

EDUCATION LABOUR RELATIONS COUNCIL

Established in terms of the LRA of 1995 as amended



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EDUCATION LABOUR
RELATIONS COUNCIL

**COLLECTIVE AGREEMENT
NUMBER 1 OF 2008**

3 APRIL 2008

**Framework for the establishment of an
occupation specific dispensation (OSD) for
educators in public education**

COLLECTIVE AGREEMENT NUMBER 1 OF 2008

FRAMEWORK FOR THE ESTABLISHMENT OF AN OCCUPATION SPECIFIC DISPENSATION (OSD) FOR EDUCATORS IN PUBLIC EDUCATION

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to introduce an Occupation Specific Dispensation for educators.

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 THAT:

3.1 This agreement gives effect to Paragraph 4 of PSCBC Resolution 1 of 2007.

3.2 The objectives as provided in paragraph 1 of the PSCBC Resolution 1 of 2007 with particular reference to 1.2 and 1.9.

3.3 The complexities and systemic challenges confronting the education sector some of which are clearly articulated in numerous research initiatives conducted by ELRC.

3.4 The need for all parties to pull all their energies together in order to emerge with a dispensation that will once and for all restore the confidence of the

nation, revive the morale of the educator workforce and rejuvenate the culture of learning and teaching.

- 3.5 The Occupation Specific Dispensation (OSD) is the development and implementation of customised remuneration dispensations for educators.
- 3.6 The OSD will ensure a fair, equitable and competitive remuneration structure for identified categories of employees. The remuneration structure will provide for longer salary bands and substantial overlaps between salary levels to facilitate adequate salary progression to employees who choose to remain in the classroom instead of aspiring to move into supervisory or management posts.
- 3.7 The OSD will put in place a proper career pathing model that does not entail automatic increases; but is a forward looking plan to systematically increase salaries after pre-determined periods based on specific criteria such as performance, qualifications and competencies, scope of work, experience.
- 3.8 The OSD provides for dual career paths in terms of which professionals and specialists can progress to levels where they earn salaries that are equal to/or higher than that of managers without moving into management/supervisory posts.
- 3.9 The OSD will allow Departments to address the challenges of attracting and retaining educators in Education.
- 3.10 The Occupation specific dispensation for educators provides for:
 - 3.10.1 Salary/Remuneration structure, including number of notches and percentages between notches;
 - 3.10.2 Benefits and allowances to be consolidated into salaries;
 - 3.10.3 Frequency of pay progression;
 - 3.10.4 Accelerated progression and improvement in other conditions of service;
 - 3.10.5 Career pathing;

- 3.10.6 Priorities and implementation dates;
- 3.10.7 Translation measures; and
- 3.10.8 Required level of performance with a view to attracting and retaining educator professionals in the public education sector.

THEREFORE THE PARTIES TO COUNCIL AGREE AS FOLLOWS:

4. REQUIRED PROCESSES EMANATING FROM THE INTRODUCTION AND IMPLEMENTATION OF OSD IN EDUCATION

4.1 The parties to this agreement are committed to an OSD for educators that will deliver an education system that is of world class standards. To that end, notwithstanding the provisions of paragraph 5 hereunder, the parties commit themselves to the following process:

4.1.1 To submit to the council for negotiations OSD proposals on the following matters :

- 4.1.1.1 The formal recognition of experience in the public education sector for salary adjustment purposes;
- 4.1.1.2 The matters referred to in Annexure F;
- 4.1.1.3 The review of the collective agreements that are affected by the implementation of OSD; and
- 4.1.1.4 The further refinement of the annexure(s) to the agreement.

4.2 To deliberate further on the following matters:

4.2.1 The duration of pay progression to the relevant maximum salary notch; and

4.2.2 The dates for implementation of salary progression and accelerated progression with effect from 1st July 2009 and 1st July 2010 respectively rather than 1st July 2010 and 1st July 2011.

4.2.3 Subject to the outcome of the deliberations the employer will review:

- 4.2.3.1 The implementation date for salary progression and accelerated salary progression to an earlier date; and
 - 4.2.3.2 The duration of pay progression to the relevant maximum notch.
- 4.3 Unless agreed to by the parties this process as referred to in 4.2 above must be concluded on or before 30 June 2008.
- 4.4 The ELRC may appoint a process manager to convene and facilitate the negotiations referred to in this paragraph.
- 4.5 The parties agree to submit themselves to the negotiation process determined by the process manager and to negotiate in good faith.

