

EDUCATION LABOUR RELATIONS COUNCIL

Gauteng Provincial Chamber



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EDUCATION LABOUR
RELATIONS COUNCIL

**COLLECTIVE
AGREEMENT 1 OF
2014**

**"Collective Agreement 1 of 2014 on the conversion of
Temporary Appointment of Post Level 1 Educators into
Permanent Appointment"**

JUNE 2014

**The GS hereby certifies that this
Collective Agreement was ratified
by Council on this date**

2014 -08- 2 1

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COLLECTIVE AGREEMENT ON CONVERSION OF TEMPORARY APPOINTMENT OF POST LEVEL 1 EDUCATORS INTO PERMANENT APPOINTMENT.

For the purpose of this agreement, post level 1 educators include Education Therapists Grade 1, 2 and 3 employed at schools.

1. PURPOSE OF THIS AGREEMENT

- 1.1 This agreement clarifies and formalise the processes in terms of which post level 1 educators in substantive posts have their posts converted from temporary to permanent appointments in public schools.
- 1.2 The notion of temporary educators is a phenomenon that exists in the teaching profession throughout the world. Temporary educators exist in order to fill:-
- Essential needs in the education system
 - Vacant posts created after attrition
 - Vacant posts created as a result of implementation of the new post establishment

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:-

- 2.1 The employer, and
- 2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended) whether such employees are members of trade union parties to this agreement or not.

3. LEGAL FRAMEWORK

- 3.1 The Constitution of South Africa Act no 108 of 1996
- 3.2 The Labour Relations Act No 66 of 1995
- 3.3 Employment of Educators Act No 76 of 2000
- 3.4 The South African Schools Act No 84 of 1996
- 3.5 Personnel Administrative Measures published in Government Gazette No. 19767 dated 18 February 1999
- 3.6 The South African Council for Educators Act No 31 of 2000
- 3.7 PSCBC Resolution 1 of 2007
- 3.8 Employment Equity Act 55 of 1998 as Amended
- 3.9 Public Service Act (Proc. 103 of 1994)
- 3.10 Immigration Act no 13 of 2002



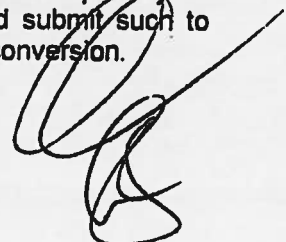
4. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- 4.1 The appointment of all educators in public schools is regulated in terms Chapter 3 of the Employment of Educators Act, 1998 (Act No. 76 of 1998) and Chapter B of the Personnel Administrative Measures (PAM).
- 4.2 Temporary educators are a group of educators whose services are enlisted for a fixed term.
- 4.3 The services of these educators are integral to the delivery of quality education.
- 4.4 Section 6A and 6B of the Employment of Educators Act(E of EA), as amended, are not utilized effectively.
- 4.5 There is a need to reduce the number of temporary educators.
- 4.6 A procedure must be developed to ensure/ facilitate the permanent appointment of temporary educators.
- 4.7 There is a need for the Gauteng Department of Education (GDE) to either appoint educators on a temporary basis in vacant and substantive posts for a fixed period or to have vacant substantive posts filled permanently.
- 4.8 **Educators excluded from the measures contained in this agreement in accordance with section 10 of the Public Service Act:**
 - 4.8.1 Foreign educators who do not have a SA citizenship or who are not permanent residents of South Africa as defined in the Immigration Act no 13 of 2002, and;
 - 4.8.2 Foreign educators who are not fit and proper persons as intended in section 10 of the Public Service Act.

5 THE PARTIES THEREFORE AGREE TO THE FOLLOWING:

Parties will ensure the implementation of the following measures with regard the conversion of post level 1 educators in substantive posts into permanent appointment in existing substantive posts at public schools:

- 5.1 It will be the responsibility of school principals to:
 - 5.1.1 Determine the correctness of the post establishments.
 - 5.1.2 Inform GDE of any educators who will exit the system through natural attrition during the final part of the year.
 - 5.1.3 Profile the substantive posts occupied by Temporary employees and submit such to the District for permanent conversion.



5.2 Conversion of the temporary appointment of a post level 1 educator into a permanent appointment

5.2.1 Educators appointed in a temporary capacity and who, subject to clauses 5.2.2 to 5.2.5 will qualify for the immediate conversion to a permanent appointment, are educators who meet all the following requirements:

5.2.1.1 Educators will be absorbed if there is a vacant substantive post available on the current post establishment of the institution/school, and have remained in the service of the Department as a contract worker or substitute personnel after this collective agreement has come into effect. Qualifying educators are those who are appointed in a temporary capacity and have been continuously employed for a period of at least three (3) months in vacant substantive posts, growth posts, Dinaledi posts, against Promotional Posts and also substitutes posts in the Gauteng Department of Education and

5.2.1.2 are registered with SACE, and

5.2.1.3 have minimum qualification of REQV 13; and

5.2.1.4 are appointed on post level 1.

5.2.2 A temporary appointment can only be converted to a permanent appointment if there is a post level 1 post available as a substantive vacant post and the temporary educator also meets the curricular needs of the school.

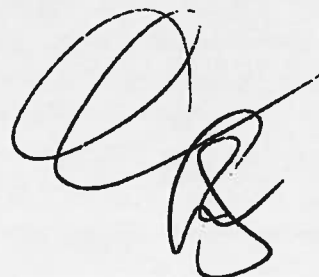
5.2.3 Appointments should be monitored to ensure that they are in line with employment equity provisions.

5.2.4 The temporary educators whose posts have been converted to permanent posts will be subjected to a probation period of a year (12 months) after being made permanent.

5.2.5 The conversion will be done in terms of the provisions of section 6B of the (E of EA), which provides, inter alia, for the Head of Department to convert the post in consultation with the SGB.

6. GRIEVANCES

6.1 Grievances emanating from the implementation of this agreement must be referred to the District Grievance Committees.

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7. DISPUTE RESOLUTION

Any dispute about the interpretation or application of this agreement shall be resolved in terms of the dispute resolution procedure of the Council

8. DEFINITION

- 8.1 "employee" means an educator as defined in the Employment of Educators Act 76 of 1998.
- 8.2 "employer" means the employer as defined in the Employment of Educators Act 76 of 1998.
- 8.3 "temporary educator" means a an educator employed for a fixed term, but excludes an employee to whom a compulsory retirement age applies
- 8.4 "post provisioning" means a number of posts allocated to a school in accordance with post provisioning norms.
- 8.5 "SGB" means a school governing body as contemplated in South African Schools Act 84 of 1996.
- 8.6 "substitute" is a post created at a point where an educator has to take leave due to illness that will be 20 days or more, Pillir cases and maternity leave, also relief for shop steward posts. A post created and filled for that specific period, i.e. fixed contract.

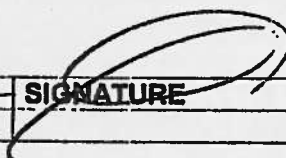
9. RATIFICATION AND IMPLEMENTATION OF THIS AGREEMENT.

9.1 This agreement shall come into effect on the day it is ratified by the Education Labour Relations Council

10. Signing of the Collective Agreement

Thus done and signed at Joburg on the 2014-07-10 day of _____

ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
<u>EDU</u>	<u>Boy Ngwenya</u>	

Thus done and signed at _____ on the _____ day of _____

ON BEHALF OF EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
<u>SADTU</u>	<u>TSEISO LEDIMO</u>	