

**EDUCATION LABOUR RELATIONS COUNCIL**  
*Established in terms of the S (37)(2) of the LRA of 1995 as amended*

**CHAMBER: WESTERN CAPE PROVINCE**



**COLLECTIVE AGREEMENT**  
**No. 2 OF 2002**

*June 05, 2002*

**TERMS OF REFERENCE FOR THE WESTERN  
 CAPE PROVINCIAL CHAMBER'S STANDING  
 COMMITTEE (STANCO)**

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**EDUCATION LABOUR RELATIONS COUNCIL  
CHAMBER: WESTERN CAPE PROVINCIAL CHAMBER**

**COLLECTIVE AGREEMENT NO 2(TWO) OF 2002**

**TERMS OF REFERENCE FOR THE WESTERN CAPE  
PROVINCIAL CHAMBER'S STANDING COMMITTEE (STANCO)**

**1. PURPOSE OF THIS AGREEMENT**

The purpose of this agreement is to establish:

- 1.1. A committee of chamber, the Standing Committee (STANCO)
- 1.2. The terms of reference for the committee.

**2. SCOPE OF THIS AGREEMENT**

This agreement applies to and binds:

- 2.1 The employer, and
- 2.2 The employee parties as confined to the Education Labour Relations Council' chamber in the province of the Western Cape.

**3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:**

- 3.1 The scope, objectives and functions of the provincial chambers, as per clause 12 (1), (2) and (4) of the ELRC constitution.
- 3.2 The Code of Good Practice for Collective Bargaining / Consultation as adopted by the provincial chamber.
- 3.3 The parties' commitment to ensure the efficient and effective functioning of the provincial chamber.

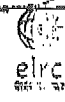
**4. THE PARTIES TO CHAMBER THEREFORE AGREE AS FOLLOWS:**

- 4.1 That a committee of chamber, the Standing Committee (STANCO), be established.

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TERMS OF REFERENCE FOR THE WESTERN CAPE PROVINCIAL CHAMBER'S STANDING COMMITTEE



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From-ELRC Western Cape Province

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4.2 That the terms of reference as set out in Annexure A shall be applicable to STANCO

5. REFERRAL TO COUNCIL

This collective agreement of the Chamber must be referred to the Council for ratification and or endorsement as per the requirements of the ELRC Constitution.

6. DISPUTE RESOLUTION

Any dispute arising from the application or interpretation of this collective agreement shall be referred to the Council for resolution in terms of its dispute resolution procedures.

7. DATE OF IMPLEMENTATION

This agreement shall, in respect of parties, come into effect on the date it is signed - subject to clause 5 above.

8. SIGNING OF THIS COLLECTIVE AGREEMENT

Thus done and signed at CAPE TOWN on this the 5<sup>TH</sup> day of JUNE 2002.

ON BEHALF OF THE STATE AS THE EMPLOYER:

DEPARTMENT	NAME	SIGNATURE
WC ED	E.M. Southwell	

ON BEHALF OF THE EMPLOYEE PARTIES:

TRADE UNION	NAME	SIGNATURE
NAPTOSA	D. CORNELISSON	
SAOU	P. J. LOETZEE	
SADTU	D. J. PASQUALLIE	

INITIALS HERE: -

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**THE TERMS OF REFERENCE IN RESPECT OF THE WESTERN CAPE PROVINCIAL CHAMBER'S STANDING COMMITTEE (STANCO)**

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**1. Establishment**

The provincial Standing Committee (STANCO) was established in terms of a decision of chamber, adopted at its Annual General Meeting (AGM) on August 06, 2001.

**2. Status**

In reference to clause 12(10) of the ELRC constitution, the provincial STANCO enjoys the status of a committee of chamber.

**3. Composition**

3.1. STANCO comprises of the chief-negotiators (or an alternate) of parties, the PELRC Chairperson and the Secretary.

3.2. Party representation is as follows:

- (i) The employer party: 3 (three) representatives.
- (ii) The employee parties: 3 (three) representatives - NAPTOSA 1 (one); SADTU 1 (one); and SAOU 1 (one).

