



# ANNUAL REPORT

## 2022/23

*“On the threshold of a jubilee,  
to reinforce labour partnerships for a quality public education system.”*

# Education Labour Relations Council (ELRC) ANNUAL REPORT 2022/23



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# General Information

2022/23

## 1. ELRC GENERAL INFORMATION

**Registered Name:** Education Labour Relations Council

**Registration Number:** LR2/6/6/110

**Country of Incorporation:** South Africa

**Nature of Entity's Operations:** Bargaining Council

**Physical Address:** 261 West Avenue  
Centurion  
0046

**Postal Address:** Private Bag X126  
Centurion  
0046

**Telephone Number/s:** +27 12 663 7446

**Fax Number:** +27 12 643 1601

**Email Address:** [enquiries@elrc.org.za](mailto:enquiries@elrc.org.za)

**Website Address:** [www.elrc.org.za](http://www.elrc.org.za)

**External Auditors:** Ngubane & Co (Jhb) Inc.

**Bankers:** First National Bank

## 2. LIST OF ABBREVIATIONS AND ACRONYMS

<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>Adv.</b>	Advocate
<b>APP</b>	Annual Performance Plan
<b>ARC</b>	Audit and Risk Committee
<b>ASD</b>	Autism Spectrum Disorder
<b>BCEA</b>	Basic Conditions of Employment Act
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration
<b>CFO</b>	Chief Financial Officer
<b>CM</b>	Circuit Manager
<b>COVID-19</b>	Coronavirus disease of 2019
<b>CPD</b>	Continuous Professional Development
<b>CTT</b>	Core Training Team
<b>CTU-ATU</b>	Combined Trade Union – Autonomous Trade Union
<b>DBE</b>	Department of Basic Education
<b>DHET</b>	Department of Higher Education and Training
<b>DMS</b>	Dispute Management Services
<b>DoJ &amp; CE</b>	Department of Justice & Constitutional Development
<b>DPTT</b>	Dispute Prevention Task Team
<b>DRP</b>	Dispute Resolution Practitioner
<b>DSD</b>	Department of Social Development
<b>DTT</b>	District Training Team
<b>EAP</b>	Employee Assistance Programme
<b>EC</b>	Eastern Cape
<b>ECD</b>	Early Childhood Development
<b>EE</b>	Employment Equity
<b>EEA</b>	Employment of Educators Act
<b>EHW</b>	Employee Health and Wellness
<b>ELRC</b>	Education Labour Relations Council

<b>EMS</b>	Education Management Service
<b>ESS</b>	Employee Self-Service System
<b>ETDP-SETA</b>	Education Training and Development Practices Sector Education and Training Authority
<b>EXCO</b>	Executive Committee
<b>FAR</b>	Fixed Assets Register
<b>FETC</b>	Further Education and Training Colleges
<b>FS</b>	Free State Province
<b>FSCA</b>	Free State Collective Agreement
<b>FTSS</b>	Full-Time Shop Stewards
<b>FY</b>	Financial Year
<b>GBV</b>	Gender-Based Violence
<b>GP</b>	Gauteng Province
<b>HIV</b>	Human Immunodeficiency Virus
<b>HR</b>	Human Resources
<b>IA</b>	Internal Audit
<b>ICT</b>	Information and Communication Technology
<b>IOD</b>	Injuries and disease on duty
<b>IFRS</b>	International Financial Reporting Standards
<b>ILERA</b>	International Labour and Employment Relations Association
<b>IQMS</b>	Integrated Quality Management System
<b>IT</b>	Information Technology
<b>ITCILO</b>	International Training Centre of the International Labour Organisation
<b>KPI</b>	Key Performance Indicator
<b>KZN</b>	KwaZulu-Natal Province
<b>LP</b>	Limpopo Province
<b>LRA</b>	Labour Relations Act
<b>MEC</b>	Member of the Executive Council
<b>MP</b>	Mpumalanga Province
<b>MTEF</b>	Medium-Term Expenditure Framework



<b>NAPTOSA</b>	National Professional Teachers' Organisation of South Africa
<b>NATU</b>	National Teachers' Union
<b>NC</b>	Northern Cape Province
<b>NECT</b>	National Education Collaboration Trust
<b>NEPA</b>	National Education Policy Act
<b>NQF</b>	National Qualifications Framework
<b>NRSO</b>	National Register for Sex Offenders
<b>NTT</b>	National Training Team
<b>NW</b>	North West Province
<b>NWU</b>	North West University
<b>OHS</b>	Occupational Health and Safety
<b>PAM</b>	Personnel Administrative Measures
<b>PED</b>	Provincial Education Department
<b>PELRC</b>	Provincial Education Labour Relations Council
<b>PERSAL</b>	Personal and Salary Administration System
<b>PEU</b>	Professional Educators Union
<b>PFMA</b>	Public Finance Management Act
<b>PILIR</b>	Policy on Incapacity Leave and Ill-Health Retirement
<b>PL</b>	Post Level
<b>PMDS</b>	Performance Management Development System
<b>PMS</b>	Performance Management System
<b>PM</b>	Provincial Manager
<b>PPM</b>	Post Provisioning Model
<b>PPN</b>	Post Provisioning Norms
<b>PPNS</b>	Post Provisioning Norms and Standards
<b>Prof.</b>	Professor
<b>PSCBC</b>	Public Service Coordinating Bargaining Council
<b>PTT</b>	Provincial Task Team
<b>QC</b>	Quality Control

<b>QMS</b>	Quality Management System
<b>REQV</b>	Relative Education Qualification Value
<b>SACE</b>	South African Council for Educators
<b>SADTU</b>	South African Democratic Teachers' Union
<b>SAOU</b>	Suid-Afrikaanse Onderwysersunie
<b>SAPS</b>	South African Police Service
<b>SASA</b>	South African Schools Act
<b>SCM</b>	Supply Chain Management
<b>SGB</b>	School Governing Body
<b>SHE</b>	Safety, Health and Environment
<b>SME</b>	Small and Medium-sized Entity
<b>SMT</b>	School Management Team
<b>SOP</b>	Standard Operating Procedure
<b>SPW</b>	Strategic Planning Workshop
<b>SSC</b>	School Safety Committee
<b>TASP</b>	Teacher Appreciation Support Programme
<b>THS</b>	Technical High School
<b>TOR</b>	Terms of Reference
<b>TUC</b>	Teacher Union Collaboration
<b>TVET</b>	Technical Vocational Education and Training
<b>UIF</b>	Unemployment Insurance Fund
<b>ULP</b>	Unfair Labour Practice
<b>USA</b>	United States of America
<b>VPN</b>	Virtual Private Network
<b>WC</b>	Western Cape Province
<b>WCED</b>	Western Cape Education Department

## 3. STRATEGIC OVERVIEW

### 3.1 Situational Analysis

#### Factors that influence the plans and activities of Council

The following factors influence the core operations of the Council:

##### 3.1.1. *Dispute Management Services*

Dispute Management Services (DMS) is committed to rendering an expedited dispute resolution service to all parties to the Council.

The use of legal representatives impacts the dispute resolution process, as cases are not finalised speedily and efficiently, and drag on for more than a year. Legal representatives equate the Education Labour Relations Council's (ELRC) arbitration processes with those of a court of law, instead of understanding that it conducts processes with minimal legal formality. Legal representation in the ELRC arbitration process for alleged misconduct and incapacity is not allowed automatically: applicants have to apply, and after considering the relevant factors associated with an application, a Commissioner either grants or refuses an application.

The ELRC aims to protect the rights of children by making provision for intermediaries and interpreters during arbitration proceedings. Furthermore, the Council has secured special venues, such as magistrate courts, for disputes where learners are either victims or witnesses.

##### 3.1.2. *Collective Bargaining Services*

The nature of a bargaining council is such that the tension between Parties affects the performance of the organisation. The agenda and programme for bargaining is entirely dependent on the Parties, therefore the achievement of the Council's objective collective bargaining is affected if the relationship between the parties is not sound.

### 3.2 Performance Delivery Environment

The ELRC is a bargaining council comprising the Department of Basic Education (DBE) and the DHET as the Employer, and the admitted teachers' unions.

It operates in the public education labour relations environment and, over the years, has managed to contribute towards labour peace in public education. In order to improve the delivery of services, the Council will take steps to improve its efficiency in dealing with matters of mutual interest and individual rights disputes.

Identified factors that negatively affect the performance of the Council were addressed during the 2022/23 financial year, with the objective of improving areas considered important in contributing to Outcome 1: *Improved quality of basic education*.

### 3.3 Vision

To improve the quality of teaching and learning through labour peace.

### 3.4 Mission

Quality services for excellence in teaching.

### 3.5 Values

The ELRC has adopted the following values:

- **Professionalism:** Promote behaviour that is generally accepted to be correct and proper
- **Transparency:** Ensure access to information by citizens
- **Independence:** The right to make informed decisions independently that minimise or avoid conflict of interest
- **Accountability:** Accepting responsibility for actions and decisions taken with allowance for corrective action and penalty for wrongdoing
- **Fairness and equity:** Adjudication of grievances and disputes
- **Social responsibility:** Respond to the social issues of the day
- **Efficiency:** Delivery of quality services economically

### 3.6 Strategic Outcome-Orientated Goals

**Goal 1:** Research, monitoring and evaluation activities provide an evidence base for improved policies and policy implementation in basic education.

**Goal 2:** Equal importance is attached to proactive dispute prevention and dispute resolution.

**Goal 3:** Collective bargaining processes maximise the scope of the Parties' shared interest.

**Goal 4:** Provide appropriate support and training for all involved in dispute resolution and collective bargaining.

**Goal 5:** Sound communication strategies, special initiatives and campaigns support and complement the core activities of the Council.

**Goal 6:** Strengthen social dialogue through supporting and participating in education initiatives such as the National Education Collaboration Trust (NECT).

## 4. LEGISLATIVE AND OTHER MANDATES

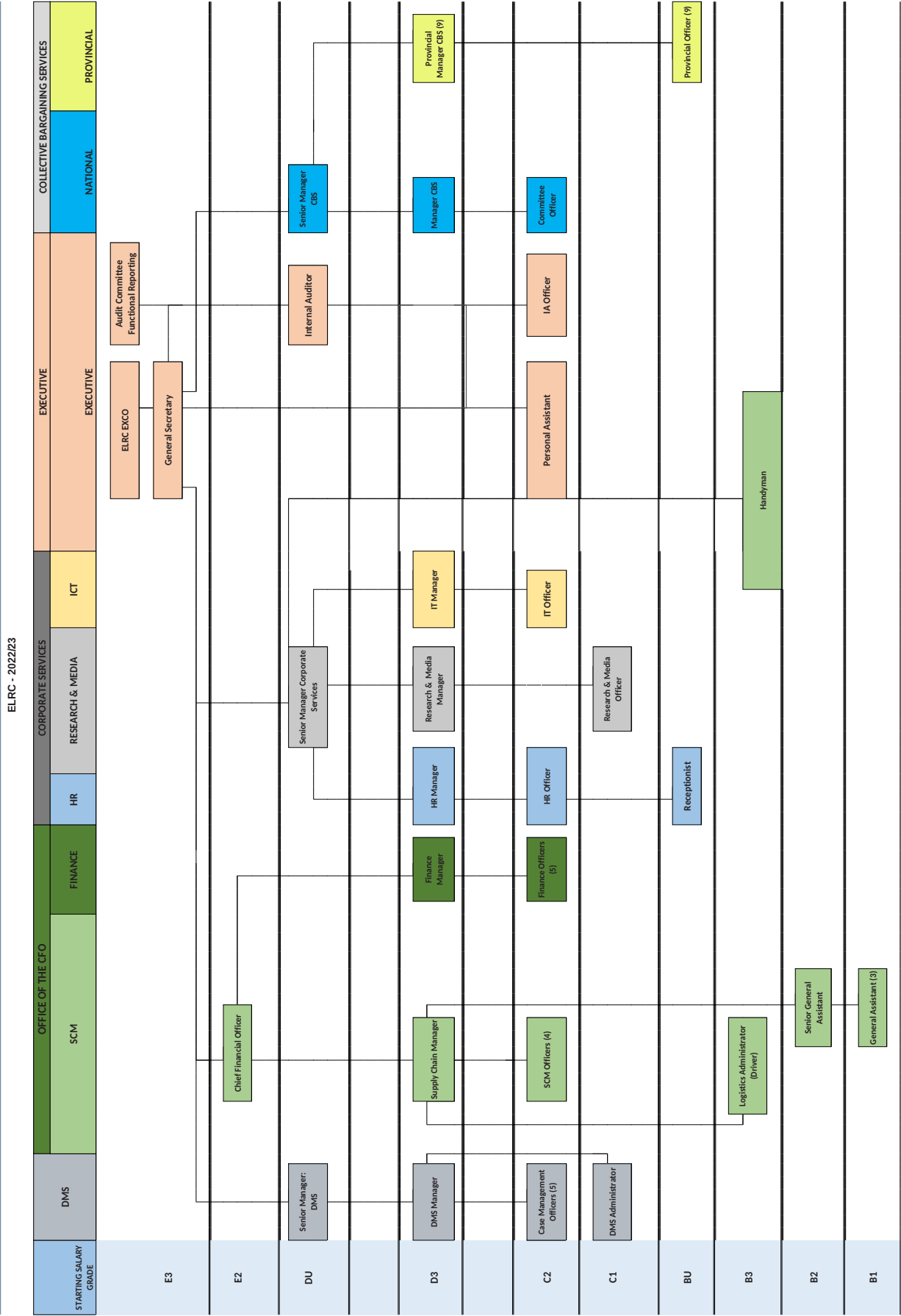
The ELRC operates in terms of the Labour Relations Act (66 of 1995) (as amended) from 1 April 2015.

### Applicable Legislation

- Labour Relations Act (LRA) 66 of 1995, as amended
- Employment of Educators Act (EEA) 76 of 1998, as amended
- Further Education and Training Colleges (FETC) Amendment Act (3 of 2012)
- Constitution of the Republic of South Africa, Section 28(2) – Rights of the Child

# 5. ORGANISATIONAL STRUCTURE

ELRC Organogram



## 6. FOREWORD BY THE CHAIRPERSON



It is with great pleasure that I present the Education Labour Relations Council's Annual Report for the financial year 1 April 2022 to 31 March 2023, on behalf of the Executive Committee (EXCO). The report demonstrates our commitment to quality education in the public education sector.

The governance structures of the Council demonstrated their commitment to fulfilling the ELRC's mandate to maintain labour peace in public education. This is evidenced by the conclusion of key collective agreements during the period under review.

Parties to Council accomplished a great feat for the public education sector during the period under review, with the launch of the Labour Management Partnership Programme.

The Programme extends the spirit of collaboration that the Parties have preserved over the years, beyond the ambit of the ELRC to the broader sector, to ultimately reach the school level and improve learner performance. The long-term focus is for all government departments in the country to adopt this Programme.

I extend my gratitude to the ELRC management and staff for the strides made during the 2022/23 financial period to achieve the objectives of the Council.



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**Adv. L Bono**

Chairperson, ELRC

## 7. ACCOUNTING OFFICER'S OVERVIEW



It gives me great pleasure to present the Annual Report and achievements of the Council for the financial year 1 April 2022 to 31 March 2023.

The Council recorded unprecedented overall performance of 97% during the period under review. Noteworthy achievements were attained in relation to the Council's core operations, Dispute Management Services and Collective Bargaining Services. At provincial level, five Chambers recorded 100%, which is a significant improvement in performance compared to previous years. It is envisaged that improved performance will also be recorded in the 2023/24 financial year. Support Services achieved a record high of 100% for all units during the period under review.

In line with our objective to provide efficient dispute resolution services, the Council continued to employ pre-emptive measures to deal with disputes. This includes dispute prevention committees at provincial level, which continue to contribute to reducing the number of disputes on alleged unfair dismissals, as well as appointment and promotion disputes.

In giving effect to our intention to provide continuous training for Dispute Resolution Practitioners (DRPs), eight training sessions were conducted on Collective Agreement No. 3 of 2018, from June 2022 to March 2023. In its quest to protect the paramountcy of the rights of the children, the Council provided training for intermediaries on the Child Witness process and the Arbitration process.

Training DRPs has improved the efficiency of the Council in terms of the quality of the outcomes, arbitration awards, settlement agreements and rulings rendered.

In relation to Collective Bargaining Services, the Parties to the Council demonstrated their commitment to improving education in the public education sector, by finalising three national collective agreements.

The Council recognises that employees are the most valuable assets of an organisation. For this reason, staff wellness programmes were conducted during the period under review to enhance staff morale and encourage a healthy life-work balance. The primary focus was placed on teambuilding sessions that promote physical fitness.

Information and Communication Technology (ICT) is an integral support service of the Council, as it serves to safeguard the ELRC's business information and ensure that there are no interruptions in services. ICT controls were strengthened during the period under review, including regular disaster recovery testing and server health checks.

The Office of the Accounting Officer continues to strengthen financial management, including reviewing and updating business policies and standard operating procedures (SOPs). It is anticipated that these will improve the internal control environment.

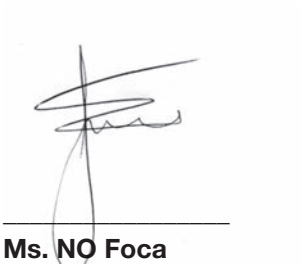
Significant effort has been invested in ensuring that financial risks are effectively managed, and that services are delivered on time and in line with the budget, with all oversight controls in place and operating rigorously.

Identifying risks and opportunities through a systematic process is central to our strategic planning process. Quarterly meetings were convened to review and discuss the strategic and operational risks contained in the Council's risk register. This helped to validate the identified risks and reflect on progress made to monitor these risks.



The level of compliance with laws governing the ELRC is monitored stringently and reported on, including the development of action plans to address areas of non-compliance.

As the Accounting Officer of the ELRC, I am satisfied with the output and delivery of the core business services of the Council. This report demonstrates the commitment of the Council to the principles of transparency, accountability and service delivery.

A handwritten signature in black ink, appearing to be 'Ms. NO Foca', is written over a horizontal line.

**Ms. NO Foca**  
General Secretary, ELRC





# Performance Information


2022/23

## 1. STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION

### Statement of Responsibility for Performance Information for the year ended 31 March 2023

In my opinion, the performance information fairly reflects the actual achievements against the planned objectives, indicators and targets, as per the Strategic and Annual Performance Plan (APP) of the ELRC for the financial year ended 31 March 2023.

The performance information of the ELRC set out on page 26 to page 127 has been approved by the EXCO of the Council.



**Ms. NO Foca**  
General Secretary, ELRC

## 2. OVERVIEW OF ELRC'S PERFORMANCE

### 2.1 Dispute Management Services

DMS is committed to continuously rendering an expedited dispute resolution service to all pParties to the Council. The Council continues to schedule its cases using a hybrid methodology that includes using virtual platforms like Zoom and Microsoft Teams since the 2020/21 financial year, and face-to-face engagements, as per client requirements. However, all conciliations are scheduled as virtual engagements. Over time, Parties have adapted and adjusted seamlessly to the virtual process. Although some arbitration hearings are face-to-face hearings, a significant number are scheduled virtually as well. The Council has therefore seen a significant improvement in turn-around time to finalise matters. Commissioners from different provinces can deal with cases without travelling to the different provinces and are therefore spending their time more productively on dealing with cases and less time on travelling.

The use of legal representatives continues to impact the dispute resolution process negatively, as cases are not finalised speedily and efficiently and often drag on for more than a year. Legal representatives equate the ELRC arbitration process with that of a court of law, instead of understanding that it conducts proceedings with minimal legal formalities. Legal representation in ELRC arbitration proceedings for alleged misconduct and incapacity hearings is not allowed automatically. Applicants must apply, and after considering the relevant factors associated with an application, a Commissioner either grants or refuses the application.

The ELRC aims to protect the rights of children by making provision for intermediaries and interpreters during arbitration proceedings. Furthermore, the Council has secured special venues (such as magistrate courts) for hearing disputes that involve learners as either victims or witnesses. Some Provincial Education Departments (PEDs) have also set up similar court-like special venues where these disputes are heard.

#### 2.1.1 Dispute prevention

The objective of Council in terms dispute prevention is to employ a proactive approach and intervene to resolve grievances before they develop into disputes. Council provides training for practitioners - both panellists and parties. Another mechanism put in place by the Council to prevent disputes is a Dispute Prevention Committee in all provincial chambers, which provides a forum for parties to engage on matters that are considered to be potential disputes.

#### 2.1.2 Facilitation and intervention

No facilitation and intervention processes were dealt with during the period under review.

#### 2.1.3 Dispute resolution

##### ***Special Disputes where a child is a victim***

The Council has observed that a considerable number of disputes are referred with learners involved as victims or witnesses. The Council continues to conduct capacity building workshops for panellists to deal with cases efficiently and effectively. Many number of courts have also allowed our special disputes to be dealt with on their premises. Although the Council struggles to recruit intermediaries, all cases in which a child is involved as a victim or witness are scheduled with an intermediary, who is there to protect the interest of the children. The Council deals with special disputes in terms of Collective Agreement No. 3 of 2018 (Inquiry by the Arbitrator).

##### ***Appointments and promotions***

The Council has a collective agreement on appointments and promotions, so as to manage these types of disputes. This collective agreement serves as a guideline for Departments, Commissioners and practitioners alike when dealing

with appointment and promotion issues in the education sector. The guidelines ensure consistent application of the law relating to appointments and promotions in the education sector, and contributes to stability in the labour environment.

### ***Monitoring and enforcement of implementation of Collective Agreements***

Through its provincial Chambers, the Council continues to ensure that the implementation of collective agreements is monitored. In instances where this is not done, the provisions of the Council's constitution are invoked to ensure enforcement.

### ***Proactive measures in place to deal with disputes:***

- The Council established dispute prevention committees in all provincial Chambers to analyse statistics on disputes received monthly from head office, in a bid to address these issues and identify training needs, where necessary.
- The Council continues to provide training for dispute resolution practitioners and panellists to ensure that they operate effectively and are kept abreast of current labour developments.
- The Council's constitution is aligned with the Commission for Conciliation, Mediation and Arbitration (CCMA) Rules and the LRA.
- The Council continuously recruits panellists, intermediaries and interpreters, in order to manage the growing number of dispute referrals.

## **2.2 Collective Bargaining Services**

### **2.2.1 Quality Management System**

Council adopted Collective Agreement No. 2 of 2020: *Quality Management System (QMS) for School Based Educators*, in order to provide a standardised framework for the performance of employee educators. It was agreed that the agreement would be implemented for principals from 1 January 2021 and for all other school-based educators from 1 January 2022. Training and capacity building of users of the QMS was scheduled to be conducted for principals from October to December 2020; and for all other school-based educators from January until December 2021. Full implementation of the instrument for all educators was scheduled to take place from January 2022.

Council received progress reports on QMS training provided to deputy principals, department heads and teachers (Post Level 1 - 3) and noted the way forward proposed by the Employer, i.e.:

- In order to strengthen the accountability value chain responsible for implementing the QMS, the NTT/ PTTs have been requested to prioritise the finalisation of QMS training of educators across all PEDs, and circuit managers (CMs) are required to complete the appraisals of principals.
- As there is no default clause pertaining to pay progression in Collective Agreement No. 2 of 2020, the DBE will continue to monitor training and provide the required support and online resources to PEDs for QMS implementation as from January 2022.

### **2.2.2 TVET Bargaining Unit**

Teacher well-being has always been one of the priorities of the international and domestic education sector, even prior to the outbreak of the pandemic. In terms of the pandemic, UNESCO made the following call:

*"We call on governments to protect teachers' safety, health, and wellbeing, as well as their employment, to continue improving teachers' working conditions, and to involve teachers and their representative organizations in the COVID-19 educational response and recovery." - Audrey Azoulay, Director-General of UNESCO*

At the same time, the DBE supports the delivery of public health services and monitors the performance of the educators' health system by providing timely advice, research and administrative support. Education well-being is fundamental to the overall health of an individual, which was affected by the outbreak of the pandemic. In addition to the effects of the pandemic, many teachers have had to deal with challenges that impact on their well-being as physical or emotional trauma following specific incidents.

Teacher mental health and well-being has long been an issue in South African schools, due to teacher workload, overcrowding, etc., which continues to be a cause of concern for all affected educators. The scourge of the Coronavirus disease of 2019 (COVID-19) exacerbated the stress and anxiety that accompanied the school timetable differentiation and other related COVID-19 challenges that affect educators daily. Amid these challenges, the DBE and the teachers' unions – both of which are admitted in the ELRC - realised a need to address the well-being of educators to capacitate them on different methods of dealing with it.

To address these challenges, the DBE collaborated with the South African Democratic Teachers Union (SADTU), the National Professional Teachers Organisation of South Africa (NAPTOSA), Suid-Afrikaanse Onderwysers Unie (SAOU), the National Teachers Union (NATU) and the Professional Educators Union (PEU) in hosting the first Ministerial Virtual Seminar on Teacher Well-Being on 23 July 2021, following the roll-out of the Education Sector National and Provincial vaccination programme, and presented papers on the subject.

At its Bargaining Meeting held on 29 November 2021, the Council, received the Close-Out Report on the DBE's Ministerial Virtual Seminar on Teacher Well-being.

Council adopted the following as a way forward:

- The DBE is to prepare a presentation to all PEDs on the recommendations and outcomes of the seminar for consideration and implementation in provinces.
- The PEDs are expected to conduct a similar seminar and advocacy campaign under the auspices of the Provincial Education Labour Relations Council (PELRC) in all provinces before the end of 2021.
- Teacher well-being should be a standing item on the agenda of PELRC meetings.

The ELRC's provincial chambers were requested to include a standing item on their agendas - 'Teacher well-being' - to ensure receiving progress reports on implementation of the recommendations emanating from the seminar.

## 2.3 Organisational Environment

### 2.3.1 Funding Model

The income of the Council is generated through contributions from the Employer and deductions from the educators. These funds are primarily used to fund the programmes and operational activities of the Council, without using the accumulated cash reserves that are in place.

The rate of contribution is determined through negotiation by the parties to Council. The levy contribution is fixed for the financial year 2022/23 at R20 per educator per month; thereafter, an annual increase in levy (linked to the inflation projection (CPI+0.7%)) becomes effective on 1 April 2023. This will result in stable income that is linked to expenses, which are impacted by cost of living.

### **2.3.2 Human Capital**

The Council plans to be an employer of choice by ensuring that it attracts professional and credible incumbents. By doing this, the Council will inevitably attract and retain quality staff.

As a way of ensuring compliance with HR policies, appropriate workshops will be conducted as and when a need arises.

The retention of staff will be realised by ensuring that remuneration and benefits are aligned with job profiles and that salaries are market-related.

