

The *New* Negotiator

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EDUCATION LABOUR
RELATIONS COUNCIL

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NATIONAL COLLECTIVE BARGAINING

From the desk of the ELRC General Secretary,
Ms NO Foca

The collective bargaining activities of the Council for the period May to July 2013, focused primarily on three issues of mutual interest, these are: Recognition of Prior Learning (RPL), Post Provisioning Norms (PPN) and the National Development Plan (NDP). The ELRC convened workshops in May 2013 on RPL, PPN and the NDP where recommendations were adopted. The following recommendations were made for the NDP: increasing teacher supply; closing the gap of teachers already in the system; recruitment and retention strategy for educators; school management; district support; introduction of competency testing for educators; temporary educators; redeployment of educators and Early Childhood Development (ECD). A comprehensive ECD workshop will be held later this year to discuss and prioritise the recommendations made by the NDP Workshop.

The recommendations of the RPL workshop indicated that Council should revisit the issue on the recruitment and retention strategy for educators and that the RPL Technical Task Team be resuscitated to include all

stakeholders in order to develop specifics in the form of a research report.

The finalisation and implementation of the NDP recommendations on pertinent issues affecting educators, such as recruitment and retention, teacher supply and redeployment of educators will contribute significantly to the attainment of quality education in public schools as issues relating to job security are addressed. The work of the RPL Task Team will also contribute to quality teaching, as the findings of the RPL research study will address teacher training and development.

The ELRC presented to the Botswana study visit delegation in May 2013. The topic of discussion was: *"Maintaining sound relations between Parties within the collective bargaining environment"*.

Summary of the Presentation

The Education Labour Relations Council is a statutory Council that draws authority from the Labour Relations Act 66 of 1995. The ELRC was primarily established with the aim to maintain labour peace within the public education labour relations environment. Since 1994, the ELRC catered for the Department of Basic Education as an Employer and teacher Unions as employees in terms of the Employment of Educators' Act. The ELRC

renders the following services to both the employer and employees:

- Collective Bargaining Services nationally and in the provinces primarily facilitating consultations between parties.
- The promotion of labour peace through the resolution of mutual interest disputes and the resolution of individual rights disputes.

The education environment has been spilt into two distinct areas: Basic Education and Higher Education and Adult Education and Training (AET) forms part of the Higher Education and Training band. However, an FET bargaining unit, which includes AET issues, has been established.

In maintaining sound relations between Parties within the collective bargaining environment, the following are essential:

Communication

The ELRC believes that the essence of communication is the transmission of meaning and therefore parties to the Council are expected to have clear communication amongst themselves first. The ELRC encourages Parties to move away from positional bargaining, so that all Parties are able to transmit clear meaning in their communication. The ELRC encourages active listening from all Parties in order to gain valuable information during bargaining. The ELRC believes that building a positive/sound relationship in collective bargaining; negotiators need to portray a credible, reliable, trustworthy and principled image throughout.

Perceptions

The ELRC believes that principled negotiators assist in achieving rational outcomes that are in the best interest of all parties within the collective bargaining environment. It becomes imperative that negotiators in the collective bargaining environment do not perceive each

other as personal enemies, but rather as effective negotiators for common goals or objectives. The ELRC believes that negotiators in the collective bargaining environment understand that body language and tone are at times channels that give information of crucial value to the other parties.

Emotions

The ELRC acknowledges that at times in the heat of debates Parties may be tempted to engage in verbal attacks, but principled negotiators have long learned how to manage their emotions. The ELRC in this instance have provided all Parties (Negotiators) with training/workshops on intensive negotiations skills and advanced negotiations skills.

Shared interest and Trust

The ELRC believes that if a positive/sound relationship can be established with all Parties in the collective bargaining environment, Parties will enjoy shared interests and trust amongst themselves. In this instance, the ELRC provides an opportunity in the Annual Performance Plan for Parties to meet and identify issues of mutual interest for discussion, both nationally and provincially. The provinces are also at liberty to identify unique objectives in relation to their provinces for discussion over an above the standardised annual performance plan for all provinces. The ELRC believes that in identifying issues of mutual interest, Parties need to trust each other so that the underlying interest of all Parties may lead to a win- win situation in the collective bargaining environment.

Conclusion

The ELRC believes that for Parties to maintain sound relationship in the collective bargaining environment, parties should adhere to the theme of principled negotiations and that the process should be rational and objective. Parties are encouraged to maintain

objectivity at all times in their collective bargaining debates or discussions.

RPL IS PAVED WITH GOOD INTENTIONS

By Barbara Jones



It is good to hear that both the minister of higher education and the South African Qualifications Authority acknowledge that the "recognition of prior learning" (RPL) is an essential aspect of an integrated post-school education and training system and they are committed to ensuring it is prioritised.

RPL has been official educational policy since 2002. It aimed to offer great aspirational possibilities for access to lifelong learning opportunities and for work mobility and promotion, but these have not really materialised. RPL is absent from our public further education and training (FET) colleges and very few students are admitted into higher education through RPL.

This is a serious problem when our country is in dire need of an appropriately educated and skilled youth and adult population that is employed in decent and meaningful work.

Sector education and training authority (Seta) funding for RPL is one area where some progress has been made, especially in helping experienced insurance agents, financial advisers and real estate agents to meet new quality assurance requirements

and register as professionals in their fields.

