

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



elrc

EDUCATION LABOUR
RELATION COUNCIL

Mpumalanga Chamber

MPUMALANGA CHAMBER

DRAFT COLLECTIVE AGREEMENT

NUMBER 1 OF 2011

OCTOBER 2011

***PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT
SUBSTANTIVE POSTS***

EDUCATION LABOUR RELATIONS COUNCIL
Mpumalanga Chamber

DRAFT COLLECTIVE AGREEMENT NO 1 OF 2011

**PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT
SUBSTANTIVE POSTS**

1. OBJECTIVE

- a) To provide procedure for the permanent appointment of temporary educators who occupy vacant substantive post.

2. DEFINITIONS

- a) **“Institution-based educator” means** an educator employed in terms of the Employment of Educators Act, 1998 who works in a Public School.

3. SCOPE

This agreement applies to and binds:

- a) The employer,
- b) All employees who are employed by the Mpumalanga Department of Education as defined in the Employment of Educators Act, 1998 whether such employees are members of Trade Union parties to this agreement or not.
- c) The employer and the employees who fall within the registered scope of the ELRC.

4. THE PARTIES TO THE PROVINCIAL CHAMBER AGREE AS FOLLOWS:

- 4.1** That Section 6B of the Employment of Educators Act, 1998 allows the Head of Department after consultation with the Governing Body of a Public School to convert the temporary appointment of an educator appointed to a post on the educator establishment of the Public School into a permanent appointment in that post without the recommendation of the Governing Body.

4.2 That subject to the Regulations G.N. 1451 of 2002 published in Government Gazette No. 24077 dated 15 November 2002 on educator post provisioning for educational institutions, the Head of Department is required to notify all educational institutions of their educator post provisioning which may increase /or decrease the number of posts at a particular institution.

4.3 That the employer shall annually notify all public schools of their post establishments for the following academic year by the end of September.

4.4 That the post establishments referred to in 4.3 above may have an impact on the job security of educators.

5. THE PARTIES TO THE PROVINCIAL CHAMBER AGREE AS FOLLOWS:

5.1 PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN PUBLIC SCHOOLS

5.1.1 That all temporary institution-based educators on Post Level 1 who meet the minimum requirements for appointment and who are appointed in vacant substantive posts shall be appointed permanently in those vacant substantive posts.

5.1.2 That this process of identifying and appointing temporary educators permanently shall begin on the day this Collective Agreement is signed and it shall be finalized not later than 30th November 2011.

5.1.3 That the process of identifying and appointing temporary educators permanently shall be done in terms of the schools' approved educator post establishments for 2012-2013 financial year as distributed by the employer.

5.1.4 In order to give effect to 5.1.1 above, the curricular needs of the institution where there are vacant substantive posts shall be the guiding principle.

5.1.5 **LIFO** (Last in First out) shall be applied where there are more qualifying educators mentioned in 5.1.1 who may all meet the curricular needs of the institution than there are a number of vacant substantive posts.

5.1.6 The principal of the affected school shall consult the School Governing Body on the matters agreed to in this Collective Agreement and dealt with in Section 6B of the Employment of Educators Act, 1998.

5.1.7 Before submitting the name(s) of a qualifying educator(s) to the Circuit Manager determined in terms of 5.1.5, the principal must call a staff meeting to inform them of his/her intentions to recommend the qualifying educator(s).

5.1.8 After receiving the recommendations from the principal, the employer shall confirm the permanent appointment in writing.

5.1.9 A permanent appointment shall be deemed to be completed when a temporary educator referred to in paragraph 5.1.1 of this Collective Agreement receives confirmation of permanent appointment.

6. RATIFICATION OF THIS AGREEMENT

This agreement shall come into effect on the day it is ratified by the Education Labour Relations Council.

7. DISPUTE RESOLUTION PROCEDURE

Any dispute about the interpretation or application of this agreement shall be dealt with according to the dispute resolution procedure of the ELRC.

8. DATE OF IMPLEMENTATION

This agreement shall come into effect on the date it is signed unless otherwise indicated in any paragraph of this agreement.

This done and signed at NELSPRUIT on this _____ day of OCTOBER 2011.

On behalf of the Provincial Employer

MPUMALANGA DEPARTMENT OF EDUCATION	NAME	SIGNATURE

On behalf of Employee Parties

PARTY	NAME	SIGNATURE
CTU-SADTU		
CTU-ATU		