The Human Resources (HR) unit will strive to uplift staff morale by putting a sound Employee Wellness Programme in place.

The HR unit will further ensure that staff remuneration is done timeously and accurately.

### **2.3.3 Information and Communication Technology**

The ICT strategy is to become an enabler of change and automated processes at the Council to enhance productivity by ensuring compliance with ICT governance frameworks and the best ICT practices in all operations, which will help the ELRC to focus its ICT resources on delivering Council requirements, and to achieve its objectives.

To ensure business continuity, ICT requires infrastructure modernisation and cloud-based technology throughout the value chain - from end-user connecting to networks and hosting - as it is key to automation and digitisation. ICT plans to change from a traditional infrastructure model to a new digital or cloud-based model that is inspired by the elements of pro-activity and agility, in order to quickly deploy the right emerging technology solutions.

ICT governance is an integral part of the Council's business. Achievement of ICT governance objectives is monitored through attendance of quarterly risk review meetings by the ICT Steering Committee and Audit and Risk Committee. Monitoring and achievement of ICT Governance objectives is facilitated through this forum, where appropriate ICT risks and related business objectives are attended to.

ICT is responsible for safeguarding the assets and data of the organisation when transitioning to a digital platform. A firewall is the first line of defence in protecting a technology network environment. Considering the technology advancement implementation of cloud and mobile computing, ICT aims to strengthen its information security capability to ensure that it becomes a secure ICT environment that is able to counter cyber-attacks successfully, in accordance with ISO/IEC 27002 standards.

### **2.3.4 Supply Chain Management**

The purpose of the Supply Chain Management (SCM) unit at ELRC is to support the core functions of the Council (Collective Bargaining and Dispute Management) and all the other support units of the Council.

The SCM unit implements SCM policies and ensures compliance with these policies, which contributes significantly to the Council complying with procurement processes. The aim is eliminating irregular, unauthorised, fruitless and wasteful expenditure. These processes ensure that the Council remains a sound, sustainable and accountable organisation. The Council maintains effective and efficient internal control systems, which in turn ensures that value for money is attained in all procurement processes and transactions. While enforcing compliance with SCM policies and procedures, the Council ensures that all its dealings are ethical, fair and competitive, and that they promote equity and efficiency.



### 2.3.5 Internal Audit

Internal Audit (IA) contributes to the strengthening of ELRC's accountability by evaluating and improving the adequacy and effectiveness of governance, risk management and control processes. The unit provides robust and practical strategic advice and recommendations founded on aligning the business with best practice.

The role of IA is to independently assess the efficiency and effectiveness of the controls in place to mitigate and reduce the key risks, which will result in the eventual improvement in the control framework maturity of the Council.

## 2.4 Key Policy Developments and Legislative Changes

There were no significant changes to the legislative and other mandates.

## 2.5 Strategic Outcome-Orientated Goals

Strategic Outcome-Orientated Goals	Progress
<p><b>Goal 1</b> Research, monitoring and evaluation activities provide an evidence base for improved policies and policy implementation in basic education.</p>	<p><b>Not applicable</b> No research was undertaken during the period under review.</p>
<p><b>Goal 2</b> Equal importance is attached to proactive dispute prevention and dispute resolution.</p>	<p><b>Achieved</b> No facilitation was required during the period under review.</p>
<p><b>Goal 3</b> Collective bargaining processes maximise the scope of the Parties' shared interest.</p>	<p><b>Achieved</b> Council concluded the following Collective Agreements: Collective Agreement No. 1 of 2022: Vote Weights for the Trade Unions that are Parties to Council Collective Agreement No. 2 of 2022: Quality Management System (QMS) for School Based Education Therapists, Counsellors and Psychologists Employed in terms of the Employment of Educators Act Collective Agreement No. 3 of 2022: Utilisation of the Full-Time Shop Stewards (FTSS) Funds for the Labour-Management Partnership Programme</p>
<p><b>Goal 4</b> Provide appropriate support and training for all involved in dispute resolution and collective bargaining.</p>	<p><b>Achieved</b> The Council conducted eight training sessions for DRPs, as follows: Gauteng province (GP) on 23 and 24 June 2022 Western Cape (WC) province on 15 and 16 August 2022 Free State province (FS) on 19 and 20 September 2022 Limpopo province (LP) and Mpumalanga province (MP) on 13 and 14 October 2022 KwaZulu-Natal province (KZN) on 27 and 28 October 2022 North-West province (NW) on 7 and 8 November 2022 Eastern Cape province (EC) on 6 and 7 December 2022 Northern Cape province (NC) on 23 and 24 March 2023  The Council also ran three training sessions for panellists (intermediaries and commissioners) during the period under review.</p>

Strategic Outcome-Orientated Goals	Progress
<p><b>Goal 5</b> Sound communication strategies support and complement the core activities of the Council.</p>	<p><b>Achieved</b></p> <p><b>Marketing on social media platforms</b> Weekly updates were provided on Council developments on the social media platforms.</p> <p><b>National media coverage</b> The Council received coverage in <i>Sunday Times</i> and <i>Newzroom Afrika</i> on 29 November 2022. The Senior Manager: DMS was interviewed on a controversial case that had been referred to the Council. The Council successfully launched the Labour Management Partnership Programme on 21 and 22 February 2023 and received coverage of the event in the <i>Cape Argus</i> on 22 February 2023.</p> <p><b>Marketing of Council services and developments</b> The Council's two external publications on its core functions (<i>Labour Bulletin</i> and <i>New Negotiator</i>) were published and disseminated during the period under review.</p>
<p><b>Goal 6</b> Strengthen social dialogue through supporting and participating in education initiatives, such as the National Education Collaboration Trust (NECT).</p>	<p><b>Achieved</b> The ELRC provided promotional material for the DBE's 2022 National Educational Excellence Awards in April 2022, which celebrated the top districts and schools in the country.</p>

### 3. PERFORMANCE INFORMATION BY PROGRAMME

#### 3.1 Programme 1: Collective Bargaining Services – National

##### Purpose

The purpose of Programme 1 is to contribute to the Council's vision of a strengthened social contract between government, teacher unions and civil society that helps to create a conducive environment for improved quality in teaching and learning. Such is done by promoting collective bargaining at national and provincial levels to ensure the development of effective policies for quality public education in a non-disruptive environment for teaching and learning.

##### Sub-Programmes

- Collective Bargaining
- Research Services
- Dispute Prevention Support Services

##### Strategic Objectives

- To facilitate bargaining on identified matters of mutual interest in public education.
- To facilitate consultation and information on matters of policy in line with the National Education Policy Act (NEPA).
- To conduct training and advocacy on the revised Personnel Administrative Measures (PAM).
- To regulate the appointment of foreign educators.
- Training and advocacy on the amended ELRC constitution.
- To conclude a collective agreement on job descriptions and an education management service (EMS) for office educators.
- Legal Sub-Committee to finalise the draft Collective Agreement on Appointment of Temporary Educators.
- A consolidated report on the consultation process for post provisioning is available.
- To review the Incentives Policy.
- To convene a national budget workshop.
- Table the management plan for the next bargaining cycle for approval each year.
- To conclude a collective agreement or recommendations submitted to the Minister on standardised conditions of service for Early Childhood Development (ECD) practitioners.
- To facilitate dispute prevention support services by providing an effective administrative function to shop stewards.
- Implementation of collective agreements/policies.

**Key Performance Indicators (KPIs), Planned Targets and Actual Achievements**

Collective Bargaining Services: National						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on deviations	Status
<b>Information Sharing</b>						
Monitor implementation of the management plan and the conclusion of the Vote Weight Collective Agreement	<b>Achieved</b> Matters of mutual interest in public education were identified and tabled at the following Bargaining meetings: <ul style="list-style-type: none"> <li>• 14 April 2021</li> <li>• 26 May 2021</li> <li>• 9 July 2021 (Special)</li> <li>• 15 July 2021</li> <li>• 22 July 2021 (Special)</li> <li>• 25 August 2021</li> <li>• 29 November 2021</li> <li>• 14 February 2022 (Special)</li> <li>• 17 March 2022</li> </ul>	Matters of mutual interest in public education are identified and tabled at Bargaining meetings	<b>Achieved</b> Matters of mutual interest in public education were identified and tabled at the following Bargaining meetings: <ul style="list-style-type: none"> <li>• 13 April 2022</li> <li>• 14 June 2022</li> <li>• 21 July 2022</li> <li>• 16 August 2022 (Special)</li> <li>• 19 October 2022</li> <li>• 23 November 2022</li> <li>• 15 March 2023</li> </ul>	None		
	<b>Achieved</b> Collective Agreement 2 of 2021 “Vote Weights for the Trade Unions that are Parties to Council” was adopted at the Bargaining Meeting held on 15 July 2021	Conclusion of Collective Agreement on Vote Weights in Bargaining Meeting	<b>Achieved</b> Collective Agreement 1 of 2022: “Vote Weights for the Trade Unions that are Parties to Council” was adopted at the Bargaining Meeting held on 21 July 2022	None		
Administration of resources allocated to approved education programmes	Not applicable	Report on the education programme undertaken	<b>Achieved</b> The resource report on the ILERA Congress held in Barcelona, Spain was tabled at the EXCO meeting held on 2 November 2022	None		

Collective Bargaining Services: National						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on deviations	Status
<b>Information Sharing</b>						
Schedule Technical and Vocational Education and Training (TVET) bargaining meetings where agreed matters of mutual interest will be tabled	<b>Achieved</b> Agreed matters of mutual interest in higher education were concluded at the following TVET Bargaining meetings: <ul style="list-style-type: none"> <li>• 13 May 2021</li> <li>• 16 July 2021</li> <li>• 20 September 2021</li> <li>• 10 December 2021</li> <li>• 24 February 2022</li> <li>• 24 March 2022 (Special)</li> </ul>	Agreed matters of mutual interest in higher education are concluded successfully in TVET bargaining meetings	<b>Achieved</b> Agreed matters of mutual interest in higher education were concluded at the following TVET Bargaining meetings: <ul style="list-style-type: none"> <li>• 18 May 2022</li> <li>• 6 July 2022</li> <li>• 14 September 2022</li> <li>• 16 November 2022 (Reconvened)</li> <li>• 27 March 2023</li> </ul>	None		
Convene national workshop on the Labour Management Partnership based on the American model, for implementation in the Basic Education sector	Not applicable	Launch of the Labour-Management Partnership Programme for basic education	<b>Achieved</b> National workshop on the Labour-Management Partnership Programme for basic education was held on 21 and 22 February 2023	None		

## Overview of Performance of Collective Bargaining Services (National) for the 2022/23 Financial Year

Council received reports from the Employer on training QMS for school-based educators at Post Level 1 – Post Level 3. Full implementation of educators commenced on 1 January 2022. In the Bargaining meeting held on 21 July 2022, the Employer reported that the training had been completed in all the provinces and that a QMS was being implemented.

Collective Agreement No. 2 of 2022: *Quality Management System (QMS) for School Based Education Therapists, Counsellors and Psychologists Employed in terms of the Employment of Educators Act* was adopted by Council at the Bargaining meeting held on 23 November 2022. Training of all officials responsible for the implementation of Collective Agreement No. 2 of 2022 was scheduled to take place after schools had reopened for the 2023 academic year. The training content was developed and mediated with the ELRC on 18 January 2023. The QMS Champions from the nine PEDs were invited to attend this training session, which was intended to inform the composition of the Core Training Team (CTT) that would be responsible for training the Provincial Task Teams (PTTs). Both the CTT and PTTs included Employer and Labour representatives. Importantly, the PTTs also included Chief Education Therapists/Counsellors to ensure that the required expertise was available in each province. The CTT training was hosted virtually via MS Teams on 24 and 25 January 2023.

At its Special Bargaining meeting held on 16 August 2022, Council adopted the Labour Management Partnership Programme with the following recommendations:

- To institutionalise collaboration, under the auspices of the ELRC to achieve the following:
  - To work towards the improvement of learner performance with key stakeholders (including school governing bodies (SGBs)).
  - Provide incentives for districts to establish union-management partnerships and collaborative approaches.
  - Build dense learning networks of professional educators across districts with extensive experience in partnerships and collaborative approaches.
  - Create institutions to offer leadership training and skills development in partnership and collaborative management (Teacher Union Collaboration (TUC), professional institutes).
  - Discussion document on Labour Management Partnership Framework for South Africa and Work Plan.
  - Appointment of a Project Manager.
  - Core team to be trained by Rutgers University (USA) and ABC Unified District (USA).
  - 2-day workshop with Labour and Management – national and provincial). (Prof. Rubinstein from Rutgers University was to be invited to conduct the workshop).

Collective Agreement No. 3 of 2022: *Utilisation of the Full-Time Shop Stewards (FTSS) Funds for the Labour-Management Partnership Programme* was adopted at the Bargaining meeting held on 23 November 2022.

As part of the implementation plan, the first phase of the Labour Management Partnership Programme will include:

- A National Labour Management Workshop.
- Roll-out of the programme in identified provinces in 2023.
- The appointment of a project manager.

Labour-management partnerships serve as a catalyst for educator collaboration, as they create a positive climate and promote better communication and information sharing. Collaborative partnerships also influence the quality of decisions within the schooling system, as they include the educator's voice; this has a positive impact on the number of solutions, as more resources are devoted to improvement and it impacts the quality of education, as a strong support structure is provided. Research has also shown that there is a direct link between learner improvement/achievement and collaborative partnerships.

The Labour Management Partnership Programme launch took place in Cape Town on 21 and 22 February 2023. The Honourable Minister of Basic Education delivered the keynote address at the event. Representatives from Rutgers University, Montgomery Township and ABC Unified School District from the United States of America (USA) were invited to present the American model and implementation of union management partnerships. A launch conference was scheduled in each of the nine provinces during the first phase, with the first launch taking place in the Western Cape province (WC) on 28 March 2023. The launch conferences scheduled to take place in the other eight provinces in the first quarter of the 2023/24 financial year.

Parties to Council received a presentation from the Department of Justice and Constitutional Development (DoJ & CD) on the Amendment Act.

As part of the effort to curb the prevalence of sexual offences in South Africa, the DoJ & CD implemented the National Register for Sex Offenders (NRSO) on 30 June 2009, as per Chapter 6 of the Criminal Law (Sexual Offences and Related matters) Amendment Act. The NRSO aims to curb the number of sexual incidents involving children and mentally disabled people.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act was amended by Amendment Act No. 13 of 2021 to, among others:

- Extend the ambit of the offence of incest.
- Introduce a new offence of sexual intimidation.
- Substitute the phrase “a person who is mentally disabled” or “persons who are mentally disabled” with the phrase “a person with a mental disability” or “persons with mental disabilities”.
- It further regulates the inclusion of particulars of persons in the NRSO, as well as the list of persons who are to be protected in terms of Chapter 6 of the Amendment Act.

Having regard to its implications and the obligations it puts on both the employees and the employers, the parties to Council agreed to the following:

- That the parties should embark on a wide advocacy campaign to disseminate the contents of the Amendment Act.
- That the Employer remains obligated to ensure that all relevant officials/employees/workers (permanent or temporary/ fixed contracts) are made aware of their obligations as required by the Amendment Act.
- That the item be placed on the agenda of all provincial ELRC chambers for deliberation.
- That provinces that have already commenced with the dissemination or communication of the contents of the Amendment Act to its employees and stakeholders, continue to do so.
- That the DoJ & CD avails its staff to make presentations at various meetings convened by Employer and employee parties.

Council concluded the following collective agreements:

- Collective Agreement No. 1 of 2022: *Vote Weights for the Trade Unions that are Parties to Council.*
- Collective Agreement No. 2 of 2022: *Quality Management System (QMS) for School Based Education Therapists, Counsellors and Psychologists Employed in terms of the Employment of Educators Act.*
- Collective Agreement No. 3 of 2022: *Utilisation of the Full-Time Shop Stewards (FTSS) Funds for the Labour-Management Partnership Programme.*

Council convened its Annual General Meeting on 31 August 2022, which was a virtual meeting. Adv. L Bono was elected as the independent Chairperson of Council and Ms M Mogale (Employer), Mr G Rafapa (Employer), Mr M Cele (SADTU) and Mr G Mabuza (CTU-ATU) were elected as Deputy Chairpersons of Council.

Ten representatives of Council attended the 13th European Regional Congress of ILERA (International Labour and Employment Relations Association), held in Barcelona, Spain from 8 to 10 September 2022. The theme of the congress was Industrial relations and the Green transition - Towards inclusive and sustainable growth.

**Strategy to overcome areas of underperformance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
<b>Collective Bargaining Services</b>			
National	29,173	22,088	7,085
CBS: Provincial	5,598	4,054	1,545
Governance Support Services	2,519	226	2,293
<b>Total</b>	<b>37,290</b>	<b>26,367</b>	<b>10,923</b>



### 3.1.1 Programme 1: Collective Bargaining – Provincial

#### Purpose

The purpose of the provincial chambers is to promote collective bargaining at the provincial level to ensure the development of effective policies for quality public education in a non-disruptive environment for teaching and learning.

#### 3.1.1.1 Eastern Cape

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Eastern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Post Provisioning</b> Monitoring the reporting on consultation process for post provisioning	<b>Achieved</b> Four (4) chamber meetings were convened, with reports on post provisioning norms (PPN) having been presented: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 2 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on post provisioning were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 12 December 2022</li> <li>• 28 March 2023</li> </ul>	None		
<b>Safety in Schools</b> Monitoring reports on the implementation of programmes on safety in schools.	<b>Not applicable</b>	Reports (4)	<b>Achieved</b> Reports on the implementation of activities related to Safety in Schools' were presented at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 28 March 2023</li> </ul>	None		
<b>Teacher Well-being</b> Monitoring reports on the implementation of teacher well-being activities are available	<b>Not applicable</b>	Reports (4)	<b>Achieved</b> Reports on the implementation of teacher well-being advocacy campaigns were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 20 September 2022 (2 reports)</li> <li>• 23 November 2022</li> <li>• 28 March 2023</li> </ul>	None		

Collective Bargaining Services: Eastern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>QMS</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Achieved</b> QMS reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 3 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> QMS reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Early Childhood Development (ECD)</b> Monitoring report is available on ECD related matters, such as training and professional development, conditions, curriculum development, conditions of services, statistical report on supply and demand, and updates around national process is available	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> Reports on ECD related matters were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Teacher Development</b> Monitoring reports on the provision of teacher development programmes and reports presented to the Chamber meetings	<b>Achieved</b> Task Team reports on Teacher Development were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 2 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Task Team reports on Teacher Development were presented at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 23 March 2023</li> </ul>	None		

Collective Bargaining Services: Eastern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Dispute Prevention</b> Monitoring reports on the categories and status of the grievances, misconduct and disputes lodged are available and presented to the Chamber meeting	<b>Achieved</b> Task Team reports on Dispute Prevention were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 2 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Task Team reports on Dispute Prevention were presented at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Recruitment and Filling of Posts</b> Monitoring reports are presented at Chamber meetings on recruitment and filling of posts	<b>Achieved</b> Task Team reports on Recruitment and Filling of Posts were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 2 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Task Team Reports on Recruitment and Filling of posts were presented at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Rationalisation, Realignment, Merger and Closure of Small Schools</b> Monitoring reports on the Realignment, Merger and Closure of Small Schools and presented to the Chamber Meeting	<b>Achieved</b> Task Team reports on the Realignment, Merger and Closure of Small Schools was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 29 September 2021</li> <li>• 2 December 2021</li> <li>• 24 March 2022</li> </ul>	Reports (4)	<b>Not Achieved</b> Task Team reports on the Realignment, Merger and Closure of Small Schools were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 15 July 2022</li> <li>• 20 September 2022</li> <li>• 23 November 2022</li> </ul>	None	Rationalisation, Realignment, Merger and Closure of Small Schools report. Comprising Quarter 4 plans was not tabled at the Chamber meeting.	

## Overview of Performance of the Eastern Cape Chamber for the 2022/23 Financial Year

Parties to Council committed to maintain labour peace in the province and ensure the actualisation of the set targets for the Chamber for the 2022/22 financial year, as summarised below:

### Post Provisioning

The Member of the Executive Council (MEC) declared 52 817 posts for the 2023 academic year, although it was done rather late (after 30 September 2022), due to consultations that were held with Provincial Treasury, led by Office of the Premier. The delayed declaration had a domino effect on the PPN distribution, which invariably affected the PPN Management Plan. The declaration brought just above 90% stability in the system. This means that 90% of the schools either maintained or gained more posts. Pre-final school establishments were sent to schools and 272 schools requested corrections to be made to their statistics. The HR Instruction and PPN Management Plan was issued. The consolidated report was received on 20 March 2023, which noted a challenge with two districts that had not started the process of identification and placement of additional educators.

### Early Childhood Development

Quarterly reports were received from the Employer on Grade R upgrading. The Department highlighted that of the 331 Grade R cohort of 2019, who were registered at North-West University for the Diploma in Grade R Teaching, 26 students had completed all modules and been awarded the diploma in October 2022. The Employer was waiting for the results of the 217 students who were given extra support by the institution. Of the 77 Grade R practitioners in the cohort of 2020, who registered at the North-West University (NWU) to study the Grade R Diploma, six had dropped out and one had passed away. The Department is awaiting the results for 69 practitioners. For the B-Ed Foundation Phase, the Employer reported that of the 40 practitioners registered at Rhodes University, 38 had managed to write the October/November examination. A total of 104 of the Grade R Teaching Diploma cohort of 2023 have registered at North-West University to study Year 1 in the 2023 academic year. The challenge that was raised by Labour was the issue of Grade R educators who do not complete the qualification and request that they be allowed to register for another year. The Department responded that the learner agreement is silent on consequences of not completing a qualification on time. The Department is to look into the issue.

### Teacher Development

The Employer presented reports on teacher development programmes in the Task Team and Chamber meetings. Labour applauded the Department on the training conducted, but noted a challenge with lack of availability of hardware/laptops and data. The Department indicated that it was attending to the issue.

### Dispute Prevention

The training of Dispute Prevention Practitioners was suggested by the Task Team and endorsed by the Chamber. The training was conducted on 6 and 7 December 2022. The challenge raised by Labour was non-implementation of arbitration awards. The Chamber agreed that a small committee (comprising one member from each party) would investigate the issue of non-payments, including non-implementation of arbitration awards.

### Recruitment and Filling of Posts

Challenges encountered by the Department in the process of recruitment and filling of posts were: less than three applications received for some posts; grievances regarding profiling of posts and wrong profiling of posts. An instruction was issued to all districts that could not fill a post due to these problems for those vacancies to be filled through Collective Agreement No. 4 of 2016.

**Strategy to overcome areas of underperformance**

The Rationalisation, Realignment, Merger and Closure of Small Schools report for the fourth quarter will be tabled at the Chamber meeting.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Eastern Cape	550	428	122
<b>Total</b>	<b>550</b>	<b>428</b>	<b>122</b>

**3.1.1.2 Free State**

**KPIs, Planned Targets and Actual Achievements**

Collective Bargaining Services: Free State						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
Monitoring implementation of the Free State Collective Agreement (FSCA) 1 of 2019 as amended	<b>Achieved</b> Recruitment report presented to Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on posts advertised and filled were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
Monitoring the implementation of 37% in lieu of benefits for educators employed for less than six months.	<b>Achieved</b> Report on 37% was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 03 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (2)	<b>Achieved</b> Report on 37% was presented in the second and fourth quarter at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 2 September 2022</li> <li>• 17 March 2023</li> </ul>	None		
Monitoring implementation of Collective Agreement 4 of 2018	<b>Achieved</b> Report on the conversion was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on the conversion of educators were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		

Collective Bargaining Services: Free State						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
Monitoring implementation of the Performance Management System (PMS) for School and Office-Based Educators in terms of CA 3 of 2007	<b>Achieved</b> Reports on PMDS for Office Based Educators were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on the PMS were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Quality Management System</b> Monitoring implementation of QMS (CA 2 of 2020)	<b>Achieved</b> Report on implementation of the QMS was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on implementation of the QMS were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
Monitoring implementation of Collective Agreement 4 of 2016	<b>Achieved</b> Report on placement of educators was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on the placement of educators were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		

Collective Bargaining Services: Free State						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Teacher Well-being</b> Monitoring reports on the implementation of the Teacher Well-being programme are available	<b>Achieved</b> EHW reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 September 2021</li> <li>• 18 March 2022</li> </ul>	Management Plan (1) Reports (3)	<b>Achieved</b> Management Plan and reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Safety in Schools</b> Monitor reporting on implementation of programmes on safety in schools	<b>Not applicable</b>	Reports (4)	<b>Achieved</b> Reports on School Safety were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>ECD</b> Monitoring reports are available on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates regarding national processes	<b>Achieved</b> Grade R reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 5 November 2021</li> </ul>	Reports (4)	<b>Achieved</b> Reports on ECD related matters were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		



Collective Bargaining Services: Free State						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Post Provisioning</b> Consultation process regarding the creation and distribution of posts	<b>Achieved</b> Report on post provisioning was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (3)	<b>Achieved</b> Post provisioning reports were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
Monitoring the functionality of the Curriculum Forum	<b>Achieved</b> Report on Curriculum Forum was presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on Curriculum Forum were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
Monitoring the functionality of the Employment Equity Forum	<b>Not Achieved</b> Report on Dispute Prevention was only presented in three Chamber meetings on: <ul style="list-style-type: none"> <li>• 11 September 2020</li> <li>• 13 November 2020</li> <li>• 12 March 2022</li> </ul>	Reports (2)	<b>Not Achieved</b>	Report (1)	The Equity Forum report for the fourth quarter was not tabled at the Chamber meeting, as the Forum meeting could not take place.	

Collective Bargaining Services: Free State						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
Monitoring implementation of Policy on Incapacity Leave and Ill-Health Retirement (PILIR)	<b>Achieved</b> Report on PILIR was presented at the Chamber on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 5 November 2021</li> </ul>	Reports (2)	<b>Achieved</b> Reports on PILIR were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 4 November 2022</li> </ul>	None		
Monitoring statistical reports on the categories and status of grievances and disputes lodged	<b>Achieved</b> Reports on dispute prevention were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 4 June 2021</li> <li>• 3 September 2021</li> <li>• 5 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on dispute prevention were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 4 November 2022</li> <li>• 17 March 2023</li> </ul>	None		

## Overview of Performance of the Free State Chamber for the 2022/23 Financial Year

The Chamber performed as expected in terms of the approved APP in the period under review. The Chamber's performance reflects the concerted effort and relentless commitment demonstrated by parties to implement performance indicators and other matters of mutual interest in the pursuit of labour peace in the sector.

Comprehensive reports were presented at quarterly Chamber meetings for discussion and adoption, in accordance with performance plan targets, as indicated below.