5. OCCUPATION SPECIFIC DISPENSATION

The Occupation Specific Dispensation (OSD) for Educators shall provide for the following:

5.1 OSD for School based Educators

5.1.1 **School Based Educators:** School based educators provides for 3 streams to enhance career pathing, namely:

- 5.1.1.1 General classroom,
- 5.1.1.2 Specialist educator, and
- 5.1.1.3 School based management as contained in Annexure A.

5.1.2 **General Classroom Educators:** The general classroom stream consists of:

- 5.1.2.1 Teacher Intern (student in final year of 4-year professional education qualification);
- 5.1.2.2 New Entrant (first year service of fully qualified educator);
- 5.1.2.3 Teacher M+4 (REQV 14) (from 2nd year in employment);
- 5.1.2.4 Teacher M+3 (REQV 13);

- 5.1.2.5 Teachers with M+1 and M+2 (REQV 10, 11 and 12);
 - 5.1.2.6 Senior and Master Teachers (Post Level 1 Teachers on previous Salary Levels 8 and 9);
 - 5.1.2.7 To become a Senior or Master Teacher a teacher must progress to the applicable notch and must have performed at the level of "good" or "outstanding" in terms of IQMS;
 - 5.1.2.8 Teachers already serving as Senior and Master Teachers will maintain their titles and be entitled to all other benefits in terms of this agreement.
- 5.1.3 **Specialist Educators (School Based):** The specialist educator stream, consists of:
- 5.1.3.1 Teaching and Learning Specialist (TLS), i.e. a general classroom educator who has demonstrated outstanding leadership and performance (measured in terms of IQMS) in a teaching phase, learning area or subject and who has a REQV 15 qualification;
 - 5.1.3.2 Senior Teaching and Learning Specialist (STLS), i.e. a general classroom educator or TLS who has demonstrated outstanding leadership and performance (measured in terms of IQMS) in a teaching phase, learning area or subject and who has a REQV 16 qualification;
 - 5.1.3.3 The number of such posts will be established relative to the number of Head of Department and Deputy Principal Posts established at the school. Such post level 1 posts will not be posts allocated additional to the school's staff establishment, but will be general class room posts that are upgraded to specialist posts;
 - 5.1.3.4 During implementation, preference will be given to internal candidates to fill these positions, provided that no incumbent will be declared in excess as a result of the fact that no educator on the particular school's establishment qualifies for appointment in such

- upgraded post. The position would be declared open if found that no internal candidate(s) qualified after 24 months of the existence and advertising of the position, provided that a substantive vacancy exists;
- 5.1.3.5 The School Development Team (SDT) will motivate and recommend a candidate for upgrading, taking into account such candidate's IQMS results and the school based evaluation of 2007 and 2008;
- 5.1.3.6 The inclusion of learner performance as a basis for assessing the performance of educators is subscribed to by the parties. The extent to which learner performance may be an integral part of a range of determinants shall be dealt with in terms of paragraph 4, with due regard being had to the socio-economic environment of the institutions;
- 5.1.3.7 Teachers must prepare a portfolio of evidence (including a record of learner performance) and complete an application form for consideration for upgrading of such educator's present post. The application must be endorsed by the SDT. The principal will submit the signed form to the Head of Department, or his/her delegate, and provide a copy to the School Governing Body for information, before 31st January 2009 and annually thereafter;
- 5.1.3.8 Further guidelines will be developed and finalized, including the processes for:
- a) filling a post in terms of upgrading an educators' post, i.e. internal filling procedure; and
 - b) advertising the vacant substantive post, i.e. external filling procedure.
- 5.1.3.9 The parties to Council will determine the guidelines for a portfolio of evidence in terms of paragraph 4;
- 5.1.3.10 The applicant will be informed in writing of the objective results of the process on or before 31 October of each year;

5.1.3.11 The DoE envisages a post graduate qualification in the approved field of learning area/subject or phase. This issue will be referred to a process to determine whether a new qualification is needed, what that will be, the issue of study leave and where feasible the provision of bursaries.

