of:
- (a) permanent educators who are in addition due to operational requirements; and
  - (b) Funza Lushaka bursars.
- 4.1.6 Where such placements are not possible, the Employer shall facilitate and encourage the possible employment of temporary educators from outside the system giving priority to educators who may have been covered by Collective Agreement no 1 of 2012.

#### **4.2 The Process for the Permanent Appointment of Temporary Educators**

- 4.2.1 Where the number of serving qualifying temporary educators is the same or less than the number of substantive vacant teacher posts available in terms of the approved post establishment, the Employer shall at Head Office level appoint eligible temporary educators permanently in terms of section 6B of the Act.
- 4.2.2 In instances where a temporarily employed educator who is professionally qualified is held against a promotion post, the Employer reserves the right to transfer such educator in a school where an appropriate post level exists in line with Collective Agreement no 2 of 2003.
- 4.2.3 Where the number of serving qualifying temporary educators exceeds the number of substantive vacant teacher posts; the

School Principal must follow the procedure set out in paragraph 5 below.

4.2.4 The Employer shall submit status reports to the Provincial Chamber on a quarterly basis.

4.2.5 The Employer to release quarterly bulletins to facilitate the permanent appointment of educators.

## **5. IDENTIFICATION AND TRANSFER OF EDUCATORS IN ADDITION**

5.1 The process of identification and transfer of additional educators will be dealt with in terms of Collective Agreement no 2 of 2003.

5.2 The transfer of educators due to operational requirements will take place in two phases, ie identification of educators in addition as phase one; where after the PTT in phase two will consider the profiles of the affected educators with the view of possible placement of educators declared in addition.

5.3 Where there is no dispute on who is additional such cases shall be prioritised; however, for the duration of the process of identification and transfer of additional educators, ordinary transfers must be put in abeyance till determined otherwise by the Employer after consultation with the Parties to this Agreement.

## **6. EDUCATORS IN PROMOTION POSTS WHO ARE IN ADDITION WILL BE DEALT WITH AS FOLLOWS**

6.1 Educators who are occupying promotion posts that no longer exist on the current school post establishments are deemed to be additional from the date the new post establishments become operative. Such educators shall be transferred, in line with Collective Agreement no 2 of 2003, to schools that have concomitant posts subject to the individual educator's personal profile.

6.2 However, each case shall be considered on its own merits, ie where the affected educator(s) offer critical school subjects and there is no other educator referred to in par. 4.1.5 above, such educator may be retained on conditions to be determined by the Employer; which is not in conflict with the provisions of this Agreement.

6.3 Anomalies shall be addressed through the PTT.

6.4 The School Principals must inform their respective staff members of the educator post provisioning and its effect, as well as the procedure for the identification of serving permanent and temporary

educators affected by operational requirements as contained in Collective Agreement no 2 of 2003.

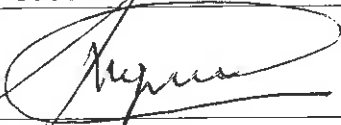
- 6.5 The profiles of all additional educators must be obtained and must be submitted to the PTT with the view to discuss the possible placement of such educators taking into account a range of issue including but not limited to the following:
- (a) The personal circumstances of the affected educators; and
  - (b) Relocation cost.
- 6.6 The processes of the permanent appointment of eligible temporary educators and the identification of additional educators will take place simultaneously.
- 6.7 The Parties will explore the possibility of incentivising posts of educators who may be declared in addition.
- 6.8 The identification and transfer of educators in addition will be overseen by the structures as outlined in paragraphs 7 and 8 below.

## **7. COMPOSITION AND ROLE OF THE PROVINCIAL TASK TEAM PERTAINING TO EDUCATORS IN ADDITION**


- 7.1 A Provincial Task Team (PTT) must be established to coordinate District Task Teams (DTTs).
- 7.2 The PTT shall consist of:
- (a) The Chief Director HRM (as Chairperson of the PTT), the Director Labour Relations, the Director HRP, the Director HRA, the CES LR and the CES HRP.
  - (b) Proportional representatives collectively nominated from the employee parties, unless otherwise agreed to by parties at Provincial level.
  - (c) Representative(s) from the ELRC.
- 7.3 The Chief Director HRM must provide secretarial services to the PTT and its records must be lodged with the Provincial Chamber
- 7.4 The PTT must meet at least once a month but may meet more often as may be necessary.
- 7.5 The PTT must perform the following functions:

This done and signed at ..... on this ..... day of ..... 2014

On behalf of the Employer

	NAME	SIGNATURE
EASTERN CAPE EMPLOYER OF EDUCATION	M.L NGONZO	

On behalf of Employee Parties

	NAME	SIGNATURE
CTU ATU	P. DUMINY	
SADTU	M. NDONGENI	

Enquiries: Mr. M.L. Moeli:

Tel: 043 735 1820

**MANAGEMENT PLAN TOWARD THE IMPLEMENTATION OF COLLECTIVE AGREEMENT NO 1 OF 2014**

**[PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT SUBSTANTIVE POSTS AND THE TRANSFER OF SERVING EDUCATORS IN TERMS OF OPERATIONAL REQUIREMENTS]**

