



**COLLECTIVE AGREEMENT
NUMBER 2 OF 2009**

**MATTERS IDENTIFIED FOR
COLLECTIVE BARGAINING IN
PUBLIC EDUCATION**

EDUCATION LABOUR RELATIONS COUNCIL

COLLECTIVE AGREEMENT NO 2 OF 2009

Matters Identified for Collective Bargaining in Public Education

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to provide for a list of priority areas identified for collective bargaining. However, Parties still reserve the right to place any other matter for collective bargaining on the agenda of the ELRC if they so wish.

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, whether such employees are members of trade union parties to this agreement or not.

3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- 3.1 That there is an urgent need for parties to conclude discussions and negotiations on matters identified as crucial for the development and provisioning of quality public education.
- 3.2 ELRC Collective Agreement No. 3 of 2002 which dealt with the Performance Management Development System for Office Based educators.
- 3.3 ELRC Collective Agreement No. 8 of 2003 which dealt with the establishment of the Integrated Quality Management System (IQMS).
- 3.4 ELRC Collective Agreement No. 1 of 2008 which created a framework for the implementation of the Occupational Specific Dispensation (OSD) for educators.
- 3.5 Specific challenges relating to:
 - 3.5.1 Teacher Appraisal
 - 3.5.2 The finalization of the Education Management System for School and Office based management
 - 3.5.3 The need for a job evaluation for Office based educators

- 3.5.4 The finalization of the Teaching and Learning Specialist and Senior Teaching and Learning Specialist Categories
- 3.5.5 The need to finalize the processes relating to the Recognition of Prior Learning (RPL) of educators for qualification purposes.
- 3.6 The intended revision and amendment of the Personnel Administrative Measures (PAM).
- 3.7 ELRC Collective Agreement 2 of 2008 which dealt with anomalies, inequities, backlogs and the incorrect and or non implementation of collective agreements.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

4.1 Teacher Appraisal

- 4.1.1 That issues relating to teacher appraisal will find expression during the discussions in the upcoming Teacher Development Summit.
- 4.1.2 The ELRC will finalize the issues relating to teacher appraisal taking into account the discussion and recommendations emanating from the Teacher Development Summit.
- 4.1.3 A working group of the ELRC will be established prior to the commencement of the Teacher Development Summit and will meet immediately thereafter to expedite the finalization of this matter.
- 4.1.4 The working group must conclude their work and make recommendations to the ELRC within three months from the time of the Teacher Development Summit.

4.2 Education Management Service (EMS) for School and Office Based Management

- 4.2.1 All principles relating to the Education Management Service (School and Office Based Management) shall be subjected to further negotiations in the ELRC and will be finalised by 30 August 2009.

4.3 Job Evaluation for Office Based Educators

- 4.3.1 An ELRC Task Team will be established to investigate the disparities that exist in the employment of office based educators by 20 July 2009.

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4.3.2 The Task Team will consider all elements, including a work study to determine the appropriate grading of Office based educator posts.

4.3.3 The Task Team must conclude their investigation and submit their recommendations to Council by October 2009.

4.4 Teaching and Learning Specialists and Senior Teaching and Learning Specialists

4.4.1 All issues relating to the creation and filling of these posts will be referred to a working group of the ELRC to be established by 20 July 2009.

4.4.2 The working group must conclude their discussions and submit their recommendations to ELRC by the end of August 2009.

4.5 Recognition of Prior Learning (RPL).

4.5.1 That issues relating to RPL will find expression during the discussions in the upcoming Teacher Development Summit.

4.5.2 All educators who are part of the categories related to under and unqualified educators shall have an opportunity to be subjected to the RPL and upgrading processes for qualification purposes.

4.5.3 The ELRC will finalize the issues relating to RPL, taking into account the discussion and recommendations emanating from the Teacher Development Summit.

4.5.4 A working group of the ELRC will be established prior to the commencement of the Teacher Development Summit and will meet immediately thereafter to expedite the finalization of this matter.

4.5.5 The working group must conclude their work and make recommendations to the ELRC within three months from the time of the Teacher Development Summit.

4.6 Revision of the PAM

4.6.1 To establish a Task Team by 1 July 2009 which will consider the revision and amendment of the Personnel Administrative Measures (PAM).

4.6.2 The Task Team will submit its first report to the ELRC by 30 October 2009.

4.7 Anomalies and Backlogs

4.7.1. That an auditing firm be appointed by the employer to comply with the responsibilities contemplated in paragraph 4.2 of ELRC Collective Agreement 2 of 2008, as well as to include the correctness of the OSD translations emanating from ELRC Collective Agreement 1 of 2008.

4.7.2. That said auditing firm will complete the required process, where after the employer will implement the recommendations before or on 30 March 2010.

5. DATE OF IMPLEMENTATION

The provisions of this Collective Agreement shall take effect on the date of signing.

All dates in this agreement that have expired or have been affected by another date other than the date of signing of this agreement shall be reviewed by the parties at an ELRC bargaining meeting of the 4th of September 2009.

6. INTERPRETATION AND APPLICATION

6.1 In the event of any conflict between the provisions of this Collective Agreement and any other Collective Agreement of the ELRC, the provisions of this Collective Agreement shall take precedence.

6.2 No amendments to this Collective Agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the ELRC as a Collective Agreement of ELRC.


7. DISPUTE RESOLUTION

Any dispute about the interpretation or application of this Collective Agreement shall be resolved in terms of the dispute resolution procedure of the ELRC.


8. SIGNING OF THE AGREEMENT

Thus done and signed at Johannesburg on this 14th day of August 2009
by:

ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	D. Shudde	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
CTU "SADTU"	M.J. Mawake	
CTU "SAOU"	H. Hendricks	