**4. Purpose and Functions**

To support the chamber in pursuing its objectives and effecting its functions, as per clause 12 (4) and (5) of the ELRC constitution, by:

4.1. informing it on progress of process and procedure with regard to the PELRC's "Code of Good Practice on Collective Bargaining/Consultation";

4.2. performing, amongst other, the following functions;

- (i) Propose the agenda for chamber meetings.
- (ii) Propose a schedule of activities for adoption by the chamber.
- (iii) Deal with matters referred to it by the chamber.

  
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RESOLUTION 2002/002



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ANNEXURE A

5. Dissolution

This committee may be dissolved by decision of the chamber, effecting  
its dissolution.

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ELRC: WESTERN CAPE CHAMBER  
RESOLUTION 2 OF 2002



TERMS OF REFERENCE FOR THE WESTERN CAPE PROVINCIAL CHAMBER'S STANDING COMMITTEE

**PROVINCIAL STANDING COMMITTEE (STANCO)****'TERMS OF REFERENCE'**

*(as amended)*

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**1. Establishment**

The Provincial Standing Committee was established in terms of a *decision of chamber*, adopted at its Annual General Meeting (AGM), on August 06, 2001.

**2. Status**

Subject to clause 12(10) of the ELRC constitution, the Provincial Standing Committee enjoys the status of a *committee of chamber*.

**3. Composition**

STANCO comprises of the chief negotiators (or an alternate) of parties and the provincial secretariat. Party representation is as follows:

- (i) Employer Party: 3 (three)
- (ii) Employee Parties: 3 (three) - NAPTOSA 1 (one); SADTU 1 (one); and SAOU 1 (one).

**4. Purpose and Function**

To support the chamber in pursuing its objectives and effecting its functions, as per clause 12(4) and (5) of the ELRC constitution, by:

- (a) *informing* it on matters of process and procedure with due regard to PELRC's; "Code of Good Practice for Collective Bargaining/Consultation".
- (b) performing amongst other, the following *functions*:
  - (i) Propose the agenda for chamber meetings
  - (ii) Conclude a schedule of activities for chamber.
  - (iii) Deal with matters deferred by chamber.

**5. Dissolution**

This committee may only be dissolved upon a decision of chamber.

**ELRC: WESTERN CAPE PROVINCIAL CHAMBER****"CODE OF GOOD PRACTICE FOR COLLECTIVE BARGAINING/CONSULTATION"**

The parties to the chamber hereby agree to commit themselves to a mutual gain approach to collective bargaining/consultation. The following ground rules for engagement are agreed to, which will assist in developing trust between parties.

**1. Personal Conduct**

- Punctuality and attendance at meetings and task team meetings
- Mutual respect of each other
- Active listening

**2. Media/Communication**

- Avoid negotiating/consultation through public media, as far as possible.
- Preferably joint statements be issued by agreement.

**3. Disclosure of Information**

- Information sharing session or workshop prior to negotiation/consultation in terms of applicable legislation.
- To identify and share needs, interests, priorities, constraints, fears (joint identifications)
- Deeper understanding of issues.
- To share information that will allow parties to develop proposals.

**4. Time-Frames**

- Negotiation/consultation process must be completed within 30 days, unless agreed to otherwise.

**5. Participation**

- Full participation at all levels.
- Continuity and consistency of representatives, where possible.

**6. Signing and Compliance with Agreements**

- Parties participate in negotiation/consultation do so with a view and preparedness to sign and comply with such agreements.
- Agreements reached should be signed and complied with
- It is also accepted that agreements may be reviewed
- Parties shall at all times act in good faith

**7. Mandates**

- Parties must come to negotiation/consultation process with clear mandates.

**8. Alternative Deadlock Mechanism**

- Parties will endeavour to reach a negotiated settlement
- In the event of deadlock, the parties will endeavour to reach consensus on alternative dispute resolution mechanisms

**9. Meetings**

- STANCO meetings must take place at least two weeks prior to a scheduled Chamber meeting.
- All items both for STANCO and PELRC meetings to reach the Provincial Secretary timeously and must be supported with substantive documentation/motivation.
- Urgent matters, which arise before the meeting (excluding matters, which arise on the day of the meeting), should be forwarded with relevant support documentation to the Secretary for circulation to parties.
- In instances when parties wish to introduce urgent items on the day of the meeting, this must be done with the concurrence of the meeting and individual parties decide how to respond.

**10. Breach of the Code**

- Any breach of the code will be viewed in a serious light.
- The chairperson will have to apply his/her mind to deal with the matter.