

**PROVINCIAL EDUCATION LABOUR RELATIONS CHAMBER: EASTERN  
CAPE**

**RESOLUTION NO. 2 OF 2002**

**GUIDELINES FOR INTERVIEWS**

**1. PURPOSE OF THIS AGREEMENT**

- 1.1 To interpret resolution no. 5 of 1998 signed in the Education Labour Relations Council (ELRC).
- 1.2 To establish guidelines for interviews in accordance with clause 3.7 in Schedule 1 of Resolution no. 5 of 1998.

**2. SCOPE OF AGREEMENT**

- 2.1 This agreement binds:
  - 2.1.1 The employer; and
  - 2.1.2 All the employees of the employer as defined in the Employment of Educators Act, no. 76 of 1998, whether such employees are members of trade union parties to this agreement or not.

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

- 3.1 Resolution no. 5 of 1998 of the Education Labour Relations Council contains the agreed to process for the filling of educator posts at institutions.
- 3.2 Differences in application and interpretation of the mentioned resolution have led to several alleged unfair labour practice disputes.
- 3.3 The need to assist School Governing Bodies to perform their functions in accordance with the relevant legislation.
- 3.4 Paragraph 3.7 in Schedule 1 of Resolution no. 5 of 1998 requires the Provincial Chamber to develop guidelines for interviews.
- 3.5 The commitment of parties to the Provincial Chamber to pursue dispute prevention in the process of maintaining labour peace in education.

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**4. THE PARTIES TO COUNCIL AGREE TO THE FOLLOWING:**

- 4.1 Interpretation to the following clauses contained in Resolution no. 5 of 1998
- 4.1.1 Clause 2.1: The Employer shall send letters of acknowledgement to all applicants before the application forms are sent to School Governing Bodies.
- 4.1.2 Clause 2.2: The initial sifting of applications in terms of the minimum requirements for the posts as stated in the Personnel Administration Measures (PAM) shall be done by the Employer.
- 4.1.3 Sub-clause 3.2.1 (a): The School Governing Body must send an invitation for 1 (one) observer per union to both the unions and the relevant Districts.
- 4.1.4 Sub-clause 3.2.1 (b): The Employer shall fulfill its obligation and ensure that a departmental representative is present at all processes.
- 4.1.5 In the event of a departmental representative not being present at the start of proceedings due to unforeseen circumstances, the School Governing Body should:
- 4.1.5.1 In the case of a principal post adjourn the meeting to allow for the departmental representative to be present.
- 4.1.5.2 In the case of any other educator post continue as the school principal will be the departmental representative. Where neither the school principal nor any other designated departmental official is present, the School Governing Body must adjourn the meeting to allow for the departmental representative to be present.
- 4.1.6 Sub-clause 3.2.1 (c): Members co-opted for their expertise or skills, including resource persons and observers, in the Interview Committee do not have voting rights.
- 4.1.7 Clause 3.4.: As all instruction and relevant information would appear in the vacancy list, School Governing Bodies shall not open the envelope containing the application forms prior to the short-listing criteria having been finalised.
- 4.1.8 Clause 3.6: Short-listing criteria must be tabled for adoption at the short-listing meeting of the Interview Committee and comply with the set guidelines. The

shortlisting criteria should be drawn up in consultation with all parties.

4.1.9 Consultation with the departmental representative and union observers is strongly encouraged where additional criteria are concerned.

4.1.10 Sub-clause 3.6.3: The Interview Committee must short-list those educators who are "carried additional to the establishment" and suitable in terms of the curricula needs of the school.

4.1.11 Sub-clause 3.6.4: The number of 5 (five) applicants is a guideline and the total to be short-listed, in addition to those suitable excess educators, is subject to the discretion of the School Governing Body.

