

**EASTERN CAPE PROVINCIAL EDUCATION LABOUR RELATIONS
CHAMBER**

Resolution no. 3 of 1999

PROVISIONS FOR THE APPOINTMENT OF PERSONS, WHO DO NOT MEET THE MINIMUM REQUIREMENTS, IN PROMOTION POSTS THROUGH INDIVIDUAL RELAXATION OF THE MINIMUM REQUIREMENTS AS PER THE PERSONNEL ADMINISTRATION MEASURES.

1. AGREEMENT:

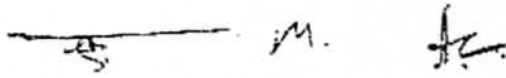
- 1.1 The object of this agreement is to define specific provisions for the appointment of *unqualified* and *under-qualified* educators in promotion posts, including principal posts:
- 1.2 This agreement applies to the *employer* and all *employees*:-
- 1.2.1 Employed by the State; and
 - 1.2.2 Who fall within the registered scope of the *Council*.

2. OBJECTIVES OF THIS AGREEMENT:

- 2.1 The objectives of this agreement will be to provide guidelines in terms of the following:
- 2.1.1 The appointment of *unqualified* and *under-qualified* educators in promotion posts, including principals through *individual relaxation* of the minimum requirements as per the Personnel Administration Measures determined by the Minister of Education.

3. MECHANISMS FOR IMPLEMENTATION:

- 3.1 In order to reach agreement on whether these provisions will not negatively affect appointments in education as provided for in the Personnel Administration Measures the *Provincial Education Labour Relations Chamber* must consider:-
- 3.1.1 The provisions on appointments in education as per the Personnel Administration Measures;



3.1.2 The provisions on minimum requirements for appointments as per the Personnel Administration Measures;

3.1.3 Previous appointments in promotion posts based on individual relaxation of the minimum requirements effected by the *employer*; and

3.1.4 The rights of the *employer* and *employees* as enshrined in the *Labour Relations Act, 1995*.

4. OBLIGATIONS OF THE EMPLOYER:

4.1 The *employer* shall abide by the provisions of the Personnel Administration Measures;

4.2 The *employer* shall abide by the provisions of this collective agreement; and

4.3 The *employer* shall allow for the appointment of *unqualified* and *under-qualified educators* in promotion posts, including principal posts on individual merits of the relaxation of the minimum requirements as per the Personnel Administration Measures.

5. OBLIGATIONS OF THE TRADE UNIONS:

5.1 The *trade unions* shall abide by the provisions of the Personnel Administration Measures; and

5.2 The *trade unions* shall abide by the provisions of this collective agreement.

6. SPECIFIC PROVISIONS FOR THE APPOINTMENT OF EDUCATORS WHO DO NOT MEET THE MINIMUM REQUIREMENTS IN PROMOTION POSTS, INCLUDING THE POST OF PRINCIPAL:

6.1 Persons appointed before the 1st January 1984 as permanent educators are deemed to have met the minimum requirements for appointment in promotion posts, including the post of principal;

6.2 Persons appointed before the 1st January 1984 as permanent educators are therefore deemed to be eligible for promotion;

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6.3 Such persons be considered equally with *qualified educators* for appointment in promotion posts, including the post of principal where such persons may apply and be recommended by *governing bodies*; and

6.4 Such appointments shall only be done on individual merits in terms of the relaxation provision as per the Personnel Administration Measures.

7. PERIOD OF ENFORCEMENT:

7.1 This agreement shall remain in force in line with the provisions of the Personnel Administration Measures.

8. DISPUTE RESOLUTION:

8.1 If there is a dispute about the interpretation or application of this agreement any party may refer the matter for resolve in terms of the Constitution of the Council.

9. DEFINITIONS:

9.1 Any expression used in this agreement which is defined in the Labour Relations Act, 1995 (Act no. 66 of 1995) will have the same meaning as in that Act except that:

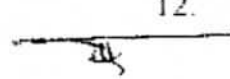
9.1.1 "Council" means the Education Labour Relations Council.

9.1.2 "Employee" means an educator as defined in the Employment of Educators Act, 1998.

9.1.3 "Employer" means the employer as defined in the Employment of Educators Act, 1998.

9.1.4 "Unqualified educator" means a person who is holding a teaching post on an establishment and who has not received any formal professional training as an educator.

9.1.5 "Under-qualified educator" means a person who is holding a teaching post on an establishment and is in possession of a professional education qualification evaluated as less than REQV 13. This category includes teachers who received two years of professional training or less, with or without Grade 12.

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9.1.6 "Trade union" means a registered trade union, or two or more registered trade unions acting together who are admitted to the Provincial Education Labour Relations Chamber designated by the Education Labour Relations Council (ELRC).

9.1.7 "Governing body" means governing body as contemplated in section 16(1) of the South African Schools Act, 1996.

THIS DONE AND SIGNED AT BISHO ON THIS THE

29 DAY OF JUNE 1999.

ON BEHALF OF THE EMPLOYER:

	NAME	SIGNATURE
STATE AS EMPLOYER	E. N. M. KHUMALO	<i>E. N. M. Khumalo</i>

ON BEHALF OF TRADE UNION PARTIES:

	NAME	SIGNATURE
SADTU	M. SAZUWA	<i>M. Sazuya</i>
NAPTOSA	Adam FRAY	<i>Adam Fray</i>
SAOU	ANDRÉ OLIVIER	<i>André Olivier</i>