Resolution

No 10
EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO. 10 OF 1996

EXTENSION OF RESOLUTION NO. 2 OF 1995: MEASURES WITH REGARD TO THE DISTRIBUTION OF FUNDS FROM THE EMPLOYEE AND EMPLOYER FUNDS ESTABLISHED IN TERMS OF RESOLUTION 3 OF 1994, AND MATTERS PERTAINING TO AUDITING OF PAID-UP MEMBERSHIP OF EMPLOYEE PARTIES TO THE COUNCIL

1. It is noted that:

   (a) Resolution No. 2 of 1995 (attached) provided for the distribution of funds from the employee and employer funds established in terms of Resolution No. 3 of 1994 and that last-mentioned resolution is still in full force and effect;

   (b) Resolution No. 2 of 1995 was an interim arrangement which sought to accommodate specific problems experienced by the employee parties relating to the distribution of employee funds based on Resolution No 3 of 1994;

   (c) Resolution No. 2 of 1995 fell away on 1 September 1995 and a further agreement is needed to cater for the period 1 September 1995 to 31 March 1996; and

   (d) The dispute regarding the vote-weight in the Council with effect from 1 April 1996 has been agreed to in terms of the attached settlement annexure.

2. The parties therefore agree as follows:

   (a) Resolution No. 2 of 1995 be extended to 31 March 1996, with retrospective effect.

   With effect from 1 April 1996 the distribution of funds from the employee funds will be made in accordance with the vote-weight of the employee parties in terms of the attached settlement.

SIGNED AT PRETORIA ON THIS ...... DAY OF ________ 1996.

On behalf of the employer:  On behalf of the employee parties:

Signature  Signature  Party

[Handwritten signatures]
On behalf of the employer:

Signature

On behalf of the employee parties:

Signature: Party

[Signatures and names]

[Signatures and names]
RESOLUTION

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION 2 OF 1995

MEASURES WITH REGARD TO THE DISTRIBUTION OF FUNDS FROM THE
EMPLOYEE AND EMPLOYER FUNDS ESTABLISHED IN TERMS OF
RESOLUTION 3 OF 1994, AND MATTERS PERTAINING TO AUDITING OF
PAID UP MEMBERSHIP OF EMPLOYEE PARTIES TO THE COUNCIL.

The employer- and employee organisations as defined in section 1 of the
Education Labour Relations Act 1993, 446 of 1993, who are parties to the
Education Labour Relations Council established in terms of section 6 of the said
Act, agree in terms of section 12 of the Act that:

1. All employee parties will submit their certified and audited membership
records to the secretary for auditing by the auditors of the council before
31 July, in order to enable the secretary to determine the said
membership, which the secretary will do in terms of clause 10(22)(c)(i) of
the constitution of the Council before 31 August 1993.

2. The funds available in both the employee fund and the employer fund
established in terms of council resolution 5 of 1994, after provision has
been made for expenditure of the council of an amount of R 50 000 to
date, shall be divided between and paid over to the employee parties
forthwith as follows:

2.1 20% of the funds available in the respective funds after provision for
expenditure of the council for an amount of R 50 000 to date, and
thereafter provision for actual expenditure with regard to each following
specific calendar month, shall be retained in the funds and invested in an
interest bearing bank account, pending the final determination of the
paid up membership of employee parties and the comprehensive
implementation of the deduction of levies by the employer parties in
terms of resolution 3 of 1994.

2.2 The balance of the funds so available shall be paid to employee
parties in the following shares, from the employee fund until final
determination of paid up membership in terms of the constitution of the
Council and from the employer fund until such time as the employer
parties shall have implemented resolution 3 of 1994.
- one half to The South African Democratic Teachers' Union
- one half to all other employee parties pro rata to their respective shares of the 60% of the vote weights of employee party votes that have been allocated to them in terms of the resolution in this regard dated 23 March 1994 as amended.

3. The amount retained in the employee fund in terms of 2.1 above shall be distributed to employee parties after final determination of paid up membership and vote weights for the following year. Provided that such distribution shall be made pro rata based on finally determined paid up membership and shall take into account all previous distributions in terms of 2.2 above. No employee party shall have any claim against the council or any other employee party with regard to distributions paid in terms of 2.2.

4. Amounts paid to the employee parties from the employer fund as an interim measure in terms of this resolution until such time as the employer parties shall have implemented the deduction of levies in terms of resolution 3 of 1994 and the payment thereof to the council, shall be recoverable by the employer fund from the employee fund, free of interest and in installments to be agreed by the parties to the council, in the executive committee.

Signed at Pretoria on 13 July 1995.

Employer Parties

[Signatures and details]

Employee Parties

[Signatures and details]
In the arbitration proceedings pursuant to the AGM of 1996 of the Education Labour Relations Council ("ELRC") concerning the determination of vote weights

The parties to this arbitration agree as follows:

1. The South African Democratic Teachers Union (SADTU) has 51% (fifty one per cent) of the vote weight until the next annual general meeting of the ELRC.

2. The remaining 49% of the vote weight shall be shared amongst all the other admitted parties to the ELRC.

3. The parties agree to this settlement agreement being made an award by the arbitrator.

Dated at Pretoria on 16 August 1996

[Signature]
For and on behalf of SADTU

[Signature]
For and on behalf of
APEK, CATU, CIPA,
NATU, OFSATA, OVSOF,
SAFSE, SAOF, SAOU,
SAOV (KZN), SATA and to