### Monitoring implementation of FSCA 1 of 2019

Recruitment reports highlighted progress made in terms of all vacant posts, including the reasons why some posts had not yet been filled. The parties noted that delays in the filling of posts might have an adverse impact on post provisioning, and they committed to work collectively to ensure that operations are enhanced to minimise grievances arising from recruitment processes.

### Monitoring Collective Agreement No. 4 of 2018

Substantial developments highlighted the total number of temporary educators against substantive vacant posts (relative education qualification value (REQV) 13+) as being 516, and 504 educators were converted into permanent appointments. In the fourth quarter of the 2022/23 financial year, the number of temporary educators in the system was 68, but 24 have since been converted. This signifies that implementation of this agreement resulted in improvements in terms of the conditions of employment of educators.

### Monitoring implementation of QMS and PMDS

Comprehensive reports were presented that highlighted the following progress made in implementing the two collective agreements:

- QMS management plans were available in schools visited, all educators discussed and signed the job descriptions, mid-year appraisal timetables were available in most of the schools visited and work plans had been developed by the School Management Team (SMT).
- QMS training for additional support for educators focused on enhancing understanding regarding QMS processes and procedures, as well as the use of instruments.
- Monitoring and support of SMTs focused on QMS work plans, mid-year appraisal processes and implementation of the QMS Management Plan.
- Findings from visits have shown that SMT members need ongoing support with developing work plans and conducting and managing appraisal processes. The Department has since developed guidelines on the development of work plans for distribution to all schools. Some of the schools that did not comply with the mid-year appraisal period, conducted appraisals in the third quarter. Most schools in the province have conducted appraisals, with a compliance rate of 90.1%, i.e.: a total of 20 946 educators; 18 881 educators appraised; 2 069 educators not appraised.
- The level of compliance with signing the 2022 QMS work plans revealed that the total number expected based on district reports was 4 063; work plans signed by SMT and immediate supervisors was 3 453, i.e. 85%.

The PMDS report revealed that the level of compliance of office-based educators is still 90% for both work plans and mid-year assessments, as shown in the table below.

Name of Directorate	No. of Staff 3-6	No. of PAs Submitted 2021/2022	No. of Mid-year assessments	No. of Annual Assessments Submitted	No. of PAs Submitted 2022/23	% PA Submitted
District Management	597	531	567	534	559	96%
Head Office Officials	145	143	127	126	140	95%
<b>Total</b>	<b>742</b>	<b>674</b>	<b>684</b>	<b>660</b>	<b>692</b>	<b>95%</b>

### Teacher Well-being

Progress reports indicated the topics presented. The outcome of the survey conducted with 391 educators who participated in the first round revealed that 77% appeared to be stressed and 22% had experienced burn-out. The challenges identified were addressed in the second round of the seminar. Topics on seven essential emotional skills and financial budgeting were presented on 18 October 2022. Highlights displayed that the software Microsoft usage was intact to accommodate all schools across the province, which resulted in schools participating remarkably, with comments being posted in the chat box continuously.

### Dispute Prevention

Grievances from districts regarding promotional cases were resolved and resulted in a reduction in grievances that could have escalated into potential disputes if they had not been dealt with. The Dispute Prevention Task Team (DPTT) has further revised the existing terms of reference (TOR) to mitigate implementation challenges encountered in some of the districts.

### ECD Related Matters

The ECD progress report highlighted the following:

- Five students graduated in August 2022, and the 11 students that are currently attaining above 350 to 372 credits may graduate in May 2023.
- Placement of Grade R teachers into 450 posts depicted a total of 444 contracts of qualified teachers received from Human Resources (HR) and six posts vacant due to resignations of Grade R teachers after appointment in the mainstream.
- Grade R roadshows were conducted in with Grade R teachers, principals, matrons, unions, and the Education, Training and Development Practices Sector Education and Training Authority (ETDP-SETA) in the districts, to discuss: conditions of service for all Level 6 and above qualified teachers; ETDP-SETA funding for Grade R beneficiaries

**Strategy to overcome areas of underperformance**

Employment Equity Forum meetings shall be convened on a quarterly basis and all parties will have discussions to ensure that Employment Equity Forum reports are presented at Chamber meetings for consideration and adoption.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Free State	771	473	299
<b>Total</b>	<b>771</b>	<b>473</b>	<b>299</b>

### 3.1.1.3 Gauteng

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Gauteng						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Strategic Planning Workshop (SPW)</b> Develop an APP and budget for the next financial year (2022/23)	<b>Achieved</b> The report on the SPW held from 24 to 26 November 2021 was presented and ratified in the Chamber meeting on 2 December 2021	Report (1)	<b>Achieved</b> The SPW was held on 28 to 30 November 2022 and the report was presented and ratified at the Chamber meeting held on 7 December 2022	None		
<b>Quality Management System</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Achieved</b> Reports on implementation of capacity building programmes on QMS activities were presented at four Chamber meetings, i.e.: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 2 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on the implementation of Collective Agreement No. 2 of 2020 at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Teacher Well-being</b> Monitoring reports on implementation of the Teacher Well-being campaign are available	<b>Achieved</b> Report on the implementation of programmes on employee health and wellness (EHW) were presented at the four Chamber meetings held on: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 2 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on the implementation of Teacher Well-being in the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	Report (1)	The Employer did not present a management plan on the implementation of a teacher well-being advocacy campaign at the Chamber meeting held on 22 June 2022.	

Collective Bargaining Services: Gauteng						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Safety in Schools</b> Monitor the reporting on implementation of programmes on safety in schools	<b>Not Achieved</b> Three reports on the implementation of programmes on safety in schools were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on the implementation of programmes on school safety at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>ECD</b> Monitoring reports are available on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates regarding national processes	<b>Not Applicable</b>	Reports (4)	<b>Achieved</b> The Employer presented reports on the implementation of programmes on ECD at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Educator Development</b> Monitor the reporting on providing teacher development programmes	<b>Achieved</b> Reports on providing teacher development programmes were presented at two Chamber meetings, i.e.: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 23 March 2022</li> </ul>	Reports (2)	<b>Achieved</b> The Employer presented reports on providing teacher development programmes at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		

Collective Bargaining Services: Gauteng						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Dispute Prevention</b> Monitor reporting on categories of misconduct, types, nature, status of grievances, disputes lodged and recommendations	<b>Achieved</b> Reports from the employer on categories of misconducts, types, nature, status of grievances and disputes lodged, with recommendations were presented and ratified at four Chamber meetings, i.e.: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 2 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on dispute prevention at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2002</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Educator Resourcing</b> Monitoring the extent of the use of temporary educators with conversion into permanent posts through post provisioning norms and maintaining the vacancy rate, including office and school-based promotion posts, below 10% in any given quarter	<b>Achieved</b> Reports on the extent of use of temporary educators and conversion into permanent appointments based on allocated posts through PPN were presented at four Chamber meetings, i.e.: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 2 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on educator resourcing at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2002</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		
<b>Procedure on incapacity leave and ill-health retirement</b> Monitoring reporting on the introduction and implementation of programmes on (PILIR	<b>Achieved</b> Report on the introduction and implementation of programmes for PILIR were presented at four Chamber meetings, i.e.: <ul style="list-style-type: none"> <li>• 11 June 2021</li> <li>• 27 September 2021</li> <li>• 2 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on the introduction and implementation of programmes on PILIR at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2002</li> <li>• 21 September 2022</li> <li>• 7 December 2022</li> <li>• 23 March 2023</li> </ul>	None		

## Overview of Performance of the Gauteng Chamber for the 2022/23 Financial Year

### Quality Management System



During the period under review, the Employer presented QMS implementation reports to the Task Team meetings, and the reports were presented and ratified at the quarterly Chamber meetings. The reports stated that all educators had been trained on the implementation of the QMS and that refresher training sessions had been conducted for schools that had challenges. The reports also stated that all schools had conducted mid-year appraisals, except for two schools where there was unrest.

The Employer also reported on having made the pay progression payments and presented a management plan for the implementation of Collective Agreement No. 2 of 2022, training took place between 6 and 14 February 2023.

### **Teacher Well-being**

The Employer presented a management plan and progress reports on implementation of the teacher well-being campaign for the 2022/23 financial year, with 29 369 employees reached through the Employee Wellness programmes. The Employer further reported that in terms of occupational health and safety (OHS) in offices, they have: done 84 office inspections; established five sick bays; established nine OHS committees; and conducted 121 fire fighter training sessions and two evacuation drills.

### **Safety in Schools**

The Employer reported on its partnerships with the South African Police Service (SAPS), Community Policing Forums, Metro Police and Community patrollers to ensure safety in schools. The reports also covered the submission of school safety policies, hotspot schools, the school safety summit that was held, the partnership with Mathew Goniwe School of Leadership and that they are part of the Prov-joint security cluster that discusses crime in the province. The Employer reported on a new wave of crime, with school principals being kidnapped and forced to withdraw school funds from banks.

### **Early Childhood Development**

The Employer reported a total of 4 365 practitioners in the system, 1 592 of which are under-qualified, while 2 773 are qualified at National Qualifications Framework (NQF) Level 6 and above. It was also reported that, for the academic year 2023, there are 78 practitioners registered for the BEd degree and 148 for a Diploma in Grade R teaching. In addition, there are 131 practitioners who are either refusing to register to study or who have registered but have not completed the assignments and have not written the examinations. It was also reported that there are 543 practitioners who are to be converted into Grade R educators.

### **Dispute Prevention**

The Employer reported that they received 705 grievances and finalised 657 grievances for a percentage rate of 93%. They reported that they had faced challenges in finalising cases within the prescribed period. Most grievances received were in relation to filling of posts and unfair treatment.

The Employer reported that they received 542 cases of misconduct for the 2022/23 financial year and finalised 438 cases, i.e. 81%. The highest number of cases received were regarding improper conduct, followed by cases of assault, sexual assault and abscondment. There were 79 disputes that were handled and 66 of these were ruled in favour of the Employer. The Employer reported a challenge that resulted in delays with cases managed in terms of Collective Agreement No. 3 of 2018.

### **Educator Resourcing**

The Employer indicated there were challenges with filling some posts due to grievances lodged and refusal by school governing bodies (SGBs) to implement Circular 9 of 2020.

The Employer also reported that, for the 2022 academic year, they translated 3 669 temporary educators into permanent educators, in terms of Collective Agreement No. 4 of 2018. Only 48 temporary educators were not translated, as they had been in the system for less than three months.

#### Procedure on Incapacity Leave and Ill-health Retirement

The Employer reported the following for the 2022/23 financial year:

- 3 962 applications were received for short-term leave and 1 474 applications were recommended for approval
- 935 applications were received for long term leave and 471 were recommended for approval
- 56 ill-health retirement applications were received and 27 were recommended for approval

The Employer reported that the majority of applications were made by women between 51 and 59 years old. The Employer reported that 1 317 substitute educators were appointed.

### **Strategy to overcome areas of under-performance**

The Chamber is to implement the annual schedule of meetings, to reschedule postponed meetings and to convene special meetings for reports not presented at scheduled meetings.

### **Changes to planned targets**

No changes were made to planned targets.

### **Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Actual Expenditure	Budget	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Gauteng	856	563	293
<b>Total</b>	<b>856</b>	<b>563</b>	<b>293</b>

### 3.1.1.4 KwaZulu-Natal

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: KwaZulu-Natal						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Information Sharing</b>						
<b>Post Provisioning</b> Monitoring reports are available on the Medium-Term Expenditure Framework (MTEF) process for post provisioning	<b>Achieved</b> Reports on the consultation process for Post Provisioning between Labour and other stakeholders were presented to Chamber meetings	Workshop (1) Reports (2)	<b>Achieved</b> Reports on the MTEF process for post provisioning were tabled at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2022</li> <li>• Workshop - 1 December 2022 (two reports were presented)</li> </ul>	None		
<b>Quality Management System</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Achieved</b> Monitoring reports on implementation of capacity building programmes on QMS activities were tabled at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 5 July 2021</li> <li>• 23 September 2021</li> <li>• 9 December 2021</li> <li>• 30 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Monitoring reports on implementation of the QMS (CA 2 of 2020) were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2022</li> <li>• 8 November 2022</li> <li>• 7 December 2022</li> <li>• 3 March 2023</li> </ul>	None		

Collective Bargaining Services: KwaZulu-Natal						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Teacher Well-being</b> Monitoring reports are available on the implementation of Teacher Well-being	Not applicable	Management Plan (1) Reports (3)	<b>Achieved</b> The Employer submitted a Management Plan for implementation of a teacher well-being advocacy campaign to Chamber on 24 June 2022 The Employer presented monitoring reports on implementation of Teacher Well-being at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 8 November 2022</li> <li>• 3 March 2023 (two reports)</li> </ul>	None		
<b>Safety in Schools</b> Monitor reporting on the implementation of programmes on safety in schools	Not applicable	Reports (4)	<b>Achieved</b> The Employer presented monitoring reports on implementation of programmes on safety in schools at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 8 November 2022 (2 reports)</li> <li>• 7 December 2022</li> <li>• 3 March 2023</li> </ul>	None		
<b>Teacher Development</b> Monitoring reports are available on the implementation of teacher development programmes	<b>Achieved</b> Progress reports on the implementation of Teacher Development Programmes were presented and adopted at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 30 September 2020</li> <li>• 14 December 2020</li> <li>• 20 April 2021</li> </ul>	Reports (4)	<b>Achieved</b> Monitoring reports on the implementation of teacher development programs were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2022</li> <li>• 8 November 2022</li> <li>• 7 December 2022</li> <li>• 3 March 2023</li> </ul>	None		

Collective Bargaining Services: KwaZulu-Natal						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Dispute Prevention</b> Monitoring reports on grievances, misconduct, and disputes are available	<b>Achieved</b> Reports from the DPTT were presented for Quarter 1 and Quarter 2 and were adopted at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 30 September 2020</li> <li>• 14 December 2020</li> <li>• 20 April 2021</li> </ul>	Workshop (1) Reports (4)	<b>Achieved</b> The Employer presented statistical reports on grievances, disputes, and misconduct cases at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2022</li> <li>• 8 November 2022</li> <li>• 7 December 2022</li> <li>• 3 March 2023</li> </ul> The Provincial Manager (PM) submitted an HR Summit/Workshop report to Chamber on 8 November 2022	None		
<b>ECD</b> Monitoring report on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates on national processes are available.	Not applicable	Reports (4)	<b>Achieved</b> The Employer presented reports at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2022</li> <li>• 8 November 2022</li> <li>• 7 December 2022</li> <li>• 3 March 2023</li> </ul>			

## Overview of Performance of KwaZulu-Natal Chamber for the 2022/2023 Financial Year

### Post Provisioning

Through extensive engagement between the MEC and Organized Labour, KwaZulu-Natal (KZN) was able to retain 90 057 educators, with the MEC further indicating the conversion or permanent appointment of 500 Grade R educators into state-paid posts with effect from April 2023.

### Teacher Well-being

Teacher Well-being advocacy campaigns were successfully implemented in the Zululand district, uMzinyathi district and uGu district. These were face-to-face sessions, and 200 educators were targeted for each session. Although the turnout was not as expected, educators were most appreciative of the programme. Challenges were also noted that led to the province not achieving the planned target in this area in the second quarter.

**Staffing Matters**

Several staffing meetings were convened in the period under review to ensure that there is an educator in front of every learner in all schools. Many HRM circulars were adopted by Chamber, which help with realising the mandate of the department to provide quality teaching and learning.

**Strategy to overcome areas of under-performance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Actual Expenditure	Budget	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: KwaZulu-Natal	596	525	72
<b>Total</b>	<b>596</b>	<b>525</b>	<b>72</b>

### 3.1.1.5 Limpopo

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Limpopo						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Information Sharing</b>						
<b>Human Resource Management</b> Monitoring HR reports are available on the provisioning of human resources	<b>Achieved</b> Reports on monitoring the provisioning of human resources were discussed and monitored in the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 23 August 2021 (Special chamber)</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on monitoring HR reports on the provisioning of human resources were discussed and monitored in the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 23 August 2022 (Special chamber)</li> <li>• 14 September 2022 (Special Chamber)</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Quality Management System</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Achieved</b> Reports on monitoring the implementation of capacity-building programmes on QMS activities were presented and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on monitoring the implementation of QMS (CA 2 of 2020) were presented and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Teacher Well-being</b> Monitoring reports are available on the implementation of Teacher Well-being	<b>Achieved</b> Reports on monitoring the implementation of employee wellness programmes were presented and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on monitoring the implementation of Teacher Well-being were presented and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		

Collective Bargaining Services: Limpopo						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<p><b>Safety in Schools</b></p> <p>Monitor reporting on the implementation of programmes on safety in schools</p>	<p><b>Achieved</b></p> <p>Reports on monitoring the implementation of employee wellness programmes were presented and adopted at Chamber meetings as follows:</p> <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<p><b>Achieved</b></p> <p>Reports on monitoring the implementation of programmes on safety in schools were presented and adopted at Chamber meetings as follows:</p> <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<p><b>ECD</b></p> <p>Monitoring report is available on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates on national processes</p>	<b>Not applicable</b>	Reports (4)	<p><b>Achieved</b></p> <p>Reports on monitoring ECD related matters were tabled and adopted he Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<p><b>Rationalisation of schools</b></p> <p>Monitoring reports are available on rationalisation of schools</p>	<p><b>Achieved</b></p> <p>The LDoE's HRM reports on rationalisation of schools were tabled and adopted at Chamber meetings held on::</p> <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (3)	<p><b>Achieved</b></p> <p>Reports on monitoring the rationalisation of schools were tabled and adopted at Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		



Collective Bargaining Services: Limpopo						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>PILIR</b> Monitoring reports are available on processing PILIR referrals	<b>Achieved</b> Reports on the processing of PILIR referrals were tabled and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (3)	<b>Achieved</b> Reports on the processing of PILIR referrals were tabled and adopted at the following Chamber meetings: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Dispute Prevention</b> Monitoring reports are available on the categories and status of grievances and disputes lodged	<b>Achieved</b> Reports on the categories and status of the misconduct cases, grievances and disputes lodged were presented and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on the categories and status of the misconduct cases, grievances and disputes lodged were presented and adopted at the following Chamber meetings: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Educators' performance management</b> Monitoring reports are available on the implementation of performance management instruments	<b>Achieved</b> Reports on the implementation of performance management instruments were tabled and adopted at Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on the implementation of performance management instruments were tabled and adopted at the following Chamber meetings: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None		
<b>Curriculum and examinations</b> Monitoring reports are available on the implementation of curriculum policies and the management of examinations	<b>Achieved</b> Reports on the implementation of curriculum policies and management of examinations were presented and adopted at Chamber meeting as follows: <ul style="list-style-type: none"> <li>• 29 June 2021</li> <li>• 30 September 2021</li> <li>• 30 November 2021</li> <li>• 18 March 2022</li> </ul>	Reports (3)	<b>Achieved</b> Reports on the implementation of curriculum policies and the management of examinations were presented and adopted at the following Chamber meetings: <ul style="list-style-type: none"> <li>• 27 June 2022</li> <li>• 21 September 2022</li> <li>• 22 November 2022</li> <li>• 17 March 2023</li> </ul>	None	Only one meeting was held on 22 June 2020. The official who was representing the Employer went on retirement and the Employer took time to find a replacement in the fourth quarter.	

## Overview of Performance of Limpopo Chamber for the 2022/23 Financial Year

The good working relations of the Parties in the Chamber has been an enormous factor in the Chamber's performance and has contributed to a favourable working environment.

### Summary of activities

#### **Staffing of Schools**

The Employer tabled a comparative analysis of the 2022 and 2023 staffing reports. The rate of absorption of educators in 2023 was similar to that in 2022. A total of 626 educators are still held in excess of the posts established, compared to 528 in the previous year. Some of the identified excess educators did not meet the curricular needs of vacant posts, whereas others were rejecting post offers due to the distance from their homes. Some SGBs were refusing to accept the identified excess educators. Factors that led to the increase in excess educators included removal of commercial subjects from the curriculum by some schools. The province is gradually achieving the employment equity (EE) targets for people with different demographics by implementing the guidelines agreed upon in Chamber.

#### **Quality Management System**

School and office-based educators were trained on QMS Collective Agreement No. 2 of 2020. A webinar was held with all CMs to strengthen the implementation of Collective Agreement No. 2 of 2020. Preparations are afoot to train school-based Education Therapists, Psychologists and Counsellors on the newly-signed QMS Collective Agreement. Payments for the 2022 pay-progression process are ongoing.

#### **Dispute Prevention**

The Employer trained schools on grievance and dispute handling, with the aim of reducing incidents of both. The new training programme focused on circuits with a high number of cases. The rate of finalising cases increased in the first and third quarters. Twenty-one disputes were received in the first quarter, of which 17 were from the previous period, 18 were in jurisdiction and 13 (37%) were finalised. In the third quarter, 25 disputes were received, of which 11 were in jurisdiction, 19 were carried over from the previous period and 18 (60%) were finalised.

#### **Safety in Schools**

A total of 103 departmental officials trained school representatives on the Provincial Schools Safety Guidelines, by the end of March 2023. On record and based on the Monitoring Tool of the third quarter, 904 schools were linked to police stations.

#### **Teacher Well-being**

The Employer implemented teacher well-being campaigns, which included attendance by victims of injuries and disease on duty (IOD) and reaching employees through medical screening. A total of 5 232 educators observed the calendar and commemorative days in three quarters. A total of 113 requests for the Employee Assistance Programme (EAP) were made. Human Immunodeficiency Virus (HIV) counselling and testing was provided to 904 educators, and 284 workplace audits were conducted. In all of the above areas, the number of females was always higher than males.

#### **Placement of Funza Lushaka bursary scheme beneficiaries**

The Employer is gradually placing the beneficiaries of the Funza Lushaka bursary scheme into the system. The parties agreed to also monitor the placement of beneficiaries of other bursary schemes, pending the collection of data by the Employer.

## Early Childhood Development

Some ECD practitioners were still studying at North West University (NWU), using the bursary to improve their qualifications. In 2022, a total of 145 practitioners registered for the final year (third year) of the Grade R Diploma at NWU received their results. The practitioners who had passed the course graduated in December 2022. Those who did not do well or still have to complete a few modules were given another (final) year to complete their studies. The Department awarded 50 ECD practitioners a bursary to study for a Bed Degree in the Foundation Phase at NWU. The course is conducted online. The study package includes a laptop, R500 data and a stipend of R1 500 to attend meetings, where necessary.

The issues regarding national processes and conditions of service will be reported on as soon as parties at national level have concluded negotiations on the conditions of service of ECD practitioners.

### Strategy to overcome areas of under-performance

Not applicable.

### Changes to planned targets

No changes were made to planned targets.

### Linking performance to budget

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Limpopo	593	421	172
<b>Total</b>	<b>593</b>	<b>421</b>	<b>172</b>

### 3.1.1.6 Mpumalanga

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Mpumalanga						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<p><b>Post Provisioning</b></p> <p>A consolidated report is available on the MTEF process for post provisioning</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>A PPN workshop was conducted on 8 June 2022.</p> <p>One indicative budget workshop was conducted on 12 July 2022 and the indicative budget report was further discussed in the Special Chamber meeting held on 27 July 2022.</p> <p>Three reports on post provisioning norms were presented at the Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		
<p><b>Quality Management System</b></p> <p>Monitoring implementation of the QMS (CA 2 of 2020)</p>	<b>Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>Four reports on implementation of the QMS were presented, adopted and ratified at the Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		

Collective Bargaining Services: Mpumalanga						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Teacher Well-being</b> Monitoring reports are available on the implementation of Teacher Well-being	Not applicable	Management plan (1) Reports (3)	<b>Achieved</b> Three reports and one management plan on the implementation of Teacher Well-being were presented, adopted and ratified at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		
<b>Safety in Schools</b> Monitor reporting on the implementation of programmes on safety in schools	Not applicable	Reports (4)	<b>Achieved</b> Two reports on the implementation of safety in schools were presented, adopted and ratified at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		
<b>Dispute Prevention</b> Monitoring report is available on grievances, misconduct, and disputes	<b>Achieved</b> Four reports on monitoring and implementation strategies to minimise grievances and disputes were presented to Chamber on: <ul style="list-style-type: none"> <li>• 10 June 2021</li> <li>• 9 September 2021</li> <li>• 13 December 2021</li> <li>• 11 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Four reports on monitoring of grievances, misconduct and disputes were presented, adopted and ratified at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		

Collective Bargaining Services: Mpumalanga						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Early Childhood Development</b> Monitoring report is available on training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates on national processes	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> Four reports on the training and professionalisation of ECD practitioners were presented, adopted and ratified at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		
<b>Filling of posts</b> Monitoring report is available on recruitment, selection, filling of posts, excess educators, translation of temporary educators, bursars, and promotional posts	Not applicable	Reports (4)	<b>Achieved</b> Reports on the filling of posts were presented, adopted and ratified at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 12 July 2022</li> <li>• 15 September 2022</li> <li>• 1 December 2022</li> <li>• 10 March 2023</li> </ul>	None		

## Overview of Performance of Mpumalanga Chamber for the 2022/23 Financial Year

### Post Provisioning and Norms

During the period under review, the Employer and the Employee Parties had meaningful consultation sessions on the 2023 PPN and the pool of posts to be distributed. For the 2023 academic year, the Employer reported that: it had distributed a pool of 32 473 educator posts to public schools; that this pool had created 1 035 vacancies; and that there are 711 educators in excess of the established number of staff posts at schools. A management plan for the identification, placement and transfer of educators additional to the staff establishment figure was adopted and ratified.

### Quality Management System

The Employer reported that, in the 2022/23 financial year, the QMS was fully implemented at all schools. Annual appraisals for 2022 were conducted at all schools and the districts have collated information on the level of attainment of educators. All qualifying educators were paid the pay progression.

### Teacher Well-being

The Employer reported that, during the period under review, they received: 341 short-term PILIR applications, 59 of which were approved; 212 long-term applications, 60 of which were approved. A total of 37 applications for ill-health retirement were received, and five were approved. They also reported that they conducted information sharing sessions on the PILIR policy and the new forms with school principals.

### Safety in Schools

The Employer reported that they have established strong partnerships with SAPS, the Department of Social Development (DSD), the Department of Community Safety Security and Liaison, and the DoJ & CD, and that the Mpumalanga Schools Safety Framework has been finalised. The Employer reported that 1 200 of the 1 674 schools have reviewed their school safety plans, the school safety committees (SSCs) were trained on their roles and responsibilities, and 282 schools in the province have been confirmed as being hotspots and are given priority.

