COLLECTIVE AGREEMENT NUMBER 1 OF 2006

17 MAY 2006

PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS

Collective Agreement Number 1 of 2006
Permanent Appointment of Temporary Educators
EDUCATION LABOUR RELATIONS COUNCIL
NORTH WEST CHAMBER
COLLECTIVE AGREEMENT NO.1 OF 2006

PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS

1. PURPOSE OF THE AGREEMENT

To effect the permanent appointment of identified temporary educators.

2. SCOPE OF AGREEMENT

This agreement to apply to and binds:

2.1 The Employer; and

2.2 All the employees of the employer as defined in the Employment of Educators Act 76 of 1998 (as amended) whether such employees are members of trade union parties to this agreement or not.

3. THE PARTIES TO THE CHAMBER NOTE

3.1 The content of ELRC Resolution 6 of 1998, with specific reference to paragraph 3.8 and 3.9, wherein reference is made to educators employed in a temporary capacity in substantive posts and that such educators must be employed on a permanent basis;

3.2 The content of ELRC Resolution 4 of 2001 which provides for the permanent appointment of under qualified educators;

3.3 The content of ELRC Resolution 4 of 2002 which provides for the permanent appointment of unqualified educators;

3.4 That the parties acknowledge that educators employed in a temporary capacity has not had the opportunity to apply for posts in the conventional manner for a sustainable period

3.5 That educational institutions have indicated on numerous occasions that the services of such educators are required as they make a considerable contribution to the compliance with curriculum responsibilities of such institutions; and

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3.6 That parties to the Chamber acknowledge the need to effect the permanent appointment of temporary educators in order to minimize the disruptive effect of their short-term contracts and enable educational institutions to continue complying with their curriculum responsibilities without the danger of any interruption;

3.7 That the Head of Department (HOD) shall exercise discretionary powers to give effect to permanent appointment / absorption of qualifying educators.

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

4.1 All Temporary educators as defined in paragraph 4.3 who shall have rendered continuous service by 30 June 2006 will be eligible for permanent appointment / absorption.

4.2 That the procedure will address the following principles:

4.2.1 In order to give effect to 4.1 above, the curricular needs of the institutions where there is vacant substantive posts shall be guiding principles;

4.2.2 The absorption process to be underpinned by the principles of transparency, fairness and equity;

4.2.3 LIFO (last in first out) shall be applied where there are more qualifying educators mentioned in 4.1 than the number of vacant substantive posts at institution level;

4.2.4 A permanent appointment shall be deemed to be completed when temporary educators referred to in paragraph 4.1 of this agreement accepts an offer of appointment;

4.2.5 Temporary educators be considered for absorption at their current institutions where applicable or at any other institutions where there is a vacant substantive post due to Phases 1 and 2 as contemplated in paragraph 6 hereunder;

4.2.6 Task Teams shall be established at all levels of the department (Area Project office, Regions, FET College and Province) to monitor the process of absorption, identify and address flaws and complaints as close to the source as possible;

4.2.7 Principles and procedures enshrined in this process apply to all public ordinary schools including LSEN institutions and FET Colleges; and

4.2.8 For purposes of this agreement, where the services of a substantive educator have been utilized in such a manner that s/he has been denied the opportunity of being
appointed in a temporary capacity in a substantive post, such educator’s position be considered and adjudicated individually by the Employer Parties who are members of the Task Teams referred to in paragraph 4.2.6 on its merit so that it could be treated in the same manner as a temporary educator in substantive post.

4.3 That for purposes of this absorption process, temporary educators will be categorized into four (4) categories:

4.3.1 Temporary educators in substantive posts with two (2) years or more continuous service;

4.3.2 Temporary educators appointed additional to the establishment and substitute educators with two (2) years or more continuous service;

4.3.3 Temporary educators in substantive posts with less than two (2) years continuous service; and

4.3.4 Temporary educators appointed additional to the establishment and substitute educators with less than two (2) years continuous service.

5. CONDITIONS FOR ABSORPTION

5.1 Educator requirements

5.1.1 Registration with SACE; and

5.1.2 REQV 13

6. CRITERIA FOR ABSORPTION

6.1 PHASE 1

6.1.1 All temporary educators in substantive posts who have rendered two (2) years or more continuous service shall be permanent at their current institutions.

