

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



**COLLECTIVE AGREEMENT
NO 1 OF 2012**

29 AUGUST 2012

**OCCUPATION SPECIFIC DISPENSATION (OSD) FOR
EDUCATION THERAPISTS, COUNSELLORS AND
PSYCHOLOGISTS EMPLOYED IN PUBLIC
EDUCATION**

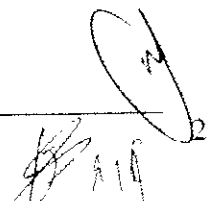
OCCUPATION SPECIFIC DISPENSATION (OSD) FOR EDUCATION THERAPISTS, COUNSELLORS AND PSYCHOLOGISTS EMPLOYED IN PUBLIC EDUCATION

1. DEFINITIONS

- 1.1 **Grade progression** – the salary movement from one salary grade (scale) to the first salary notch of the next higher salary grade (scale) attached to a post.
- 1.2 **Pay progression** – the salary movement from one salary notch attached to a salary grade (scale) to the next higher salary notch attached to the same salary grade (scale).
- 1.3 **Salary grade (scale)** – the set of salary notches attached to a particular salary grade (scale).

2. OBJECTIVES

- 2.1 To give effect to paragraph 4 of PSCBC Resolution 1 of 2007, *Agreement on improvement in salaries and other conditions of service for the financial years 2007/2008 to 2010/2011*.
- 2.2 To introduce an occupation specific remuneration and career progression dispensation (OSD) for Physiotherapist, Speech Therapists, Occupational Therapists (hereafter referred to as Education Therapists), counsellors and psychologists employed in public education.
- 2.3 To provide within the OSD for:
 - 2.3.1 Career pathing opportunities based on competencies, experience and performance;
 - 2.3.2 Pay progression within the limits of the relevant grades (scales) based on performance;
 - 2.3.3 Grade progression, where applicable, based on performance;
 - 2.3.4 Recognition of appropriate experience for the purpose of grade progression; and
 - 2.3.5 Recognition of performance for accelerated progression to higher grades and pay progression within a salary grade.
- 2.4 To introduce differentiated salary scales for education therapists, counsellors and psychologists based on a new remuneration structure.
- 2.5 To provide for translation measures to facilitate the implementation process.



- 2.6 To introduce a change in the pensionable composition of the total cost to employer packages applicable to education therapists, psychologists and counsellors covered by this agreement.

3. SCOPE

This agreement binds:

- 3.1 The Employer;
- 3.2 The employees of the Employer employed in terms of the Employment of Educators Act, 1998, as amended, either in a part-time or full-time capacity, who are members of the trade unions party to this agreement and who occupy a school-based education therapist/counsellor/psychologist post or an office-based therapy/counselling/psychology post;
- 3.3 The employees of the Employer employed in terms of the Employment of Educators Act, 1998, as amended, either in a part-time or full-time capacity, who are appointed in school-based or office-based educator posts, but whose core responsibilities are the same as education therapists/counsellors/psychologists appointed in school-based therapist/counsellor/psychologist posts or office-based therapy/ counselling/psychology posts; and
- 3.4 The employees of the Employer employed in terms of the Employment of Educators Act, 1998, as amended, either in a part-time or full-time capacity, who are not members of any trade union party to this agreement but who fall within the registered scope of Education Labour Relations Council (ELRC) and who occupy posts referred to in paragraph 3.2 and 3.3 above.

4. THE PARTIES TO COUNCIL NOTE THE FOLLOWING:

- 4.1 PHSCBC Resolution 2 of 2010, *Occupational Specific Dispensation for therapeutic, diagnostic and related allied health professionals.*
- 4.2 ELRC Collective Agreement 4 of 2003, *Post and salary structure for educators,* and Collective Agreement 5 of 2006, *Improved career pathing for qualified posts level 1 educators and accelerated progression for all educators on applicable salary levels.*
- 4.3 ELRC Resolution 5 of 1997, *Service dispensation and post provisioning in respect of therapists in education.*
- 4.4 ELRC Collective Agreement 4 of 2005, *Integrated quality management system for school-based education therapists and psychologists.*
- 4.5 ELRC Collective Agreement 3 of 2002, *Performance management and development scheme for office-based educators.*

5. PARTIES TO COUNCIL AGREE TO THE FOLLOWING:

5.1 OCCUPATION SPECIFIC DISPENSATION (OSD)

An OSD for education therapists, counsellors or psychologists employed in public education as contained in **Annexure A1 and A2, B1 and B2 and C1 and C2** of this agreement is introduced with effect from 1 July . The OSD will provide for the following:

5.1.1 PAYMENT OF A ONCE-OFF NON-PENSIONABLE GRATUITY

5.1.1.1 The Employer will pay employees covered by this agreement, and who were employed on 30 June 2010, a once-off non-pensionable gratuity for the period 1 July 2009 to 30 June 2010.