The Employer also reported that drug testing and metal detectors were procured and supplied to 200 schools. These Employer schools were linked to their nearest police station. The DSD has conducted campaigns on substance abuse, the Department of Community Safety Security and Liaison conducted campaigns on social crimes, and the police conducted random seizure operations in the hotspot schools. The Employer reported that all SGBs and SSCs were inducted on their roles and responsibilities. This training is ongoing. Radio talk shows were used to condemn the torching of public facilities. Training was conducted on strengthening peer education programmes on HIV and acquired immune deficiency syndrome (AIDS), GBV, bullying and denouncing activities that lead to litigation.

### Dispute Prevention

The Employer reported that there has been an increase in absenteeism, abscondment and employees doing business with the state in the 2022/23 financial year. There has also been a noticeable increase in cases of corporal punishment, emerging insubordination, South African Schools Act (SASA) fraud, abuse of power and late terminations. Promotion and appointment disputes are the second most prevalent grievances, even though most of these end at grievance level. Unfair dismissal cases end up at arbitration, while most termination grievances are for fixed term contracts and are concluded at the grievance level. Most of the declined PILIR cases are finalised at grievance level.

**Early Childhood Development**

During the period under review, the Employer presented reports on the training of Grade R practitioners and the professionalisation of practitioners. The reports indicated that, during the 2022/23 financial year: 120 practitioners completed their professional diplomas and were translated into Grade R educators: 85 practitioners were enrolled for the Diploma in Grade R teaching in February 2023. The Employer presented a management plan for a roadshow, at which parties to the Chamber are to motivate and encourage Grade R practitioners to register for a professional qualification and those who have registered to study to complete their qualification. The Employer also reported on the process of accrediting the Early Childhood Development Institute, and reported that since the inception of the institute, only 200 practitioners had been trained and obtained an NQF Level 4 qualification, while 2 065 more practitioners still require training at NQF Level 4.

**Filling of Posts**

The Employer indicated that it: translated 316 temporary educators into permanent educators from the 2020 cohort of temporary educators; reappointed 873 temporary educators. Furthermore, in November 2021, the Employer advertised 1 123 promotional posts, of which 895 were successfully filled, 33 were being processed for approval, 140 were withdrawn and 55 posts had outstanding recommendations.

**Strategy to overcome areas of under-performance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets. The following 3rd and 4th quarter targets were removed:

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Mpumalanga	402	351	51
<b>Total</b>	<b>402</b>	<b>351</b>	<b>51</b>



### 3.1.1.7 Northern Cape

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Northern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>5.1.2.10 Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Post Provisioning and Filing of Posts</b> Consolidated reports are available on the consultation process for post provisioning and advertising and filling of posts	<b>Not Achieved</b>	Reports (3) Workshop (1)	<b>Achieved</b> The workshop on Post Provisioning Norms and Standards (PPNS) was held on 24 May 2022 The workshop report was adopted at Chamber on 21 June 2022 Reports on the PPNS process and filling of posts were presented at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 7 September 2022 (Special Chamber)</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		
	<b>Not Achieved</b>	Reports (3) Preface of the Gazette (1)	<b>Not Achieved</b> The Employer presented statistical reports on the filling of posts at the Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 8 July 2022 (Special Chamber)</li> <li>• 25 July 2022 (Special Chamber)</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	Preface (1)	The Preface of the Gazette was published on 4 August 2022. The preface was not presented to Chamber, prior to publication.	

Collective Bargaining Services: Northern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Implementation of Collective Agreements</b> Monitoring reports on the implementation of: <ul style="list-style-type: none"> <li>• CA 4 of 2018 (The appointment and conversion of temporary educators to posts on the educator establishment, and</li> <li>• CA 3 of 2017 (Performance Management and Development System (PMDS) for office-based educators)</li> </ul>	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> The Employer presented a comprehensive report on the implementation and compliance of CA 4 of 2018. (The appointment and conversion of temporary educators to posts on the educator establishment at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		Green
	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> The Employer presented a comprehensive report on the implementation and compliance of CA 3 of 2017 (Performance Management and Development System (PMDS) for office-based educators) at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 14 March 2023</li> </ul>	None		
<b>QMS</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> Employer presented a report to Chamber on implementation of the QMS at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 14 March 2023 (two Reports)</li> </ul>	None		Green

Collective Bargaining Services: Northern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Teacher Development and Performance Management Development System (PMDS)</b> Monitoring reports are available on the programmes related to the management plan, assessment and payments made to employees, as well as the development of educators	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> The Employer presented programmes of activities with the Management Plan for analysis and adoption by Chamber at the quarterly meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		
	<b>Not Achieved</b>	Reports (2)	<b>Achieved</b> The Employer presented comprehensive reports on assessment of PMDS presented to Chamber at the quarterly meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 14 March 2023</li> </ul>	None		
<b>Curriculum &amp; Examinations</b> Consolidated reports are available on the implementation of curriculum programmes and examinations	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> The Employer reported on the implementation of the curriculum programmes performance at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		
	<b>Not Achieved</b>	Reports (4)	The Employer presented reports on the analysis of results of the academic year at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		

Collective Bargaining Services: Northern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<p><b>Dispute Prevention</b></p> <p>Reports on the Grievances, Misconduct and Disputes lodged presented to Chamber and Dispute Prevention Programmes are available</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>The Employer presented comprehensive provincial reports on grievances, disputes and misconduct cases at quarterly Chamber meetings, as well as the Dispute Prevention Implementation Programmes at the quarterly Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		
<p>Safety in Schools</p> <p>Monitor reporting on the implementation of programmes on safety in schools</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>Reports on school safety activities were presented by the Employer at the quarterly Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		
<p><b>Teacher Well-being</b></p> <p>Monitoring reports are available on the implementation of Teacher Well-being</p>	<b>Not Achieved</b>	Management Plan (1) Reports (3)	<p><b>Achieved</b></p> <p>The Employer presented a management plan and progress reports on implementation of the advocacy campaign. The reports were submitted by the PM and adopted at the quarterly Chamber meetings held on:</p> <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		

Collective Bargaining Services: Northern Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>ECD</b> Monitoring reports are available on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates on national processes	<b>Not Achieved</b>	Reports (4)	<b>Achieved</b> The Employer presented progress reports on ECD related matters, during information sharing meetings. Reports were submitted by the PM at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 21 June 2022</li> <li>• 22 September 2022</li> <li>• 30 November 2022</li> <li>• 14 March 2023</li> </ul>	None		

### Overview of Performance of Northern Cape Chamber for the 2022/23 Financial Year

#### Monitoring reports on the implementation of collective agreements

Collective Agreement No. 4 of 2018: Labour enquired whether the conversion of teachers was an automatic process and whether the Employer would intervene, in schools where the process was delayed due to ulterior motives. The Employer cautioned against their involvement in conversions at school level, as it might lead to schools doing nothing, knowing that the Employer would take over the process. Monitoring the process proved challenging, as it was not automated. However, the e-conversion process should simplify monitoring of the process, as the Employer will be able to track the process and identify its stage. Conversions were done on an ongoing basis, whilst 669 teachers were disqualified.

Collective Agreement No. 3 of 2017: The Employer made payments in terms of the agreement during the financial year as follows: Frances Baard district - 73 paid; John Taolo Gaetsewe district - 60 paid; ZF Mgqawu - 55 paid; Pixley ka Seme district - 37 paid; Namakwa - 35 paid.

**Quality Management System:** The Employer implemented a re-training programme, which Labour commended, as it would allay negative perceptions held by educators. It was resolved that the regional secretaries would participate in the programme.

**Teacher Development:** The Employer regularly presented reports on the development of teachers. The provincial South African Council for Educators (SACE) performance greatly impacted the reporting on Continuing Professional Development (CPD), resulting in the Frances Baard district leading within the country. Roodepan Primary School was amongst the top 10 schools in the country, reporting on their CPD points. Whilst Labour commended the reports, they implored the Employer to prioritise internal departmental collaboration.

**Examination:** The overall pass rate in the province was 74.2%, which represents an improvement of 2.8% from 2021 (71.4%). Labour indicated imminent engagement with the Employer regarding contextual factors that influenced the results. The results were not to be celebrated, as the province remained in eighth position nationally.

**Dispute Prevention:** The Employer regularly presented reports on grievances, disputes and misconduct cases. Labour raised a concern that withdrawn matters were not removed from reports, despite an undertaking to do so. Instances of wrongful suspension of teachers were raised and an enquiry was made regarding the steps taken against the officials who caused the occurrences. The Employer undertook to launch an investigation and provide a report to Chamber.

**Safety in Schools:** The Employer regularly presented reports on school safety interventions. Labour reiterated the need for collaboration between the Employer’s various departments.

**Teacher Well-being:** The Employer regularly presented monitoring reports on Teacher Wellbeing advocacy programmes. Labour raised a concern that the impact of the programmes was not clear. Labour reiterated the need for a seminar to address the well-being of teachers, which the Employer acceded to.

**Early Childhood Development:** The Employer regularly presented monitoring reports on ECD and indicated that discussions on improving conditions of employment were under way.

**Strategy to overcome areas of under-performance**

Improve communication with the Employer.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Northern Cape	639	362	276
<b>Total</b>	<b>639</b>	<b>362</b>	<b>276</b>

### 3.1.1.8 North West

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: North West						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Consultation, Implementation and Monitoring of Collective Agreements and Policies</b>						
<b>Post Provisioning</b> Consolidated reports are available on the consultation process and distribution of post provisioning for the following financial year	<b>Not Achieved</b>	Reports (3)	<b>Achieved</b> Three Chamber meetings were held during the period under review and reports on post provisioning were received on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 2 September 2022</li> <li>• 31 March 2023</li> </ul>	None		
<b>Teacher Well-being</b> Monitoring reports are not available on Teacher Well-being	<b>Not Achieved</b>	Management Plan (1) Reports (3)	<b>Achieved</b> Four Chamber meetings were held during the period under review to receive a management plan and three reports on teacher well-being, i.e.: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2023</li> </ul>	None		
<b>Teacher Development</b> Monitoring progress reports are available on provisioning of teacher development programmes	<b>Not Achieved</b>	Management Plan (1) Reports (3)	<b>Achieved</b> Four Chamber meetings were convened during the period under review to receive a management plan and three reports on teacher development, i.e.: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2023</li> </ul>	None		

Collective Bargaining Services: North West						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<p><b>Dispute Prevention</b></p> <p>Analysing reports are available on the categories and status of disputes, grievances and misconduct cases lodged</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>Four Chamber meetings were held during the period under review to receive reports on grievances, misconduct cases and disputes from the Task Team, i.e.:</p> <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2023</li> </ul>			
<p><b>Terminations (contract expiry, resignations, retirement, deceased and dismissals)</b></p> <p>Consolidated reports on the category of terminations are available</p>	<b>Achieved</b>	Reports (2)	<p><b>Achieved</b></p> <p>Two Chamber meetings were convened to receive reports on terminations, i.e.:</p> <ul style="list-style-type: none"> <li>• 2 September 2022</li> <li>• 3 March 2023</li> </ul>	None		
<p><b>Quality Management Systems</b></p> <p>Monitoring implementation of the QMS (CA2 of 2020)</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>Four Chamber meetings were convened during the period under review to receive reports on QMS activities, i.e.:</p> <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2023</li> </ul>	None		
<p><b>Safety in Schools</b></p> <p>Monitor reporting on the implementation of programmes on safety in schools</p>	<b>Not Achieved</b>	Reports (4)	<p><b>Achieved</b></p> <p>Four Chamber meetings were held during the period under review to receive reports on safety in schools, i.e.:</p> <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2023</li> </ul>	None		



Collective Bargaining Services: North West						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Advertisement and Filling of Posts</b> Monitoring reports are available on sharing information on advertising and filling posts	<b>Not Achieved</b>	Reports (2)	<b>Achieved</b> Two Chamber meetings were held during the period under review to receive reports on advertising and filling posts, i.e.: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 18 November 2022</li> </ul>	None		
<b>Performance Management and Development System (PMDS)</b> Consolidated reports are available on assessed employees	<b>Not Achieved</b> Two (2) Chamber meetings were held during the period under review on programmes of IQMS/PMDS. <b>Meeting dates:</b> <ul style="list-style-type: none"> <li>• 09 and 10 September 2020</li> <li>• 05 March 2022</li> </ul>	Reports (2)	<b>Achieved</b> Two Chamber meetings were held during the period under review on programmes of PMDS on: <ul style="list-style-type: none"> <li>• 2 September 2022</li> <li>• 3 March 2023</li> </ul>	None		
<b>Temporary Educators</b> Monitoring reports are available on the appointment and conversion of temporary educators	<b>Not Achieved</b> Four (4) Chamber meetings were held during the period under review to receive reports on Temporary Educators. <b>Meeting dates:</b> <ul style="list-style-type: none"> <li>• 19 June 2020</li> <li>• 09 and 10 September 2020</li> <li>• 13 November 2020</li> <li>• 05 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Four Chamber meetings were held during the period under review to receive reports on temporary educators, i.e.: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 31 March 2023</li> </ul>	None		
<b>Educators in Addition</b> Monitoring reports are available on transferring serving educators in terms of operational requirements	<b>Not Applicable</b>	Management Plan (1) Report (1)	<b>Achieved</b> Two Chamber meetings were held during the period under review to receive a management plan and a report on educators, i.e.: <ul style="list-style-type: none"> <li>• 2 September 2022</li> <li>• 31 March 2023</li> </ul>	None		

Collective Bargaining Services: North West						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Workshop on MTEF Concepts</b> The report on workshop for party-members related to description of MTEF concepts is available	Not Applicable	Report (1)	<b>Achieved</b> One Chamber meeting was convened during the period under review to receive a report on the workshop related to MTEF Concepts (3 March 2023)	None		
<b>Early Childhood Development</b> Monitoring reports are available on ECD related matters such as training and professional development, conditions of service, statistical report on supply and demand, and updates on national processes	Not Applicable	Reports (4)	<b>Achieved</b> Four Chamber meetings were convened during the period under review to receive reports on ECD programmes, i.e.: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 2 September 2022</li> <li>• 18 November 2022</li> <li>• 3 March 2022</li> </ul>	None		

### Overview of Performance of North West Chamber for the 2022/23 Financial Year

The performance during the 2022/23 financial year shows the commitment of parties, with numerous successful activities conducted during the reporting period.

At the Chamber meeting held on 3 June 2022, it was agreed that capacity-building workshops would be run for principals and departmental officials on the following matters:

- Jurisdiction in terms of dealing with disciplinary matters at the school level, after observing the tendency among some site-managers to subject their staff members to disciplinary processes that should be dealt with by upper structures.
- Objectives and operations of Collective Agreement No. 4 of 2016 because, at most of the schools, staff-meetings have usurped the responsibility of principals and CMs in terms of identifying excess educators.
- Management and monitoring implementation of PILIR.

The formal Chamber meeting held on 2 September 2022 granted that an awareness campaign aimed at sensitising educators on the consequences of refusing to be assessed is to be conducted by parties, as it appears that some principals are downplaying the objectives of Collective Agreement No. 2 of 2020.

The North West Chamber participated in the SADTU regional conferences convened during June 2022. The Chamber also participated in the World Teachers’ Day celebrations initiated by SADTU in October 2022.

The Chamber hosted training on PPN, to explain how the post provisioning model (PPM) is influenced by various variables. The training was also aimed at minimising misunderstandings between parties.

#### Strategy to overcome areas of under-performance

Not applicable.

#### Changes to planned targets

No changes were made to planned targets.

#### Linking performance to budget

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R’000	R’000	R’000
Collective Bargaining Services: North West	592	476	117
<b>Total</b>	<b>592</b>	<b>476</b>	<b>117</b>

### 3.1.1.9 Western Cape

#### KPIs, Planned Targets and Actual Achievements

Collective Bargaining Services: Western Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Information Sharing</b>						
<b>Post Provisioning</b> A consolidated report is available on the consultation process for post provisioning	<b>Achieved</b> Reports on the consultation process for post provisioning were tabled at the Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 24 June 2021</li> <li>• 28 September 2021</li> <li>• 10 December 2021</li> <li>• 23 March 2022</li> </ul> A consolidated report on the consultation process for post provisioning was tabled at the Chamber meeting held on 23 March 2022	Reports (4)	<b>Achieved</b> Reports on the consultation process for post provisioning were tabled at the Chamber meetings as follows: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul> A consolidated report on the consultation process for post provisioning was tabled at the Chamber meeting held on 14 March 2023	None		
<b>Teacher Well-being</b> Monitoring reports are available on the implementation of Teacher Well-being	<b>Not Applicable</b>	Management Plan (1) Reports (3)	<b>Achieved</b> The Employer submitted a Management Plan on the implementation of a Teacher Well-being advocacy campaign to Chamber on 22 June 2022  The Employer presented progress reports on the implementation of the advocacy campaign to Chamber on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul>	None		

Collective Bargaining Services: Western Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>ECD</b> Monitoring reports are available on ECD related matters such as training and professional development, curriculum development, conditions of service, statistical report on supply and demand, and updates on national processes	<b>Not Applicable</b>	Reports (4)	<b>Achieved</b> The Employer presented progress reports to Chamber on: <ul style="list-style-type: none"> <li>• 3 June 2022</li> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul>	None		
<b>Dispute Prevention</b> Monitoring report is available on grievances, misconduct, disputes, and training conducted	<b>Achieved</b> Trend analysis reports on grievances, misconducts and disputes were presented and tabled at Chamber meetings and Special Chamber meetings held on : <ul style="list-style-type: none"> <li>• 25 June 2020</li> <li>• 23 September 2020</li> <li>• 10 December 2020</li> <li>• 24 March 2021</li> </ul>	Reports (4)	<b>Achieved</b> Trend analysis monitoring reports on grievances, misconduct and disputes were tabled at Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul>	None		
	<b>Achieved</b> Reports on training relating to dispute resolution matters for educators, supervisors, and managers were presented at Chamber meetings held on: <ul style="list-style-type: none"> <li>• 28 September 2021</li> <li>• 23 March 2022</li> </ul>	Reports (2)	<b>Achieved</b> Reports on training relating to dispute resolution matters for educators, supervisors and managers were jointly presented at Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 September 2022</li> <li>• 14 March 2023</li> </ul>	None		

Collective Bargaining Services: Western Cape						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Quality Management System</b> Monitoring implementation of the QMS (CA 2 of 2020)	<b>Achieved</b> The Employer presented reports on training and implementation of the QMS that were tabled at Chamber meetings held on: <ul style="list-style-type: none"> <li>• 24 June 2021</li> <li>• 28 September 2021</li> <li>• 10 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> The Employer presented reports on implementation of the QMS that were tabled at Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul>	None		
<b>Safety in Schools</b> Monitor reporting on the implementation of programmes on safety in schools	<b>Achieved</b> Reports on the implementation of the Nine-point Safe Schools planning process were presented to Chamber on: <ul style="list-style-type: none"> <li>• 24 June 2021</li> <li>• 28 September 2021</li> <li>• 10 December 2021</li> <li>• 23 March 2022</li> </ul>	Reports (4)	<b>Achieved</b> Reports on school safety activities were presented by the Employer at the quarterly Chamber meetings held on: <ul style="list-style-type: none"> <li>• 22 June 2022</li> <li>• 22 September 2022</li> <li>• 7 December 2022</li> <li>• 14 March 2023</li> </ul>	None		

## Overview of Performance of Western Cape Chamber for the 2022/23 Financial Year

### Post Provisioning

Labour and SGBs were elated with the announcement from the Employer that qualified Grade R practitioners will be appointed as Post Level 1 educators from 1 April 2023, if they qualify. The under-qualified and unqualified practitioners would receive their respective payments via Personal and Salary Administration System (PERSAL). The challenge that Parties are facing is that the stipend is less since these practitioners are paid via PERSAL and not all schools can afford to top up the stipend.

### Teacher Well-being

The Employer presented regular monitoring reports to the task team and Chamber meetings. The Teacher Well-being webinar was held on Saturday, 29 October 2022, with 250 participants. This online seminar was so well received that the Employer has decided to have an annual Teacher Well-being event, as requested by the participants.

### Early Childhood Development

Regular reports were received from the Employer on ECD related matters. A thorny issue remains the progressive universalisation of Grade R. The Employer provided regular feedback on this matter. A number of challenges were raised by Labour on, amongst other matters, special weighting for Grade R learners in special schools and the 37% in lieu of benefits.

The Employer indicated that the Western Cape Education Department (WCED) will provide the new norms and standards funding to all special schools in April/May 2023 for the 2023/24 financial year. All Grade R learners at special schools will be included in the weighting that the special school receives for the specific category of disability. They look at the primary disability of the learner, as well as the support needs of the learner and the learning programme that the learner must access. The Directorate: Specialised Education recognised that the numbers in the autism spectrum disorder (ASD) classes at Noluthando has been decreasing steadily. They therefore changed their operational plan for the ASD Outreach teams and have redirected the matter of their ASD Outreach teams since the beginning of November 2022 to Noluthando, to increase their number in the ASD classes. The school informed the ECD practitioners that they would have to reduce the number of posts at Noluthando because of the decline in learner numbers. However, the Department hopes that this intervention (ASD Outreach teams) will alleviate the pressure on Noluthando.

The Employer's responsibility remains the payment of a stipend either via PERSAL or a transfer payment to the school. Plans therefore lie with the SGB. Grade R practitioners are not appointed on contract, nor do they receive 37% in lieu of benefits. Grade R practitioners are processed as abnormal appointments with a REQV 10 salary of R133 134 and R11 094.50 for REQV 12, minus tax and contribution to Unemployment Insurance Fund (UIF).

### Quality Management System

The Employer presented regular reports to the IQMS task team meetings on the implementation of the QMS. Challenges identified were addressed collectively. According to the Employer, few obstacles were experienced. The only challenges identified were: 25% of principals not teaching; 60 under-performing educators; eight non-compliant educators. Labour expressed their concern regarding these matters.

### Safety in Schools

The Employer presented regular reports at the Safety at Schools task team meetings. The task team worked tirelessly to develop a Safety Protocol for the Management of Violence against Employees by Learners and Community Members whilst on duty. A Common Understanding was adopted at Chamber and finally signed on 7 December 2022 by all parties.

**Additional achievements:**

During the reviewing period, the Chamber developed and signed amendments to PELRC Resolution 1 of 2002: A collective understanding on the interpretation of certain clauses of Resolution 5 of 1998, Resolution 1 of 2023. This resolution will be submitted to the General Secretary after all Parties have signed the document.

**Strategy to overcome areas of under-performance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Collective Bargaining Services: Western Cape	599	450	149
<b>Total</b>	<b>599</b>	<b>450</b>	<b>149</b>



### 3.2 Programme 2: Dispute Management Services

#### Purpose

The purpose of Programme 2 is to manage disputes proactively. This includes the prevention of disputes by, for example, defusing conflict that can disrupt teaching and learning. It also includes dispute resolution. Professional development and training are included in Programme 2 to ensure that parties and panellists operate effectively.

#### Strategic Objectives

- Provide efficient dispute resolution services.
- Ensure quality of arbitration awards.
- Provide training to parties and negotiators.
- Provide professional development to panellists.

#### KPIs, Planned Targets and Actual Achievements

#### Overview of the DMS's Performance for the 2022/23 Financial Year

Dispute Management Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Provision of dispute resolution services</b>						
Administration of cases in jurisdiction for conciliation	<b>Achieved</b> 100%	Processing of 90% of cases in jurisdiction within 30 days	<b>Achieved</b> 100% 649 Of the 1 031 cases received, 740 were in jurisdiction Of the 740 cases that were in jurisdiction, 66 were IBA, while 25 were received during the recess period All 649 cases were conciliated within 30 days of receipt	10%	Clustering of conciliation	

Dispute Management Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Administration of request for arbitration	<b>Achieved</b> 93.37%	75% of cases were scheduled for arbitration within 45 days of receipt of referral	<b>Achieved</b> 99.15% 351 Of the 387 cases received, 386 were in jurisdiction and 1 was out of jurisdiction Of the 386 cases received, 32 were received during the recess period Of the 354 cases arbitrated, 351 were arbitrated within 45 days and 3 were arbitrated outside of the 45-day period	24.15%	Zoom scheduling of cases and no disruption of school holidays	
Administration of sexual misconduct cases	<b>Achieved</b> 88%	To schedule 60% of sexual misconduct cases for inquiry by an arbitrator within 60 days of receipt of the referral	<b>Achieved</b> 95.45% 66 A total of 82 sexual misconduct cases were received for inquiry by arbitrator Of the 82 cases, 66 were in jurisdiction Of the 66 cases in jurisdiction, 63 were scheduled within 60 days and 3 were outside the 60 days	35.45%	Cooperation from the court assisting with venues	
Quality Control (QC) of arbitration awards	<b>Achieved</b> 100%	100% QC done on all arbitration awards concluded	<b>Achieved</b> 100% 308 awards received were quality controlled	None		

Dispute Management Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Facilitation of training sessions for DRPs	<b>Achieved</b> Five training sessions were conducted	Facilitate 6 training sessions for DRPs	<b>Achieved</b> 9 training sessions for professional development of DRPs were conducted and attendance registers were kept	+3	FS and NC training sessions were separated, as they were initially planned as virtual hearings NW (which was previously paired with Limpopo and Mpumalanga) also requested face-to-face training, which was granted, as they had their own budgets for the training Additional online training was conducted with ITCILO	
Facilitation of training sessions for Professional Development of panellists.	<b>Achieved</b> Four training sessions were conducted	Facilitate 2 training sessions for professional development of panellists	<b>Achieved</b> 3 training session were conducted for panellists	+1	Additional training was conducted for intermediaries	

### **Strategy to overcome areas of under-performance**

The Council continues to minimise frivolous requests for postponement and to reduce the high number of adjournments by enforcing Clause 45 of the ELRC constitution. The increase in requests for postponements negatively affects the turn-around time for conciliation and arbitration processes, thus affecting the performance of DMS. The Council also encourages panellists to enforce Clause 54 of the ELRC constitution, in an effort to discourage inadequate preparation for hearings and requests for postponement.

In hearings where a child is a victim or a witness, the Council continues to ensure that appropriate venues are booked for these special hearings, e.g. Magistrate Court, Children's Court or Teddy Bear Clinic (Johannesburg) and DSD in FS and NC. The Council will also ensure that intermediaries are appointed to protect the rights of the child, as stipulated in Section 28 of the Constitution, The Right of the child is of paramount importance in all matters concerning the child. The Council continues to recruit panellists, interpreters and intermediaries in order to improve its efficiency.

As a way of improving efficiency, the Council continues to enforce compliance by ensuring that panellists submit arbitration awards to the ELRC within 14 days of the conclusion of arbitration proceedings, as per Clause 18.5 of the ELRC constitution.