6.1.2 All temporary educators appointed additional to the establishments and substitute educators referred to in paragraph 4.3.2 who have rendered two (2) year or more continuous service shall be absorbed into existing substantive posts.

6.1.3 Educators referred to in paragraph 6.1.1 and 6.1.2, who could not be absorbed at other institutions into posts referred to in paragraph 4.2.3 for various reasons, be declared permanent and be considered for absorption into other existing vacancies.

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6.2 PHASE 2

6.2.1 Temporary educators with less than two (2) years continuous service offering on more scarce skills; subject to the curricular needs of the institution in terms of clause 4.2.1.

6.3 PHASE 3

6.3.1 All remaining vacancies, if any, will be filled through an open vacancy list that will be compiled and published;

6.3.2 For purposes of this vacancy list the normal legislation will be applicable.

7. ABSORPTION PROCEDURE

Absorption of temporary educators will be effected through the following two (2) stages:

7.1 Identification Process

Depending on the category in which a temporary educator falls, the following steps in the identification stage will be followed:

Step 1

All temporary educators on the departmental payroll on 30 June 2006, who have rendered two (2) or more years continuous service, shall be considered for permanent appointment absorption.

Individuals for consideration will be those falling under categories referred to in paragraph 4.3.1 and 4.3.2. This step shall be administered to finality before proceeding to the next.

Step 2

All educators who have less than two (2) years continuous service will be considered on the basis of their profiles and the extent to which they meet the requirements of scarce - skills subjects.

Individuals for consideration will be those falling under categories referred to in paragraphs 4.3.3 and 4.3.4.
7.2 Appointment/ Confirmation Stage

7.2.1 If an educator is absorbed in terms of this Collective Agreement interviews will not be required;

7.2.2 If an educator is not absorbed at his / her current institution, the provision of paragraph 4.2.5 shall apply.

8. EFFECTIVE DATE OF ABSORPTION

Temporary educators absorbed through Phases 1 and 2 will be issued with letters of permanent appointment/ absorption and their status will be changed with effect from 1 July 2006.

9. ESTABLISHMENT OF TASK TEAMS

9.1 The employer may convene and establish any other task teams, in consultation with employee organizations.

10. MANAGEMENT PLAN

A management plan will be compiled before the process unfolds.

11. DATE OF IMPLEMENTATION

This agreement shall, in respect of parties and non-parties to the North West ELRC Chamber, come into effect on the date it is signed and shall be concluded by 31 December 2006.

12. DISPUTE RESOLUTION

Any dispute about the interpretation of application of this agreement shall be resolved in terms of the dispute resolution procedures of the Council.
13. DEFINITIONS

13.1 “absorption” shall for the purpose of this Collective Agreement mean permanent appointment

13.2 “an educator additional to the establishment” means an educator who is not appointed in a substantive post

13.3 “constitution” means the Constitution of the Education Labour Relations Council

13.4 “continuous service” means a period as contemplated in the PAM, i.e. where there was no break in service, including instances where annual fixed-term contracts were used provided that the period of non-service from one contracts to the next was 120 days less.

13.5 “council” means the Education Labour Relations Council

13.6 “current institution” means an institution where the educator was attached to as at June 2006

13.7 “employee” means an educator as defined in the Employment of Educators Act 19 as amended

13.8 “employee parties” means teachers unions admitted to the ELRC North West Chamber (i.e. CTU – “SAOU” and CTU – “SADTU”)

13.9 “employer” means the employer as defined in the Employment of Educators Act 19 as amended

13.10 “Labour Relations Act” means the Labour Relations Act, No 66 of 1995 as amended

13.11 “parties” means the employer and the employees parties admitted to Chamber in terms of the Constitution of Council

13.12 “seniority” is determined as the period of continuous service and shall include continuous service rendered at any public educational institution

13.13 “substantive post” means a post allocated to an institution by means of the post Provisioning model and/or from the ad hoc pool

13.14 “substitute educator” means an educator who is substituting an incumbent who is approved leave, appointed in an acting capacity or appointed on secondment
Thus done and signed at RUSTENBURG on the 17\textsuperscript{TH} day of MAY 2006.

**ON BEHALF OF NORTH WEST DEPARTMENT OF EDUCATION AS THE EMPLOYER**

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<td>NORTH WEST DEPARTMENT OF EDUCATION</td>
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**ON BEHALF OF THE EMPLOYEE PARTIES**

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