

EDUCATION LABOUR RELATIONS COUNCIL

Established in terms of the LRA of 1995 as amended



elrc

EDUCATION LABOUR
RELATIONS COUNCIL

RESOLUTION 4 OF 2001

6 JULY 2001

**PERMANENT APPOINTMENT OF
UNDER-QUALIFIED EDUCATORS**



EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO 4 OF 2001

PERMANENT APPOINTMENT OF UNDER-QUALIFIED EDUCATORS

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to provide for the permanent appointment of under-qualified educators who have on 31 December 2000 completed a certain minimum number of years of service in education.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- 2.1 The employer, and
- 2.2 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:

- 3.1 The minimum qualification requirement for employment in education is REQV13, which must include training as an educator. Provision is also made in the Personnel Administration Measures (PAM) for deviations from this requirement. These deviations include the permanent appointment of persons who are otherwise appropriately qualified (REQV13) but who do not have a teaching qualification, to certain posts for which qualified educators are difficult to recruit. It also provides for the temporary appointment of the so-called under-qualified educators where qualified persons are not available. These are educators on REQV11 and 12 whose qualifications are grade 12 or lower with a one or two year teachers qualification. A further category of unqualified educators (REQV10) also exists. These are educators with grade 12 or lower without a teachers qualification. This agreement addresses the under-qualified (REQV11 and 12) educators.
- 3.2 The employment of under-qualified educators is a legacy of the apartheid system. Educators on REQV11 and 12 were allowed to be employed in education because training for these qualifications

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was provided and the qualifications were regarded as sufficient for employment in some departments.

- 3.3 Currently a large number of these under-qualified educators are in the system, some of which have been teaching for a considerable period of time. In spite of having been employed on a continuous basis for many years, many of these persons' appointments have always been temporary. This implies that their posts have to be advertised regularly and only in cases where no qualified educator can be recruited, they are re-employed.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

- 4.1 That the following policy be adopted with regard to the employment of under-qualified educators:
- 4.1.1 Future appointments: Under-qualified educators may only be appointed in education in terms of the measures set out in the PAM. This implies that their appointment is regarded as a relaxation of the qualification requirements. It also implies that they may only be appointed if no qualified person can be recruited and that they may only be appointed in a temporary capacity.
- 4.1.2 Under-qualified educators, appointed on a temporary, full-time basis to substantive posts and who, on 31 December 2000, have rendered satisfactory service for at least 5 years, will, subject to applicable legislation, become permanent. The basis on which their performance is to be evaluated, needs to be agreed upon in the ELRC. This provision will therefore become effective as soon as agreement is reached on a system for the evaluation of educators' performance.
- 4.1.3 Under-qualified educators, appointed on a temporary, full-time basis to substantive posts and who, on 31 December 2000, have been in service for at least 10 years, will automatically become permanent.
- 4.2 That an investigation into the circumstances of unqualified educators be conducted with a view to reaching an agreement on their position within 3 months from the signing of this Resolution.

5. ADOPTION AND DATE OF IMPLEMENTATION

This agreement shall, in respect of parties and non-parties, come into effect on the date it is signed in Council.



6. DISPUTE RESOLUTION

Any dispute arising from the provisioning of this agreement shall be referred to the ELRC for resolution.

Thus done and signed at Centurion on the 6th day of July 2001 by:

ON BEHALF OF THE STATE AS EMPLOYER

| DEPARTMENT | NAME | SIGNATURE |
|------------|--------------|--------------------|
| EDUCATION | KHADER ASMAM | <i>[Signature]</i> |
| | D. HODDLE | <i>[Signature]</i> |

ON BEHALF OF THE EMPLOYEE PARTIES

| TRADE UNION | NAME | SIGNATURE |
|-------------|-------------|--------------------|
| NAPTOSA | H. Hendriks | <i>[Signature]</i> |
| SADTU | M. Pillay | <i>[Signature]</i> |
| SAOU | P. Delpont | <i>[Signature]</i> |



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