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

GAUTENG PROVINCIAL CHAMBER



**COLLECTIVE AGREEMENT
NUMBER 2 OF 2005**

16 SEPTEMBER 2005

**Recruitment and placement procedures for
Institution-based educators**

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EDUCATION LABOUR RELATIONS COUNCIL
COLLECTIVE AGREEMENT NO. 2 OF 2005

Recruitment and Placement procedures for educators

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to regulate selection and appointment procedures of the Gauteng Department of Education.

2. SCOPE OF THE AGREEMENT

This agreement applies to and binds:

- 2.1 The employer, i.e. the Gauteng Department of Education, hereinafter referred to as the department.
- 2.2 Trade union parties to the Gauteng Education Labour Relations Council.
- 2.3 Educators to whom the Employment of Educators Act apply.

3. DEFINITIONS

- 3.1 "Sifting" means a departmental process of eliminating applications which do not meet the minimum requirements required to be considered for appointment as an educator.
- 3.2 "Shortlisting" means a process carried out by a School Governing Body / FET Council to select applications which meet the post requirements of the advertised posts as well as the criterion developed with a view to interviewing the applicants whose applications have been considered for interview.
- 3.3 "Selection Committee" means a committee formed by a School Governing Body / FET Council to interview and rank shortlisted candidates in their order of preference.

4. THE PARTIES TO THE CHAMBER NOTE AS FOLLOWS:

- 4.1 Resolution 5/1998
- 4.2 Resolution 6/1998
- 4.3 Employment of Educators Act (Act 76 of 1998) as amended.
- 4.4 The South African Schools Act
- 4.5 Employment Equity Act 55 of 1998
- 4.6 Labour Relations Act 66 of 1995

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5. **THE PARTIES TO THE CHAMBER THEREFORE AGREE AS FOLLOWS:**

To adopt Annexure A and B hereof to govern the selection and appointment process of the Gauteng Department of Education.

6. **DISPUTE RESOLUTION**

Any dispute about the interpretation and application of this agreement will be referred to the Council for resolution in terms of the Council's dispute resolution procedures.

7. **DATE OF IMPLEMENTATION.**

This agreement will come into effect on the date that is signed and ratified by the ELRC.

THUS DONE AND SIGNED AT JOHANNESBURG ON THIS 16th DAY OF SEPTEMBER 2005

ON BEHALF OF THE GDE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	<i>[Handwritten Name]</i>	JOSE' COZZE

ON BEHALF OF EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
SADTU	T.T.J. LEDIMO	<i>[Handwritten Signature]</i>
NAPTOSA	D.C.L. Buntling	<i>[Handwritten Signature]</i>
SAOU	H.F. MOSTERT	<i>[Handwritten Signature]</i>
NATU	S.A. MOKGOTO	<i>[Handwritten Signature]</i>

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EDUCATION LABOUR RELATIONS COUNCIL
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GAUTENG PROVINCIAL CHAMBER

Annexure A



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EDUCATION LABOUR
RELATIONS COUNCIL

**Recruitment and Placement Procedures for
Institution-based educators**

RECRUITMENT AND PLACEMENT PROCEDURES FOR EDUCATORS AT INSTITUTIONS.

1. ADVERTISING

1.1 The advertisement of vacant posts for educators must:

- (a) be self-explanatory and clear and must include:
 - (i) minimum requirements,
 - (ii) procedure to be followed for application,
 - (iii) names and telephone numbers of contact persons,
 - (iv) preferable date of appointment, and
 - (v) closing date for the receipt of applications;
- (b) be accessible to all who may qualify or are interested in applying for such post(s) in accordance with Personnel Administration Measures (PAM);
- (c) be non-discriminatory and in keeping with the provisions of the Constitution of the RSA; and
- (d) clearly state that the State is an affirmative action employer in accordance with the Employment Equity Act, 55 of 1998.

1.2 All vacancies in public institutions must be advertised in an official List of Vacancies or a Circular, the existence of which shall be made public by means of an advertisement in the public media both provincially and nationally. The information to be furnished in the latter advertisement shall include offices and addresses where the gazette, bulletin or circular is obtainable. The list of vacancies or circular should be circulated to all educational institutions within the Department.

1.3 Educator posts outside public institutions shall be advertised both in the national and provincial media and by circular to all schools in the relevant province, ensuring that the provisions of paragraph 1.1 are met.

1.4 Educator posts at Further Education and Training (FET) institutions shall be advertised in the national and provincial media and circular ensuring that the provisions of paragraph 1.1 are met.

2. SIFTING

2.1 The Department shall handle the initial sifting process to eliminate applications of those candidates who do not comply with the minimum requirements for the post(s) as stated in the advertisement and accompanying guidelines as provided from time to time.

3. SHORTLISTING AND INTERVIEWS

3.1 Selection Committees shall be established by governing bodies, as a subcommittee of the School Governing Body, at educational institutions where there are advertised vacancies.

