

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



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

**COLLECTIVE AGREEMENT  
NO 1 OF 2014**

**22 OCTOBER 2014**

**THE PROCESS OF ACQUIRING  
ORGANISATIONAL RIGHTS IN THE EDUCATION  
SECTOR**



**COLLECTIVE AGREEMENT NO 1 OF 2014****THE PROCESS OF ACQUIRING ORGANISATIONAL RIGHTS IN THE  
EDUCATION SECTOR****1. PURPOSE OF THIS AGREEMENT**

- 1.1. To provide a procedure for the acquiring of organisational rights for all unions organising in the Provincial Departments of Education and the Department of Basic Education.
- 1.2. To manage the proliferation of unions that operate in the Provincial Departments of Education and the Department of Basic Education.
- 1.3. To define "workplace" in the Provincial Departments of Education and Department of Basic Education.

**2. SCOPE OF THIS AGREEMENT**

This agreement applies to and binds:

- 2.1. The Employer, as defined in the Employment of Educators Act 76 of 1998 as amended;
- 2.2. The Trade Unions organising in the Provincial Departments of Education and Department of Basic Education; and
- 2.3. All employees of the employer as defined in the Employment of Educators Act 76 of 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. Section 21 of the Labour Relations Act as amended provides for a process to be followed by unions when they are to acquire organisational rights at a work place.
- 3.2. In order to complement the provisions of the Labour Relations Amendment Act (LRA), the parties hereby conclude this collective agreement.
- 3.3. The Employment of Educators Act describes educators employed in Department of Basic Education in section 3.1.(a) and those employed in Provincial Departments of Education in terms of section 3.1.(b) are



placed in different institutions in terms of agreed to procedures, and the relevant statutory provisions.

- 3.4. Consequently such institutions are work stations for such employees and not the workplace.
- 3.5. Collective Bargaining for all Employees in the Education sector takes place in the Public Service Coordinating Bargaining Council (PSCBC) and for educators at the Education Labour Relations Council (ELRC).

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

##### 4.1. Definition of "*Workplace*" in Education

- 4.1.1. Section 3 of the Employment of Educators Act 76 of 1998 defines Employer of Educators as follows:

*"(1) Save as is otherwise provided in this section—*

*(a) the Director-General shall be the employer of educators in the service of the Department of Basic Education in posts on the educator establishment of the said Department for all purposes of employment; and*

*(b) the Head of Department shall be the employer of educators in the service of the provincial Department of Basic Education in posts on the educator establishment of that department for all purposes of employment.*

*(2) For the purposes of determining the salaries and other conditions of service of educators, the Minister shall be the employer of all educators.*

*(3) For the purposes of creating posts—*

*(a) on the educator establishment of the Department of Basic Education, the Minister shall be the employer of educators in the service of the said Department; and*

*(b) on the educator establishment of a provincial Department of Education, the Member of the Executive Council shall be the employer of educators in the service of that department."*

- 4.1.2. In terms of the above, the workplace in education for employees employed in terms of the Employment of Educators Act (EEA) at the provincial level is the nine Provincial Departments of Education and at the national level, the Department of Basic Education.

##### 4.2. The Process of acquiring Organisational Rights

- 4.2.1. The ELRC is a Bargaining Council designated by the Public



Service Coordinating Bargaining Council for the education sector and serves all public service employees employed in terms of the Employment of Educators Act (1998) as amended.

- 4.2.2. The parties to the Council shall be the Employer as defined in the Employment of Educators Act and the registered trade unions that have members who fall within the registered scope of the Council and admitted to the Council in terms of the provision of clause 9 of constitution of the Council
- 4.2.3. The ELRC is made up of the Department of Basic Education and Provincial Departments of Education as the Employer and the following Trade Unions for purposes of collective bargaining and all concomitant rights:
- a) South African Democratic Teachers Union (SADTU);
  - b) Combined Trade Union Autonomous Trade Unions (CTU-ATU)
    1. National Professional Teachers' Organisation of South Africa (NAPTOSA);
    2. Suid Afrikaanse Onderwysersunie (SAOU);
    3. National Teachers' Union (NATU);
    4. Professional Educators' Union (PEU);
    5. Public Servants' Association (PSA); and
    6. Health and Other Service Personnel Trade Union of Southern Africa (HOSPERSA)
- 4.2.4. The parties to the ELRC determine the threshold for entry into collective bargaining at the ELRC, as provided for by Section 18 of the Labour Relations Act. Trade Union Representation is calculated on membership, which membership is translated into vote weights.
- 4.2.5. Parties to the ELRC hereby agree that the acquisition of organisational rights in the Provincial Departments of Education and the Department of Basic Education shall at all times be as determined by the agreed to threshold as determined by the ELRC Constitution.

## 5. DISPUTE RESOLUTION PROCEDURE

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

## 6. DATE OF IMPLEMENTATION

This agreement shall come into effect on the date it is signed unless otherwise agreed to.



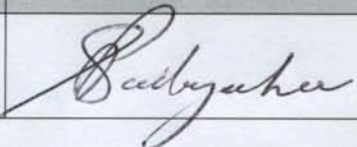
## 7. DEFINITIONS

7.1. "Institution" for purposes of this collective agreement, Institution refers to a public school or an office at a circuit, district or provincial level of a provincial department of education, or an office at the department of basic education.

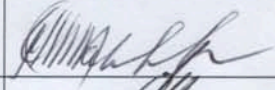
## 8. SIGNING OF THIS AGREEMENT

Thus done and signed at Centurion on this day of 27 | 10 | 14 .....by:

ON BEHALF OF THE EMPLOYER

DEPARTMENT	NAME	SIGNATURE
BASIC EDUCATION	S.G. PADAYACHEE	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
SADTU	MUGWENA MALULELE	
CTU - ATU	CHRIS KLOPPER	