5.1.4 School based management, including Education Management Services (EMS):

5.1.4.1 The school based management consists of:

- a) Head of Department;
- b) Deputy Principal;
- c) Principal (P1 to P5 based on the school grading norms);

5.1.4.2 Educators who receive an allowance for performing the duties of a principal will be excluded;

5.1.4.3 The Deputy Principal and Principal (P1 to P5) will be formally part of the EMS and will be required to comply with a standardised performance agreement which must still be agreed to by the parties to Council;

5.1.4.4 The ELRC shall establish a task team to focus on issues that affect the EMS category of educators with specific reference to Annexure B, which shall be dealt with in terms of paragraph 4;

5.1.4.5 The said Task Team shall have its first meeting within 30 days after the signing of this agreement and shall through the General Secretary table a report at the various meetings of the ELRC;

5.1.4.6 Applicable Salary Adjustments for Deputy Principals and Principals (P1 to P5) will only be implemented when affected employees conclude and submit written and signed Performance Agreements (to be approved by the Head of Department or his/her delegate) and submit

- details of the flexible remuneration option they would be choosing;
- 5.1.4.7 The Performance Management and Development Cycle would run for the period 1 April to 31 March of every year;
- 5.1.4.8 In future (i.e. 2009/10), Deputy Principals and Principals must finalise their Performance Agreements and submit such agreements to the Head of Department or his/her delegate, three months prior to the start of the new cycle (i.e. 1 January 2009). Those EMS members who do not submit their agreements will not qualify for a salary adjustment;
- 5.1.4.9 Affected employees have 3 months after the signing of this agreement to exercise their choice with regards to the flexible remuneration package, failing which Departments shall implement by default;
- 5.1.4.10 Members of the EMS (School Based) will be eligible for salary progression and accelerated progression;
- 5.1.4.11 The employer will conduct full information sessions on the following:
- a) Content of Performance Agreement;
 - b) The manner and extent of assessment in terms of the Performance Agreement; and
 - c) The options and implications of choices regarding the flexible remuneration packages.
- 5.1.4.12 The EMS category shall be represented by the trade unions admitted to the ELRC;
- 5.1.4.13 The ELRC shall annually convene a conference where amongst others the key issues affecting this category will be addressed, and if required, negotiated in the ELRC;
- 5.1.4.14 The implementation of an EMS will not in any way:
- a) Identify the affected educators as a group separate from the other educators; and/or

- b) Limit and/or reduce the labour rights of the affected educators.

5.2 OSD for Office based Educators

- 5.2.1 Office Based Educators provides for 2 streams, namely, specialists and management;
- 5.2.2 The specialist stream consists of:
 - 5.2.2.1 Education Specialist
 - 5.2.2.2 Senior Education Specialist
 - 5.2.2.3 Deputy Chief Education Specialist
 - 5.2.2.4 Chief Education Specialist
- 5.2.3 The management stream consists of:
 - 5.2.3.1 Education Institution Manager - EIM (Circuit Manager)
 - 5.2.3.2 Head of District (not dealt with in this Agreement)
- 5.2.4 The two above-mentioned streams will form part of the Education Management Service (Office Based) as contained in Annexure C;
- 5.2.5 Members of the EMS (Office Based) will be eligible for salary progression and accelerated progression;
- 5.2.6 Applicable Salary Adjustments will only be implemented when affected employees conclude and submit written and signed Performance Agreements (to be approved by the Head of Department or his/her delegate) and submit details of the flexible remuneration option they would be choosing;
- 5.2.7 The Performance Management and Development Cycle runs for the period 1 April to 31 March of every year;
- 5.2.8 In 2008/09, office based educators must finalise their Performance Agreements with the Head of Department or his/her delegate, by 1 July 2008. Thereafter all Performance Agreements must be finalised by 31 December of every year.
- 5.2.9 Affected employees have 3 months after the signing of this agreement to exercise their choice with regards to the flexible

remuneration package, failing which Departments shall implement by default;

5.2.10 The employer will conduct full information sessions after completion of the paragraph 4 processes on the following:

5.2.10.1 The Content of Performance Agreement;

5.2.10.2 The manner and extent of the assessment in terms of the Performance Agreement; and

5.2.10.3 The options and implications of choices regarding the flexible remuneration packages.

5.3 OSD for Educator Specialists

Educator specialists consisting of psychologists, therapists, counsellors and other categories are not dealt with in this agreement and will be finalised as contemplated in PSCBC Resolution 1 of 2007.