3.1.1 SGB/FET Councils may co-opt persons to facilitate the shortlisting and/or interview process subject to the ratification of the SGB/FET Council; or

3.1.2 The SGB/FET Council may request the Department to set up an independent shortlisting and/or interviewing panel.

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3.2 The Selection Committee must comprise:

1 In the case of public schools of:

3.2.1 one departmental representative, e.g. Institutional Development and Support Officer (IDSO), as an observer and resource person. Where it is not practically possible for the departmental representative to be present, this will not invalidate the proceedings.

(b) * the Principal/Deputy Principal of the school, except in the case where he or she is an applicant, then the relevant IDSO/Departmental representative will be part of the panel;

(c) members of the SGB, excluding educator members who are applicants for advertised post(s) at that particular school; and

(d) one union representative per union/federation that is a party to the provincial chamber of the Education Labour Relations Council (ELRC). The union representatives shall be observers to the process of short listing, interviews and compiling a preference list. Where union representation is not present it does not invalidate the proceedings. In cases where union representatives, i.e. observers, are applicants at the particular school, they will not be allowed to be observers.

3.2.2 In the case of FET Institutions:

(a) one departmental representative, e.g. IDSO, as an observer and resource person. Where it is not practically possible for the departmental representative to be present, this will not invalidate the proceedings.

(b) the head of the institution, except in the case where he or she is an applicant, then the departmental representative will be part of the panel;

(c) members of the FET institution's council, excluding educator members who are applicants for the advertised post(s) at that particular school; and

(d) one union representative per union/federation that is a party to the provincial chamber of the ELRC. The union representatives may be observers to the process of short listing, interviews and compiling a preference list.

3.3 Each Selection Committee shall appoint from amongst its members a chairperson and a secretary.

3.4 The Department shall hand over all applications together with control list of applicants that meet the minimum requirements to the SGB/FET Council responsible for that specific public institution.

3.5 The SGB/FET Council is responsible for convening the Selection Committee and must ensure that all relevant persons and organizations are informed at least 5 (five) working days in advance of the date, time and venue of the meetings for setting of criteria, shortlisting and interviews. Proof of such notices and invitations must be provided on request.

3.6 The Selection Committee may conduct short listing subject to the following guidelines:

3.6.1 The criteria used must be fair, non-discriminatory and in keeping with the Constitution.

3.6.2 The curriculum needs of the institution.

3.6.3 Subject to the number of applicants, the list of shortlisted candidates for interview purposes should not be less than five per post or more than a manageable number of candidates taking into account the practical implications of the process and the management plan supplied by the Department.

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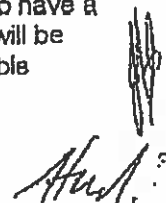
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- 3.7 Short-listed applicants, as informed by the SGB, will be requested to submit their documents and certified copies which are outstanding, as stipulated in the vacancy list.
- 3.8 The interviews shall be conducted according to agreed upon guidelines. These guidelines are to be jointly agreed upon by the parties to the provincial chamber of the ELRC.
- 3.9 All interviewees must be treated fairly and consistently .
- 3.9.1 Group interviews, i.e. where all the short-listed candidates are interviewed simultaneously, are not allowed.
- 3.9.2 Discriminatory psychometric testing is not allowed (See S. 8 of the Employment Equity Act, 55 of 1998).
- 3.10 At the conclusion of the interviews the selection committee shall rank the candidates in order of preference, together with a brief motivation, and submit this to the SGB/FET Council for their ratification and recommendation to the Department via the District Senior Manager / Directorate: FET at Head Office.
- 3.10.1 Should the SGB/FET Councils not agree with the recommendation of the interviewing committee it must reconvene the interviewing committee and the observers for discussion.
- 3.10.2 SGB's/FET Councils should endeavour to promote representivity at their institutions by taking the guiding principles of the Employment Equity Act, 55 of 1998, as well as the Department's employment equity plan (Circular 12 of 2005), into consideration.
- * 3.10.3 The obligations of the Department towards serving educators on excess lists should be considered.

4. APPOINTMENT.

- 4.1 The Department must make the final decision subject to;
 - 4.1.1 satisfying itself that agreed upon procedures were followed; and
 - 4.1.2 that the decision is in compliance with the relevant legislation.
 - 4.1.3 that the recommended candidate meets the requirements of the post
- 4.2 The Head of Department may make an appointment without a recommendation based on the failure of the SGB/FET Council to make such a recommendation within 2 (two) months from the date of request.
 - 4.2.1 No such appointment will be made if there is no suitable candidate available that meets both the minimum qualifications and minimum experience required.
 - 4.2.2 The order of preference as recommended by the SGB must at least include the names of 3 (three) interviewed candidates who can be ranked and/or appointed, i.e. if the top ranked candidate declines the post, the next candidate will be appointed from the list.
 - 4.2.3 If after all procedures have been followed correctly, and no candidate meets the post requirements, the SGB may recommend to the Senior Manager that the post be re-advertised.
- 4.3 The Department will inform interviewed candidates, in writing, of the outcome of their application(s).
- 4.4 In order to allow for possible grievances of educators and/or stakeholders who have a vested interest in advertised posts, a window-period of 5 (five) working days will be enforced prior to effecting the appointment to allow for the resolution of possible

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grievances. The recommended candidate will only be appointed after the window period has lapsed or after any grievance related to the advertised post has been resolved.

