

Resolution

No 10

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO. 10 OF 1996

EXTENSION OF RESOLUTION NO. 2 OF 1995: MEASURES WITH REGARD TO THE DISTRIBUTION OF FUNDS FROM THE EMPLOYEE AND EMPLOYER FUNDS ESTABLISHED IN TERMS OF RESOLUTION 3 OF 1994, AND MATTERS PERTAINING TO AUDITING OF PAID-UP MEMBERSHIP OF EMPLOYEE PARTIES TO THE COUNCIL

1. It is noted that:

(a) Resolution No. 2 of 1995 (attached) provided for the distribution of funds from the employee and employer funds established in terms of Resolution No. 3 of 1994 and that last-mentioned resolution is still in full force and effect;

(b) Resolution No. 2 of 1995 was an interim arrangement which sought to accommodate specific problems experienced by the employee parties relating to the distribution of employee funds based on Resolution No. 3 of 1994;

(c) Resolution No. 2 of 1995 fell away on 1 September 1995 and a further agreement is needed to cater for the period 1 September 1995 to 31 March 1996; and

(d) ^{Settlement} the dispute regarding the vote-weight in the Council with effect from 1 April 1996 has been agreed to in terms of the attached settlement Annexure.

2. The parties therefore agree as follows -

(a) Resolution No. 2 of 1995 be extended to 31 March 1996, with retrospective effect

(b) With effect from 1 April 1996 the distribution of funds from the employee funds will be made in accordance with the vote-weight of the employee parties in terms of the attached settlement.

SIGNED AT PRETORIA ON THIS 26 DAY OF August 1996.

On behalf of the employer:

On behalf of the employee parties:

Signature

Signature

Party

James M. ...

.....

[Handwritten signatures and initials on the left margin, including 'Erik', 'H', 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z']

[Handwritten signatures and initials on the right margin, including 'Erik', 'H', 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z']

On behalf of the employer

On behalf of the employee parties:

Signature

Signature

Party

[Signature] WCED

[Signature] SATA

E.N. KHUMALA EASTERN CAPE DEC

USAO

[Signature] N.W.E.C. / S.A.F.

SAUBBO

[Signature] NWEX

OFSTA

[Signature] WCED

[Signature]

OF S.A.T.A.

[Signature] S.A.F.

S.A.M.A.

[Signature] Mpumalanga

N.A.T.U.

A.P.T.

T.U.A.T.A.

C.A.T.U.

[Signature] C.T.P.A.

[Signature] A.P.E.K.

[Signature] S.A.T.U.

[Signature] S.A.D.I.Y.

[Signature]

[Signature]

RESOLUTION

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION 2 OF 1995

MEASURES WITH REGARD TO THE DISTRIBUTION OF FUNDS FROM THE EMPLOYEE AND EMPLOYER FUNDS ESTABLISHED IN TERMS OF RESOLUTION 3 OF 1994, and MATTERS PERTAINING TO AUDITING OF PAID UP MEMBERSHIP OF EMPLOYEE PARTIES TO THE COUNCIL.

The employer- and employee organisations as defined in section 1 of the Education Labour Relations Act 1993, 146 of 1993, who are parties to the Education Labour Relations Council established in terms of section 6 of the said Act, agree in terms of section 12 of the Act that:

1. All employee parties will submit their certified and audited membership records to the secretary for auditing by the auditors of the council before 31 July, in order to enable the secretary to determine the said membership, which the secretary will do in terms of clause 10(22)(c)(i) of the constitution of the Council before 31 August 1995.

2. The funds available in both the employee fund and the employer fund established in terms of council resolution 3 of 1994, after provision has been made for expenditure of the council of an amount of R 50 000 to date, shall be divided between and paid over to the employee parties forthwith as follows:

2.1 20% of the funds available in the respective funds after provision for expenditure of the council for an amount of R 50 000 to date, and thereafter provision for actual expenditure with regard to each following specific calendar month, shall be retained in the funds and invested in an interest bearing bank account, pending the final determination of the paid up membership of employee parties and the ~~comprehensive~~ ^{substantive} implementation of the deduction of levies by the employer parties in terms of resolution 3 of 1994.

2.2 The balance of the funds so available shall be paid to employee parties in the following shares, from the employee fund until final determination of paid up membership in terms of the constitution of the council and from the employer fund until such time as the employer parties shall have ~~comprehensively~~ ^{substantively} implemented resolution 3 of 1994:

[Handwritten notes and signatures]
Handwritten notes include "20%", "2.1", "2.2", and "substantively". There are several handwritten signatures and initials scattered throughout the page, including "L.D.A.", "L.M.", and others. A large handwritten signature is visible at the bottom center, and another is on the right side.

In the Arbitration proceedings pursuant to the AGM of 1996 of the Education Labour Relations Council ("ELRC") concerning the determination of vote weights

The parties to this arbitration agree as follows:

1. The South African Democratic Teachers Union (SADTU) has 51% (fifty one per cent) of the vote weight until the next annual general meeting of the ELRC.
2. The remaining 49% of the vote weight shall be shared amongst all the other admitted parties to the ELRC.
3. The parties agree to this settlement agreement being made an award by the arbitrator.

Dated at Pretoria on 16 August 1996.



For and on behalf of
SADTU



For and behalf of
APEK, CATU, CTPA,
NATU, OFSATA, OVSOV,
SAAVSE, SAOF, SAOU,
SAOV (KZN), SATA, ^{ASA/E} and TO


Secretary of ELRC