NO	OBJECTIVES	ACTION TO BE DONE	TIME FRAME	RESPONSIBILITY
1	Implementation of PELRC Collective Agreement No 1 of 2014	1.1. Finalisation of Collective Agreement no 1 of 2014  1.2 Presentation of the proposed Collective Agreement to the PELRC for signing 1.3 Ratification of the signed Collective Agreement no 1 of 2014 by the ELRC 1.4 Induction programme by the ELRC 1.5 Establishment of DT's and PTT	24 <sup>th</sup> January 2014  31 January 2014	Facilitator and Parties  Parties to the PELRC
2	PHASE ONE: PERMANENT APPOINTMENT OF QUALIFYING TEMPORARY EDUCATORS	2.1 Permanent appointment of temporary educators as per Collective Agreement No 1 of 2014.  2.2 PTT meeting with Districts on verification of profiles of temporary educators 2.3 Convene a Chamber meeting to receive progress reports on permanent appointment of temporary educators and verification forms 2.4. The Department to provide progress reports to the Provincial	4 February 2014  6 February 2014 6 February 2014  14 February 2014  10 February 2014  17 February 2014  Quarterly	Parties to the Agreement ELRC ELRC  Chief Director HRM A/Dir HRA District Directors PTT  Employer  Chief Director HRM


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NO	OBJECTIVES	ACTION TO BE DONE	TIME FRAME	RESPONSIBILITY
		<p>Chamber.</p> <p>2.5 The Department will endeavour to release quarterly bulletins to facilitate the permanent appointment of the temporary educators going forward.</p> <p>2.6 Educator posts that became vacant through attrition, retirement, medical boarding (PILIR), resignation or promotions will be reserved for the placement/ appointment of persons as stipulated in par 4.1.5 of Collective Agreement No 1 of 2014.</p>	<p>Quarterly</p> <p>31<sup>st</sup> March 2014</p>	<p>A/Dir HRA Dir LR</p> <p>Chief Director HRM A/Dir HRA</p> <p>A/Dir HRA District Directors</p>
3	<b>PHASE TWO: IDENTIFICATION AND TRANSFER OF ADDITIONAL EDUCATORS</b>	<p>3.1 The ELRC to facilitate the capturing of data as a result of the PPN Impact Assessment Forms</p> <p>3.2 Follow-up facilitation meeting will be held to receive the outcome as referred to in par 3.1</p> <p>3.3 The school Principals must inform their respective staff members of the educator post provisioning and its effect, as well as the procedure for the identification of serving permanent and temporary educators affected by operational requirements ( as contained in the Collective Agreement No.2 of 2003).</p> <p>3.4 Phase 1: Identification of educators in addition in terms of CA 2 of 2003</p> <p>3.5 Meetings of DTT to collate and verify of data of additional educators</p> <p>3.6 Phase 2, the PTT will consider the profiles of the identified educators with the view of possible placement of educators declared in addition.</p> <p>3.7 Issuing of placement letters to additional educators</p>	<p>7 February 2014</p> <p>10 February 2014</p> <p>17 - 21 February 2014</p> <p>24 – 28 February 2014</p> <p>7 March 2014</p> <p>14 March 2014</p> <p>21 March 2014</p>	<p>ELRC</p> <p>ELRC</p> <p>School Principals</p> <p>EDOs School Principals DTT</p> <p>DTT</p> <p>DTT PTT</p> <p>HRM District Directors</p>
4	<b>PHASE THREE: MANAGEMENT OF HUMAN RESOURCE INEFFICIENCIES IN THE SYSTEM</b>	<p>4.1 In dealing with inefficiencies in the system the Department of Education will speedily deal with PILIR cases, early retirement applications, and displaced employees by exploring various options such as medical boarding and re-skilling/re-training of employees.</p> <p>4.1.1 Joint Workshop on PILIR and early retirement</p> <p>4.1.2 Placement of displaced employees</p>	<p>28 February 2014</p> <p>31 March 2014</p>	<p>Chief Director HRM District Directors EDOs School Principals DTT PTT</p>
5	<b>OTHER MATTERS</b>	<p>5.1 The role- players must ensure that, the time frames as indicated in</p>	<p>Ongoing</p>	<p>Parties to the</p>

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NO	OBJECTIVES	ACTION TO BE DONE	TIME FRAME	RESPONSIBILITY
		the Departmental Management plan are strictly adhered to.		PELRC
		5.2 The placement of Funza Lushaka bursars	31 March 2014	Chief Director HRM A/Dir HRA Dir HRD District Directors EDOs
		5.3 Commencement of the consultation processes for PPN 2015	4 <sup>th</sup> April 2014	Chief Director HRM Dir HRP Dir LR

  
 M. NGONZO  
 SUPERINTENDENT GENERAL

DATE: \_\_\_\_\_

P DUMINY  
 CTU-ATU

DATE: \_\_\_\_\_

  
 M NDONGENI  
 SADTU

DATE: \_\_\_\_\_