The majority of disputes referred to the Council are unfair labour practices (ULP) related to promotion, appointments and dismissals. In a bid to address these disputes, the Council continues to rely on the DPTT to resolve these areas of concern. The Council has committed to assist the Provincial District Prevention Task Teams by providing them with statistics on disputes that are referred, every month, so that they can develop intervention strategies to resolve and finalise grievances.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
Dispute Management Services	R'000	R'000	R'000
Dispute Resolution Services	26,627	20,490	6,137
<b>Total</b>	<b>26,627</b>	<b>20,490</b>	<b>6,137</b>

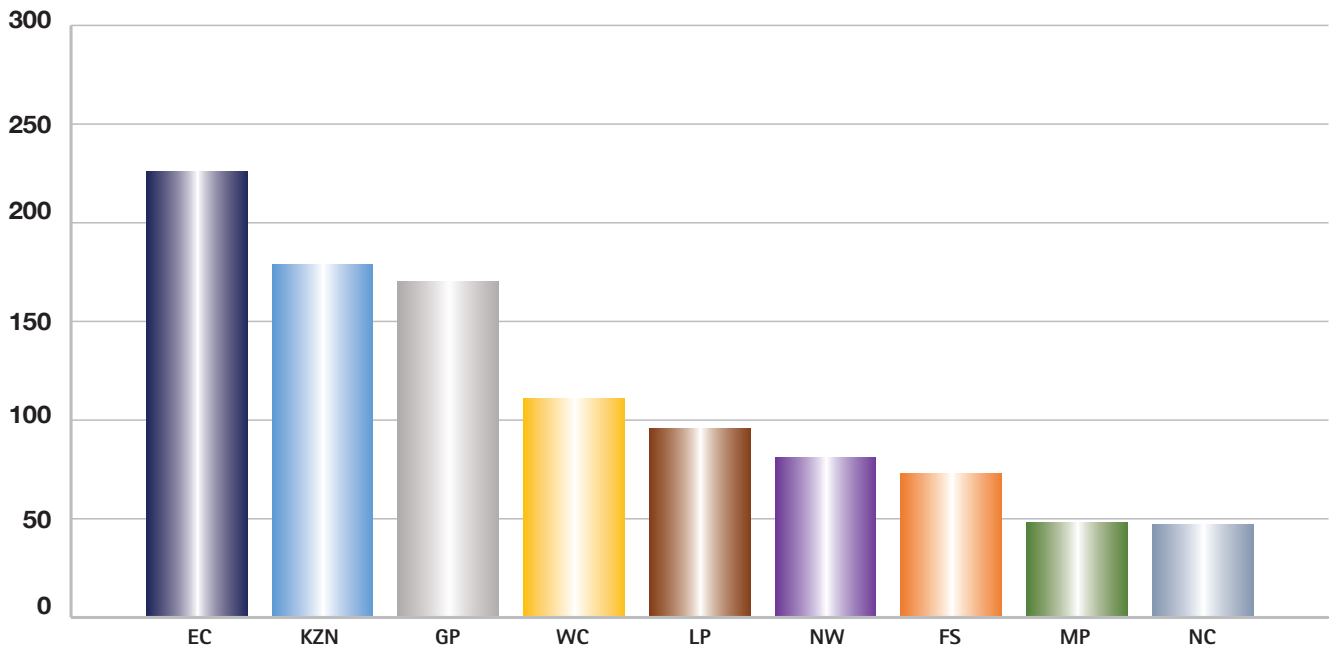
## Overview of the Dispute Management Services Department's Performance for the 2022/23 Financial Year

The ELRC received a total of 1 031 disputes during the period under review. Of the 1 031 disputes received, 660 were 'In jurisdiction', and 371 were found to be 'Out of Jurisdiction'.

### Disputes referred by province

KZN	EC	GP	WC	LP	FS	NW	MP	NC	NATIONAL	TOTAL
179	226	170	111	96	73	81	48	47	0	1031

### Disputes referred by Province



EC was the province with the most cases referred in the 2022/23 financial year, i.e. 226. This was followed by: KZN - 179; GP - 170; WC - 111; LP - 96; NW - 81; Free State - 73; MP - 48; NC - 47 cases.

**Disputes Referred by Nature: April 2022 to March 2023**

Province	ULP Promo/ App	Other ULP	Unfair Dismissal	Special Dismissal Related to Abuse of Learners	BCEA	Interpretation of Collective Agreements	Mutual Interest	Total
EC	49	103	31	3	31	9	0	<b>226</b>
GP	18	53	48	19	24	8	0	<b>170</b>
FS	5	29	17	12	5	5	0	<b>73</b>
LP	14	51	22	2	7	0	0	<b>96</b>
MP	7	23	8	4	0	6	0	<b>48</b>
NW	7	43	20	3	2	6	0	<b>81</b>
NC	2	22	9	4	0	10	0	<b>47</b>
WC	13	31	35	12	2	18	0	<b>111</b>
KZN	73	51	21	23	0	11	0	<b>179</b>
NATIONAL	0	0	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>188</b>	<b>406</b>	<b>211</b>	<b>82</b>	<b>71</b>	<b>73</b>	<b>0</b>	<b>1031</b>

Of the 1 031 disputes that were referred: 406 related to ULP - Promotion and Appointments; 188 to Other ULPs; 211 to Alleged Unfair Dismissal; 71 were BCEA; 73 were Interpretation of Collective Agreements; and 82 were referred in terms of Section 188A (Inquiry by Arbitrator) of the LRA.

**In Jurisdiction as per Nature: April 2022 to March 2023**

Provinces	ULP Promo/ App	Other ULP	Unfair Dismissal	Special Dismissal Related to Abuse of Learners	BCEA	Interpretation of Collective Agreements	Mutual Interest	Total
EC	37	76	11	2	25	7	0	<b>158</b>
GP	10	34	27	14	15	5	0	<b>105</b>
FS	1	21	8	3	3	4	0	<b>40</b>
LP	6	25	17	1	6	0	0	<b>55</b>
MP	2	11	4	2	0	5	0	<b>24</b>
NW	5	34	11	1	1	3	0	<b>55</b>
NC	1	21	6		0	10	0	<b>38</b>
WC	8	22	21	8	2	16	0	<b>77</b>
KZN	48	34	9	11	0	7	0	<b>109</b>
NATIONAL	0	0	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>118</b>	<b>277</b>	<b>114</b>	<b>42</b>	<b>52</b>	<b>57</b>	<b>0</b>	<b>660</b>

Of the 1 031 disputes received, 740 were ‘In Jurisdiction’. Of the 740 that were “In Jurisdiction” 131 related to ULP – Promotion and Appointments; 296 related to Other ULPs; 134 related to Unfair Dismissals; 66 related to Inquiry by Arbitrator (Special disputes); 54 related to BCEA; and 59 related to Interpretation and Application of Collective Agreements.

### Out of Jurisdiction as per Nature: April 2022 to March 2023

Provinces	ULP Promo/ App	Other ULP	Unfair Dismissal	Special Dismissal Related to Abuse of Learners	BCEA	Interpretation of Collective Agreements	Mutual Interest	Total
EC	12	28	20	1	5	2	0	<b>68</b>
GP	8	19	21	5	9	3	0	<b>65</b>
FS	4	8	9	9	2	1	0	<b>33</b>
LP	8	26	5	1	1	0	0	<b>41</b>
MP	5	12	4	2	0	1	0	<b>24</b>
NW	2	9	9	2	1	3	0	<b>26</b>
NC	1	1	3	4	0	0	0	<b>9</b>
WC	5	9	14	5	0	2	0	<b>35</b>
KZN	25	17	12	12	0	4	0	<b>70</b>
<b>NATIONAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>70</b>	<b>129</b>	<b>97</b>	<b>41</b>	<b>18</b>	<b>16</b>	<b>0</b>	<b>371</b>

Of the 291 disputes found to be out of jurisdiction: 57 related to ULP-Promotion and Appointments; 111 were other ULPs; 77 related to Unfair Dismissal; 16 related to BCEA; 14 related to interpretation and application of collective agreements; 16 related to special disputes in which children were involved either as witnesses or victims and are dealt with through Inquiry by Arbitrator. It should be noted that the substantial number of disputes that were screened as being out of jurisdiction were due to defective and incomplete referrals, including those that were referred outside the allotted timeframe and where condonation was not granted.

### Processes Conducted: April 2022 to March 2023

Provinces	Conciliation/Pre-Arbitration	Arbitration	Total
EC	152	411	563
GP	102	394	496
FS	42	102	144
LP	56	163	219
MP	24	49	73
NW	59	132	191
NC	37	74	111
WC	71	179	250
KZN	106	487	593
<b>NATIONAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>649</b>	<b>1991</b>	<b>2640</b>

A total of 2 640 events were conducted for the period under review, of which: 649 were conciliations; 1 991 were arbitration events. Ordinarily each conciliation is concluded in a single event, while arbitration is often conducted more than once, depending on the complexity of the dispute.

**Disputes finalised by outcome: April 2022 to March 2023**

The ELRC finalised 670 disputes during the period under review. A total of 308 arbitration awards were rendered. A total of 56 disputes were settled at arbitration, while five were settled at conciliation. There was a total of 184 withdrawn disputes, with 57 being withdrawn at conciliation and 127 withdrawn at arbitration. Nine cases were dismissed at arbitration and 108 rulings were handed down in the period under review.

**Outcome of special disputes: April 2022 to March 2023**

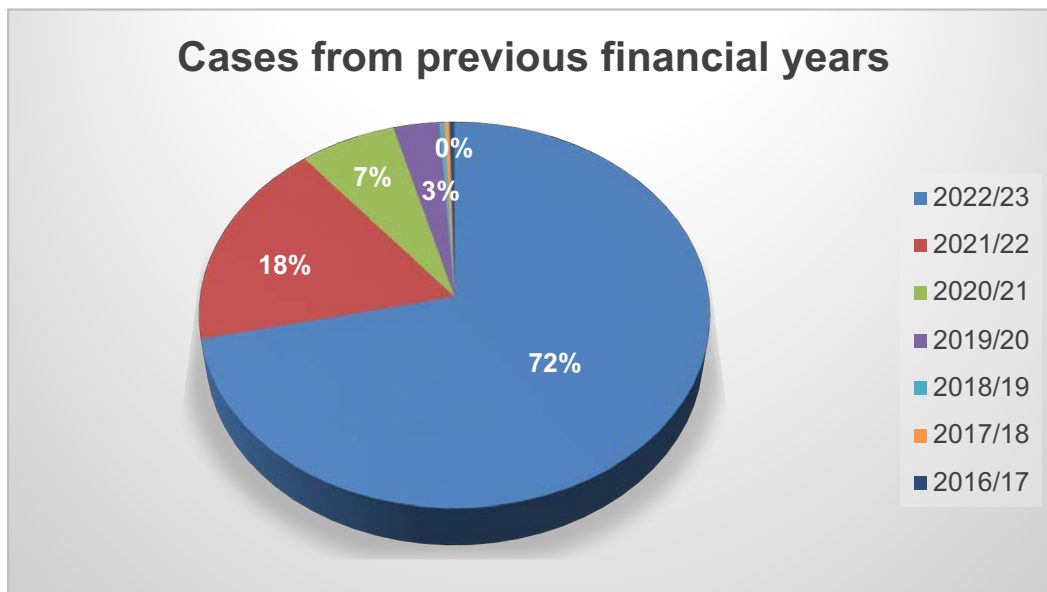
Since the implementation of Collective Agreement No. 3 of 2018, the Council has received a considerable number of disputes that are dealt with through Inquiry by Arbitrator as they relate to alleged sexual misconduct. The Council received 82 cases of allegations of sexual misconduct this year. The Council also issued 53 arbitration awards for special disputes during the period under review. These disputes involved children as either victims or witnesses. The Council’s challenge in these cases remains the lack of special venues that are child-friendly to avoid secondary trauma associated with direct contact between the alleged perpetrator and the victim. The Council is in discussion with the Department of Justice to find a way to improve this situation.

**Arbitrations heard during the period: April 2022 to March 2023**

A total of 1 991 disputes were scheduled for arbitration during the period under review.

**Cases carried over from previous period**

A total of 284 cases from previous financial years are to be carried over to the first quarter of the 2023/24 financial year, of which: 203 are from the 2022/23 financial year, 50 are from the 2021/22 financial year; 32 cases are from previous years.



**2016/17**

Only one matter remains from the 2016/17 financial year. The matter has been postponed sine die, and the parties are to give regular updates on the matter.

**2017/18**

Only one matter remains from the 2017/18 financial year. The Commissioner on the case was recused and a new Commissioner was appointed in 2022. The matter has been scheduled for 5 June 2023.

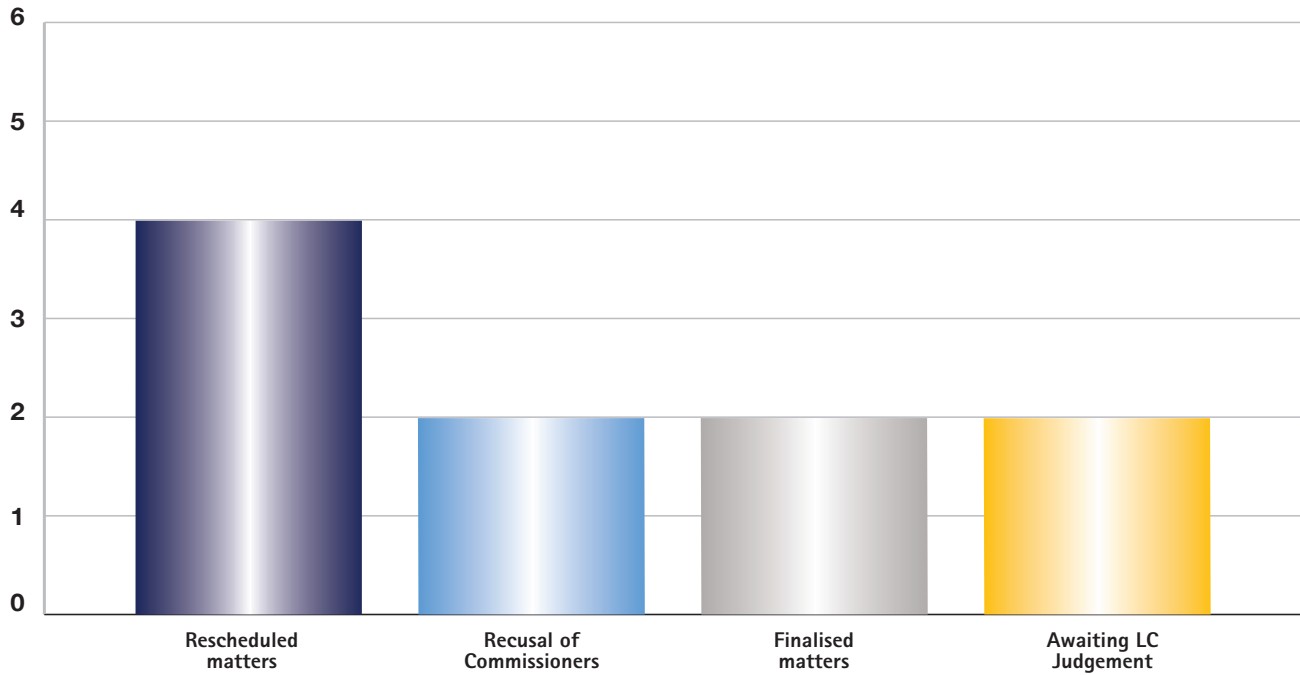


### 2018/19

Only one matter remains from the 2018/19 financial year. A ruling was made in August 2021 to start the matter de novo. The matter started, but could not be finalised due to the non-availability of parties. A new Commissioner has been appointed.

### 2019/20

#### 2019/20 Cases



Ten cases emanate from the 2019/20 financial year. Two matters were finalised, and one matter is awaiting a Labour Court judgement on a ruling of jurisdiction.

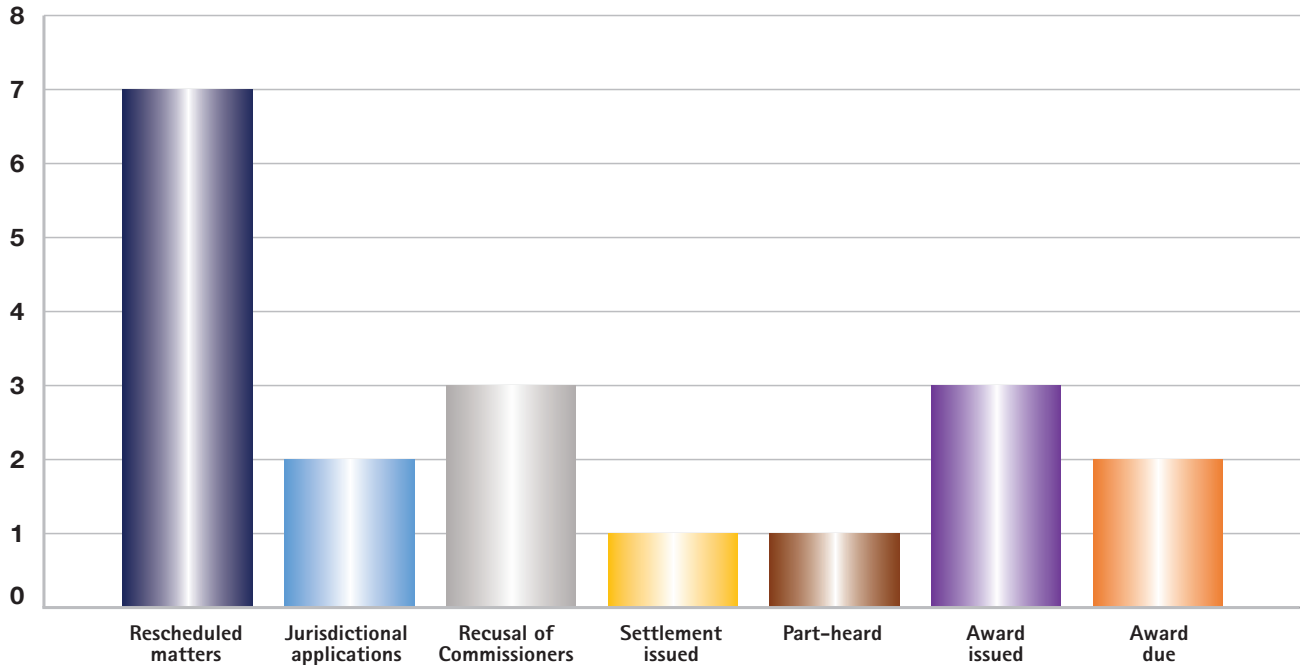
Two Commissioners recused themselves and new Commissioners were appointed. These matters are sitting in May 2023.

Four matters were rescheduled for the 2023/24 financial year, i.e.:

- 8 May
- 22 and 23 May
- 31 May
- 3, 4 and 5 July

2020/21

### 2020/21 Cases



Nineteen cases emanate from the 2020/21 financial year. Six matters were rescheduled for the following dates:

- 18 May
- 24 May
- 26 May
- 29 May (two matters)
- 30 May

One Labour Court Ruling was issued on 24 January 2022 for the matter to be rescheduled before a new Commissioner. The matter was conciliated after the Labour Court ruling. The applicant took seven months to apply for arbitration and therefore had to apply for condonation, which was granted.

Three Commissioners recused themselves and new Commissioners were appointed. These matters are sitting in May 2023.

Four letters were written to commissioners to finalise cases in the next sitting.

One settlement was issued but not processed due to party disagreements. The parties agreed that the matter should be scheduled before a Commissioner for an award, and it is proceeding on 29 May 2023.

One matter was rescinded on 7 February 2023. The matter is scheduled to be heard on 22 May 2023.

Three matters were finalised and awards issued in March and April 2023. A letter was written to one Commissioner to submit an award by 26 April 2023; therefore, the award is still outstanding.

### Postponements and adjournments: April 2022 to March 2023

A total of 188 cases were postponed during the period under review.

### **3.2.1 Training and Development Services**

#### **Professional Training and Development of Panellists, Parties and Trade Unions**

##### **3.2.1.1 Dispute Resolution Practitioners Professional Development**

The Council ran eight training sessions for Dispute Resolution Practitioners (DRP) as follows:

- GP on 23 and 24 June 2022
- WC on 15 and 16 August 2022
- FS on 19 and 20 September 2022
- LP and MP on 13 and 14 October 2022
- KZN province on 27 and 28 October 2022
- NW on 7 and 8 November 2022
- EC on 6 and 7 December 2022
- NC on 23 and 24 March 2023

The training covered the following areas of law:

- General Principles for Conducting Arbitrations
- Best Interests of the Child and Public Interests, Collective Agreement No. 3 of 2018
- Case Law: CS and Another v Swanepoel and Others (19027/13) [2022] ZAWCHC 37 (17 March 2022)
- Pre-Arbitration and Joinder
- Recent Case Law of Promotion Matters
- Postponements and Costs
- Rescissions
- Appointments and Transfer of Educators (Collective Agreement No. 4 of 2018)
- Promotion matters
- Consultation and Negotiation matters
- POPI Act and Virtual Hearings

The Council embarked on an online course on conciliation through mediation of labour dispute with the International Training Centre of the International Labour Organisation (ITCILO) from 14 to 30 March 2023.

### **3.2.1.2 Dispute Resolution Practitioners Professional Development**

The Council had three training sessions for panellists (intermediaries and commissioners) during the period under review. The Commissioner's training was on the following key topics, which cover case law, the ELRC constitution and quality assurance/control comments provided by senior Commissioners:

- Keeping a complete record of the proceedings, including backup of recordings on external hard drive/cloud.
- Jurisdiction of ELRC, including Section 14 discharge, non-teaching staff at colleges and schools, SGB teachers, forcing parties to bargain collectively, granting permanent relief, directing the Employer to restore terms and conditions of employment, refusing to proceed with inquiry for sexual misconduct because the ELRC did not appoint an arbitrator within the prescribed time limits, etc.
- Conduct to avoid during arbitration proceedings.
- Basic requirements in respect of awards, appropriate language and terminology in awards.
- Misconduct disputes with specific reference to sexual misconduct (Collective Agreement No. 3 of 2018).
- Benefits disputes with particular reference to Apollo Tyres.
- Interpretation disputes, including GPSSBC jurisdiction (Public Service Coordinating Bargaining Council (PSCBC) resolutions) and ELRC jurisdiction (ELRC Resolutions).
- Promotion disputes with specific reference to Collective Agreement No. 3 of 2016.
- Relief sought.
- Quantification of compensation and back-pay.
- Costs orders in terms of Rule 54 of the ELRC constitution.
- Clear Settlements Agreements.

The intermediaries training included social workers, counsellors and education psychologists from the Department of Education of both FS and NC combined. The training was conducted by the DoJ & CD, particularly Justice College. The training centred on the Child Witness and the Arbitration process, and how the intermediaries could play a critical role in the process.

### 3.3 Programme 3: Corporate Services

#### Purpose

The purpose of Programme 3 is to provide support services to the core operational functions of the Council, and to ensure that it delivers an efficient and effective service in terms of its mandates.

#### Sub-Programmes:

- Mobilising Employee Services
- Communication Services
- Information and Communication Technology

#### Strategic Objectives

- To professionalise the ELRC by investing in human capital.
- To promote the corporate image of the ELRC.
- To ensure the continuous availability, reliability, effectiveness and efficiency of ICT systems.

#### Human Resources

##### KPIs, Planned Targets and Actual Achievements

Corporate Services: Human Resources						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Professionalise the ELRC by investing in human capital</b>						
Building capacity by ensuring that employees are trained and developed	<b>Achieved</b> 7 employees were trained as follows: 1x employee on Report Customisation 1x employee on Microsoft Excel – Excel Steroids. 2x employees on Mid-Year Payroll Tax 2x employees on Director training. 2x employee on Annual Payroll Tax update	6 employees to participate in skills development and a quarterly skills and development report is submitted to the General Secretary	<b>Achieved</b> 6 employees were trained, as follows: 4x employees on 200EV-Sage 200 Learning Unit 1: Practitioner 2x employees on advance IT Application Control Identification & Auditing (AACIA) 1x employee attended asset management (FINWARE) Quarterly report submitted to the General Secretary	None		

Corporate Services: Human Resources						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Professionalise the ELRC by investing in human capital</b>						
Monitor and manage the Performance Management System	<b>Achieved</b> All performance agreements and assessments were collated and verified within the timeframes provided. PMS reports were submitted to the General Secretary within a month of a Moderation Committee meeting	Collate and verify completeness of performance contracts and assessments as per the timeframes provided, and submit the report to the General Secretary	<b>Achieved</b> All performance agreements and assessments were collated and verified within the timeframes provided. All PMS reports were submitted to the General Secretary within a month of a Moderation Committee meeting	None		
Management of compensation and benefits for all staff	<b>Achieved</b> Maintained an accurate and complete payroll masterfile and database by ensuring that the payroll processing for all staff was monitored	Maintain an accurate and complete payroll masterfile and database and submit a quarterly payroll report to the General Secretary	<b>Achieved</b> The unit maintained an accurate and complete payroll masterfile and database by ensuring that the payroll processing for all staff was monitored  A quarterly payroll report was submitted to the General Secretary	None		

Corporate Services: Human Resources						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>Professionalise the ELRC by investing in human capital</b>						
Provide wellness programmes to employees	<b>Achieved</b> 8x Employee Wellness events conducted as follows: 1x Financial Wellness workshop 1x Psycho Social Activism and Handling emotional Trauma workshop 1x Workforce Healthcare 1x Employee motivation article. 1x International Men's Day 1x Financial Wellness 1x Brest Cancer Awareness article. 1x Biggest Loser challenge 1x Fitness exercise (aerobics)	Conduct eight Employee Wellness programmes per annum, as per the annual plan, and submit a quarterly report to the General Secretary	<b>Achieved</b> 9x Employee Wellness events conducted as follows: 1x Biggest Loser challenge 1x fitness exercise (Shape) 1x Financial Wellness 1x employee motivation article 3x team building events 1x Men's International Day 1x fun walk The quarterly report was submitted to the General Secretary	+1	A need arose to provide more Employee Wellness events	

**Strategy to overcome areas of under-performance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Research and Media**

**KPIs, Planned Targets and Actual Achievements**

Corporate Services: Research and Media						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Advertising and marketing to improve the image of the Council	<p><b>Achieved</b></p> <p><u>Marketing on social media platforms</u> (quarterly activity)</p> <p>As part of its advocacy campaign, the Council increased its visibility through regular posts on its social media platforms throughout the 2021/22 financial period</p> <p><u>Marketing of Council services and developments in Labour Bulletin and New Negotiator</u></p> <p>The 2022 <i>Labour Bulletin</i> and <i>New Negotiator</i> publications were distributed before the end of the fourth quarter</p> <p><u>Distribution of ELRC branded material at stakeholder events</u></p> <p>ELRC promotional material was distributed at the TASP Ministerial Dialogue on 15 June 2021</p> <p>The Council exhibited at SADTU Western Cape’s Novice Teachers’ Day Information session on 26 February and 5 March 2022</p> <p>Promotional material was distributed at the NAPTOSA Reunion and Service Award Event on 26 and 27 March 2022</p> <p>The Council also provided promotional material for the DBE’s National Education Excellence Awards, planned for 8 April 2022</p>	<p>Conduct an advertising campaign in line with <b>Marketing Plan for 2022/23</b> to market the Council</p>	<p><b>Achieved</b></p> <p>Marketing on social media platforms</p> <p>As part of its advocacy campaign, the Council increased its visibility through regular postings on its social media platforms throughout the 2022/23 financial period</p> <p><u>Marketing of Council services and developments in Labour Bulletin and New Negotiator</u></p> <p><i>Labour Bulletin and New Negotiator published and distributed on 29 March 2023</i></p> <p><u>Distribution of ELRC branded material at stakeholder events (where applicable)</u></p> <ul style="list-style-type: none"> <li>• SADTU Western Cape 2nd Quadrennial Provincial Conference from 8 to 9 April 2022</li> <li>• SADTU Gauteng Provincial Conference on 28 April 2022</li> <li>• SADTU Eastern Cape Provincial Conference on 28 April 2022</li> <li>• Naptosa Limpopo Annual Conference on 13 August 2022</li> <li>• Naptosa Western Cape Provincial Conference on 27 August 2022</li> <li>• SADTU School Academic Support Programme from 18 to 19 August 2022</li> </ul>	None		



Corporate Services: Research and Media						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
		<p>Conduct an advertising campaign in line with <b>Marketing Plan for 2022/23</b> to market the Council</p>	<ul style="list-style-type: none"> <li>• SADTU Gender Conference in KZN from 8 to 9 September 2022</li> <li>• Naptosa Gauteng Annual Conference from 9 to 10 September 2022</li> <li>• SADTU Novice Teacher's Day on 28 February 2023</li> <li>• SADTU Eastern Cape Teacher Awards on 25 March 2023</li> <li>• Western Cape Labour Management Partnership on 28 March 2023</li> </ul> <p><u>Labour-Management Partnership Advocacy campaign</u></p> <p>Website, banners and social media updates to market the Labour Management Partnership Launch on 21 and 22 February 2023</p> <p>Media coverage of the event in the Cape Argus on 22 February 2023</p> <p><u>Advertising in diaries of unions</u></p> <p>The ELRC advertised in the diaries of the following unions:</p> <ul style="list-style-type: none"> <li>• SADTU</li> <li>• PEU</li> </ul> <p><u>Marketing of Council services and developments in Labour Bulletin and New Negotiator</u></p> <p>The 2023 Labour Bulletin and New Negotiator publications were distributed before the end of the fourth quarter.</p>	None		

Corporate Services: Research and Media						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Implementation of a digitised records management solution to preserve Council records	<p><b>Achieved</b></p> <p>Two reports on records management system activities were produced</p> <p>In compliance with the POPI Act, the ELRC Information Officer and Deputy Information Officer were registered with the Information Regulator</p> <p>A drive was created for historical information on provincial Chambers.</p>	Monitoring and management of records management system through bi-annual reports	<p><b>Achieved</b></p> <p>Reports (2) available on records management system activities in the 2022/23 financial year</p> <p>Destruction of information in line with the Records Management Policy</p>	None		

## Overview of the Research and Media Department's Performance for the 2022/23 Financial Year

As part of its marketing campaign, the Council increased its visibility via regular posts on its social media platform throughout the period under review.