5.1.1.2 The non-pensionable gratuity will be calculated as 5% of the basic annual pensionable salary as on 30 June 2010, and will be paid within three (3) months from the date of conclusion of this agreement.

5.1.1.3 The salary as on 30 June 2010 shall include salary or grade progression awarded to the qualifying education therapists/counsellors/psychologists on 1 July 2009.

5.1.2 UNIQUE REMUNERATION STRUCTURES

The introduction of unique remuneration structures for education therapists, counsellors and psychologists respectively.

The remuneration structure consists of a single post per career stream with a set of grades (scales) attached to each post. There are four (4) career streams applicable to therapists, three (3) to counsellors and two (2) to psychologists.

5.1.3 DIFFERENT CAREER STREAMS

The introduction of different career streams, one for school-based education therapists, counsellors and psychologists and one for office-based education therapists, counsellors and psychologists, as reflected in **Annexure A1, B1 and C1**.

5.1.4 REQUIREMENTS FOR APPOINTMENT AND SALARY/ GRADE/ CAREER PROGRESSION

The introduction of appointment requirements, grade and career progression requirements for education therapists, counsellors and psychologists, subject to any statutory requirements determined by the Health Professions Council of South Africa and the South African Council for Educators (SACE), where applicable.

5.1.5 PAY PROGRESSION

5.1.5.1 The introduction of a system of annual pay progression based on 1.5% of the basic salary where provided for in the dispensation and as reflected in the salary scales contained in **Annexure A2, B2 and C2** of this agreement, within the limits of the relevant salary scale, on condition that the relevant education therapist, counsellor or psychologist has maintained a satisfactory level of performance as set out in the performance management system that will be applicable at the time when such employee becomes eligible for pay progression.

5.1.5.2 School-based therapists/counsellors/psychologists:

The 1st annual pay progression cycle commenced on 1 January 2010 and ran until 31 December 2010 (for school-based education therapists/counsellors/psychologists). The actual pay progression will be awarded with effect from 1 July of the following year, provided the education therapist/counsellor/ psychologist has complied with the prescribed requirements for such pay progression.

Office-based therapists/counsellors/psychologists:

The 1st annual pay progression cycle commenced on 1 April 2010 and ran until 31 March 2011. The actual pay progression will be awarded with effect from 1 July in the year in which the education therapist/counsellor/ psychologist has complied with the prescribed requirements for such pay progression.

5.1.5.3 Accelerated pay progression, as provided for in **Annexure A2, B2 and C2** of this agreement, constitutes two notches within the limit of the particular salary grade based upon good performance. This accelerated pay progression is effective from 1 January 2012.

5.1.6 GRADE PROGRESSION

5.1.6.1 Creation of posts in the identified occupations as a single post per career stream, with the linking of more than one salary grade (scale) to the post to facilitate grade progression.

5.1.6.2 Progression to the next salary grade (scale) attached to the post, provided that candidates meet all the requirements to progress to the relevant higher grades as indicated in **Annexure A2, B2 and C2**.



- 5.1.6.3 A system of differentiated periods for grade progression, as indicated in **Annexure A2, B2 and C2**, based on performance, to enable education therapists, counsellors and psychologists on appointment from outside public education, and serving education therapists, counsellors and psychologists, who have distinguished themselves from their peers in terms of performance, to progress faster to higher grades attached to the post.

5.1.7 ACCELERATED GRADE PROGRESSION

- 5.1.7.1 The OSD provides for the introduction of a system of accelerated grade progression based on shorter qualifying periods than normal, to higher grades based on good performance.
- 5.1.7.2 The accelerated grade progression for employees based on good performance will be effective from 1 April 2012.

5.1.8 COMPETENCY REQUIREMENTS

The competency requirements (generic, functional and experiential) per post to provide for appropriate salary recognition and grade progression, are contained in **Annexure A2, B2 and C2** of this agreement.