5.4 Salary Structure

5.4.1 The salary structure as contained in Annexure D is applicable;

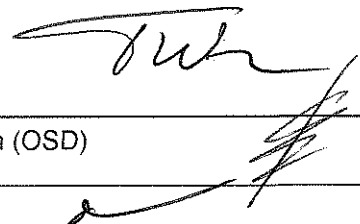
5.4.2 The salary structure will be further refined in the light of the findings of the envisaged urgent study tour(s) to countries that have implemented similar OSDs for public education, i.e. the UK, New Zealand and Australia;

5.4.3 A two yearly pay progression based on satisfactory performance shall apply and the difference between notches shall be 1%;

5.4.4 Grade progression is not provided, but accelerated salary progression is provided for all educators of which the first shall be awarded on 1 July 2011, subject to paragraph 4;

5.4.5 The salary of EMS members will be in terms of the flexible remuneration packages as contained in Annexures B and C;

5.4.6 The minimum and maximum salary of each job title for educators is as follows and as illustrated in Annexure D:



| | 2007 Salary Structure | | 2008 OSD Salary Structure | | |
|---|-----------------------|----------------|---------------------------|-----------------------------------|------------------|
| | Minimum salary | Maximum salary | Minimum salary | Maximum salary for 'satisfactory' | Extended maximum |
| General classroom teacher | | | | | |
| Teacher M+1/M+2 | 49 974 | 80 565 | 51 488 | 80 569 | 80 569 |
| Teacher intern | | | 85 526 | 85 526 | 85 526 |
| Teacher M+3 | 85 908 | 184 248 | 85 526 | 156 929 | 195 332 |
| New entrant | | | 115 276 | 115 276 | 115 276 |
| Teacher M+4 | 107 007 | 184 248 | 117 593 | 215 768 | 263 277 |
| Senior Teacher (M+3) | 132 897 | 154 293 | 137 887 | 158 498 | 195 332 |
| Master Teacher (M+3) | 158 688 | 184 248 | 163 301 | 195 332 | 195 332 |
| Senior Teacher (M+4) | | | 137 887 | | 263 277 |
| Master Teacher (M+4) | | | 163 301 | | 263 277 |
| Teaching and learning specialist | | | 168 249 | | 365 611 |
| Senior Teaching and learning specialist | | | 189 587 | 347 866 | 395 904 |
| Management (school-based) | | | | | |
| Head of Department | 132 897 | 184 248 | 144 921 | 265 910 | 365 611 |
| Deputy Principal | 158 688 | 229 968 | 173 347 | 318 068 | 395 904 |
| Principal P1 | 132 897 | 154 293 | 144 921 | 265 910 | 314 919 |
| Principal P2 | 158 688 | 184 248 | 173 347 | 318 068 | 365 611 |
| Principal P3 | 198 072 | 229 968 | 207 348 | 380 456 | 420 260 |
| Principal P4 | 231 075 | 268 281 | 240 725 | 432 994 | 432 994 |
| Principal P5 | 278 127 | 322 902 | 296 668 | 446 115 | 446 115 |
| Specialist (office-based) | | | | | |
| Education Specialist | 132 897 | 184 248 | 144 921 | 265 910 | 365 611 |
| Senior Education Specialist | 158 688 | 229 968 | 173 347 | 318 068 | 395 904 |
| Deputy Chief Education Specialist | 198 072 | 268 281 | 213 631 | 391 984 | 420 260 |
| Chief Education Specialist | 278 127 | 322 902 | 287 943 | 446 115 | 446 115 |
| Circuit Manager C1 | | | 213 631 | 391 984 | 420 260 |
| Circuit Manager C2 | | | 287 943 | 432 994 | 432 994 |
| Circuit Manager C3 | | | 334 292 | 446 115 | 446 115 |

5.5 Pay Progression

- 5.5.1 The introduction of a two-yearly pay progression dispensation within the limits of the relevant salary scale on condition that the relevant employee 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. The biennial pay progression will be equal to 3 notches (3%);

- 5.5.2 The two yearly progression will be based on satisfactory performance in terms of the IQMS to be conducted at school level with certification by the SDT. The assessment of educators shall be conducted by the relevant educator personnel in terms of applicable collective agreements. The SDT will certify the performance and sign the prescribed form. The principal will submit the signed form to the Head of Department, or his/her delegate, and provide a copy to the School Governing Body for information before 31st January 2009 and annually thereafter;
- 5.5.3 An educator qualifies for pay progression after completing 24 months of satisfactory service and has not reached the maximum of the applicable salary scale. The scores achieved during the cycle of assessment are taken into account;
- 5.5.4 The approach to educators who do not consistently perform as “satisfactory” will be dealt with in terms of paragraph 4.