Promotional material was distributed at the following events:

- Exhibition at SADTU Western Cape's 2nd Quadrennial Provincial Conference from 8 to 9 April 2022
- SADTU Eastern Cape Provincial Conference held on 28 April 2022
- SADTU Gauteng Provincial Conference on 28 April 2022
- NAPTOSA Limpopo Annual Conference on 13 August 2022
- Naptosa Western Cape Provincial Conference on 27 August 2022
- SADTU School Academic Support Programme from 18 to 19 August 2022
- SADTU Gender Conference in KZN from 8 to 9 September 2022
- Naptosa Gauteng Annual Conference from 9 to 10 September 2022
- SADTU National General Council on 4 October 2022
- PEU National Congress on 6 October 2022
- Gauteng Department of Education Tshwane North District Cluster Service Excellence Awards on 28 October 2022
- DBE's 'Roadmap to entrepreneurial education' workshops on 31 October 2022
- NAPTOSA 7th National Congress on 8 November 2022
- SADTU Novice Teacher's Day on 28 February 2023
- SADTU Eastern Cape Teacher Awards on 25 March 2023
- Western Cape Labour Management Partnership launch on 28 March 2023

The Council received coverage in Sunday Times and Newzroom Afrika on 29 November 2022. The Senior Manager: Dispute Management Services was interviewed on a controversial case that was referred to the Council.

The Council successfully launched the Labour Management Partnership Programme on 21 and 22 February 2023 and received coverage on the event in the Cape Argus on 22 February 2023.

Two Records Management reports were produced on activities undertaken during the period under review.

### **Strategy to overcome areas of under-performance**

Not applicable.

### **Changes to planned targets**

The third and fourth quarter targets for the Vaccination Campaign were removed.

## Information and Communication Technology (ICT)

### KPIs, Planned Targets and Actual Achievements

Corporate Services: ICT						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Average of 98% of network, server, and virtual private network (VPN). Daily disaster recovery testing of critical systems and VPN connection of servers uptime and issue a quarterly report	ICT servers and VPN were monitored and a report was produced	Ensure that ICT servers and VPN are monitored and produce a report	<b>Achieved</b> ICT successfully achieved 100% availability of VPN and servers and a report was produced	None		
	All ICT critical servers were backed up	Ensure that all ICT critical servers are backed up and produce a quarterly report	<b>Achieved</b> ICT achieved 100% on all backup systems and a report was produced	None		
	ICT Disaster Recovery Testing was done in case of downtime and a report was produced	ICT Disaster Recovery Test Plan in case of downtime and produce a report	<b>Achieved</b> ICT conducted a disaster recovery test for all critical systems (Sage Evolution, Emails and Sage People) and they were successful, and a report was produced	None		
Monitoring of the ICT governance framework to ensure compliance with best practices, e.g. COBIT, ISO 2700 and ITIL, as adopted by the Council	The effectiveness of the ICT governance frameworks was monitored on a quarterly basis and a report was issued	Monitor the effectiveness of the ICT governance frameworks on a quarterly basis and issue a report	<b>Achieved</b> ICT conducted an annual assessment and review of ICT governance to ensure compliance with COBIT, ISO 2700 and the ITIL framework and a report was issued	None		
Ensure that all ICT systems are well protected and maintained	Ensured 95% end-point protection and email content filtering	Ensure 95% end-point protection and email content filtering and issue a report	<b>Achieved</b> ICT ensured 100% protection of all end-point and email content filtering and a report was issued	None		
	Ensured 100% of all malicious viruses were quarantined and cleaned	Ensure 100% of all malicious viruses are quarantined and cleaned and produce a report	<b>Achieved</b> 100% of all malicious viruses were quarantined and cleaned and a quarterly report was issued	None		

### Strategy to overcome areas of under-performance

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
Corporate Services	R'000	R'000	R'000
Human Resources	9,117	8,961	155
Information Technology	3,790	2,480	1,310
Communication Services	497	364	133
<b>Total</b>	<b>13,404</b>	<b>11,806</b>	<b>1,597</b>

### 3.4 Programme 4: Finance and Supply Chain Management Services

#### Purpose

The purpose of Programme 4 is to ensure that contracts for goods and services are concluded in accordance with a system that is fair, equitable, transparent, competitive and cost effective, as per section 217 of RSA Constitution.

#### Strategic Objectives

- Provide a compliant internal control and sound financial management service.
- Implement a new procurement and sourcing strategy to reduce procurement turn-around times and improve the efficiency and effectiveness of our procurement spend.
- Provide a sound asset management service that includes safeguarding and maintenance of our assets.
- Implement reporting tools to minimise unauthorised and irregular expenditure, and eliminate fruitless and wasteful expenditure.

#### Finance KPIs, Planned Targets and Actual Achievements

Finance						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
<b>To provide a compliant internal control and sound financial management service</b>						
Achieve an unqualified audit opinion on the external audit at year end	<b>Achieved</b> Council received an unqualified audit opinion	Achieve an unqualified audit opinion from external audit at year end	<b>Achieved</b> Council obtained an unqualified audit opinion from external audit for the 2022/23 financial year	None		
An approved, accurate and comprehensive MTEF Budget FY2023/24 and Mid-Year Review of the budget FY2022/23	<b>Achieved</b> An accurate and comprehensive MTEF budget FY 2022/23 approved by EXCO on 2 March 2022  Mid-Year review of the budget FY2021/22 approved on 4 November 2021	An approved, accurate and comprehensive MTEF Budget FY2023/24 and Mid-Year Review of the budget FY2022/23	<b>Achieved</b> An accurate and comprehensive MTEF Budget FY2023/24 was approved by EXCO on 27 March 2023  The FY2022/23 Mid-Year budget was approved by EXCO on 2 November 2022	None		

## **Overview of the Finance Department's Performance for the 2022/23 Financial Year**

The Finance unit produced annual financial statements for the 2022/23 financial year, after review of the Chief Financial Officer (CFO) and the IA unit, these were submitted for audit by the external auditors.

During the financial year, the unit produced monthly, quarterly, annual financial statements and related budget variance reports, reports that provide an analysis and comparison of the budgeted figures against actual figures.

Before 30 September each year, the Finance unit conducts a budget management refresher workshop for the Council's management team. This assists with preparing the mid-year budget adjustments and the annual budget. The mid-year budget for the 2022/23 financial year was reviewed and approved by EXCO on 2 November 2022.

On 27 March 2023, EXCO approved the budget, which is linked to the APP for the MTEF period for 2023/24, as presented by management.

### **Strategy to overcome areas of under-performance**

Not applicable

### **Changes to planned targets**

No changes were made to planned targets.

**Supply Chain Management Services – KPIs, Planned Targets and Actual Achievements**

Supply Chain Management Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Complete and accurate Fixed Assets register (FAR) at the end of the year	<b>Achieved</b> FAR updated and shared with Finance for inclusion in the Financial Statements	Maintain a complete and accurate FAR as at year end for reporting purposes	<b>Achieved</b> FAR updated and shared with Finance for reporting purposes	None		
Number of irregular, unauthorised, fruitless and wasteful expenditure reports produced	<b>Achieved</b> A report on irregular, unauthorised, fruitless and wasteful expenditure was produced	Four (4) reports on monitoring of irregular, unauthorised, fruitless and wasteful expenditure were produced and submitted to management and Finance for disclosure in the financial statements	<b>Achieved</b> Four reports on irregular, unauthorised, fruitless and wasteful expenditure were produced	None		
Number of Contract Management reports are produced	<b>Achieved</b> Produced an annual contract management report	Four (4) reports are produced on contract management system activities	<b>Achieved</b> Four reports on contract management were produced	None		
Number of procured projects executed are in line with the approved 2022/23 Organisational Procurement Plan	<b>Achieved</b> The departmental Procurement Plan was executed in accordance with the timelines	Four (4) reports are produced on execution of the approved 2022/23 Procurement Plan Two (2) approved Procurement Plans	<b>Achieved</b> Four reports were produced on execution of the approved 2022/23 Procurement Plan Two (2) Procurement Plans were consolidated and approved	None		



## Overview of the Supply Chain Management Services Department's Performance for the 2022/23 Financial Year

SCM supports the Council by ensuring that goods and services are procured through a process that is fair, transparent, cost effective and efficient. The SCM unit reviewed its policies to ensure they remain relevant, and considered any developments in the Council's environment and procurement trends in the field. During the year under review, there were no major key policy developments and/or legislative changes that affected the mandate of the ELRC.

For this financial year, the approved procurement plan consisted of six tenders, three were finalised and the other three deferred to the 2023-24 financial year. Two of these were already advertised and will be concluded in the new financial year, as indicated.

The SCM unit keeps a database of prospective suppliers of goods and services that may be used for the procurement of the requirements of the Council through formal written price quotations. This database is updated continuously as and when required or when applications are received.

### Strategy to overcome areas of under-performance

Not applicable.

### Changes to planned targets

Three tenders on the approved procurement plan were deferred to the 2023/24 financial year.

### Linking performance to budget

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000
Supply Chain Management	4,361	3,891	470
Finance Administration	10,109	9,616	493
<b>Total</b>	<b>14,470</b>	<b>13,507</b>	<b>963</b>

### 3.5 Programme 5: Executive Services

#### Purpose

The purpose of Programme 5 is to ensure the Council meets its strategic vision, which rests on the pillars of its mandate to maintain labour peace in public education, and extends to the attainment of quality education in public schools, through stakeholder collaboration and support of initiatives to restore the image of the teaching profession.

#### Sub-Programmes:

- Strategic and Corporate Governance
- Internal Audit and Compliance
- Risk Management

#### Strategic Objectives:

- To add value through assessing the tone and risk management culture of the organisation, as well as evaluating and reporting on the effectiveness and efficiency of the implementation of management policies.
- To ensure fiscal discipline, sound corporate governance and compliance with the regulatory framework.

#### KPIs, Planned Targets and Actual Achievements

Executive Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Approved FY2023/24 Internal Audit Coverage Plan	<b>Achieved</b> The IA planning documentation was approved by the Audit and Risk Committee (ARC) on 23 March 2022	Internal Audit Three-Year Rolling Plan and Annual Audit Plan developed and approved by ARC by 31 March	<b>Achieved</b> The 2023/24 Audit Coverage Plan was approved by the ARC Chairperson on 29 March 2023	None		

Executive Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Quarterly reporting to management and the ARC on the adequacy and effectiveness of internal controls	<p><b>Achieved</b></p> <p>Twelve assurance audit engagements were completed, and reports were issued accordingly</p> <p>Five follow-up engagements were completed, and reports were issued accordingly</p> <p>Four ad-hoc reviews were done, and reports were issued accordingly</p> <p>Fourteen mandatory reviews are conducted, and reports were issued accordingly</p> <p><b>Achieved</b></p> <p>All issued audit reports were shared with management and the ARC at the quarterly meetings</p>	Execution of 100% of quarterly planned audit engagements, issuing of audit reports to management and reporting quarterly to the ARC	<p><b>Achieved</b></p> <p>100% of the 2022/23 Audit Plan was achieved and all audit reports were shared with the ARC at the quarterly meetings:</p> <ul style="list-style-type: none"> <li>• 12 assurance audit engagements</li> <li>• 14 mandatory reviews</li> <li>• 4 follow-up engagements</li> <li>• 7 ad-hoc reports</li> </ul>	None		
Approved FY2023/24 Risk Register	<p><b>Achieved</b></p> <p>The 2022/23 Risk Assessment Survey was conducted, an Enterprise Risk Register was compiled, and a Risk Assessment Report was approved by the ARC on 23 March 2022</p>	Annual Risk Register developed by 31 March and submitted for approval to the ARC	<p><b>Achieved</b></p> <p>The 2023/24 Risk Assessment Report was approved by the ARC Chairperson on 29 March 2023</p>	None		

Executive Services						
Programme Performance Indicator	Actual Achievement 2021/2022	Planned Target 2022/2023	Actual Achievement 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Comment on Deviations	Status
Quarterly reporting on the adequacy and effectiveness of the risk management process to Management and ARC	<b>Achieved</b> The Risk Report was issued and tabled at the quarterly ARC meeting	Monitoring and reporting on the adequacy and effectiveness of risk management processes and reporting the outcome to the ARC at year-end	<b>Achieved</b> The Risk Monitoring report was issued and tabled at the quarterly ARC meetings	None		

### Overview of the Executive Services Programme's Performance of the 2022/23 financial year

IA resources were effectively utilised to perform risk-based audits, follow up on prior audits; management implementation of corrective action plans; mandatory reviews; support to management activities, in-house committees' service, and administration activities.

The IA function undertook audit engagements and issued reports in line with the 2022/23 approved Audit Plan, as per the table below.

Description	Q1	Q2	Q3	Q4
<b>Assurance Audits</b>	Leave Management Training and Development Management	ICT General Controls PELRC NC PELRC KZN PELRC LP PELRC FS PELRC MP	Asset Management DMS	Internal Financial Controls Demand, Acquisition and Logistic Management Services
<b>Follow-up Reviews</b>	Prior Asset Management Audit Report	Follow up of prior Audit Report	Follow up of prior Audit Report	Follow up of prior Audit Report
<b>Ad-hoc Reviews</b>	Tender closing process for the Insurance Services and supply of 43 laptops Tender compliance checking process for the Insurance Services	None	Review of accruals ICT assets	Tender closing observation for Internet Connectivity Solution Tender closing observation for Firm of Attorneys
<b>Mandatory Reviews</b>	Quarterly Compliance Checklist Monthly Operational Risk Registers and Quarterly Enterprise Risk Register Quarterly Report (Performance Information and Financial Statements) Annual Report (Performance Information and Financial Statements)	Quarterly Compliance Checklist Monthly Operational Risk Registers and Quarterly Enterprise Risk Register Quarterly Report (Performance Information and Financial Statements)	Quarterly Compliance Checklist Monthly Operational Risk Registers and Quarterly Enterprise Risk Register Quarterly Report (Performance Information and Financial Statements)	Quarterly Compliance Checklist Enterprise Risk Register Quarterly Report (Performance Information and Financial Statements)

Description	Q1	Q2	Q3	Q4
<b>Internal Audit Planning</b>	None	None	None	Annual Audit Plan Risk Assessment Survey (Risk Register)
<b>Review of Charters</b>	None	None	None	Audit and Risk Committee Charter Internal Audit Charter

**Strategy to overcome areas of under-performance**

Not applicable.

**Changes to planned targets**

No changes were made to planned targets.

**Linking performance to budget**

Apr 2022 – Mar 2023			
Programme Name	Budget	Actual Expenditure	(Over)/Under Expenditure
Executive Services	R'000	R'000	R'000
Financial Management and Compliance Services	10,227	8,193	2,034
<b>Total</b>	<b>10,227</b>	<b>8,193</b>	<b>2,034</b>

## 4. SUMMARY OF FINANCIAL INFORMATION

### 4.1 Revenue Collection

Source of revenue	March 2023			March 2022		
	Actual	Estimate	Over-Collection	Actual	Estimate	Under-Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Levies	101,302	99,029	(2,273)	74,398	74,725	326
<b>Total</b>	<b>101,302</b>	<b>99,029</b>	<b>(2,273)</b>	<b>74,398</b>	<b>74,725</b>	<b>326</b>

## 5. PROGRAMME EXPENDITURE

March 2023				March 2022		
Programme Name	Budget	Actual	(over)under expenditure	Budget	Actual	(over)under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Dispute Management Services	26,627	20,490	6,137	17,726	16,767	958
Collective Bargaining Services	37,290	26,367	10,923	26,945	17,534	9,411
Corporate Services	13,404	11,805	1,598	11,426	10,161	1,266
Finance and Supply Chain Management Services	14,470	13,507	963	13,494	11,967	1,526
Executive Services	10,227	8,193	2,034	8,861	7,891	969
Capital Expenditure	2,883	2,202	681	1,589	450	1,140
<b>Total</b>	<b>104,902</b>	<b>82,565</b>	<b>22,336</b>	<b>80,041</b>	<b>64,771</b>	<b>15,270</b>

### 5.1 Capital Investment, Maintenance and Asset Management Plan

Not applicable

#### Strategy to overcome areas of under-performance

Not applicable.

#### Changes to planned targets

Not applicable.







# Governance

2022/23

## 1. INTRODUCTION

The overall performance of the Council for the 2022/23 financial year improved significantly, compared to previous financial years.

In terms of collective bargaining at the national level, noteworthy collective agreements were concluded, which seek to improve the quality of education in public schools.

In terms of DMS, the Council implemented a number of measures to deal with disputes in a proactive manner.

The support services of Council played a major role in ensuring the smooth operations of the ELRC; as a result, all support functions achieved 100% during the period under review.

## 2. THE ACCOUNTING AUTHORITY

### Committees

Committee	No. of meetings held	No. of members	Name of members
EXCO	9	10	<p><b>DBE</b> Mr S Faker Ms M Mogale Mr S Mnguni Mr G Rafapa</p> <p><b>SADTU</b> Mr M Maluleke Ms KC Matome Mr A Mohone (left 18 August 2022) Mr A Zungu (from 2 November 2022)</p> <p><b>CTU-ATU</b> Mr G Masondo Mr D Lerm</p> <p><b>Chairperson</b> Adv. L Bono</p>
Audit Committee	6	5	<p>Ms J Masite Dr C Motau Mr M Maluleke Ms K Matjiu</p> <p><b>Chairperson</b> Mr SA Ngobeni</p>

Committee	No. of meetings held	No. of members	Name of members
Finance Sub-Committee	5	9	<p><b>DBE</b> Ms M Mogale Mr H Karimulla Mr D Moreothata (left 26 July 2023) Adv. P Chakela (left 26 July 2022) Mr C Esau (from 25 October 2022) Mr H Ngwenya (from 25 October 2022)</p> <p><b>SADTU</b> Mr A Zungu Mr S Ngubane Mr S Thwala</p> <p><b>CTU-ATU</b> Mr D Lerm</p> <p><b>Chairperson</b> Mr M Cele</p>
Human Resources Sub-Committee	4	11	<p><b>DBE</b> Ms L Munday Mr N Ngcobo (left 26 July 2022) Mr M Seshibe (left 26 July 2022) Mr H Ngwenya Mr C Esau (left 26 July 2022) Mr V Zali (from 25 October 2022) Mr D Moreothata (from 25 October 2022) Mr O Motang (from 25 October 2022) Ms M Mogale (from 25 October 2022)</p> <p><b>SADTU</b> Mr B A Mohone (left 26 July 2022) Ms K Matome (from 25 October 2022) Mr T Khoboko Mr S Peter</p> <p><b>CTU-ATU</b> Mr K Mohlatlole</p> <p><b>Chairperson</b> Ms C Barnes (left 31 August 2022) Mr G M Mabuza (from 31 August 2022)</p>
Legal Sub-Committee	0	8	<p><b>DBE</b> Mr S Faker Adv. P Chakela Mr C Esau Ms P Masekela</p> <p><b>SADTU</b> Mr S Mogapi Ms N Mzizi</p> <p><b>CTU-ATU</b> Mr G Masondo</p> <p><b>Chairperson</b> Adv. L Bono</p>

### 3. RISK MANAGEMENT

An approved Risk Management Policy, providing a framework for the embedding of risk management processes within the operations of the Council which monitors the performance of risk management processes throughout the financial year is in place for the 2022/23 financial year.

The Internal Audit Function is responsible for facilitating the process of identifying, reviewing, managing and monitoring risks. This involves performing risk identification and assessment at strategic and operational levels. Through these processes, the ELRC's top risk profile is developed, divisional and operational risk registers are compiled with mitigation strategies. These are implemented and, monitored on a quarterly basis.

The ELRC recognises that risk management is the responsibility of everyone within the Council. Risk management is therefore integrated into all business and decision-making processes including strategy formulation, business planning, financial allocation, internal control, and day-to-day operations.

#### **Key risks considered and addressed during the year**

The following are the key Strategic Risks for ELRC that were considered and addressed during the year:

- Failure by parties to efficiently conclude on issues of mutual interest.
- Non-implementation of signed Collective Agreements.
- Failure to expedite inquiry by Arbitrator for sexual misconduct cases relating to minors.

At the beginning of the financial year, several risks that could potentially influence the operation of Council were identified. Due to the deliberations at Risk Management meetings, the mitigation measures were put in place, the tracking of the implementation of these measures allowed the Council to minimise these risks and Council was able to achieve its goals and objectives as set out in its APP.

## 4. INTERNAL CONTROL

The Internal Audit Function performed the following tasks during the year under review:

- Reviewed the Quarterly Reports (performance information and financial statements) and relevant portfolio of evidence.
- Provided the support function to the ELRC business unit, including quality checking of the monthly payroll master file, reviewing of policies and SOPs amendments, deviation submissions and attending of management meetings and in-house committee meetings.
- Followed-up on the outstanding Internal Audit findings and pursued them in liaison with the relevant managers. Feedback was provided to the Accounting Officer and Audit and Risk Committee.
- Observed the tender closing session, the compliance checking and the evaluation processes.
- Performed random physical assets verification against the FAR.
- Investigated transactions of fruitless and wasteful expenditure.
- Coordinated the annual audit between management and the external auditor.
- Provided the secretariate functions of Executive:
  - Delegation of Authority Policy was updated and signed off accordingly.
  - The Terms of Reference of the Audit Committee were updated and signed off accordingly.
  - The Operational Risk Register and Strategic Risk Register were updated and tabled at quarterly Audit and Risk Committee meetings.

## 5. INTERNAL AUDIT AND AUDIT AND RISK COMMITTEE

Internal Audit provides management with independent, objective assurance and consulting services designed to add value and to continuously improve the operations of the ELRC. It assists the Council to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of Governance, Risk Management and Control processes.

The following key activities are performed in this regard: Assess and make appropriate recommendations for improving the governance processes in achieving the Council's objectives; Evaluate the adequacy and effectiveness and contribute to the improvement of the risk management process; and Assist the Accounting Officer in maintaining efficient and effective controls by evaluating those controls to determine their effectiveness and efficiency, and by developing recommendations for enhancement or improvement.

Internal Audit work completed during the year under review for ELRC included twelve assurance engagements, fourteen mandatory reviews and four follow-up audits.

The Audit and Risk Committee is established as an oversight body, providing independent oversight over governance, risk management and control processes in the ELRC, which include oversight and review of the following:

- Internal Audit function;
- External Audit function (Ngubane & Co Inc.);
- Accounting and reporting;
- Accounting Policies;
- External Auditor Management and Audit Report;
- In-year Monitoring;
- Risk Management; Internal Control; Pre-determined objectives; ICT Governance and SHE activities

## 6. ICT GOVERNANCE

ICT governance remain essential for the Council to effectively manage its IT resources; align technology with business goals, mitigate risks, and ensure compliance with regulations. It also assists to foster transparency, accountability, and strategic decision-making, ultimately contributing to the Council's success in a technology-driven business landscape. The Council reports this compliance in the ICT Steering Committee and Audit and Risk Committee meetings.

## 7. COMPLIANCE WITH LAWS AND REGULATIONS

The IA function oversees compliance with laws and regulations by employees. IA ensured that Council conformed to the applicable organisational laws. Guidance was provided by means of audit reports where there were shortcomings and action plans were put in place to remedy the identified challenges.

Compliance with the Protection of Personal Information Act (POPIA) of 2013, ensures enhanced data security, improved customer trust and loyalty, and reduced legal and financial risks. The Council is fully compliant with the provisions of the Act, as set by the Information Regulator. Adherence to the Act is monitored on a quarterly basis.

