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EDUCATION LABOUR
RELATIONS COUNCIL

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ELRC 23RD ANNUAL GENERAL MEETING

By Bernice Loxton

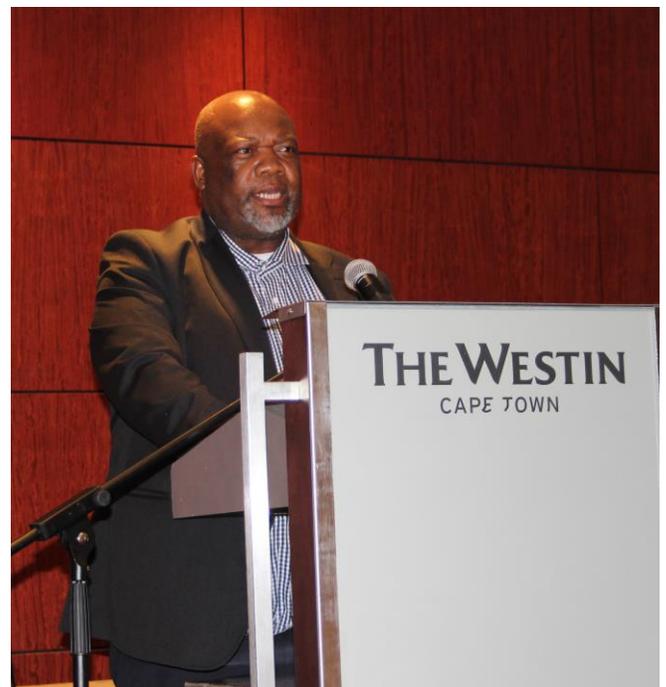


The ELRC celebrated its 23rd AGM at the Westinn Hotel in Cape Town on 31st August 2017. The gala event celebrated the Council's achievements and contribution to public education in the 2016/17 financial year. The most distinctive being the facilitation provided at provincial level, particularly in the Eastern Cape.

This year's theme was: Upholding the precepts of the Labour Relations Act, to restore collective bargaining for improvement in public education." All the speakers at the event emphasised the importance of the child who should ultimately benefit from the collective efforts of all stakeholders to improve the quality of education in the public education sector.

Mr T Kojana, Superintendent-General of the Eastern Cape Education Department, delivered the message of support to the ELRC on behalf of

the Director-General of Basic Education, Mr HM Mweli.



Mr. T Kojana, Superintendent-General of the Eastern Cape Department of Education

Mr Kojana highlighted that there has been progress in terms of ensuring labour peace in public education and this is evidenced by the number of collective agreements signed in the ELRC. He also expressed the Department of Basic Education's appreciation of the facilitation that the ELRC provided in the provinces in the 2016/17 financial year, the Eastern Cape specifically benefitted from this process.

The Eastern Cape facilitation has shown how parties can jointly protect teaching and learning

time and ensure that there is a teacher in every classroom.

The wonder of collaboration was also demonstrated through the Department of Education working hand-in-hand with all unions including the SGB's in the Eastern Cape. Mr Kojana said that they were hopeful that there would be more collective agreements signed.



Mr. M Maluleke delivered a message of support on behalf of SADTU.

Mr M Maluleke, General Secretary of SADTU recognised the role of women in the liberation struggle and highlighted that the struggle for equality still continues unabated.

In line with the theme, Mr Maluleke mentioned that action is required from all stakeholders to restore collective bargaining for social justice. "This is about the future of our children and the future of our country and the world. It is a clarion call to action for urgency, efficiency and investment in human resource development to improve the quality of public education", said Mr Maluleke.

He said that we should de-mythologise collective bargaining and adopt it as an instrument that can lead to more effective and efficient services and to decent work conditions that respect the dignity of all education stakeholders.

Mr Maluleke said that SADTU believes that fighting for social justice is a just cause. This includes the continued struggle for quality education.

Mr Maluleke concluded by reminding attendees of the Education Indaba held in June 2017, under the auspices of the ELRC, which he described as a breath of fresh air and a new beginning to address pertinent issues in a different manner. He said this is a good sign of many more dialogues to come and that all stakeholders were looking forward to the realisation of the Declaration of the Education Indaba.



Mr. B Manuel delivered a message of support on behalf of CTU-ATU.

Mr B Mauel delivered a message of support on behalf of the CTU-ATU. Mr Manuel started his message by stating that improvement of conditions of the child, automatically improves conditions of the teacher.

He said that the ELRC's AGM was taking place during a time where collective bargaining was assessed and re-defined the world over. "We are fortunate in South Africa because we have a collective bargaining arrangement, but we have to keep it alive and not let it slip into collective begging. If we do that, we will lose the opportunity of working together and achieving real progress", said Mr Manuel.

He mentioned the importance of remembering the responsibilities we each have as stakeholders in education and specifically teacher unions, who speak on behalf of their members. If union leaders were to forget for one moment that it is their members that represent the greater good, then unions would have failed in their responsibility.

