

24 November 2017

MEMORANDUM TO COUNCIL

FROM: THE GENERAL SECRETARY
TO: THE COUNCIL AT ITS SPECIAL BARGAINING MEETING TO BE HELD ON 5 DECEMBER 2017

Dear Colleagues,

RATIFICATION OF COLLECTIVE AGREEMENT CONCLUDED IN EASTERN CAPE PROVINCIAL CHAMBER



1. BACKGROUND

Part 3 of the constitution of the ELRC (the constitution) provides for the establishment of Provincial Chambers. It specifies, amongst others, the scope of Provincial Chambers. In terms of clause 20.1:

“A Provincial Chamber shall function in the province within which it is established and shall deal with matters referred or delegated to that Provincial Chamber by the Council, as well as matters that fall exclusively under its jurisdiction.”

In terms of clause 22, two of the functions of a Provincial Chamber are:

“22.1 to deal with such matters referred or delegated to that Provincial Chamber by the Council;

22.2 to conclude Collective Agreements on matters pertaining only to that Province: Provided that no Collective Agreement concluded in a Provincial Chamber may conflict with a Collective Agreement concluded in the Council.”

In terms of clause 26.1.9 the Provincial Secretary must:

“Refer all Collective Agreements reached in the relevant Provincial Chamber to the Council for ratification.”

All correspondence should be addressed to:

The General Secretary,
ELRC,
Private Bag X126,
Centurion, 0046,
Gauteng,
RSA.

Enquiries:

Tel: (012) 663 7446
Fax: (012) 663 9604
E-mail: admin@elrc.co.za
Website: www.elrc.co.za

Physical address:

ELRC BUILDING
261 West Avenue,
Centurion, 0046,
Gauteng,
RSA.

2. DOCUMENTS

The following correspondence was received from the Eastern Cape Provincial Chamber:

- 2.1 *Collective Agreement No. 1 of 2017: Conversion of Educators on Contract into Employment on a Permanent Basis in Eastern Cape Education Department.*

The collective agreement is annexed hereto.

3. REVIEW BY THE SECRETARIAT

- 3.1 Parties in the Eastern Cape Provincial Chamber concluded Collective Agreement 1 of 2017. After the collective agreement was sent to the General Secretary, she solicited the advice of the Council's Chairperson on the legal compliance of the collective agreement. Comments and suggestions were forwarded to the parties to the Eastern Cape chamber for consideration, to which they responded positively by effecting the changes.

3.2 Opinion

- 3.2.1 The opinion by the Chairperson found that Eastern Cape Collective Agreement 1 of 2017 was not in conflict with the law or any collective agreement of the ELRC and that it appears to be unambiguous and falls within the jurisdiction of the provincial chamber.

4. RECOMMENDATIONS OF THE GENERAL SECRETARY

The General Secretary recommends that the following collective agreements be ratified by Council:

- 4.1 *Collective Agreement No. 1 of 2017: Conversion of Educators on Contract into Employment on a Permanent Basis in Eastern Cape Education Department.*

5. CONCLUSION

It is trusted that all is in order.

Yours faithfully



GENERAL SECRETARY
MS N O FOCA