5.6 Accelerated Salary Progression

- 5.6.1 The OSD provides for the introduction of a system of accelerated progression for all educators on the following basis, i.e.:
 - 5.6.1.1 Accelerated salary progression shall be implemented every 2nd year;
 - 5.6.1.2 Educators will be guaranteed an additional 3 notch (3%) increment for “good” performance
 - 5.6.1.3 Educators will be guaranteed an additional 6 notch (6%) increment for “outstanding” performance;
- 5.6.2 The accelerated progression will be based on condition that the relevant employee has achieved/maintained a level of “good” or “outstanding” performance during the years of assessment and as further set out in the performance management development system that will be applicable at the time when such employee becomes eligible for pay progression;

- 5.6.3 Accelerated progression after 2 years (in years between notch progressions commencing in July 2011) of additional 6 notches based on outstanding performance or additional 3 notches based on good performance;
- 5.6.4 The provision of accelerated progression for educators who do not consistently perform as “good” and/or “outstanding” will be dealt with in terms of paragraph 4;
- 5.6.5 An educator qualifies for Accelerated Salary Progression after completing 24 months of “good” or “outstanding” performance and has not reach the maximum of the applicable salary scale;
- 5.6.6 Employees to whom accelerated salary progression applies will in terms of the OSD, first qualify for accelerated progression on 1 July 2011, subject to paragraph 4;
- 5.6.7 Accelerated salary progression shall be allocated as follows: an additional 6 notches based on “outstanding” performance or an additional 3 notches based on “good” performance. The SDT will motivate and recommend a candidate based on “good” or “outstanding” performance taking into account the school based development appraisal. The SDT will certify the performance and sign the prescribed form. The principal will submit the signed form to the Head of Department, or his/her delegate, and provide a copy to the School Governing Body for information before 31st January 2009 and annually thereafter;
- 5.6.8 External moderation shall apply in the cases of “good” and “outstanding”. The process and methodology of dealing with the matter shall be dealt with in terms of paragraph 4.

5.7 Requirements for appointment, upgrading and promotions

- 5.7.1 Managerial competency, curricular competency and improvement of qualifications are subscribed to by the parties as the basis for the new requirements;
- 5.7.2 New requirements for appointments, upgrading and promotions will be dealt with in terms of paragraph 4.

5.8 Up-skilling and improvement of qualifications of educators.

The up-skilling of educators, including RPL and the improvements of qualifications are subscribed to by the parties and will be dealt with in terms of paragraph 4 as follows:

- 5.8.1 Position and status of M+2 or below educators;
- 5.8.2 Position of M+3 educators;
- 5.8.3 Respite period allowed to educators to upgrade their qualifications to M+4;
- 5.8.4 Principles pertaining to Recognition of Prior Learning (RPL) to achieve M+4;
- 5.8.5 Employer initiatives for the up skilling of the categories of educators stated here above and provision of a detailed plan to reflect the following:
 - 5.8.5.1 Preference to be given to M+1 and M+2 teachers;
 - 5.8.5.2 Followed by M+3 teachers;
 - 5.8.5.3 Followed by teachers in the Specialist Stream;
 - 5.8.5.4 The prioritisation of the funding of educators for the proposed qualification improvement to M+4. The principle of preference for educators in poorer schools shall apply starting from quintile 1 and giving preference to M+1 and M+2 teachers, followed by M+3 teachers, followed by teachers in the Specialist Stream;
 - 5.8.5.5 The parties agree that a thorough investigation to the most effective methodology for the training and development of teachers needs to be done as a matter of urgency. To this end an investigation under the auspices of the ELRC will be completed by 30 September 2008. The ELRC will make funds available and arrange a conference by 30 November 2008 to facilitate discussions in this regard.

5.9 Recognition of relevant experience on appointment from outside the Public Education Sector

The recognition of experience will be dealt with in terms of existing measures.