Mr Manuel in closing commented on the growing numbers of teachers outside of the ELRC, which he referred to as “the growing privatisation in education”. He said that unless we look very carefully at what is happening in relation to this matter, we will be sitting with another estate and we would then have to answer, who does it serve? The answer to that question would certainly not benefit the child in South Africa.



The keynote address was delivered by Prof S Seepe

Prof Seepe delivered the keynote address. Prof Seepe is a Special Advisor in the Ministry of Public Service and Administration. He held a similar position in the Department of Human Settlement and Ministry of Defence and Military Veterans.

He is an educator and academic who held teaching positions at a high school, a college and universities, both local and abroad. He has written extensively on matters of public interest, from

politics, culture, affirmative action issues, education, to matters relating to transformation of society and institutions.

Prof Seepe started his presentation with a famous quote from JFK: “*The progress of any nation can be no swifter than its progress in education*” and said that if we do not make progress in education, we can forget about progress in our country.

The focus of his speech was on ‘rediscovering our historic mission’. He said that leadership is about taking a position and not sitting on the fence. It is necessary to have a mission to pursue which will serve as your compass and not allow you to be side tracked by irritations or distractions. Prof Seepe said we have reached a state in our country where a lot of time and effort is wasted on side issues, rather than the issue of a historic mission.

He referred to Nelson Mandela’s Rivonia trial when we was addressing the court. One thing of importance, especially for educators that he mentions is, that he used to listen to the elders talk about the anti-colonial struggles of the African people. As he listened he admired those heroes and heroines of the struggle and wished that history would be so kind to him, that he could play the same influential role. Mandela located himself within this historical struggle. His historic mission was to participate in the liberation of black people. Prof Seepe said through the history of the ANC, there were groupings that defined their mission at every epoch.

He quoted Frans Fanon who said that each generation must discover its mission, fulfil it or betray it.

Prof Seepe said we have to historicize ourselves in the present, identify the challenges we face today and find solutions to resolve our challenges.

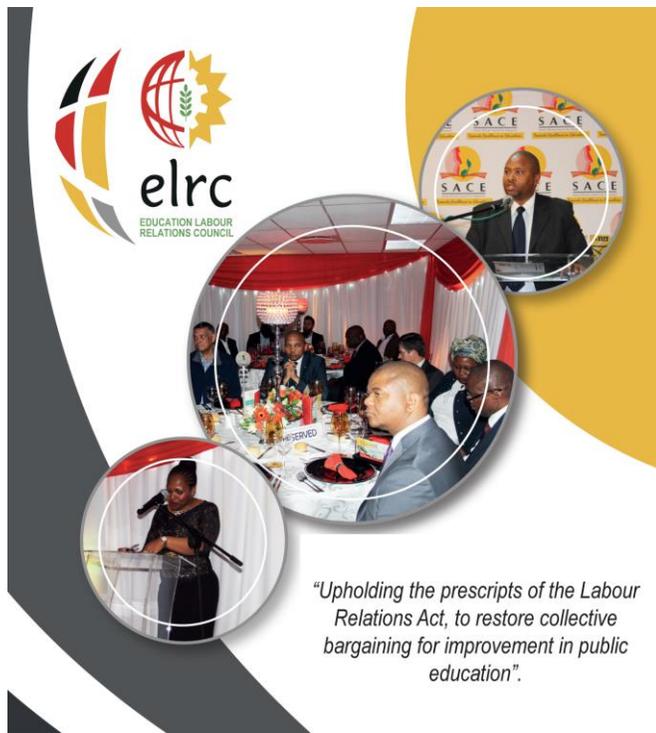
He stated that the best way of preserving history, is to make it part of our educational enterprise. We have to ensure that our children understand that they are part of a very important anti-colonial history and that history is redefined at every epoch and with every generation.

The General Secretary of the ELRC, Ms Foca also paid tribute to the Registrar of Labour, Mr Crouse, at the AGM Gala Event. Mr Crouse dedicated 23 years of his life to the cause of

sound labour relations in our country. He is regarded as the vanguard of labour relations and his work directly benefited workers on the ground.



Mr J Crouse, Registrar of Labour



ELRC COLLECTIVE AGREEMENTS

By Bernice Loxton

The Council concluded two collective agreements during the period July to September 2017. These are, *Collective Agreement No.1 of 2017: Picketing rules* and *Collective Agreement No. 2 of 2017: Vote weights for the trade unions that are Parties to Council.*

Collective Agreement No. 1 of 2017 is a significant agreement, as it provides a procedure for picketing during industrial action in an effort to ensure peaceful and organised picketing. The purpose of the Agreement is also to demarcate areas where demonstration, assembly and/or picketing is to take place.

The Agreement recognises the rights of unions and employees to picket, it equally seeks to regulate the exercise of picketing rights by unions and employees within the premises of the Employer (Department of Basic Education).

