



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

# **COLLECTIVE AGREEMENT NUMBER 10 OF 2002**

**11 DECEMBER 2002**

## **LEVY AGREEMENT**

## EDUCATION LABOUR RELATIONS COUNCIL

### RESOLUTION NO 10 OF 2002: LEVY AGREEMENT

#### 1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to increase the levies collected from the employer and employees in order to finance the expenditure of the Council.

#### 2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- (1) The employer, and
- (2) All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended) whether such employees are members of trade union parties to this agreement or not.

#### 3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- (1) Education Labour Relation Council Resolution No.2 of 1998.
- (2) The constitution of the Council provides for the raising of levies from the employer and the employees in order to finance the expenditure of the Council,
- (3) The parties to the Council have agreed to a joint and equal contribution by the employer and employees;
- (4) The trade union parties to this agreement have as their members the majority of employees employed by the employer in the workplace;
- (5) For the purpose of this agreement, the parties agree that the registered scope of the Council constitutes the workplace.

#### 4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

##### (1) LEVIES

- (a) Each employee must pay a levy of R3.00 per month to the Council with effect from 1 April 2003.
- (b) Every month the employer must deduct each employee's levy from the employee's basic salary. The employer must pay the employees' levies

to the Council on or before the 15<sup>th</sup> day of the month following the month on which the deductions were made.

- (c) Each payment referred to in paragraph 4(1)(b) must be accompanied by a schedule specifying the date of the deductions and the total amount of deductions in each province.
- (d) At the same time as paying the monies referred to in paragraph 4(1)(b) (i.e. on or before the 15<sup>th</sup> day of the month), the employer must pay a levy to the Council. The employer's levy is equal to the total amount that should have been collected from all of the employees.

## (2) APPLICATION AND UTILISATION OF COUNCIL FUNDS

- (a) All levies received by the Council, in terms of paragraph 4.1, must be used and accounted for in accordance with the provisions of the Council's constitution, in terms of the approved financial policy and Public Finance Management Act (2000).
- (b) Besides the normal expenses of the Council, these funds may be used for activities associated with the Council including research and development, training and other activities that enhance the collective bargaining process if –
  - (i) The Executive Committee of the Council has agreed to that expenditure,
  - (ii) The expenditure is financially possible, and
  - (iii) In making its decision the Executive Committee must ensure that the utilisation of these funds is in proportion to each party's representation in the Council.

## 5. 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.

## 6. DEFINITIONS

- (1) "**constitution**" means the constitution of the Education Labour Relations Council.
- (2) "**Council**" means the Education Labour Relations Council.

- (3) "employee" means an educator as defined in the Employment of Educators Act, 1994, as amended.
- (4) "employer" means the employer as defined in the Employment of Educators Act, 1994, as amended.
- (5) "Labour Relations Act " means the Labour Relations Act No. 66 of 1996, as amended.
- (6) "workplace" means the registered scope of the Council.

Thus done and signed at KOPANONG, Benoni on the 11<sup>th</sup> day of December 2002.

**ON BEHALF OF THE STATE AS EMPLOYER**

DEPARTMENT	NAME	SIGNATURE
EDUCATION	S. G. PADAYACHEE	<i>S. G. Padayachee</i>

**ON BEHALF OF THE EMPLOYEE PARTIES**

TRADE UNION	NAME	SIGNATURE
NAPTOSA	<i>D. H. BALT</i>	<i>[Signature]</i>
SADTU		
SAOU		