There are other pockets of good RPL practice that have made a very real difference to people's lives and to their communities. John Kiewits grew up in Elsies River, Cape Town, in the 1970s and 1980s. He was the second youngest of four brothers who were supported by his mother's meagre earnings as a domestic worker. Life was hard and his prospects looked bleak.

To give him a better chance, he was sent to relatives in Calitzdorp to complete his schooling, but he became demotivated and failed Grade 10 after being told that he was not going to make anything of his life.

He found a job as a delivery vehicle assistant and started his own spaza shop as a sideline shortly afterwards. He migrated into construction work and from there into doing electrical maintenance and installations. As a part-time artist, he would even sell his art to generate more income, all the while involving himself in community outreach projects.

In 2006 he heard about the RPL programme at the University of the Western Cape, enrolled for the RPL portfolio development course and was accepted into the law faculty in 2007. Studying part-time and having to become fluent in English and legal English fast, he managed to complete his LLB in 2011 as one of the top students in the faculty.

He threw himself into a master's degree in law, achieving this in one year, despite also working as a tutor to undergraduate law students. He never forgot the support he got from the RPL team and, in turn, gave of his own time throughout his studies to be a peer facilitator and mentor of other RPL candidates.

Now 40, Kiewits is serving his articles to become an advocate and continues to serve his community. His lifelong passion for human rights, and to help others wherever he can, will ensure that he becomes a worthy member

of the legal profession.

But there are many more people like him who deserve a second chance at education and can make a huge difference in society, and yet who have encountered only obstacles along their way.

The ministerial task team on RPL, appointed in 2012 to develop a national strategy for the wide-scale implementation of RPL in the post-school education and training system, submitted its recommendations earlier this year, as did the reference group that has been working with the South African Qualifications Authority to amend RPL policy. These groups have had broad stakeholder representation and have made sound recommendations.

Adequate resourcing and funding have always formed one of the biggest barriers to RPL implementation. RPL is a complex process: it is not a simple assessment of a candidate's experiential knowledge that is presented in a portfolio of evidence.

Research and practice in South Africa in the past 10 years have shown that RPL needs different approaches in different contexts and for different purposes. Candidates need thorough career advice and counselling as well as extensive support to help them to identify the relevant knowledge and skills they have acquired through life and work experience and the language to translate this into the specialised language of the academy or qualification.

RPL requires expert educators to help candidates to make sense of the process and navigate their way across these knowledge and language boundaries, all of which comes at a cost of time and resources.

But public FET colleges and universities have received no state funding for RPL. According to the South African Qualifications Authority, resources must cover the "training of RPL advisers, facilitators, pedagogues (

mediators), assessors, moderators and administrators, as well as hidden costs such as advising, guiding and facilitating, teaching towards assessment, assessment and moderation processes, quality assurance and research and development".

It is very important that RPL targets be set for FET colleges and universities, and that these institutions are given incentives — because they are unlikely to respond otherwise. They are urgently needed to give a second chance to the huge numbers of young people who have fallen through the cracks of our school education system.

Fears that allowing people into higher education through the RPL route would lower standards have proved to be unfounded. On the contrary, evidence is that successful RPL candidates tend to outperform students who have met universities' traditional entry criteria.

Another huge barrier has been articulation and progression on the national qualifications framework. For instance, somebody who has achieved an occupational qualification through an RPL route, or for a certain number of credits towards the qualification, is not guaranteed being able to build on this to study further.

As more and more reputable online courses and qualifications become available, such as those offered by Yale and Harvard universities, and more and more applicants with knowledge gained through these forms of learning apply to study at our universities, solving this problem will become even more urgent.

The outdated human resources policies in many workplaces that thwart RPL graduates are another concern. For example, one major South African insurance company insists that all applicants for employment must have a matric certificate, but this automatically disqualifies any university graduates who were admitted through RPL, no matter what tertiary qualifications they may have.

Human resources and labour relations policies and practices in all sectors must align with RPL policy and its underpinning rationale of equity and social justice. That is, there must be no distinction between qualifications awarded through conventional or RPL routes.

The national RPL strategy now being promoted must recognise different types of learning, including formal, non-formal and informal; everyday knowledge and skills; practical wisdom; and indigenous knowledge.

RPL must be taken to scale: we cannot afford not to. "Important lessons have been learned ... [and] islands of excellent practice need to be bridged and expanded to a fully fledged RPL system that is integrated with the education and training system in the country," as the South African Qualifications Authority said in December 2012.

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The **New Negotiator** is published by the Education
Labour Relations Council
Communications Department

Editor: Ms NO Foca

Tel: 012 663 0432

FAX: 012 663 9604

E-mail: CindyFoca@elrc.co.za

Editor: Mr F Moloisi

Tel: 012 663 0440

FAX: 012 663 9604

E-mail: smcbs@elrc.co.za

Editor, Layout and Design: Bernice Loxton

Tel: (012) 663 0442

Fax: (012) 663 9604

E-mail: media.pro@elrc.co.za

Upcoming Events

The ELRC's 19th Annual General Meeting (AGM) is taking place on 20th August 2013, followed by a gala event on 21st August 2013. The theme of this year's AGM is: *"Education as a fundamental service and the role of all stakeholders to ascertain labour peace in public education."*

The ELRC is hosting World Teachers' Day on 5th October 2013 in KwaZulu-Natal. The theme for this year's celebration is: *"A call for Teachers."*