Annexure A of the Agreement provides a Code of Good Practice, which is a practical guide on picketing in support of any protected strike or in opposition to any lock-out.

The Agreement addresses a highly contentious element of picketing, which is violent strikes and victimisation of non-striking employees. This has enjoyed much publicity over the years, particularly in the public education sector with emphasis of its effects on teaching and learning. The implementation of this Agreement serves as a great accomplishment for the public education sector and will assist to reinforce the role of the ELRC to maintain labour peace in the sector.

The purpose of Collective Agreement No. 2 of 2017 is to establish the vote weights for the trade unions that are parties to the ELRC. Annexures A and A1 to A9 of the Agreement are consolidated voting weights per PERSAL, as at 31 March 2017.

COLLECTIVE BARGAINING ENHANCES ECONOMIC DEVELOPMENT FOR TEACHERS

By Grace Neewat



The Labour Relations Act (LRA) 66 of 1995, as amended, encapsulates the government's aims to reconstruct and democratise the economy and society in the labour relations arena. Other important pieces of labour legislation in South Africa pertaining to educators are the Basic Conditions of Employment Act (BCEA) 75 of 1997; Employment Equity Act (EEA) of 1997 and Constitution of the Republic Act 108 of 1996, to mention a few. The notion of industrial democracy and transformation of the workplace are central issues in South African labour law.

Constitutional change in South Africa has advanced the protection of human rights and the democratisation of the workplace. Hence, the establishment of the ELRC as a bargaining in terms of Section (37) (2) of the LRA.

Collective bargaining is largely an argumentative procedure which comprises compromise or negotiation between parties with contradictory interests seeking to achieve equally satisfactory compromises and assumes that employees are eligible to partake successfully in decisive and defending their terms of employment. For employees, it is mostly a means of preserving

certain values of distribution of labour, of rewards and of permanency of employ. Employers' understanding it as a means of safeguarding labour peace.

Collective bargaining is widely recognised as the key resource of determining employment terms and conditions in South Africa. Due to our country's history, collective bargaining has been underlined by the heritage of profound confrontation between employers and organised labour. It has been argued that numerous behaviours in the choice of joint representatives, that the way collective bargaining takes place and the application of collective agreements are prearranged and prohibited by labour laws.

However, the greatest advantage from collective bargaining is when good faith bargaining is promoted and practical execution of collective agreements are done. Furthermore, the constitutional framework supports the provisions of the LRA. Section 23(5) of the Constitution provides that every trade union, employers' organisation and employer has the right to engage in collective bargaining (Constitution of SA, 1996). On the other hand, advocates of the right to organise have argued that collective bargaining not only allows employees the chance to advance a larger portion of the fruits of their efforts, but also endorses fairness in negotiating power between labour and management. The collective negotiating process therefore ensures that the interests of workers can be enforced by themselves or their trade union representatives, and that an economic conversation between the collective workforce and the employer takes place.

One of the purposes of the LRA is to promote collective bargaining and to provide a framework within which employers, employers' organisations; trade unions and employees can bargain collectively to determine conditions of employment, formulate industrial policy and provide for other matters of mutual interest. It must be reiterated that the LRA sets out not only to promote "*labour peace*, but also *orderly collective bargaining and the effective resolution of labour disputes*" (LRA, 1995). As explained above, the right and affiliated duty to bargain collectively, is preserved in the LRA and is fundamental to a system that sets out to: civilise the workplace, provide for a fair distribution between wage and profits, keep the economy

vibrant and contribute to the wider democratic order.

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- Grace Neetwat is the Provincial Manager of the ELRC Western Cape Chamber.*
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FACILITATION IN THE EASTERN CAPE

By Bernice Loxton

The ELRC provided facilitation in the Eastern Cape from December 2016, in line with its mandate to maintain labour peace in the public education sector.

This is a feat for the sector as all stakeholders were involved in the process of mediation, including the School Governing Bodies (SGBs), which is historic as they were previously not involved in discussions on Post Provisioning Norms (PPN) in the Province. The facilitation process offers the prospect of sustained stability in the Eastern Cape.

The facilitation meetings for 2017 focussed on the Post Provisioning for 2018 and the following are the core issues discussed:

- Data utilised for 2018 Posts
- Learner numbers vs learners without Identity Documents (IDs)
- Decrease of 1 108 posts from 2017's post basket
- Grade R allocations
- Remedial posts
- Plan to address "excess educators", "displaced educators" and "educators on extended absence from school"
- Appointment of temporal educators in substantive vacant posts
- Smaller schools (less than eight posts)
- Learner educator ratio
- Provisioning Norms for "Special, Agriculture, Arts & Specialised schools (maritime schools)"
- HR Plan and Teacher Development

Parties reached consensus on the above issues and affirmed their commitment to ensure the implementation of agreements reached during the facilitation process.

The facilitation process in the Eastern Cape is ongoing and has already produced favourable results, with the improved performance of the ELRC's Eastern Cape Chamber during the period April to September 2017.



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