

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



**COLLECTIVE AGREEMENT  
NO. 2 OF 2016**

**7 JULY 2016**

**AMENDMENT OF CLAUSE 9.3.1 OF THE ELRC  
CONSTITUTION AS CERTIFIED BY THE  
REGISTRAR OF LABOUR ON 15<sup>th</sup> DECEMBER 2009  
AND COLLECTIVE AGREEMENT NO.2 OF 2011**

*[Handwritten signatures]*

## EDUCATION LABOUR RELATIONS COUNCIL

### AMENDMENT OF CLAUSE 9.3.1 OF THE ELRC CONSTITUTION AS CERTIFIED BY THE REGISTRAR OF LABOUR ON 15<sup>th</sup> DECEMBER 2009 AND COLLECTIVE AGREEMENT NO. 2 OF 2011

#### 1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to amend clause 9.3.1 of the Constitution of the ELRC as certified by the Registrar on 15<sup>th</sup> December 2011 and Collective Agreement Number 2 of 2011.

#### 2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- (1) The employer;
- (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) All trade unions admitted to the Council whether such trade union is a party to this agreement or not; and
- (4) All trade unions not admitted to the Council that utilise the services of the Council in terms of the certified ELRC Constitution.
- (5) All trade unions not admitted to Council, that seek organisational rights in the workplaces of the employer.

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

- (1) That the parties to the ELRC amended the 2000 ELRC Constitution through Collective Agreement Number 1 of 2006 as certified by the Registrar on 15<sup>th</sup> December 2011.
- (2) Collective Agreement 2 of 2011.
- (3) Clause 36 of the ELRC Constitution "Amendment of this Constitution".

- (4) Section 18(1) of the Labour Relations Act 66 of 1995 (as amended) provides that *"An employer and a registered trade union whose members are a majority of the employees employed by that employer in a workplace, or the parties to a bargaining council may conclude a collective agreement establishing a threshold of representativeness required in respect of one or more of the organisational rights referred to in sections 12, 13 and 15."*

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

- (1) That the threshold requirement in terms of Clause 9.3.1 of the ELRC Constitution be retained at 60 000 for admission to the ELRC;
- (2) That the threshold requirement for the acquisition of Section 12, 13 and 15 organisational rights for unions that are neither admitted to Council nor part of the Combined Trade Union (CTU) shall be 30% of the total number of employees in a workplace
- (3) That amended clause 9.3.1 shall read as follows

*" Any Trade Union seeking organisational rights at a workplace, neither admitted to Council nor part of the Combined Trade Unions acting together (referred to as CTU):*

- a. shall only qualify for Section 12, 13 and 15 organisational rights when it meets the threshold requirement of 30% of the total number of employees as its members at a workplace.*
- b. May apply to the General Secretary for admission to the Council, provided that such a Trade Union or Combined Trade Union Party meets the threshold requirement of 60 000 members within the registered scope of the Council."*

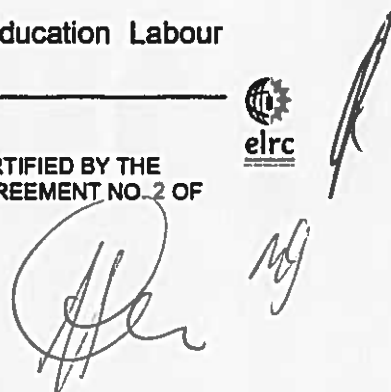
- (4) The Threshold agreement shall be reviewed from time to time, in terms of the criteria agreed to, by the parties to the Council.

#### 5. 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.

#### 6. DEFINITIONS

- (1) **"constitution"** means the constitution of the Education Labour Relations Council.



(2) **"Council"** means the Education Labour Relations Council.

(3) **"Workplace"** means the different provincial offices of the Department of Basic Education


## 7. DATE OF IMPLEMENTATION

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

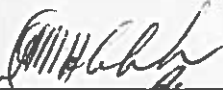
## 8. SIGNING OF THE COLLECTIVE AGREEMENT

Thus done and signed at PRETORIA on the 10 day of July 2016

### ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
BASIC EDUCATION	H. M. Mwele	

### ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
SADTU	MUGWENA MASHIKI	
CTU-ATU	JC KHOPPER	