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**COLLECTIVE AGREEMENT NO. 1 OF 2006**

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**PROTOCOL AGREEMENT REGARDING THE PROVINCIAL EDUCATION  
LABOUR RELATIONS CHAMBER OF THE EASTERN CAPE PROVINCE.**

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**1. BACKGROUND**

Parties have agreed to develop a protocol agreement relating to labour relations in the Provincial Education Labour Relations Chamber (PELRC) with a view to resuscitate the Chamber for constructive engagement and to restore its positive image.

**2. PURPOSE**

It is the purpose of the protocol agreement to:

- 2.1 clarify the position of the CHAMBER in respect of the various areas of labour relations;
- 2.2 give guidance on the application of various pieces of legislation that govern employment relations in the CHAMBER;
- 2.3 ensure the effective functioning of the CHAMBER;
- 2.4 maintain the positive image and integrity of the CHAMBER as an institution of transformation;
- 2.5 ensure that there is mutual cooperation among the parties for effective, accelerated Quality Service Delivery in Education

**3. PRINCIPLES**

Underpinning the protocol agreement are inter alia the following principles:

- 3.1 the relationship between the employer and the employee is regulated by the contract of employment concluded between the parties in the context of the Employment of Educators Act, no. 76 of 1998 as amended and the Labour Relations Act, no. 66 of 1995 as amended and the conditions of employment recorded in various collective agreements;
- 3.2 organised labour and the employer are social partners and have an equal stake in the labour relations in the public service;
- 3.3 labour relations should, as far as possible, be conducted in a non-adversarial climate; and

3.4 employees and the employer have constitutional and other legal labour rights.

4. **SCOPE**

This agreement applies and binds:

4.1 the Employer;

4.2 Trade Unions to the CHAMBER.

5. **PARTIES TO THE CHAMBER NOTE AS FOLLOWS:**

5.1 The Constitution of the RSA, in particular Chapter 10 dealing with Public Administration. Section 195(1) states that Public Administration must be governed by democratic values and principles inter alia the following:

5.1.1 high standards of professional ethics must be promoted and maintained;

5.1.2 efficient economic and effective use of resources must be promoted;

5.1.3 public administration must be developmental in nature;

5.1.4 services must be provided impartially, fairly, equitably and without bias;

5.1.5 the people's needs must be responded to and the public must be encouraged to participate in policy formulation;

5.1.6 public administration must be accountable

5.1.7 transparency must be fostered by providing the public with timely, accessible and accurate information;

5.1.8 good human resource management and career development practices to maximize human potential must be cultivated;

5.1.9 public administration must be broadly representative of the South African people with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past.

5.2 Education Labour Relations Council Resolution no. 6 of 2000 (constitution of the ELRC) in particular Chapter 3, para 12 (1-10) that is dealing with Provincial Chambers and Chapter 4, para 13, 14 and 15 that is dealing with negotiation and dispute resolution procedures.

- 5.3 The Labour Relations Act 66 of 1995 with reference to Chapter III on collective bargaining (Sections 11 – 22); PART B on collective agreements (Sections 23 – 26).
- 5.4 A positive employment relationship must be underpinned by the following:
  - 5.4.1 There must be adequate preparation by parties prior to CHAMBER meetings;
  - 5.4.2 There must be mutual trust among parties to the CHAMBER;
  - 5.4.3 Agreements of the Chamber must be implemented;
  - 5.4.4 The parties must provide accurate, relevant and valid information prior to engagement;
  - 5.4.5 The parties must have common interpretation of legislation or collective agreements;
  - 5.4.6 The role of the CHAMBER must be defined in line with the provisions of the constitution of the ELRC ; and
  - 5.4.7 The sub-committees of the CHAMBER must be effectively utilized and report back to CHAMBER.

**6. PARTIES TO THE CHAMBER AGREE AS FOLLOWS:**

- 6.1 to commit themselves to observe and adhere to the provision of relevant pieces of legislation and collective agreements;
- 6.2 proposals from parties must be dealt with in terms of the constitution of the Education Labour Relations Council (ELRC);
- 6.3 the CHAMBER must play a monitoring role in the implementation of collective agreements;
- 6.4 information must be forwarded timeously and must be relevant and reliable in order to assist the collective bargaining process;
- 6.5 the CHAMBER must conduct workshops with the view of ensuring a common interpretation of collective agreements.
- 6.6 the effective and efficient utilization of the CHAMBER and sub-committees to facilitate consultations and negotiations;
  - 6.6.1 Recommendations of Task Team meetings and workshops can only be ratified and sanctioned by a full sitting of the CHAMBER.

6.6.2 The nature and scope of such meetings will be to workshop, debate, research and gather information on issues of mutual interest which have been referred to them by CHAMBER for recommendations and solutions.

6.6.3 Task teams for generic agenda items need to be reconstituted annually, whereby their composition, scope and brief need to be reviewed.

6.6.4 Special purpose task teams may be commissioned by CHAMBER. Such task teams should conclude an agenda item by no more than 3 sittings unless otherwise agreed to.

6.6.5 Parties should honour all prerequisites regarding the MTEF processes.

6.7 third parties should assist the CHAMBER to unlock any potential conflict situations;

6.8 collective agreements must be concluded in the shortest possible time (as provided for in terms of the constitution of the ELRC); and

6.9 negotiations must be conducted in good faith and parties must actively seek consensus on matters. If no agreement can be reached, the parties should utilize the agreed dispute resolution mechanism.

7. **NON-COMPLIANCE WITH AGREED PROCEDURES AND TIME LIMITS BY THE EMPLOYER AND EMPLOYEE PARTIES**


7.1 Non-compliance with the aforementioned procedure will constitute dereliction of duty by the representative(s) of the respective parties; which would entitle the aggrieved party(-ies) to report such non-compliance to the principals of the party(-ies), which transgressed the said procedures, within 7 working days of such CHAMBER or meeting.

8. **DISPUTE RESOLUTION**

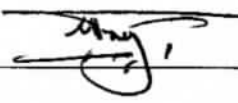

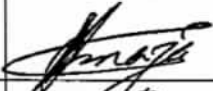
7.1 Any dispute about the interpretation of this agreement shall be resolved in terms of the dispute resolution procedure of the Council.

This done and signed in Bhishe on this \_\_\_\_\_ day of \_\_\_\_\_

**ON BEHALF OF THE STATE AS EMPLOYER**

	Name	Signature
ECD&E	RICHARD PRETORIUS	

**ON BEHALF OF THE EMPLOYEE PARTIES**

NAPTOSA	Adam FARM	
NATU	MITHUTZI MBEWANA	
SADTU	Mkolizi SIMAZA	
SAOU	WILHE ZEEMAN	