

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO 3 OF 1995

PARTICIPATION OF MARRIED WOMEN IN HOME OWNER ALLOWANCE SCHEME

The employer and employee organisations as defined in section 1 of the Education Labour Relations Act 1993, (Act No 146 of 1993), (hereinafter referred to as "the Act"), who are parties to the Education Labour Relations Council established in terms of section 6 of the Act, agree in terms of section 12 of the Act, to the following which shall constitute Resolution No 3 of 1995:

1. the enclosed document marked "Annexure 1" shall constitute an agreement of the Council;
2. the Minister be requested that the agreement be extended, in terms of section 12(6) of the Act, to apply to all employers and employees.

Signed on this 29 day of September 1995 at Pretoria.

On behalf of the employer parties:

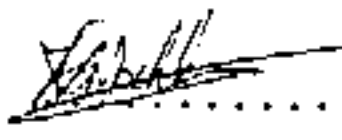

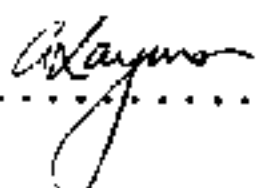
On behalf of the employee parties:

Signature

Party

Signature

Party

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|  | Dept. of Education including ECS, HOA, HOS, HQD & DET |  | TU/SAOU NCOORPELIKHE PREVICISE NCOORWES MPOHILONGA GALUTENG |
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PARTICIPATION OF MARRIED WOMEN IN HOME OWNER ALLOWANCE SCHEME

Whereas the parties are:

Affirming the commitment of this Council and its members to the fundamental rights entrenched in the Constitution of South Africa, and the need for all discriminatory practices to be eradicated;

Recognising that this resolution represents a step towards the eradication of such unfair discrimination in the employment of educators and that the matter of the pension system is under discussion;

Recognising the need for all the parties to the collective bargaining process to negotiate in good faith on all matters of mutual interest, including those dealing with unfair discriminatory practices in employment;

Noting the present situation that all parties have access to competent structures to resolve any dispute;

THEREFORE THE PARTIES TO THE COUNCIL AGREE AND RESOLVE AS FOLLOWS IN TERMS OF SECTION 12 OF THE ACT:

1. With effect from 1 October 1995, Chapter D, paragraph 2(1) of the Personnel Administration Measures (PAM) shall be amended as follows:

"2(1) With regard to the House Owner Allowance to CS Educators, the Public Service Staff Code D.XX is applicable except for paragraphs 2.1 and 3.1 thereof which are substituted by the following paragraphs:

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'2.1 On condition that he or she:

- (a) is a contributing member of a statutory instituted pension or provident fund or is obligated to contribute to such a fund upon completion of a qualifying period of service;
- (b) is employed in a full-time capacity;
- (c) in the event of being a full-time CS Educator, employed in a temporary capacity, is younger than 65 years of age; and
- (d) is not married to a person who already participates in the Home Owner Allowance Scheme for the Public Service,

CS Educators qualify to participate in the Scheme.'

'3.1 Ownership requirement

He or she should own a dwelling-

- (a) which is registered in -
 - (i) his or her name; or
 - (ii) both his or her and his or her spouse's names; or
- (b) which is constructed on -
 - (i) premises in respect of which the person(s) referred to in paragraph 3.1(a)(i) or (ii) has obtained a right of leasehold under a statutory provision; or
 - (ii) tribal or state land in respect of which official ratification of the right to occupy such land can be produced by the person(s) referred to in paragraph 3.1(a)(i) of (ii);
or

Handwritten initials and signatures

(c) that was obtained by the person(s) referred to in paragraph 3.1(a)(i) or (ii) by way of a contract of sale which will lead to the acquisition of right of possession/proprietary rights and in respect of which a registered mortgage was granted to the said person(s) by an institution referred to in paragraph 3.4, but which cannot as yet be transferred in the said person(s) name(s), because-

- (i) surveying and/or town establishment, or the provision of sewerage or other services such as roads, water, electricity, etc is/are not finalised; or
- (ii) the person concerned, if surveying and/or town establishment is/are finalised, has not paid the required deposit on the purchase price of the dwelling in full; or
- (iii) the final purchase price of the property has not yet been finalised and only a provisional purchase price is known at the time of signing the suspensive sale agreement.

(NB: (a) { The criteria referred in paragraph 3.1(a) became effective from 1 October 1995.

- (b) Serving married male or female personnel who on 30 September 1995 received an allowance on a dwelling registered solely in their spouse's names, are as a transitional measure to continue receiving the allowance in respect of the dwelling, which they occupy at present.)"

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2. This agreement shall be subject to the provisions of any applicable Act of Parliament or secondary legislation promulgated in terms thereof.

3. The Minister be requested to extend the agreement in terms of section 12(6) of Act 146 of 1993 and to make it applicable to and binding upon all employers and employees as defined in the Act.

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- A signature that appears to be "MAY"
- A signature that appears to be "J.P."
- Other illegible initials and marks.