

**EDUCATION LABOUR RELATIONS COUNCIL  
LIMPOPO CHAMBER**  
Established in terms of the LRA of 1995 as amended





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EDUCATION LABOUR  
RELATIONS COUNCIL

**COLLECTIVE AGREEMENT  
NUMBER 1 OF 2006**

**PERMANENT  
APPOINTMENT OF  
TEMPORARY EDUCATORS**

**27 January 2006**

*M. C. M.*  
  
M.C.M. 

# EDUCATION LABOUR RELATIONS COUNCIL

## LIMPOPO CHAMBER

### COLLECTIVE AGREEMENT NO 1 OF 2006

#### PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS

##### 1. PURPOSE OF AGREEMENT

To effect the permanent appointment of identified temporary educators.

##### 2. SCOPE OF AGREEMENT

This agreement applies 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 1998 (as amended) whether such employees are members of trade union parties to this agreement or not.

##### 3. THE PARTIES TO CHAMBER NOTE:

3.1 The content of ELRC Resolution 6 of 1998, with specific reference to paragraphs 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 underqualified 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 have not had the opportunity to apply for posts in the conventional manner for a substantial 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 Chamber acknowledge the need to effect the permanent appointment of temporary educators in order to minimise 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.

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

4.1 Temporary educators as defined in paragraph 4.3 who shall have rendered continuous service by 31 December 2005 will be eligible for permanent appointment / absorption.

4.2 That the procedure will address the following principles:

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

4.2.2 Temporary educators be considered for absorption at their current institutions where applicable or at any institution where there is a vacant substantive post during Phases 1 and 2 as contemplated in paragraph 6 hereunder. For purposes of Phase 3, temporary educators will be considered at the institutions where they have applied to, in terms of the closed vacancy list as contemplated in paragraph 6.3;

4.2.3 Temporary educators equivalent to 8 651 substantive level one (1) posts will be appointed on a permanent basis;



4.2.4 Task Teams shall be established at all levels of the Department (Circuits, Districts and the Province) to monitor the process of absorption, identify and address flaws and complaints as close to the source as possible;

4.2.5 Principles and procedures enshrined in this process apply to all public ordinary schools, including LSEN institutions; and

4.2.6 For purposes of this agreement, where the services of a substitute educator have been utilised 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 will be considered and adjudicated individually by the Employer in consultation with the Employee Parties who are members of the Task Teams referred to in paragraph 4.2.4 on its merit so that s/he could be treated in the same manner as a temporary educator in a substantive post.

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

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

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- 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 School-based conditions

Work allocations and workloads as at 31 December 2005 will be applicable for this purpose except for changes warranted by the introduction of the NCS in Grades seven (7) and ten (10) in 2006.

### 5.2 Educator requirements:

- 5.2.1 Registration with SACE; and
- 5.2.2 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 declared permanent at their current institutions.
- 6.1.2 All temporary educators appointed additional to the establishment and substitute educators referred to in paragraph 4.2.6 who have rendered two (2) years or more continuous service shall be absorbed into existing substantive posts.
- 6.1.3 Educators referred to in paragraph 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 or vacancies that may arise in the near future.

### 6.2 PHASE 2

- 6.2.1 Temporary educators with less than two (2) years continuous service offering one or more of the scarce-skills subjects from the list below:
  - (a) Mathematics / Mathematical literacy;
  - (b) Physical Science / Physics;
  - (c) Technology;

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- (d) Accounting / Economics / Business Economics;
- (e) Biology;
- (f) Technical Subjects;
- (g) Agricultural Science;
- (h) Specialised Areas / LSEN; and / or
- (i) English.

6.2.2 The absorption process should occur in the sequence of subjects as listed above; and

6.2.3 All educators who have a period of less than two (2) years continuous service, will be absorbed using the principle of seniority (i.e. total number of years in service / First In First In principle).

### 6.3 PHASE 3

6.3.1 All residual (remaining) vacancies, if any, will then be filled through a closed vacancy list that will be compiled and published for temporary educators who have less than two (2) years continuous service on 31 December 2005;

6.3.2 For purposes of this closed vacancy list, the following conditions should be satisfied:

- 6.3.2.1 A substantive post level one (PL1) vacancy must be available; and
- 6.3.2.2 Curriculum requirements of the post should have been pre-determined.