5. RECORDS

The SGB/FET Council must ensure that accurate records of proceedings, dealing with the shortlisting, interviews, decisions and motivations relating to the preference list, are kept.

6. FILLING OF POSTS BASED ON OPERATIONAL REQUIREMENTS

7.1 All educator posts which become vacant as a result of (a) the new post establishment and (b) attrition, will be filled through the process of filling of posts, i.e. an open vacancy list or through placement of excess educators in accordance with the existing legislation.

7.2 The Department will identify vacant substantive posts for purposes of placing educators declared in excess before the open vacancy list is issued.

7.3 The educators in excess will be given offers of placement before the post/s are advertised. If the educator cannot be placed he/she must apply for any of the advertised posts.

8. REDEPLOYMENT OF EDUCATORS

Redeployment will be dealt with in terms of the existing policy.

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Annexure B



Grievance Procedure

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GRIEVANCE PROCEDURE

Should there be any grievance during the selection and appointment processes based on the PAM and relevant policies, the following grievance procedure shall apply:

1.1 Establishment of a District Grievance Committee:

All unions/federation represented on the Gauteng Provincial Chamber of the ELRC shall have the right to representation on a District Grievance Committee (DGC). Unions/federation are each entitled to nominate 1 member to serve on a DGC. The DGC is entitled to nominate 2 persons (usually the LRO and another Departmental official).

1.2 The Grievance Committee may call on any person competent to give input on the procedure who may assist in giving evidence to be present at a meeting of the Grievance Committee.

1.3 The Department will provide administrative and secretarial support for the Grievance Committee. The Secretary should not be a member of the Grievance Committee.

1.4 A grievance may be lodged by any party, excluding members of the interview committee and SGB's participating in the selection and appointment process.

1.5 Grievances must relate to unfair labour practices as defined in the Labour Relations Act no. 66 of 1995 and deviations from agreed upon criteria and/or procedures and departmental circulars. Grievances based on dissatisfaction with the outcome of correctly applied procedures will not be entertained, except where the recommendation is grossly unreasonable.

1.6 The chairperson of a DGC shall be the Labour Relations Officer. Under exceptional circumstances Unions may request the Department to nominate an alternate departmental official where in the view of the Unions, the objectivity of such official in question.

1.7 The aggrieved party shall have 5 (five) working days from the date on which the irregularity occurred in which to lodge a grievance with the Senior Manager.

1.7.1 The Senior Manager shall see to it that the lodging of the grievance is acknowledged within 5 (five) working days of receipt thereof.

1.7.2 The Senior Manager may waive the 5 (five) day limit under exceptional circumstances.

1.7.2 The meeting of the DGC must take place within 7 (seven) working days of the lodging of the grievance.

1.7.3 The DGC must make its decision within 3 (three) working days, except where evidence is required, then the committee shall state the number of additional days required.

1.7.5 Grievances that have been resolved will not be revisited.

1.7.6 The grievant shall be informed forthwith of the outcome in writing.

1.8 Where a grievance is clearly procedurally out of line, the Senior Manager will not set up a DGC and will inform the person or structure lodging the grievance to this effect. Such a person or structure will have the right in terms of Grievance Procedure to appeal to the Labour Relations Directorate at Head Office. Under no circumstances should the DGC be bypassed to H/O LR.

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- 1.9 Two days written notice is required for the meeting of a DGC unless all members agree to a shorter notice period.
- 1.10 The following shall serve as the procedure for the handling of grievances by a DGC:
- 1.10.2 In order to validate the grievance, the chairperson of the DGC shall be responsible to see that all relevant documentation is available at the meeting.
- 1.10.3 The facts relating to the relevant grievance will then be established.
- 1.10.3 Discussion will then take place with a view to reaching consensus about the upholding or not of the grievance. Where consensus is not reached, the minutes of the DGC shall reflect the different viewpoints and who expressed them. The intervention and mediation of the Senior Manager or GDE Directorate : Labour Relations (Head Office) may be sought.
- 1.10.4 Where consensus is not reached in the DGC or if the grievant is not satisfied, the grievant may refer a dispute to the ELRC to be dealt with in accordance with the Dispute Resolution Procedure of the ELRC (Resolution 7 of 1997).
2. This Record of Understanding is subject the dispute resolution procedure.
3. The parties to the Gauteng Provincial Chamber agree as follows:
- 3.1 To adopt the above mentioned procedures to facilitate the resolution of grievances relating to the selection and appointment processes.
- 3.2 That the Record of Understanding be extended to make it binding on all institution-based CS-educators and the GDE as the Employer.

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