#### 4.2 Procedure before interviews

4.2.1 The School Governing Body should establish an Interview Committee.

4.2.2 The School Governing Body must convene the first meeting of the Interview Committee.

4.2.3 The Interview Committee must elect among themselves a chairperson and secretary.

4.2.4 The Interview Committee must set and adopt short-listing criteria;

4.2.5 The Interview Committee must short-list applicants as guided by resolution no. 5 of 1998;

4.2.6 The Interview Committee must draft questions for interviews;

4.2.7 The above draft questions must under no circumstances be made available in whatever form to any of the applicants / interviewees prior the actual interview session;

4.2.8 The Interview Committee must finalise and adopt the questions to be asked;

4.2.9 The above questions should be in accordance with the criteria / requirements for the post.

#### 4.3 Procedure during interviews

4.3.1 Allow enough time for each interview;

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- 4.3.2 Each applicant must receive more or less the same amount of time per interview;
- 4.3.3 The Chairperson of the Interview Committee should allow members of the Committee to put questions according to a pre-arranged plan;
- 4.3.4 Interviewees should be treated in a similar manner, both in terms of questions asked and manner in which interviews are conducted;
- 4.3.5 Indicate when and how the applicant will be informed of the final decision.
- 4.3.6 Do not:
  - 4.3.6.1 Rush the interview;
  - 4.3.6.2 Allow any person who is an applicant to be part of any of the processes;
  - 4.3.6.3 Ask questions about religion, sexual orientation personal questions or leading questions;
  - 4.3.6.4 Cross-examine a applicant;
  - 4.3.6.5 Interrupt answers of applicants, unless the purpose is to get clarity from applicant;
  - 4.3.6.6 Inform any of the applicants about the success or not of the applicant during the interview – this is the role of the Employer.

#### **4.4 Procedure after interviews**

- 4.4.1 The Interview Committee should reach a decision as soon as possible;
- 4.4.2 The Interview Committee must rank all the applicants interviewed in order of their preference and motivate the ranking of each applicant to the School Governing Body;
- 4.4.3 The School Governing Body, not the Interview Committee, must submit its recommendation in order of preference to the Eastern Cape Education Department. This submission of the School Governing Body may or may not differ from the earlier submission of the Interview Committee. The School Governing Body must give reasons to the Interview Committee when changes are to be made to the preference list submitted by the Interview Committee.

- 4.4.4 The Eastern Cape Education Department must notify the successful applicant first and, as soon as possible, obtain his / her acceptance of the nomination in writing; thereafter
- 4.4.5 The Eastern Cape Education Department must notify the unsuccessful interviewees as soon as possible;
- 4.4.6 The School Governing Body must return all applications and forward copies of the minutes to the Eastern Cape Education Department;
- 4.4.7 An applicant has the right to request and obtain information about his / her unsuccessful interview;
- 4.4.8 The School Governing Body must ensure that the nomination form and support documentation are correctly and fully completed and submitted to the Eastern Cape Education Department as soon as possible;
- 4.4.9 The School Governing Body must retain accurate records of proceedings related to both short-listing and interviewing.

**5. DISPUTE RESOLUTION PROCEDURE:**

- 5.1 Any dispute arising from this agreement shall be referred to the Education Labour Relations Council for resolution.

**6. DATE OF IMPLEMENTATION:**

- 6.1 This agreement shall in respect of parties and non-parties, come into effect the date it is signed, subject to this agreement being ratified and endorsed by the ELRC.

**7. DEFINITIONS:**

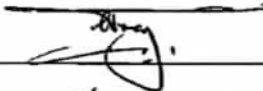

- 7.1 "School Governing Body" refers to the relevant governance structure of the educational institution or college as defined in the ELRC Resolution no. 5 of 1998.
- 7.2 "Observer" shall have participatory status meaning the right to ask questions for clarification, but shall not take part in actual interview process and shall not have any voting rights.
- 7.3 "District" means the newly demarcated areas as per departmental organogram 2002.

Thus done and signed at BISHO on the 13<sup>th</sup> day of August 2002 by:

**ON BEHALF OF THE STATE AS EMPLOYER**

DEPARTMENT	NAME	SIGNATURE
EDUCATION	RICHARD PRETORIUS	Richard

**ON BEHALF OF EMPLOYEE PARTIES**

TRADE UNION	NAME	SIGNATURE
NAPTOSA	Adam Faray	
SADTU	Mzobisi Simaza	
SAOU	Gys du Plessis	