5.10 Salary Recognition on Promotion/Upgrade

5.10.1 An employee who is promoted to a higher post or upgraded to a higher position (e.g. Teacher to Learning and Teaching Specialist) and is on the same or higher salary applicable to that post or position shall gain at least 6 (six) notches (6 %) on such promotion or upgrade;

5.10.2 An employee in a one teacher school and acting as principal, shall gain at least 6 (six) notches (6%) while appointed in such a post.

5.11 Determination of salaries after re-appointment after a break in service

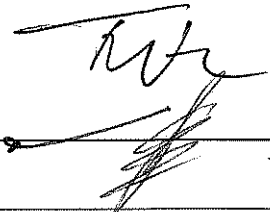
The determination of salaries after a break in service will be dealt with in terms of the existing principles. After the salary has been determined in terms of measures existing prior to this agreement, the salary will be translated in terms of this agreement.

5.12 Acting allowance

The existing provisions for the payment of an acting allowance will apply. In cases where the acting person's current salary equals or exceeds the commencing notch of the higher post that applies to the position in which the person is acting, the acting allowance that will apply is six notches.

5.13 Translation Measures

Measures to facilitate translation from the existing dispensation to appropriate salary scales attached to the OSD based on the following principles subject to paragraph 5.4:



- 5.13.1 No person will receive a salary (notch or package) that is less than what he/she received on 31 December 2007 prior to the implementation of OSD;
- 5.13.2 To adjust upwards the salaries of educators by 4% based on the salary notches that applied on 1 July 2007;
- 5.13.3 After implementation of the 4% adjustment contemplated in the aforementioned paragraph, the salaries of educators will be translated to the translation tables in Annexure E;
- 5.13.4 The minimum adjustment and translation will not be less than 4%;
- 5.13.5 The translation for all school-based educators is effected from 1 January 2008;
- 5.13.6 The translation for all office-based educators is effected from 1 January 2008 instead of 1 April 2008;
- 5.13.7 The translation of EMS office-based (currently not part of Middle Management Service) and EMS school-based members to a flexible remuneration package shall be determined in terms of paragraph 5.

5.14 Utilisation of Funds

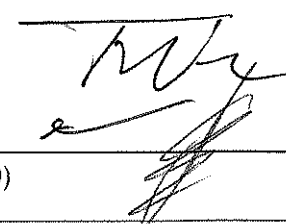
The employer will inform the employee parties of the amount utilised to fund the OSD.

5.15 Date of Implementation

The provisions of this Agreement shall be effected from the date of signing but any salary translations are backdated to 1 January 2008

5.16 Interpretation and application

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.



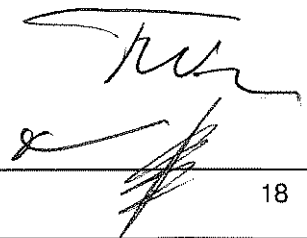
No amendments to this Agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the Council as a Resolution of Council.

5.17 **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.


5.18 **Definitions**

- 5.18.1 “**Salary level**” means salary level as defined in Resolution 4 of 2003.
- 5.18.2 “**Council**” means the Education Labour Relations Council.
- 5.18.3 “**Employee**” means an educator as defined in the Employment of Educators Act, 1998, as amended.
- 5.18.4 “**Employer**” means the employer as defined in the Employment of Educators Act, 1998, as amended.
- 5.18.5 “**Certification**” means the authentication of the evaluation results from the principal. Such shall be by way of receiving an explanation from the principal justifying the assessments results.

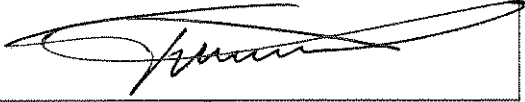

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5.19 Thus done and signed at Centurion on this 3rd day of April 2008 by:

ON BEHALF OF THE STATE AS EMPLOYER

| DEPARTMENT | NAME | SIGNATURE |
|------------|----------------|--|
| EDUCATION | HON. N. PANDOR |  |

ON BEHALF OF THE EMPLOYEE PARTIES

| TRADE UNION | NAME | SIGNATURE |
|-------------|------------------------------------|--|
| CTU "SADTU" | T.W. NXESI |  |
| CTU "SAOU" | H. DAVIES JC KLOPPER |  |