5.1.9 IMPROVEMENT OF CAREER PATHS

- 5.1.9.1 The improvement of career paths for education therapists, counsellors and psychologists through the introduction of a set of salary grades attached to posts in each category. The salary grades will display longer career progression opportunities, as part of the defined career path, in order to both recruit and retain education therapists, counsellors and psychologists in the relevant areas of need.
- 5.1.9.2 The OSD will also provide for career paths that facilitate progression to other job categories subject to the requirements and conditions for such progression being complied with.

5.1.10 RECOGNITION OF RELEVANT EXPERIENCE

- 5.1.10.1 This agreement provides a basis for the recognition of appropriate/relevant experience on appointment as provided in **Annexure A3, B3 and C3** of this agreement.
- 5.1.10.2 The salary position of a serving education therapist, counsellor and psychologist upon translation to the OSD is protected against that of a new education therapist,

counsellor and psychologist as provided for in **Annexure A3, B3 and C3** (translation tables) of this agreement.

5.1.10.3 The recognition of relevant experience of serving education therapists, counsellors and psychologists covered by this agreement shall be based on verified proof of such experience. Proof of such experience, where not available on the personnel record of an employee, must be submitted to the employer by 30 September 2012 in order to qualify for any recognition with effect from 1 July 2010 in terms of this agreement. Where such proof of experience is submitted after 30 September 2012, recognition for salary purposes, where provided for in the agreement, shall be with effect from the first day of the month following the month in which the proof was submitted by the employee.

5.1.11 SALARY RECOGNITION UPON APPOINTMENT IN A HIGHER POST OR GRADE

All serving education therapists, counsellors and psychologists who are covered by this agreement, and who advance to a higher post or grade, shall gain at least one (1) notch on such appointment (promotion rule).

5.1.12 TRANSLATION MEASURES

5.1.12.1 Translation from the existing dispensation to appropriate salary grades (scales) attached to the OSD based on the principle that no serving education therapist's, counsellor's or psychologist's salary position (notch or package) will be less favourable with the implementation of the revised salary and career progression dispensation.

5.1.12.2 Education therapists/counsellors/psychologists who met the criteria for progression must have received the progression for the cycle 1 January 2009 to 31 December 2009 (school-based education therapists/counsellors/psychologists) or 1 April 2009 to 31 March 2010 (office-based therapists/counsellors/psychologists) before translation to the OSD scales.

5.1.12.3 The translation to the new dispensation provides for the recognition of relevant experience of serving employees (refer to paragraph 5.1.11).

6. STRUCTURING OF SALARY PACKAGES

6.1 The pensionable income of the cost-to-employer salary package, where applicable, for all categories covered by this agreement constitutes 70% of the basic salary.

6.2 The measures for the structuring of salary packages will be in accordance with the OSD package dispensation.

7. DATE OF IMPLEMENTATION

The agreement will be implemented as follows:

7.1 Within three (3) months of achieving majority signature: The payment of the once-off non-pensionable gratuity as a percentage of the basic annual pensionable salary as on 30 June 2010.

7.2 1 July 2010: The implementation of the revised salary scales, career and salary progression measures as contained in **Annexure A1 and A2, B1 and B2 and C1 and C2** of the agreement.

7.2 1 July 2010: Minimum translation to the appropriate post, salary grade and notch as contained in **Annexure A3, B3 and C3** of the agreement.



8. INTERPRETATION AND APPLICATION

8.1 In the event of any conflict between the provisions of this Agreement and any other agreement of the Council, the provisions of this Agreement shall take precedence.

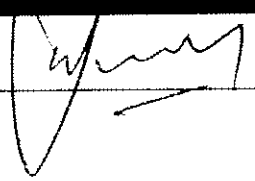
8.2 No amendments to this Agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the Council as a Resolution of the Council.

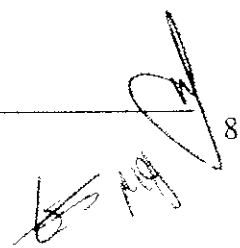
9. DISPUTE RESOLUTION

Any disputes about the interpretation or application of this agreement shall be dealt with according to the dispute procedure of the Council.

10. Thus done and signed at PRETORIA on 2012
the 7TH day of SEPTEMBER 2011 by  

ON BEHALF OF THE STATE AS EMPLOYER

<u>P. B. SOOBRAYAN</u>	<u>DIRECTOR - GENERAL</u>	
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ON BEHALF OF THE EMPLOYEE PARTIES

CTU-SADTU	<i>Mugrona Maluleke</i>	<i>[Signature]</i>
CTU-ATU	<i>WALLY SMITH</i>	<i>[Signature]</i>

[Handwritten marks]