

Resolution

No 3

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO.3 OF 1997

EXTENSION OF AGREEMENTS

The parties to Council agree to the following steps and procedure being followed with regard to the extension of agreements of Council:-

STEPS AND PROCEDURE TO BE FOLLOWED

1. EXTENSION

The relevant Minister is hereby requested to extend this agreement in terms of the LRA, 1995, to all non-parties to the agreement that fall within the registered scope of the Education Labour Relations Council (ELRC), and this resolution shall come into operation on the date that it is extended by means of a government gazette.

2. EXEMPTIONS

2.1 In terms of section 32(3)(e) of the LRA, 95, an independent exemptions body will be established by the Council, prior to the extension of this agreement, to consider applications for exemption from the provisions of this collective agreement.

2.2 Applications for exemption from the provisions of this agreement must be lodged with the exemptions board c/o the Council. Parties to Council shall be informed of such requests.

2.3 The exemptions board may grant an exemption to a non-party to this agreement if:-

2.3.1 it is fair to both the employer and other employees and

2.3.2 it does not undermine this agreement.

2.4 The exemptions board must conduct its proceedings in a manner that it considers appropriate in order to determine the application fairly and quickly but must deal with the substantial merits of that application with the minimum of legal formality.

Parties to the Council may make representations to the proceedings of the exemptions board.

2.5 Within 14 days of the conclusion of the proceedings the exemptions board must issue a decision with its reasons. Such a decision together with reasons must be communicated to the applicant by the Council immediately upon receipt.

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2.6 The exemptions board shall consist of 3 persons, appointed by the Executive Committee of Council, from a panel of 8 persons appointed by Council, who have knowledge and experience of labour law and labour relations in the education sector. These persons shall be independent of the parties to the Council.

3. DISPUTES

- 3.1 If there is a dispute about the interpretation or application, including enforcement, of any provision of this agreement, any party to the dispute may refer the dispute in writing to the Council.
- 3.2 The party who refers the dispute must satisfy the Council that a copy of the referral has been served on all other parties to the dispute.
- 3.3 The Council must attempt to resolve the dispute through conciliation.
- 3.4 If the dispute remains unresolved after 30 days, any party to the dispute may request the secretary of Council to refer the dispute to arbitration by an independent arbitrator appointed by the Secretary of Council, in consultation with the parties to the dispute, from an approved panel of arbitrators.

Signed on this 21st day of August 1997 at PRETORIA.

On behalf of the employer parties

On behalf of the employee parties

Signature Party

Signature Party

[Signature] AWPE

[Signature] SADTU

[Signature] DUE

[Signature] STRAU

[Signature] GDE

[Signature] CATU

[Signature] E-CAPE

[Signature] SAUVSE

[Signature] WULED

[Signature] SATA

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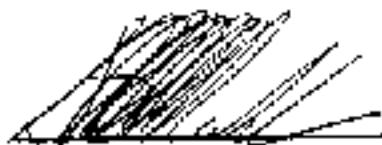
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