

**EDUCATION LABOUR RELATIONS COUNCIL**  
*Established in terms of the LRA of 1995 as amended*



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

**COLLECTIVE AGREEMENT  
NO. 1 OF 2009**

**17<sup>th</sup> FEBRUARY 2009**

**FURTHER AMENDMENT OF THE ELRC  
CONSTITUTION AS CERTIFIED BY THE REGISTRAR  
OF LABOUR ON  
25<sup>th</sup> APRIL 2007 AND AS RATIFIED BY  
COLLECTIVE AGREEMENT NO 6 OF 2007**

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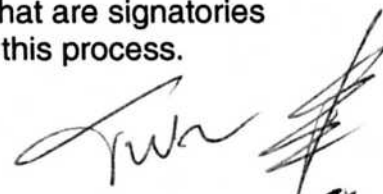
**1. PURPOSE OF THIS AGREEMENT**

The purpose of this agreement is to amend Collective Agreement number 6 of 2007 that ratified the Constitution of the ELRC as certified by the Registrar on 25<sup>th</sup> April 2007.

**2. SCOPE OF THIS AGREEMENT**

This agreement applies to and binds:

- (1) The employer;
- (2) All employees of the Department, as defined in the Employment of Educators Act, 1998 (as amended) who are members of trade union parties in this agreement;
- (3) All employees of the Department, as defined in the Employers of Educators Act 1998 (as amended) who are not members of the trade union parties that are signatories to this agreement but who are to be joined in this process; and
- (4) All employers as envisaged in the FETC Act No. 16 of 2006, whether they are signatories or not to this agreement.
- (5) All employees as envisaged in the FETC Act No. 16 of 2006, who are members of trade union parties that are signatories to this agreement; and
- (6) All employees as envisaged in the FETC Act No. 16 of 2006, who are not members of trade union parties that are signatories to this agreement but who are to be joined in this process.



### 3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- (1) The FETC Act No. 16 of 2006 transfers educators from the state, employed in terms of the Employers of Educators Act 1998 (as amended), to the FET College Councils and creates the FETC as an independent sector within public education.
- (2) In giving effect to the FETC Act No. 16 of 2006 in section 54(3), Collective Agreement No. 5 of 2007 required the ELRC to create a bargaining unit for this sector before 1<sup>st</sup> January 2008.
- (3) Collective Agreement number 5 of 2007 of the ELRC was concluded by:
  - (a) The STATE, as represented by the Department of Education;
  - (b) Both educator trade unions in the ELRC, i.e. combined trade unions South African Democratic Teachers' Union and Suid-Afrikaanse Onderwysersunie; and
  - (c) All 50 further education and training colleges as the new employer.
- (4) The ELRC constitution in clause 6.2 empowers the ELRC to establish the bargaining unit envisaged in Collective Agreement 5 of 2007; the clause reads:

"The *Council* may, by a resolution (collective agreement)<sup>1</sup> of *Council*, extend the scope to include other educational sectors including small and medium enterprises in the education sector"

### 4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

- (1) That the constitution as certified by the Registrar was accepted and is the constitution that shall be amended as per clause 4(2) below; and
- (2) That Clause 6.3. shall be inserted into the ELRC constitution "General Provisions" and shall read as follows:

*"6.2. The Council may, by a resolution of Council, extend the scope to include other educational sectors including small and medium enterprises in the education sector;"*  
*and*

*6.3 The registered scope of the Council is extended to the employer/s in the Further Education and Training*

<sup>1</sup> *In the ELRC constitution a resolution is concluded by way of a collective agreement.*

Colleges' sector and those employees (the educator/lecturer/management categories of employees) of which the FETC Act 16 of 2006 applies.

- (3) That "Annexure A of the ELRC collective agreement number 5 of 2008" shall be inserted into the constitution as Annexure C of the amended ELRC Constitution, as certified by the Registrar of Labour Relations, shall be deemed to be the *FETC Bargaining Unit*, and
- (4) That Annexure A of the ELRC constitution shall be deemed the General Education Bargaining Unit of the ELRC as established by this collective agreement number 5 of 2008.

## 5. DISPUTE RESOLUTION

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

## 6. DEFINITIONS

- (1) "**constitution**" means the constitution of the Education Labour Relations Council.
- (2) "**Council**" means the Education Labour Relations Council.
- (3) "**the Act**" means the Labour Relations Act No. 66 of 1996, as amended.

## 7. DATE OF IMPLEMENTATION


This agreement shall, in respect of parties, come into effect the date on which this collective agreement is signed.




## 8. SIGNING OF THE COLLECTIVE AGREEMENT

Thus done and signed at CENTURION on the 17<sup>th</sup> day of FEBRUARY 2009:

### ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	DUNCAN HINDLE	

### ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
CTU "SADTU"	T. W. NXESI	
CTU "SAOU"	J C KLOPPER	