## 7 ABSORPTION PROCEDURE

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

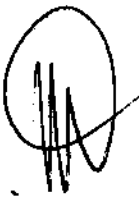

### 7.1 Identification Stage

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 31 December 2005, 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 paragraphs 4.3.1 and 4.3.2. This step shall be administered to finality before proceeding to the next.

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## **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 as listed under paragraph 6.2.1.

Individuals for consideration will be those falling under categories referred to in paragraphs 4.3.3 and 4.3.4. This step shall be administered to finality before proceeding to the next.

## **Step 3**

All residual (remaining) posts, if any, will then be advertised in a closed vacancy list for recruitment and selection through standing procedures. The closed vacancy list shall be limited to temporary educators who have not been absorbed.

## **7.2 Appointment / Confirmation Stage**

7.2.1 If an educator is absorbed at his / her current institution, interviews will not be required. For purposes of recommendations / confirmation by the School Governing Body (SGB), a form will be provided.

7.2.2 If an educator is not absorbed at his / her current institution, the statutory requirements on transfers and filling of vacancies will 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 01 April 2006.

## **9. MANAGEMENT PLAN**

9.1 A management plan for Phases 1 and 2 will be finalised before 31 January 2006.

9.2 A management plan for Phase 3 will be finalised before 31 March 2006.

## **10. DATE OF IMPLEMENTATION**

This agreement shall, in respect of parties and non-parties to the Limpopo ELRC Chamber, come into effect on the date it is signed.

## **11. DISPUTE RESOLUTION**

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

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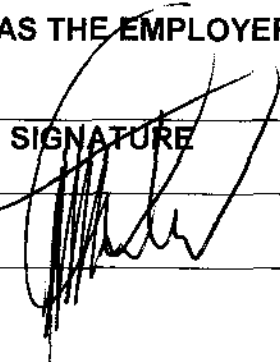
## 12 DEFINITIONS

- 12.1 "absorption" shall for the purpose of this Collective Agreement mean permanent appointment.
- 12.2 "an educator additional to the establishment" means an educator who is not appointed in a substantive post.
- 12.3 "constitution" means the Constitution of the Education Labour Relations Council.
- 12.4 "continuous service" means a period as contemplated in the PAM, i.e. where there is no break in service, including instances where annual fixed-term contracts were used, provided that the period of non-service from one contract to the next was 120 days or less.
- 12.5 "council" means the Education Labour Relations Council.
- 12.6 "current institution" means an institution where the educator was attached to as at 31 December 2005.
- 12.7 "employee" means an educator as defined in the Employment of Educators Act 1998, as amended.
- 12.8 "employee parties" means teacher unions admitted to the ELRC Limpopo Chamber (i.e. NAPTOSA, SADTU and SAOU).
- 12.9 "employer" means the employer as defined in the Employment of Educators Act, 1998, as amended.
- 12.10 "Labour Relations Act" means the Labour Relations Act, No. 66 of 1995, as amended.
- 12.11 "parties" means the employer and the employee parties admitted to Chamber in terms of the Constitution of Council.
- 12.12 "seniority" is determined as the period of continuous service and shall include continuous service rendered at any public educational institution.
- 12.13 "substantive post" means a post allocated to an institution by means of the post provisioning model and / or from the ad hoc pool.
- 12.14 "substitute educator" means an educator who is substituting an incumbent who is on an approved leave, appointed in an acting capacity or appointed on secondment.

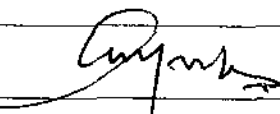
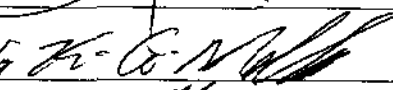
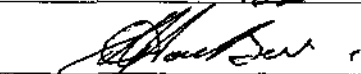
Thus done and signed at POLOKWANE on the 27 day of January 2006.

*The Council*  
M.C.M.  

ON BEHALF OF LIMPOPO DEPARTMENT OF EDUCATION AS THE EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	DR B. A. MOTJALE	

ON BEHALF OF EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
NAPTOSA	C. M. MOSEHLE	
SADTU	MUDUNDELE	
SAOU	G. H. DE BEER	

The G.M.  
M.C.M.