

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



**COLLECTIVE AGREEMENT  
NO. 4 OF 2009**

**FINALISATION OF MATTERS  
LINKED TO THE OCCUPATIONAL  
SPECIFIC DISPENSATION IN  
EDUCATION**

# EDUCATION LABOUR RELATIONS COUNCIL

## COLLECTIVE AGREEMENT NO 4 OF 2009

### Finalisation of matters linked to the Occupational Specific Dispensation in Public Education

#### 1. PURPOSE OF THIS AGREEMENT

The purpose of this collective agreement is to finalize matters linked to the Occupational Specific Dispensation in Public Education.

#### 2. SCOPE OF THIS AGREEMENT

This collective agreement applies to and binds:

- 2.1 The employer, and
- 2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998, whether such employees are members of trade union parties to this collective agreement or not.

#### 3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- 3.1 That there is an urgent need for parties to conclude discussions and negotiations on matters identified as crucial for the development and provisioning of quality public education.
- 3.2 ELRC collective agreement 1 of 2008 which created a framework for the implementation of the Occupational Specific Dispensation (OSD) for educators.
- 3.3 Paragraph 4 of ELRC collective agreement 1 of 2008.
- 3.4 Process matters emanating from ELRC collective agreement 2 of 2008.
- 3.5 That there is a need to investigate and research the salary structure applicable to educators in South Africa and to review the remuneration system in education.
- 3.6 That relevant work experience is vital in providing quality teaching.

- 3.7 That it is important to provide for pay progression as a measure to acknowledge performance in line with ELRC collective agreement 8 of 2003.

**4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:**

**4.1 Salary Structure**

- 4.1.1 That further research shall be commissioned by the ELRC around the current salary structure applicable to institution and office based educators.
- 4.1.2 That the ELRC shall appoint an actuary by 31 August 2009 to investigate the appropriateness of the current salary structure within education and further develops a proposed model which shall be discussed and finalized in the ELRC.
- 4.1.3 The work of the actuary must be completed by 30 November 2009.
- 4.1.4 Notwithstanding the above, parties commit to the processes relating to the review of the remuneration system for the entire public service as per PSCBC Resolution 2 of 2009.
- 4.1.5 A working group of the ELRC will be established to oversee and monitor implementation.

**4.2 Recognition of Experience**

- 4.2.1 With effect from 1 July 2009, experience shall be recognized based on the awarding of one notch for every 3 years worked, calculated from the date of employment as an educator in Public Education.
- 4.2.2 The new salary notch shall be calculated based on the position of the educator as on 30 June 2009.
- 4.2.3 The recalculation of the salary notch shall be limited to all educators with 3 and more years of actual service.
- 4.2.4 The current provisions relating to the recognition of relevant experience on appointment from outside public education shall still apply.

#### **4.3 Salary Progression and Accelerated Salary Progression**

- 4.3.1 That Salary Progression of 3% shall be paid to educators on 1 July 2009.
- 4.3.2. That the accelerated pay progression of 3% for good and 6% for outstanding performance shall be terminated with immediate effect.
- 4.3.3. The saving from this action shall be utilised for a 3% pay progression for 2009 and annual pay progression of 1% thereafter.

#### **4.4 Improvement of Conditions of Service for educators on REQV 10 - 12**

- 4.4.1 With effect from 1 July 2009 all educators on REQV 10 - 12 who have been appointed permanently in line with ELRC Agreement 4 of 2001 shall be moved to REQV 13 for salary purposes.

#### **4.5. Senior and Master Teachers**

- 4.5.1. All educators who would have qualified for grade progression to become Senior and Master Teacher in line with ELRC Collective Agreement 5 of 2006 shall receive a once-off cash bonus of 3% of the annual salary notch.
- 4.5.2. The implementation date will be with effect from 1 July 2009.

### **5. DATE OF IMPLEMENTATION**

The provisions of this Collective Agreement shall take effect on the date on which it is signed and shall be implemented in line with the process as outlined in the addendum.

### **6. INTERPRETATION AND APPLICATION**

- 6.1 In the event of any conflict between the provisions of this Agreement and any other Collective Agreement of the ELRC, the provisions of this Collective Agreement shall take precedence.

6.2 No amendments to this Collective Agreement shall be of force or effect unless reduced in writing and agreed upon by the parties to the ELRC as a Collective Agreement of the ELRC.

## 7. DISPUTE RESOLUTION

Any dispute about the interpretation or application of this collective agreement shall be resolved in terms of the dispute resolution procedure of the ELRC.

## 8. SIGNING OF THE AGREEMENT

Thus done and signed at Johannesburg on this 14<sup>th</sup> day of August 2009 by:

### ON BEHALF OF THE STATE AS EMPLOYER

| DEPARTMENT | NAME              | SIGNATURE          |
|------------|-------------------|--------------------|
| EDUCATION  | <i>D. Hendrie</i> | <i>[Signature]</i> |

### ON BEHALF OF THE EMPLOYEE PARTIES

| TRADE UNION | NAME                 | SIGNATURE          |
|-------------|----------------------|--------------------|
| CTU "SADTU" | <i>M.J. Maluleke</i> | <i>[Signature]</i> |
| CTU "SAOU"  |                      |                    |

**EDUCATION LABOUR RELATIONS COUNCIL**

**ADDENDUM TO ELRC COLLECTIVE AGREEMENT**

**NUMBER 4 OF 2009**

**THE PARTIES TO COUNCIL NOTE THAT:**

1. The conclusion of the outstanding matters emanating from ELRC Collective Agreement No. 1 of 2008 (The Framework for OSD for Educators in Public Education) is critical;
2. The provisions of ELRC Collective Agreement No. 4 of 2009 are uncontested between the parties and have been agreed to; and
3. The task team comprising of the Departments of Basic Education, Finance and Public Service and Administration and the Provincial Departments of Education and Finance has been constituted to work on a process of sourcing the funds required to implement the matters contained in ELRC Collective Agreement No. 4 of 2009.

**AND BELIEVING THAT:**

4. The solution to the outstanding matters raised lies in the provisions contained in ELRC Collective Agreement No. 4 of 2009.

**THEREFORE PARTIES RESOLVE THAT:**

5. The processes of sourcing funding shall be concluded by 31 August 2009;

A handwritten signature in black ink, appearing to be 'Mg', is written over a horizontal line. A long, thin horizontal line extends from the end of the signature towards the right margin.



**ADDENDUM**

6. A special ELRC bargaining meeting shall be convened on 4 September 2009 to deal with all matters of implementation of ELRC Collective Agreement No. 4 of 2009;
7. All the clauses relating to the implementation of ELRC Collective Agreement No. 4 of 2009 are linked to the processes which shall be concluded by 31 August 2009; and
8. The implementation of ELRC Collective Agreement No. 4 of 2009 shall therefore be effected retrospectively in accordance with the dates contained in the collective agreement.



**SIGNING OF THE ADDENDUM**

Thus done and signed at Johannesburg on this 14<sup>th</sup> day of August 2009 by:

**ON BEHALF OF THE STATE AS EMPLOYER**

| DEPARTMENT | NAME                                                                                | SIGNATURE                                                                             |
|------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| EDUCATION  |  |  |

**ON BEHALF OF THE EMPLOYEE PARTIES**

| TRADE UNION | NAME                                                                                | SIGNATURE                                                                             |
|-------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| CTU "SADTU" |  |  |
| CTU "SAOU"  |                                                                                     |                                                                                       |