## 8. FRAUD AND CORRUPTION

Council continuously encourages staff to report issues of fraud and corruption via the National Anti-Corruption Hotline. The IA unit assists with monitoring the execution of duties in line with Council policies.

## 9. OCCUPATIONAL, SAFETY, HEALTH AND ENVIRONMENT

The OHAS, 1993 (Act 85 of 1993) requires the employer to provide and maintain, as far as reasonably practical, a healthy working environment that is safe and without risk to the health of its employees.

The Council ensured that it remains as far as possible, compliant to the OHAS Act and thus ensured statutory appointments, maintained functional SHE Committee that monitored activities around occupational safety and health and reports to governance structures on a quarterly basis.

## 10. CODE OF CONDUCT

The Council's Code of Conduct and Ethics Policy articulates the values the Council wishes to foster in its employees, and in doing so clarifies the desired behaviour.

Council has not experienced any non-compliance with the policy to date.

## 11. SOCIAL RESPONSIBILITY

No social responsibility activities were undertaken in the period under review.

## 12. AUDIT AND RISK COMMITTEE REPORT: 2022/23 ANNUAL FINANCIAL YEAR

### BACKGROUND

The Audit and Risk Committee (ARC) has been established as an independent Committee, in terms of the ELRC constitution and Annexure A of Collective Agreement No. 1 of 2006. The Committee has adopted formal terms of reference, which are regularly updated and approved by Council.

The primary role of the Committee is to assist the Executive Committee in fulfilling its oversight responsibilities in areas such as the integrity of financial reporting, the effectiveness of the risk management framework and system of internal controls, as well as consideration of ethics and compliance matters.

The Committee presents its report for the financial year ended 31 March 2023.

### MEMBERSHIP AND ATTENDANCE FOR 2022/23

The Committee, consisting of five members, should meet at least four times per annum as per its approved Terms of Reference, although additional special meetings may be called as the need arises.

The following Audit and Risk Committee meetings were held during the 2022/23 financial year:

- 04 May 2022
- 25 May 2022 (Special)
- 28 July 2022
- 8 August 2022 (Special)
- 27 October 2022
- 3 February 2023

During the 2022/23, the members and meetings attendance of the ARC were as follows:

Name of Member	Number of Meetings Attended	% of Meetings Attended
Mr. Ngobeni SA (Chairperson)	6	100%
Dr. Motau C	6	100%
Ms. Masite J ®	5	83%
Mr. Maluleke M ®	4	67%
Ms. Matjiu K ®	4	67%

® - non-attendance with an apology.

### RESPONSIBILITIES

The roles and responsibilities of the ARC, as set out in its Terms of Reference, are reviewed annually taking into account relevant regulatory changes and recommended best practice.

During the 2022/23 financial year the Committee has:

- regulated its affairs in compliance with its Terms of Reference and has discharged all its responsibilities as contained therein.
- assisted the Executive Committee in fulfilling its oversight responsibilities in areas such as the integrity of financial and performance reporting, the effectiveness of the risk management framework and system of internal controls as well as consideration of compliance matters.

- assessed the quality of the audit performed by the external auditor, as well the independence and objectivity of the audit.
- made recommendation to the Executive Committee on the appointment of the interim external auditor. In addition, oversaw the work and quality of the Internal Audit function, the Safety Health Environment Committee, and Information and Communication Technology Committee.

### **Financial Reporting**

The Committee received comprehensive reports from management on quarterly and annual financial reporting, accounting policies and reporting matters. Accordingly, the Committee:

- considered the integrity of the half-year report and quarterly financial statements and annual financial statements.
- reviewed management's assessment of going concern and longer-term viability.
- reviewed the ELRC's accounting policies and practices, including compliance with accounting and reporting standards.
- reviewed the internal controls for financial reporting.
- reviewed and discussed the annual financial statements to be included in the annual report, with the External Auditor and management.
- reviewed and discussed the Management Report and the Audit Report with the External Auditor and management.

All the above form a basis for the Committee to concur with the conclusion made by the External Auditor.

### **Risk Management and Internal Controls**

*To maintain an overall positive perception of the Council and confidence, well planned goals and objectives should be coordinated and achieved within the Council. Section 14(3) of the ELRC constitution stipulates that the General Secretary shall maintain sound management and administration of the Council.*

The Committee:

- assisted the Executive Committee in fulfilling its responsibilities in relation to risk management and internal control. In order to monitor the effectiveness of the procedures for internal control over financial reporting, compliance and operational matters, the ARC reviewed reports on risks, controls and assurance.
- evaluated the effectiveness of the risk management system and is satisfied with the risk management processes and systems as most of the risks were mitigated to an acceptable level.
- noted the consistency in submitting quarterly risk monitoring reports to management and the Executive Committee.
- noted that the risk management function is facilitated by the Internal Auditor and that the Risk Management team meetings were held five times during the year under review.

In terms of assessing the effectiveness of the internal control environment, the Committee has:

- placed reliance on the work of assurance providers, the most important being Internal Audit. Internal financial controls were considered to be effective by the Committee when the risk of material error was adequately reduced and, as a result, reported information is reliable.
- reviewed the internal audit reports issued during the year and the Internal Auditor's assessment of the internal controls of the organisation and formed its own assessment in terms of the reporting required to the Executive Committee.
- discussed and advised management accordingly on identified instances of internal controls not operating as intended and the implemented corrective actions were followed-up quarterly to ensure that related risks were adequately managed.



Activities performed	Frequency
Risk Management and Internal Control	Q
Review of policies	P
Review of financial and non-financial performance information	Q and A
Assess management's responses to significant audit findings, recommendations and notable control weaknesses, including potential improvements and agreed actions.	Q
Review of risk assessment	A
Discuss significant matters arising from completed internal audits with the Internal Auditor, management and the external auditors.	Q

The Committee further wishes to draw attention to the following areas:

### **Information and Communication Technology**

- Multiple existing ICT policies were integrated into a unified and coherent framework to enhance the effectiveness and efficiency of regulating changes deployed in the technological approach of the organisation, including Office 365, Mimecast, Cloud based antivirus and network upgrades to fibre.
- The Council has made significant progress to improve control over ICT systems including user access, security management and disaster recovery.
- From audits performed, the system of general controls in place is efficient and effective to meet the organisational needs, safeguards and ensures credible information, adds value and contributes to the organisation's value creation and achievement of objectives by improving the processes to deliver services effectively, efficiently and economically.

### **Compliance and Governance**

The Committee:

- has reviewed the functioning of the ELRC and reports arising from its operation.
- oversaw compliance with applicable legal and regulatory requirements, including monitoring ethics and compliance risks.

### **Internal Audit**

The Committee:

- approved the Internal Audit function's Charter and the annual internal audit plan to ensure alignment with the key risks of the business.
- received and reviewed the significant matters arising from internal audit reports, assessed management's response to significant internal audit findings and notable control weaknesses. This included discussing with management potential improvements and agreed actions.
- received and interacted with the quarterly Internal Audit Progress Reports, providing an overview of all the activities performed by Internal Audit along the year including, amongst other items:
  - the highlights of the assurance audits performed.
  - an updated on follow-up of prior audit reports (resolution status of issues raised during the year).
  - mandatory quarterly reviews (performance information report, financial statements, compliance checklist and risk register) and the annual report.

### **External Audit**

The Committee:

- interacted and considered the Annual Audit Memorandum (APM) and approved the audit fees.
- reviewed and monitored the independence and objectivity of the External Auditor.

- assessed the performance and effectiveness of the External Auditor and the audit process, including an assessment of the quality of the audit.
- reviewed the External Auditor's Report to Management.
- has met with the External Auditor to ensure that there are no unresolved issues that emanated from the audit.

### ***Review of policies***

The Committee has reviewed the Financial and Information Technology policies and recommended them for approval by the Executive Committee.

### ***Compliance with Laws and Regulations***

The Committee is extremely satisfied with the compliance level of the ELRC in respect of laws and regulations.

### ***Quality of In-Year Reporting***

The Committee reviewed and discussed with the Accounting Officer the financial and performance reports throughout the year and is satisfied with the contents and the quality of the reports.

To ensure that the reports are timely, credible and reliable, the following processes were followed:

- reviewed the quarterly reports together with internal audit reports,
- confirmed that in-year reports recommended for approval were subsequently approved by the Executive Committee prior to publication;
- considered explanations for all significant variances in the financial statements and performance report as compared to the appropriated budget and annual performance plan.

## **EFFECTIVENESS OF INTERNAL AUDIT FUNCTION**

ARC is satisfied that the Internal Audit Function is operating effectively and that it has addressed the risks pertinent to the ELRC and accomplished its annual operational plan.

The Committee is of the view that the unit was effective for the year 2022/23 as it was able to discharge its responsibilities as set out in the approved audit plan.

## **CONCLUSION**

The Audit and Risk Committee concurs and accepts the External Auditor's opinion on the annual financial statements, the performance information and compliance with applicable laws governing the Council and recommends that the audited 2022/23 Annual Report be accepted and read together with the Audit Report.

The Audit and Risk Committee commends the ELRC for maintaining an unqualified audit opinion.



**Mr SAB Ngobeni**

Chairperson of the ELRC Audit and Risk Committee

15 August 2023



# Human Resource Management

2022/23

## 1. INTRODUCTION

### RECRUITMENT/APPOINTMENTS

The Council filled five vacant positions during the period under review:

### EMPLOYEE RELATIONS

Employee relations matters were dealt with in line with the Council's HR Policies.

### FURTHER STUDIES AND SKILLS DEVELOPMENT

The Council recognises that training presents a prime opportunity to expand the knowledge base of all employees. Employees who are competent and on top of changing industry standards, ensures that the Council retains its position as an industry leader. As part of individual development plans, seven employees were trained on identified courses to enhance performance.

### PERFORMANCE MANAGEMENT

Performance agreements were signed by all staff and assessments were conducted throughout the year.

### EMPLOYEE WELLNESS

Employee wellness is essential to organisational success. It impacts the workplace culture and organisational resources and productivity.

To ensure continuous employee wellness, activities during the period under review focussed on teambuilding, financial and physical fitness as well as psychosocial well-being.

- The Biggest Loser challenge took place over a period of three months. This was to encourage employees to take care of their well-being.
- A professional trainer was invited to conduct physical training (Shape). This was done to help employees adopt an exercise regimen to stay physically and mentally healthy.
- A Financial Wellness workshop was held with employees on investments and updates to the provident fund.
- A team building event was held on Spring Day, to improve staff morale.
- Male employees held a Men's Dialogue on Men's International Day. Issues that affect men were discussed, such as suicide, gender-based violence (GBV) and role modelling. The dialogue was run under the theme 'Helping Men and Boys'.

### TERMINATIONS

Terminations during the period under review were as a result of natural attrition.

## 2. HUMAN RESOURCE OVERSIGHT STATISTICS

### Personnel cost by programme

Programme	Personnel Expenditure (R'000)	Total Expenditure for the Entity (R'000)	Personnel exp. as a % of total exp. (R'000)	No. of employees	Average Cost per Employee (R'000)
Collective Bargaining	R14,835	R26,367	56%	18	R824
Dispute Management Services	R6,405	R20,490	31%	8	R801
Corporate Services	R7,971	R11,805	68%	9	R886
Finance and Supply Chain Management Services	R9,520	R13,507	70%	15	R635
Executive Services	R7,512	R8,193	92%	5	R1,502
<b>Total</b>	<b>R46,242</b>	<b>R80,364</b>	<b>58%</b>	<b>55</b>	

### Personnel cost by salary band

Level	Personnel Expenditure (R'000)	% of Personnel exp. to Total Personnel Cost	No. of Employees	Average Cost per Employee (R'000)
Top Management	R4,683	10%	2	R2,342
Senior Management	R4,680	10%	3	R1,560
Professional Qualified / Managers	R17,432	38%	16	R1,089
Skilled/Officers	R17,426	38%	28	R622
Semi-skilled / Clerks	R1,077	2%	3	R359
Unskilled / General	R944	2%	3	R315
<b>Total</b>	<b>R46,242</b>	<b>100%</b>	<b>55</b>	

### Training Costs

Programme	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training exp. as a % of Personnel cost	No. of employees	Average training cost per employee (R'000)
Collective Bargaining	R14,835	R0	0.0%	18	R0
Dispute Resolution	R6,405	R0	0.0%	8	R0
Corporate Services	R7,971	R0	0.0%	9	R0
Finance and Supply Chain Management Services	R9,520	R0	0.0%	15	R0
Executive Services	R7,512	R17	0.0%	5	R3
<b>Total</b>	<b>R46,242</b>	<b>R17</b>	<b>0.0%</b>	<b>55</b>	

### ***Employment levels per programme***

Programme	2022/2023 Approved Posts	2022/2023 No. of Employees	2022/2023 Vacancies	% of vacancies
Executive Office	6	5	1	17%
Collective Bargaining	21	18	3	14%
Corporate Services	9	9	0	0%
Finance and Supply Chain Management Services	16	15	1	0%
Dispute Resolution & Prevention	8	8	0	0%
<b>Total</b>	<b>60</b>	<b>55</b>	<b>5</b>	<b>8%</b>

### ***Employment and vacancies per level***

Programme	2022/2023 Approved Posts	2022/2023 No. of Employees	2022/2023 Vacancies	% of vacancies
Top Management	2	2	0	0%
Senior Management	4	3	1	25%
Professional Qualified	17	15	2	12%
Skilled	31	29	2	6%
Semi-skilled	3	3	0	0%
Unskilled	3	3	0	0%
<b>Total</b>	<b>60</b>	<b>55</b>	<b>5</b>	<b>8%</b>

### ***Employment changes***

Salary Band	Employment at Beginning of Period	Appointments	Terminations	Transfers	Employment at End of the Period
Top Management	2	0	0	0	2
Senior Management	3	0	0	0	3
Professional Qualified	15	3	3	0	15
Skilled	30	5	2	0	29
Semi-skilled	3	0	0	0	3
Unskilled	3	0	0	0	3
<b>Total</b>	<b>56</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>55</b>

***Reasons for staff leaving***

Reason	Number	% of Total Staff Leaving
Death	1	2%
Resignation	3	6%
Dismissal	0	0%
Retirement	1	2%
Ill health	0	0%
Expiry of contract	0	0%
Other (Termination by mutual agreement)	0	0%
<b>Total</b>	<b>5</b>	<b>10%</b>

***Labour relations Issues***

Nature of disciplinary Action	Number
Verbal warning	0
Written warning	3
Final written warning	0
Demotion	0
Disciplinary	0
Dismissal	0
Grievances	0
Other (termination by mutual agreement)	0
<b>Total</b>	<b>3</b>

**Equity targets**

Levels	MALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	0	0	0	0	0	0	0	0
Senior Management	1	0	0	0	0	0	0	0
Professional qualified	8	0	0	0	0	0	0	0
Skilled	11	0	0	0	0	0	0	0
Semi-skilled	3	0	0	0	0	0	0	0
Unskilled	2	0	0	0	0	0	0	0
<b>Total</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Levels	FEMALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	2	0	0	0	0	0	0	0
Senior Management	2	0	0	0	0	0	0	0
Professional qualified	3	0	3	0	0	0	1	0
Skilled	15	0	1	0	1	0	1	0
Semi-skilled	0	0	0	0	0	0	0	0
Unskilled	1	0	0	0	0	0	0	0
<b>Total</b>	<b>23</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>

Levels	DISABLED STAFF			
	MALE		FEMALE	
	Current	Target	Current	Target
Top Management	0	0	0	0
Senior Management	0	0	0	0
Professional Qualified	0	0	0	0
Skilled	0	0	1	0
Semi-skilled	0	0	0	0
Unskilled	1	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>





# Financial Information

2022/23

## 1. REPORT OF THE EXTERNAL AUDITOR

### To the Members of the Education Labour Relations Council

#### *Opinion*

We have audited the financial statements of the Education Labour Relations Council (ELRC) set out on pages 135 to 159, which comprise the statement of financial position as at 31 March 2023, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements present fairly, in all material respects, the financial position of Education Labour Relations Council as at 31 March 2023, and its financial performance and cash flows for the year then ended in accordance International Financial Reporting Standards for Small-Medium sized Entities (IFRS for SMEs), the Council's constitution and in a manner required by the Labour Relations Act (LRA) 66 of 1995.

#### *Basis for Opinion*

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Council in accordance with the Independent Regulatory Board for Auditors' Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the corresponding sections of the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards).

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### *Other Information*

Our opinion on the financial statements does not cover the other information and we do not express an audit opinion or any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### ***Responsibilities of the Accounting Officer for the Financial Statements***

The Accounting Officer is responsible for the preparation and fair presentation of the financial statements in accordance with IFRS for SMEs and the LRA, and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting, unless the appropriate governance structure either intends to liquidate the Council or to cease operations, or has no realistic alternative but to do so.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

### ***Report on Other Legal and Regulatory Requirements***

There were no material instances of non-compliance that came to our attention during the course of the audit.

*Ngubane & Co. (Jhb) Inc.*

**Ngubane and Company (Jhb) Inc.**

Director: Keamogetswe Ruiters

Registered Auditor

24 August 2023

# EDUCATION LABOUR RELATIONS COUNCIL

(Registration number LR2/6/6/110)

## FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023

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Notes to the Annual Financial Statements . . . . . 144-159

The following supplementary information does not form part of the financial statements and is not audited:

Fruitless and Wasteful Expenditure . . . . . 160

Statement of Comparison of Budget and Actual Amounts . . . . . 161

The financial statements set out on pages 135 to 159, which have been prepared on the going concern basis, were approved on 31 August 2023 and were signed on its behalf by:



**Ms NO Foca**  
Accounting Officer



**Adv. L Bono**  
Chairperson of Council

## STATEMENT OF RESPONSIBILITY FOR THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023

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The Accounting Authority is required to maintain adequate accounting records and are responsible for the content and integrity of the financial statements and related financial information included in this report.

It is their responsibility to ensure that the financial statements fairly present the state of affairs of the entity as at the end of the financial year and the results of its operations and cash flows for the period then ended, in conformity with the International Financial Reporting Standard for Small and Medium-sized Entities. The external auditor is engaged to express an independent opinion on the financial statements.

The financial statements are prepared in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities and are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgements and estimates. The financial statements have been prepared on the going concern basis.

The Accounting Authority is responsible for establishing, and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the annual financial statements.

In my opinion, the financial statements fairly reflect the operations of the entity for the financial year ended 31 March 2023.

The Education Labour Relations Council's annual financial statements for the year ended 31 March 2023 have been audited by the external auditors and their report is presented on page 129.

The Annual Financial Statements of the entity set out on page 135 to page 159 have been approved.



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**Ms NO Foca**  
Accounting Officer



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**Adv. L Bono**  
Chairperson of Council

## STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2023

		March 2023	March 2022
	Notes	R	R
<b>Assets</b>			
<b>Non-Current Assets</b>			
		<b>24 059 750</b>	<b>23 747 978</b>
Property and equipment	2	23 739 296	23 273 368
Intangible assets	3	320 454	474 610
<b>Current Assets</b>			
		<b>248 063 034</b>	<b>213 692 137</b>
Trade and other receivables	4	1 416 993	1 970 481
Cash and cash equivalents	5	246 646 041	211 721 656
<b>Total Assets</b>		<b>272 122 785</b>	<b>237 440 115</b>
<b>Equity and Liabilities</b>			
<b>Equity</b>			
Retained surplus		264 397 943	230 766 980
<b>Liabilities</b>			
<b>Current Liabilities</b>			
		<b>7 724 842</b>	<b>6 673 135</b>
Trade and other payables	6	3 241 064	2 250 151
Provisions	7	4 483 778	4 422 984
<b>Total Equity and Liabilities</b>		<b>272 122 785</b>	<b>237 440 115</b>



## STATEMENT OF COMPREHENSIVE INCOME FOR THE PERIOD ENDED 31 MARCH 2023

Description	Notes	March 2023	March 2022
		R	R
Revenue	8	101 301 969	75 512 267
Other Income	9	15 137 130	8 439 265
Depreciation, amortisation and impairment loss	2&3	(1 844 748)	(3 237 543)
Employee related costs	10	(46 612 391)	(41 186 766)
Operating Expenditure	19	(34 350 998)	(23 286 312)
<b>Operating surplus for the year</b>		<b>33 630 963</b>	<b>16 240 911</b>
Other comprehensive income		-	-
<b>Total comprehensive income for the year</b>		<b>33 630 963</b>	<b>16 240 911</b>

## STATEMENT OF CHANGES IN EQUITY AS AT 31 MARCH 2023

	Retained surplus R	Total equity R
<b>Balance at 01 April 2021</b>	<b>214 526 069</b>	<b>214 526 069</b>
Total comprehensive surplus for the year	16 240 911	16 240 911
<b>Balance at 01 April 2022</b>	<b>230 766 980</b>	<b>230 766 980</b>
Total comprehensive surplus for the year	33 630 963	33 630 963
<b>Balance at 31 March 2023</b>	<b>264 397 943</b>	<b>264 397 943</b>

## STATEMENT OF CASH FLOWS AS AT 31 MARCH 2023

	Notes	March 2023 R	March 2022 R
<b>Cash flows from operating activities</b>			
Cash received from customers		102 384 527	74 397 099
Cash paid to suppliers and employees		(78 760 152)	(61 881 862)
<b>Net cash from operating activities</b>	<b>14</b>	<b>23 624 375</b>	<b>12 515 237</b>
<b>Cash flows from investing activities</b>			
Purchase of property and equipment	<b>2</b>	(2 201 634)	(449 669)
Disposal of property and equipment	<b>2</b>	55 830	-
Cash received from investment	<b>9</b>	13 445 815	7 132 399
<b>Net cash from investing activities</b>		<b>11 300 011</b>	<b>6 682 730</b>
<b>Increase in cash and cash equivalents for the year</b>		<b>34 924 385</b>	<b>19 197 967</b>
Cash at the beginning of the year		211 721 656	192 523 689
<b>Total cash at the end of the year</b>	<b>5</b>	<b>246 646 041</b>	<b>211 721 656</b>

## ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2023

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### 1. PRESENTATION OF FINANCIAL STATEMENTS

The financial statements have been prepared in accordance with the IFRS for small and medium sized entities (SMEs) and the LRA. The financial statements have been prepared on the historical cost basis (unless otherwise stated) and incorporate the principal accounting policies set out below. They are presented in South African Rands.

These accounting policies have been amended to be compliant with the reporting framework of IFRS for SMEs.

#### 1.1 Significant judgements and sources of estimation uncertainty

##### *Key sources of estimation uncertainty*

##### **Useful lives of property and equipment**

The Council reviews the estimated useful lives of property and equipment when changing circumstances indicate that they may have changed since the most recent reporting date.

##### **Provisions**

Provisions are inherently based on assumptions and estimates using the best information available. Additional disclosure of these estimates is included in 1.8 and in note 7 – Provisions.

#### 1.2 Property and equipment

Property and equipment are tangible items that:

- are held for use in the production or supply of goods or services, for rental to others or for administrative purposes;
- are expected to be used during more than one period.

Property and equipment is carried at cost less accumulated depreciation and accumulated impairment losses.

Cost includes all costs incurred to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Costs include costs incurred initially to acquire or construct an item of property and equipment and costs incurred to subsequently add to it, replace part of it, or service it. If a replacement cost is recognised in the carrying amount of an item of property and equipment, the carrying amount of the replaced part is de-recognised.

Depreciation is provided using the straight line method to write down the cost over the useful life of the property and equipment, as follows:

## ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

Item	Depreciation method	Average useful life in years
Buildings	Straight line	25
Lifts		25
Generators		25
Furniture and fittings		10
Motor vehicles		7
Office equipment		8 to 10
Computer equipment		3
Leasehold improvements		5

The depreciation method and useful life of each asset are reviewed at each reporting date if there are indicators present that there has been a significant change from the previous estimate.

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in surplus or deficit in the period.

Property and equipment is subsequently stated at cost less accumulated depreciation and any accumulated impairment losses.

Land is not depreciated, and it is stated at cost.

Property and equipment is derecognised upon disposal or when no future economic benefits are expected from its continued use. Any gain or loss arising from the derecognition of an item of property and equipment, determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item, is included in surplus or deficit when the item is derecognised.

### 1.3 Intangible assets

Intangible assets are initially recognised at cost and subsequently at cost less accumulated amortisation and accumulated impairment losses.

Amortisation is provided to write down the intangible assets, on a straight-line basis, to their residual values as follows:

Item	Depreciation method	Average useful life in years
Systems (operational) software	Straight line	3
Application software		8

The amortisation period and amortisation method for intangible assets are reassessed when there is an indication that there is a change from the previous estimate.

An intangible asset is derecognised when no future economic benefits are expected from its continued use. Any gain or loss arising from the derecognition of an item of intangibles, determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item, is included in surplus or deficit when the item is derecognised.

## ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

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### 1.4 Financial instruments

#### Initial measurement

Financial instruments are initially measured at the transaction price (including transaction cost, except in the initial measurement of financial assets and liabilities, which are measured at fair value through profit or loss), unless the arrangement constitutes, in effect, a financing transaction, in which case it is measured at the present value of the future payments discounted at a market rate of interest for a similar debt instrument.

#### Financial instruments at amortised cost

These include loans, trade receivables and trade payables. Debt instruments that meet the criteria detailed in section 11.8(b) of the Standard are subsequently measured at amortised cost, using the effective interest method. Debt instruments that are classified as current assets or current liabilities are measured at the undiscounted amount of the cash expected to be received or paid, unless the arrangement effectively constitutes a financing transaction.

At each reporting date, the carrying amounts of assets held in this category are reviewed to determine if there is any objective evidence of impairment. If there is objective evidence, the recoverable amount is estimated and compared to the carrying amount. If the estimated recoverable amount is lower, the carrying amount is reduced to its estimated recoverable amount, and an impairment loss is recognised immediately in surplus or deficit.

Derecognise a financial asset when:

- the contractual rights to the cash flows from the financial asset expire or are settled;
- the entity transfers to another party all the significant risks and rewards relating to the financial asset; or
- despite having retained some significant risks and rewards relating to the financial asset, the entity has transferred the ability to sell the asset in its entirety to an unrelated third party, who is able to exercise that ability unilaterally and without needing to impose additional restrictions on the transfer.

Derecognise a financial liability when the obligation is discharged, cancelled, or expires.

### 1.5 Leases

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership to the lessee. All other leases are operating leases.

#### Operating leases – lessee

Operating lease payments are recognised as an expense on a straight line basis over the lease term, unless:

- another systematic basis is representative of the time pattern of the benefit from the leased asset, even if the payments are not made on that basis; or
- the payments are structured to increase in line with expected general inflation (based on published indices or statistics) to compensate for the lessor's expected inflationary cost increases.

