

EDUCATION LABOUR RELATIONS COUNCIL
Established in terms of the LRA of 1995 as amended



**PROVINCIAL EDUCATION LABOUR
RELATIONS COUNCIL
NORTH WEST CHAMBER**

**COLLECTIVE AGREEMENT
NO. 1 OF 2013**

OCTOBER 2013

**THE PROVINCIAL PROCEDURE FOR PRINCIPALS DISPLACED AS
A RESULT OF RATIONALISATION, MERGER AND/OR CLOSURE
OF SCHOOLS IN GIVING EFFECT TO RESOLUTION 2 OF 2003.**

North West Provincial Chamber
Collective Agreement 1 of 2013

The Provincial Procedure for Principals displaced as a result of rationalization, merger and/or closure of schools
in giving effect to Resolution 2 of 2003

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R.S.
T.M.*

NORTH WEST PROVINCIAL CHAMBER OF THE ELRC

COLLECTIVE AGREEMENT NO 1 OF 2013

THE PROVINCIAL PROCEDURES FOR PRINCIPALS DISPLACED AS A RESULT OF RATIONALISATION, MERGER AND/OR CLOSURE OF SCHOOLS IN GIVING EFFECT TO RESOLUTION 2 OF 2003

1. PURPOSE OF THIS AGREEMENT

- 1.1. To give effect to Resolution 2 of 2003 in so far as Principals are concerned.
- 1.2. To regularize the redeployment of principals held additional to the post establishment of schools due to closed or merged schools.
- 1.3. To regularize the redeployment of principals held additional to the post establishment of schools as a result of Rationalisation.
- 1.4. To provide a mechanism to redeploy and/or translate principals from merged, closed and rationalized schools which resulted in some principals being held in addition to school post establishments.
- 1.5. To eradicate the challenge of displaced principals.
- 1.6. To ensure that the processes outlined in this resolution are implemented in a fair and just manner.

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2. SCOPE OF APPLICATION

2.1. This agreement applies to and binds:

2.1.1. The employer, and

2.1.2. All the employees of the North West Department of Education as defined in the Employment of Educators Act, 1998 (as amended) whether such employees are members of the trade union parties to this agreement or not.

3. PARTIES TO THE PROVINCIAL CHAMBER NOTE AS FOLLOWS

3.1. That the department has schools that were merged and/ or closed as outlined in sections 12A and 33 of South African Schools Act 84 of 1996 (SASA).

3.2. That some principals from closed or merged schools were placed in addition to schools where substantive principals were already appointed, leading to double parking and authority challenges.

3.3. That whilst Section 12A of SASA provide for the formation of a single interim governing body to take decisions on anything related to the merger until a new governing body is constituted in terms of sections 23 and 28 of the said Act.

3.4. The ELRC Resolution 2 of 2003.

3.5. The ELRC Resolution 3 of 2006.

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3.6. The ELRC Resolution 1 of 2008.

3.7. The guideline document on the Rationalisation of Schools in the North West Province.

3.8. The provisions of PAM relating to the transfer of educators on operational requirements.

4. PARTIES TO THE CHAMBER THEREFORE AGREE AS FOLLOWS:

4.1. The differentiated allowance currently paid to S1 Principals shall be incorporated into the remuneration of such principals.

4.2. S1 Principals displaced as a result of the merger or closure of schools shall be translated in rank to PL 1 educator or PL2 (Departmental Head) HoD (Departmental Head) depending on the notch at which the S1 Principal is at after 4.1 above.

4.3. A P1 Principal displaced as a result of the merger or closure of schools shall be translated in rank to PL2 HoD (Departmental Head) guided by the notch at which the P1 Principal is at, provided that such a translation shall not result in a promotion or the lowering of the principal's remuneration.

4.4. A P2 Principal displaced as a result of the merger or closure of schools shall be translated in rank to PL3 Deputy Principal guided by the notch at which the P2 Principal is at, provided that such a translation shall not result in a promotion or the lowering of the principal's remuneration.

