

RESOLUTION OF THE EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO. ⁶7 OF 1995

THM MIP P. AL
SCLP

FUNCTIONING OF THE PROVINCIAL CHAMBERS

Whereas:

- * provincial chambers of the Education Labour Relations Council (ELRC) have as yet not been established in all the provinces;
- * agreements of the ELRC dictates that consultation and/or negotiation must take place at provincial level; and
- * the functioning of such provincial chambers are urgent and in the interest of labour peace.

The parties agree that:

1. In respect of those provinces where chambers of the ELRC have not been duly constituted in terms of clause 12 of the Constitution of the ELRC and Resolution No. 8 of 1994, the Bargaining Committee of the ELRC will be reconstituted in such a manner that it represents the parties of the ELRC in the specific province (hereinafter referred to as the Reconstituted Bargaining Committee).
2. The provisions of clause 12, read with clause 10 of the Constitution of the ELRC shall apply *mutatis mutandis* to such Reconstituted Bargaining Committee.
3. Such Reconstituted Bargaining Committee shall have the capacity to consult, negotiate, and reach agreements on matters which are within the competencies of the provincial chambers.

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4. The Secretary of the ELRC shall within 7 working days from the date of this agreement:
 - * appoint a secretary for the Reconstituted Bargaining Committee in each province where a provincial chamber has not been established; and
 - * inform all parties of the appointment of the secretary of such Reconstituted Bargaining Committees as well as the time, date and venues of the respective fir... meetings; provided that such meetings must take place within 21 days of the date of this agreement; provided further that notification to the said parties shall be at least 14 days.
5. The duly appointed secretary of such Reconstituted Bargaining Committee shall, in consultation with the relevant parties, provide the relevant parties to such Reconstituted Bargaining Committee with an agenda at least 7 working days prior to such meeting.
6. At the first meeting of such Reconstituted Bargaining Committee, the secretary of such Reconstituted Bargaining Committee shall act as interim chairperson until such time as the parties elect a chairperson and vice-chairperson for such Reconstituted Bargaining Committee.
7. The employee parties shall agree to the weight of their votes for such Reconstituted Bargaining Committee, which shall be made known to the secretary of such Reconstituted Bargaining Committee 7 working days prior to the first meeting of such Reconstituted Bargaining Committee; provided that if no agreement can be reached on the weight of the votes of the employee parties, the secretary of such Reconstituted Bargaining Committee must be notified accordingly, by not later than 09:00, 7 working days prior

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to the meeting, in which event the dispute procedure as provided for by clause 15 of the Constitution of the ELRC, shall apply *mutatis mutandis*; provided further that the secretary of such Reconstituted Bargaining Committee shall appoint an arbitrator from the list of arbitrators on the same day, and that such arbitrator shall make an award which shall be binding on the parties concerned within 5 working days of his or her appointment.

8. This agreement does not preclude the provinces from establishing a provincial chamber at any stage. All consultation and negotiation in, or agreements of such Reconstituted Bargaining Committees shall be deemed to be the transactions of the specific provincial chamber as established in terms of clause 12 of the Constitution of the ELRC. Such Reconstituted Bargaining Committee shall lapse on the same date as that specific provincial chamber has been duly established.

SIGNED AT PRETORIA on this 29 day
of September 1995.

EMPLOYER PARTIES

EMPLOYEE PARTIES

PARTY	SIGNATURE	PARTY	SIGNATURE
DE including FCS, KOP, HCB, HOS, DET	[Signature]	TOISAPOU	[Signature]
		NOORIDWES	
		GQUITENG	
		WAPICAPAL ANGA	
		NOORDELIKE PROVINSE	
		APER	[Signature]
		SASTIN	[Signature]