Any contingent rents are expensed in the period they are incurred.

## ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

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### 1.6 Impairment of assets

The council assesses at each reporting date whether there is any indication that property and equipment or intangible assets may be impaired.

If there is any such indication, the recoverable amount of any affected asset (or group of related assets) is estimated and compared with its carrying amount. If the estimated recoverable amount is lower, the carrying amount is reduced to its estimated recoverable amount, and an impairment loss is recognised immediately in surplus or deficit.

If an impairment loss subsequently reverses, the carrying amount of the asset (or group of related assets) is increased to the revised estimate of its recoverable amount, but not in excess of the amount that would have been determined had no impairment loss been recognised for the asset (or group of assets) in prior years. A reversal of impairment is recognised immediately in surplus or deficit.

### 1.7 Employee benefits

#### Short term employee benefits

The cost of short term employee benefits (those payable within 12 months after the service is rendered, such as leave pay, bonuses, and non monetary benefits such as medical care), are recognised in the period in which the service is rendered and are not discounted.

#### Defined contribution plans

Payments to defined contribution retirement benefit plans are charged as an expense as they fall due.

### 1.8 Provisions

Provisions are recognised when the Council has an obligation at the reporting date as a result of a past event; it is probable that the Council will be required to transfer economic benefits in settlement; and the amount of the obligation can be estimated reliably.

Provisions are measured at the present value of the amount expected to be required to settle the obligation using a rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to the passage of time is recognised as interest expense.

Provisions are not recognised for future operating deficits.

A contingent liability is a possible obligation that arises from past events and the existence of which will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events that are beyond the control of the entity.

Alternatively, a contingent liability is a present obligation that arises from past events but is not recognised because: =

- It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- The amount of the obligation cannot be measured with sufficient reliability.

## ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

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### 1.9 Revenue

Revenue is measured at the fair value of the consideration received or receivable and represents the amounts receivable for services rendered in the normal course of business.

Council's revenue is determined based on the Collective Agreement on Levies.

### 1.10 Interest income

Interest income is earned from the Council's call accounts. It is recognised, in surplus or deficit, using the effective interest rate method.

### 1.11 Other income

Other income comprises all other receipts that are not from the normal course of business. This is mainly receipts for mandatory grants from EDTPSETA, subsidy for arbitration awards from CCMA, recovery of municipal charges from the Council's tenant at national office and unknown receipt.

### 1.12 Penalty income

Penalty income is penalty charged for late receipt of panellist claims. It is determined based on the Panellist Fee Policy.

### 1.13 Rental income

Comprises of income from use of the unoccupied office space which is let out to NECT.

### 1.14 Related parties

Parties are considered to be related if one party has the ability to control the other party or exercise significant influence over the other party in making financial and operating decisions; or if the related party entity and another party are subject to common control.

Related parties include individuals who have significant influence over the entity, such as members of the Executive Committee (EXCO), its committees and key management personnel.

All transactions between the entity and related parties during the reporting period as well as comparative information are disclosed in the notes to the annual financial statements.



**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023**
**Note 2**

Property and equipment	March 2023			March 2022		
	Cost	Accumulated depreciation	Carrying Value	Cost	Accumulated depreciation	Carrying Value
Land	1 000 000	-	1 000 000	1 000 000	-	1 000 000
Buildings	33 541 323	(14 504 216)	19 037 107	33 541 323	(13 499 618)	20 041 705
Generators	599 576	(183 326)	416 250	599 576	(159 328)	440 248
Lifts	702 669	(199 831)	502 838	702 669	(171 712)	530 957
Furniture and fittings	2 159 662	(1 837 812)	321 850	2 264 434	(1 856 593)	407 841
Motor vehicles	499 000	484 271)	14 729	499 000	(451 885)	47 115
Office equipment	947 241	498 246)	448 995	862 080	(464 240)	397 840
Computer equipment	5 575 583	3 578 056)	1 997 527	4 233 385	(3 825 723)	407 662
	<b>45 025 054</b>	<b>(21 285 758)</b>	<b>23 739 296</b>	<b>43 702 467</b>	<b>20 429 099)</b>	<b>23 273 368</b>

*Reconciliation of property and equipment: 31 March 2023*

	Opening Balance	Additions	Disposals	Depreciation	Total
Land	1 000 000	-	-	-	1 000 000
Buildings	20 041 705	-	-	(1 004 598)	19 037 107
Generators	440 248	-	-	(23 998)	416 250
Lifts	530 957	-	-	(28 120)	502 838
Furniture and fittings	407 84	6 605	(6 488)	(86 108)	321 850
Motor vehicles	47 115	-	-	(32 386)	14 729
Office equipment	397 840	131 976	(32)	(80 789)	448 995
Computer equipment	407 662	2 063 053	(38 595)	(434 593)	1 997 527
	<b>23 273 368</b>	<b>2 201 634</b>	<b>(45 115)</b>	<b>(1 690 592)</b>	<b>23 739 296</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

### Note 2 (cont.)

#### Reconciliation of property and equipment: 31 March 2023

	Opening Balance	Additions	Disposals	Depreciation	Total
Land	1 000 000	-	-	-	1 000 000
Buildings	21 287 089	108 060	-	(1 353 444)	20 041 705
Generator	464 246	-	-	(23 998)	440 248
Lifts	559 076	-	-	(28 118)	530 957
Furniture and fittings	472 257	31 803	(2 295)	(93 924)	407 841
Motor vehicles	79 501	-	-	(32 386)	47 115
Office equipment	334 378	145 498	(10 440)	(71 596)	397 840
Computer equipment	618 134	164 308	(269)	(374 512)	407 662
	<b>24 814 681</b>	<b>449 669</b>	<b>(13 004)</b>	<b>(1 977 978)</b>	<b>23 273 368</b>

### Land

Erf, Die Hoewes Extension 26 Township, Registration Division J.R. Province of Gauteng, in extent 3019 square meters.

### Changes in estimates

The entity reassesses the useful lives and residual values of items of property and equipment at the end of each reporting period, in line with the accounting policy and section 17 Property, plant and equipment. These assessments are based on historic analysis, benchmarking, and the latest available and reliable information. This resulted in an increase of R61,517 to the surplus.

Computer equipment and furniture and fittings that had one year of useful life remaining at the beginning of the financial year have been increased by an additional two years.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)**
**Note 3**

Intangible assets	March 2023			March 2022		
	Cost	Accumulated amortisation	Carrying Value	Cost	Accumulated amortisation	Carrying Value
Application Software	4 667 148	(4 358 909)	308 240	4 667 148	(4 215 534)	451 614
System Software	634 129	(621 916)	12 214	634 129	(611 134)	22 996
	<b>5 301 278</b>	<b>(4 980 824)</b>	<b>320 454</b>	<b>5 301 278</b>	<b>(4 826 668)</b>	<b>474 610</b>

**Reconciliation of intangible assets: 31 March 2023**

	Opening Balance	Amortisation	Total
Application Software	451 613	(143 374)	308 240
System Software	22 996	(10 782)	12 214
	<b>474 609</b>	<b>(154 156)</b>	<b>320 454</b>

**Reconciliation of intangible assets: 31 March 2022**

	Opening Balance	Amortisation	Total
Application Software	1 700 206	(1 248 591)	451 614
System Software	33 969	(10 973)	22 996
	<b>1 734 175</b>	<b>(1 259 565)</b>	<b>474 610</b>

During the prior financial year the Council noticed that its major intangible asset would reach the end of its useful life in the year 2023, this resulted in reassessment of its useful life and a reduced amortisation during this financial year.

**Changes in estimates**

The entity reassesses the useful lives and residual values of items of property and equipment at the end of each reporting period, in line with the accounting policy and section 18 Intangible Assets. These assessments are based on historic analysis, benchmarking, and the latest available and reliable information. This resulted in an increase of R3,945 to the surplus.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)

**Note 4**
**Trade and other receivables**

<b>31 March 2023</b>	<b>Financial Assets at Amortised Cost</b>	<b>Non Financial Assets</b>	<b>Total</b>
Accrued income	44 855	-	44 855
Deposits	308 860	-	308 860
Flight ticket refunds *	37 488	-	37 488
Other receivables	5 203	-	5 203
Prepayments	-	954 579	954 579
Receivable from employees	-	3 435	3 435
Trade receivables	62 573	-	62 573
	<b>458 979</b>	<b>958 014</b>	<b>1 416 993</b>

<b>31 March 2022</b>	<b>Financial Assets at Amortised Cost</b>	<b>Non Financial Assets</b>	<b>Total</b>
Deposits	301 368	-	301 368
Flight ticket refunds *	8 342	-	8 342
Flight tickets for re-use	-	18251	18 251
Other receivables	11 217	-	11 217
Prepayments	-	485 918	485 918
Receivable from employees	-	254	254
Trade receivables	1 145 131	-	1 145 131
	<b>1 466 058</b>	<b>504 423</b>	<b>1 970 481</b>

Trade and other receivables are not pledged as security. The carrying amount of the receivables approximate their fair value.

\* Flight tickets refunds are air travel tickets that have been cancelled due unavailability of pre-booked travellers.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)

**Note 5**

Cash and cash equivalents	2023 R	2022 R
<b>Cash and cash equivalents consist of:</b>		
Cash on hand	20 200	19 511
Current account	12 605 107	10 468 685
Short term deposits *	234 020 734	201 233 460
	<b>246 646 041</b>	<b>211 721 656</b>

\* Short term deposits are held with the South African Reserve Bank (Corporate of Public deposits) and bears interest at a rate more competitive than those offered by the big four banks. These are made available immediately on call or request.

**Note 6**

Trade and other payables	2023 R	2022 R
Trade payables	2 175 538	1 409 894
Accrued expenses	1 065 526	840 257
	<b>3 241 064</b>	<b>2 250 151</b>

Trade and other payables are all financial instruments carried at amortised cost.

**Note 7**

Provisions	2023 R	2022 R
Provision for 13th cheque	668 190	564 810
Provision for performance bonus	2 200 984	1 813 577
Provision for annual leave	1 542 261	1 390 843
Provision for SADTU	72 343	653 754
	<b>4 483 778</b>	<b>4 422 984</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)

**Note 7** (cont.)

*Reconciliation of provisions: 31 March 2023*

	Opening Balance	Additions	Reversed	Paid	Total
Provision for 13th cheque	564 810	2 706 838	-	(2 603 458)	668 190
Provision for performance bonus*	1 813 577	2 200 984	-	(1 813 577)	2 200 984
Provision for annual leave*	1 390 843	462 616	(155 136)	(156 063)	1 542 261
Provision for SADTU	653 754	-	(581 411)	-	72 343
	<b>4 422 984</b>	<b>5 370 438</b>	<b>(736 547)</b>	<b>(4 573 097)</b>	<b>4 483 778</b>

*Reconciliation of provisions: 31 March 2022*

	Opening Balance	Additions	Reversed	Paid	Total
Provision for 13th cheque	560 621	2 308 860	-	(2 304 670)	564 810
Provision for performance bonus*	-	1 813 577	-	-	1 813 577
Provision for annual leave*	1 317 875	276 804	(63 528)	(140 307)	1 390 843
Provision for SADTU	653 754	-	-	-	653 754
	<b>2 532 250</b>	<b>4 399 240</b>	<b>(63 528)</b>	<b>(2 444 977)</b>	<b>4 422 984</b>

\* Annual leave pay was reclassified during the current financial year. This amount was classified as an accrual in prior year. Provisions for SADTU comprise of costs to be claimed for services rendered by Parties to Council but for which claims have not been received. A reliable estimate is made based on the number of meetings attended and provisions as per Collective Agreement.

**Note 8**

Revenue	2023 R	2022 R
Levies – FETC	5 001 354	3 741 812
Levies – DBE	96 300 615	71 770 455
	<b>101 301 969</b>	<b>75 512 267</b>

All levies received bear no credit risk and are paid from salary deductions from educators and an equal contribution by employer.

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

### Note 9

Other income	2023 R	2022 R
Interest income	13 445 815	7 132 399
Penalty income	516 142	632 725
Gains on disposal of assets	10 715	-
Other income *	803 672	340 079
Rental income	360 786	334 061
	<b>15 137 130</b>	<b>8 439 264</b>

\* The movement on other income is mainly due to the reversal of provision for meeting expenses.

### Note 10

Employee costs	2023 R	2022 R
Basic earnings	34 946 159	30 864 789
13 <sup>th</sup> Cheque	2 692 758	2 306 955
Medical Aid	965 837	934 856
Unemployment Insurance Fund (UIF)	119 450	111 000
Skills Development Levy (SDL)	384 461	322 855
Leave pay accrual charge	306 015	213 275
Performance bonus	2 200 984	1 813 577
Housing allowance	643 985	631 500
Post retirement benefits	4 352 742	3 987 959
<b>Total cost</b>	<b>46 612 391</b>	<b>41 186 766</b>

Total number of employees 55 (2022: 56)

#### Post retirement benefits (Defined contribution plan)

The entity provides retirement benefits through a defined contribution plan to all its employees. The Provident Fund and Retirement Annuity Fund are governed by the Pension Funds Act, 1956 (Act no 24 of 1956).

The entity is under no obligation to cover any unfunded benefits.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)

**Note 11**
**Taxation**

The Council is exempt from the payment of income tax in terms of section 10(1) (CA) (l) of the Income Tax Act, No. 58 of 1962.

**Note 12**

<b>Auditor's remuneration</b>	<b>2023</b>	<b>2022</b>
	<b>R</b>	<b>R</b>
Consulting fees	79 037	102 611
Disbursements	14 312	13 409
Statutory audit fees	528 393	730 040
	<b>621 742</b>	<b>846 060</b>

**Note 13**

<b>Commitments</b>	<b>2023</b>	<b>2022</b>
	<b>R</b>	<b>R</b>
<b>Already contracted, but not provided for:</b>		
Operating expenditure	<b>4 631 191</b>	<b>5 984 428</b>

This committed expenditure relates to operating expenses and will be financed by available retained surplus. Commitments disclosed takes into consideration clauses as per the contractual agreements.

**Minimum lease payments under operating lease recognised as an expense during the year**

Operating lease expense	<b>1 859 750</b>	<b>1 767 779</b>
<b>Total minimum lease payments</b>		
Not later than one year	1 022 484	1 045 879
Later than one year and not later than five years	558 845	71 168
	<b>1 581 328</b>	<b>1 117 048</b>

Operating lease payments represent rentals payable by the ELRC for rentals of premises in the nine provincial offices. The leases typically run for a period of three to five years, with an option to renew. Rental expenses are increased annually as per the escalation clauses of the lease agreements.



## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

### Note 14

Cash generated from operations	2023 R	2022 R
Surplus for the year	33 630 963	16 240 910
<b>Adjustments for:</b>		
Depreciation and amortisation	1 844 748	3 237 544
Movement in accruals	225 269	(215 707)
Movement in provisions	60 794	1 890 734
(Gains) Loss on disposal of assets	(10 715)	13 004
Interest income	(13 445 815)	(7 132 399)
<b>Changes in working capital:</b>		
Trade and other receivables	553 488	(1 116 586)
Trade and other payables	765 644	(402 265)
	<b>23 624 375</b>	<b>12 515 237</b>

### Note 15

#### Related parties

<b>Employer party</b>	Department of Basic Education
<b>Chairperson of Council</b>	Advocate Luvuyo Bono
<b>Members of key management</b>	Ms Nolusindiso Foca Ms Unathi Ndobeni Ms Octavia Makofane Mr Matlose Moela Ms Nelisiwe Bongco
<b>Trade unions</b>	South African Democratic Teachers Union (SADTU) Combined Trade Union – Autonomous Trade Union (CTU-ATU)

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

### Note 15 (cont.)

#### Key Management Personnel

##### Key management information

Class	Description	Number of members
Executive members	Accounting Authority	11
Non-executive members	Accounting Authority	3
Executive management	Accounting Officer/Executive	1
Senior management	Management	4

#### Related party transactions

Fees paid to related parties in respect of services rendered

	2023	2022
	R	R
Advocate L. Bono*	318 918	42 000

\* This relates to the fees paid for services rendered by the independent Chairperson as a panellist in matters of arbitration or dispute resolution and for legal opinion issued on consultation basis. The Chairperson's decisions in dispute resolution and arbitration matters do not affect the financial position of the Council.

#### Executive emoluments (Chairperson's fees)

	2023	2022
	R	R
Advocate L. Bono	175 000	210 000

Members of the ELRC Executive committee did not receive emoluments during the financial year as per collective agreement. The Board fees to date amount to R 175 000 and were only paid to Advocate L. Bono.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)**Note 15** (cont.)**Audit Committee Fees 2023**

	<b>2023</b>	<b>2022</b>
	<b>R</b>	<b>R</b>
Mr SA Ngobeni	73 389	60 438
Ms J Masite	26 190	10 476
Dr C Motau	39 285	31 428
	<b>138 864</b>	<b>102 342</b>

Non-Executive members serve in the audit committee of the ELRC. The Audit Committee sits for four meetings annually and any other special meetings. The fee reflected above is a consolidation of the total fees paid for the year.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)**

**Note 15 (cont.)**

**Executive management emoluments**

	<b>Basic salary</b>	<b>13<sup>th</sup> cheque</b>	<b>Provident and Retirement Fund Contribution</b>	<b>Performance bonus</b>	<b>Other Allowances*</b>	<b>Total</b>
<b>31 March 2023</b>						
Ms NO Foca	1 674 702	173 466	295 792	237 897	383 485	2 765 341
Ms U Ndobeni	1 203 076	124 511	106 157	89 202	394 795	1 917 739
	<b>2 877 778</b>	<b>297 977</b>	<b>401 948</b>	<b>327 098</b>	<b>778 279</b>	<b>4 683 081</b>

	<b>Basic salary</b>	<b>13<sup>th</sup> cheque</b>	<b>Provident and Retirement Fund Contribution</b>	<b>Performance bonus</b>	<b>Other Allowances*</b>	<b>Total</b>
<b>31 March 2022</b>						
Ms NO Foca	1 544 875	159 723	271 154	219 048	268 949	2 463 748
Ms U Ndobeni	1 110 109	114 645	97 315	123 201	361 064	1 806 333
	<b>2 654 983</b>	<b>274 368</b>	<b>368 468</b>	<b>342 248</b>	<b>630 013</b>	<b>4 270 082</b>

\* Other allowances comprise cash allowance, medical aid fringe benefit, back pay, SDL and UIF.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)**
**Note 15 (cont.)**
**Senior management emoluments**

	Basic salary	13 <sup>th</sup> cheque	Provident and Retirement Fund Contribution	Performance bonus	Other Allowances*	Total
<b>31 March 2023</b>						
Ms LO Makofane	968 938	100 363	85 568	137 641	257 726	1 550 236
Ms NA Bongco	955 865	88 926	84 343	141 745	314 985	1 585 864
Mr MP Moela	978 508	81 083	172 827	139 000	172 972	1 544 390
	<b>2 903 311</b>	<b>270 372</b>	<b>342 738</b>	<b>418 386</b>	<b>745 683</b>	<b>4 680 490</b>
	Basic salary	13 <sup>th</sup> cheque	Provident and Retirement Fund Contribution	Performance bonus	Other Allowances*	Total
<b>31 March 2022</b>						
Ms LO Makofane	893 823	92 411	156 885	95 051	156 483	1 394 653
Ms NA Bongco	882 003	91 088	77 318	130 514	287 813	1 468 735
Mr MP Moela	902 651	93 324	158 432	95 990	157 942	1 408 339
	<b>2 678 476</b>	<b>276 823</b>	<b>392 635</b>	<b>321 555</b>	<b>602 238</b>	<b>4 271 727</b>

\* Other allowances comprise cash allowance, medical aid fringe benefit, back pay, SDL and UIF.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023** (cont.)
 

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**Note 16**


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**Fulltime Shopsteward expenses**


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International expenses	663 676	-
Employee cost	381 078	-
Local expenses	4 024 355	-
	<b>5 069 109</b>	<b>-</b>

**Note 17**


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**Going concern**


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The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern organisation. This basis presumes that funds will be available to finance future operations, that the realisation of assets, settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

**Note 18**


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**Events after reporting period**


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No significant events have occurred subsequent to the reporting period.

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023 (cont.)

### Note 19

Administration expenses	Notes	2023 R	2022 R
Accommodation expenses		12 573	46 597
Administration and management fees		730 488	816 507
Advertising and Recruitment		336 575	164 347
Arbitration		11 448 659	8 851 844
Assets below R5000		45 453	9 067
Auditors fees	<b>12</b>	542 705	743 449
Bad debts written off		-	117 023
Bank charges		63 936	55 504
Chairperson's fees	<b>15</b>	175 000	210 000
Cleaning and sanitation		137 608	95 524
Computer expenses		491 064	396 518
Conciliation		731 215	625 455
Condonation		94 000	78 500
Consulting and professional fees		170 638	207 073
Consumables		85 345	25 743
Cost of quality control		157 500	157 625
Delivery expenses		29 607	16 777
Facilitation and Dispute prevention		4 330	39 317
Governance and provincial chambers		1 732 316	952 816
Employee wellness and SHE expenses		244 770	69 852
Implementation of Acts and Agreements		214 889	102 611
Insurance		611 845	555 721
International travel expenses		-	2 959

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2023

### Note 19 (cont.)

Administration expenses (cont.)	Notes	2022 R	2020 R
Fulltime Shopstewards	17	5 069 109	-
Legal Expenses		1 137 537	922 977
Loss on disposal of assets	2	-	13 004
Motor vehicle expenses		57 408	12 236
Municipal expenses		1 715 026	1 389 798
Printing and stationery		534 242	505 017
Refreshments		32 524	13 093
Rentals		1 859 750	1 767 779
Repairs and maintenance		571 280	550 102
Research		1 915 286	1 500
Security		967 798	1 021 582
Storage and removal		7 236	7 459
Subscriptions and license fees		893 957	1 078 996
Telecommunication costs and postal fees		593 125	540 421
Training		687 998	923 670
Travelling costs		185 768	136 257
Workman's compensation		62 439	61 592
		<b>34 350 998</b>	<b>23 286 312</b>



## ANNEXURE 1

### Fruitless and wasteful expenditure

“Fruitless and wasteful expenditure means expenditure which is made in vain and would have been avoided had reasonable care been exercised.

Where an investigation determines, a receivable will be recorded against an employee or party who has been found to have incurred the fruitless and wasteful expenditure. In instances where a receivable is not raised against an employee or the amount is irrecoverable, the General Secretary may write off the debt.

Fruitless and wasteful expenditure is accounted for in terms of the Council’s Supply Chain Management Policy.

Fruitless and wasteful expenditure	2023 R	2022 R
Opening balance	-	-
Add: Fruitless and wasteful expenditure incurred during the year	23 171	70 991
Less: Recovered during the year	(7 281)	(837)
Less: Condoned	(3 053)	(1 800)
Less: Reversed during the year	-	(68 354)
<b>Closing balance</b>	<b>12 837</b>	<b>-</b>

The fruitless and wasteful expenditure relates to training costs incurred for a DOE NC party member who did not attend an online course. The Council implements improved controls and where fruitless expenditure is incurred; such is recovered from the relevant official or party member.

## ANNEXURE 2

### Statement of Comparison of Budget and Actual amounts

	March-23			March-22				
	Actual	Budget	Variance	Variance %	Actual	Budget	Variance	Variance %
<b>TOTAL INCOME</b>	<b>116,008,274</b>	<b>106,327,966</b>	<b>9,680,308</b>	<b>9%</b>	<b>82,837,421</b>	<b>81,115,416</b>	<b>1,722,005</b>	<b>2%</b>
Revenue	101,301,969	99,029,134	2,272,835	2%	74,398,157	74,724,530	(326,373)	-0%
Other Income	14,706,304	7,298,832	7,407,472	101%	8,439,264	6,390,886	2,048,378	32%
<b>OPERATING EXPENSES</b>	<b>80,363,765</b>	<b>102,018,478</b>	<b>21,654,713</b>	<b>21%</b>	<b>64,321,350</b>	<b>78,451,865</b>	<b>14,130,515</b>	<b>18%</b>
Dispute Management Services	20,490,314	26,627,149	6,136,835	23%	16,767,427	17,725,925	958,498	5%
<b>Collective Bargaining Services</b>	<b>26,367,417</b>	<b>37,290,013</b>	<b>10,922,596</b>	<b>29%</b>	<b>17,534,390</b>	<b>26,945,258</b>	<b>9,410,868</b>	<b>35%</b>
CBS (NATIONAL)	22,087,924	29,172,957	7,085,033	24%	14,182,956	22,362,885	8,179,929	37%
Governance And Support Services	225,931	2,518,746	2,292,814	91%	426,125	801,993	375,868	47%
Chamber Expenses	4,053,562	5,598,310	1,544,748	28%	2,925,309	3,780,380	855,071	23%
<b>Corporate Services</b>	<b>11,805,483</b>	<b>13,403,974</b>	<b>1,598,491</b>	<b>12%</b>	<b>10,160,885</b>	<b>11,425,808</b>	<b>1,264,923</b>	<b>11%</b>
Media & Communications	363,968	496,806	132,838	27%	220,772	442,010	221,238	50%
Information Communication Technology	2,480,086	3,790,408	1,310,322	35%	2,651,715	2,996,799	345,084	12%
Human Resource	8,961,430	9,116,760	155,330	2%	7,288,397	7,986,999	698,602	9%
<b>Finance &amp; Supply Chain Management Services</b>	<b>13,507,143</b>	<b>14,469,991</b>	<b>962,848</b>	<b>7%</b>	<b>11,967,326</b>	<b>13,494,344</b>	<b>1,527,018</b>	<b>11%</b>
Supply Chain Management	3,891,390	4,361,014	469,624	11%	3,371,262	3,987,212	615,950	15%
Financial Accounting Services	9,615,753	10,108,977	493,224	5%	8,596,064	9,507,132	911,068	10%
<b>Executive Services</b>	<b>8,193,408</b>	<b>10,227,352</b>	<b>2,033,944</b>	<b>20%</b>	<b>7,891,322</b>	<b>8,860,530</b>	<b>969,208</b>	<b>11%</b>
<b>Surplus Before CAPEX</b>	<b>35,644,508</b>	<b>4,309,488</b>	<b>31,335,021</b>		<b>18,516,071</b>	<b>2,663,551</b>		
Capital Expenditure (CAPEX)	2,201,634	2,883,060	681,426	24%	449,669	1,589,330	1,139,661	72%
<b>Surplus After CAPEX</b>	<b>33,442,874</b>	<b>1,426,428</b>	<b>30,653,595</b>		<b>18,066,402</b>	<b>1,074,221</b>		



**REGISTERED NAME:**  
Education Labour Relations Council

**REGISTRATION NUMBER:**  
LR2/6/6/110

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