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4.5. A P1 or P2 principal displaced as a result of the merger or closure of schools, whose notch falls within the PL1 notches in terms of Resolution 1 of 2008, shall have a choice to be translated in rank to a PL1 educator.

4.6. P3 or P4 principals, who are held in addition as a result of the closure, merger or Rationalisation of schools, shall be horizontally transferred to suitable vacant posts in line with the provisions of 2.4 of chapter B of PAM.

4.7. A vacancy that arises as a result of the upgrading of a principal post due to Rationalisation shall be filled in terms of clause 2.5 of chapter B of PAM.

5. PROCEDURES TO DEAL WITH DISPLACED PRINCIPALS

5.1. The transfer of a displaced principal shall be on condition that such a principal meets the curricular needs of the institution to which they are being transferred.

5.2. The employer shall provide a closed vacancy list to all translated and displaced principals from which they are to make a selection in terms of 5.3 of this Resolution.

5.3. The translated and displaced principal shall identify at least three (3) posts in the closed vacancy list, in order of preference, to which he/ she would want to be transferred.

5.4. The employer shall effect the transfer in terms of section 8 of the Employment of Educators Act, No 76 of 1998, as amended.

5.5. Where more than one (1) principal have identified the same post as a first

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preference, the principle of **First In - First Placed** (FIFP) shall apply.

- 5.6. Where FIFP above does not apply, the SGB may subject the principals to interviews for the purpose of selection.
- 5.7. All translated principals not transferred in terms of this resolution within twelve (12) months shall be transferred through Resolution 2 of 2003.
- 5.8. P3 or P4 principals, who are held in addition as a result of the closure, merger or Rationalisation of schools, shall be horizontally transferred to suitable vacant posts in terms of the provisions of 2.4 of chapter B of PAM.

6 DATE OF IMPLEMENTATION

The translation of all displaced principals identified in terms of this collective agreement shall come into effect immediately upon the ratification of this collective agreement.

7 DISPUTE RESOLUTION PROCEDURES

Any dispute about the interpretation or application of this agreement shall be resolved in terms of the dispute resolution procedures of Council

8 DEFINITIONS

- 8.1 "**Department**" means the North West Department of Education.
- 8.2. "Chamber" means the North West Provincial Education Labour Relations Council.
- 8.3. "**FIFP**" (first in – first placed) – a principle of giving first preference to

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principals with the longest continuous service with the Department for purposes of redeployment/transfer when more than 1 principal has identified the same post as a first preference.

- 8.4. **“Employer”** means an employer as defined in the Employment of Educators Act, No 76 of 1998.
- 8.5. **“Displaced principal”** means a principal who is held in addition to the post establishment of a school due to a merger, closure or Rationalisation of schools.
- 8.6. **“Differentiated allowance”** means an allowance that is currently paid to S1 principals in addition to their salaries.
- 8.7. **“S1 principal”** means a school principal who is at salary level 6,7,8 and who receives the differentiated allowance as per ELRC Resolution 3 of 2006.
- 8.8. **“P1 principal”** means a school principal with a rank/notch equivalent to a PL2 educator.
- 8.9. **“P2 principal”** means a school principal with a rank/notch equivalent to a PL3 educator.
- 8.10. **“HoD”** (Departmental Head) means the head of department at a school
- 8.11. **“PAM”** means the personnel administration measures as contained in the Employment of Educators Act, No 76 of 1998.
- 8.12. **“Post establishment”** means the number of approved posts of a school.

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8.13. "SGB" means a school governing body as contemplated in the South African Schools Act, No 84 of 1996.

8.14. "Rationalisation" means the process of classifying public schools as Primary (Grades R-7) or Secondary (Grades 8-12) schools.



THUS DONE AND SIGNED AT RUSTENBURG ON THIS DAY THE

10th DECEMBER 2013

ON BEHALF OF THE NORTH WEST DEPARTMENT OF EDUCATION AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	MOTANY OM	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
"SADTU"	THEMBA R S	
CTU- "ATU"	ISHOANE T.M.	

ANNEXURE A

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