

PROMOTION OF ACCESS
TO INFORMATION ACT
MANUAL



elrc

EDUCATION LABOUR
RELATIONS COUNCIL



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A. PARTICULARS

1. THE FUNCTIONS AND THE STRUCTURE OF THE EDUCATION LABOUR RELATIONS COUNCIL [SECTION 14(1)(A)]

1.1 What is the ELRC

The Education Labour Relations Council (ELRC) is a registered Bargaining Council that was established in terms of section 37 of the Labour Relations Act, No 66 of 1995 (LRA). The ELRC facilitates administratively and effectively the negotiation and consultation process as a bargaining chamber, and provides for a non-partisan forum for the prevention and resolution of disputes in the Public Education sector

1.2 Vision

To strive toward the continuous maintenance and promotion of labour peace and contributing toward the transformation and development of a quality South African Public Education Sector.

1.3 Mission Statement

To be the leading provider of quality, effective, efficient and non-partisan administration and facilitative mechanisms for labour peace and for the development of a quality South African Public Education Sector.

1.4 Values

The ELRC has adopted the following values: -

Batho Pele Principles :-

1. Discipline (adherence to behaviour that is generally accepted to be correct and proper).
2. Transparency (ease of analysis by an outsider).
3. Independence (minimise or avoid conflicts of interest).
4. Accountability (responsibility for actions and decisions taken).
5. Responsibility (allowance for corrective action & penalty for wrong doing).
6. Fairness (take a balanced account of all those with interest in the organization and its future).



7. Social Responsibility (aware of and responsive to the social issues, placing high priority on ethics).
8. Efficiency (Delivery of quality, economically viable service).

1.5 Strategic objectives of ELRC

1. To maintain and promote Labour Peace in the Public Education sector;
2. To prevent and resolve disputes in the Public Education sector;
3. To perform dispute resolutions functions as provided for by the Labour Relations Act, 1995;
4. To promote collective bargaining in relation to all matters of mutual interest;
5. To conclude and enforce collective agreements;
6. To conclude, supervise, enforce and administer agreements;
7. To accelerate service delivery and form partnerships;
8. To confer on workplace forums additional matters for consultation;
9. To determine by collective agreement the matters which may not be an issue in dispute for the purpose of a strike and lock-out;
10. Promote co-operation and development in Africa;
11. Broaden access to all through quality education;
12. Reduce levels of unemployment;
13. Provide services and opportunities in education; and
14. Skills Training.

1.6 Priorities

The Council is committed to contribute to the national effort: -

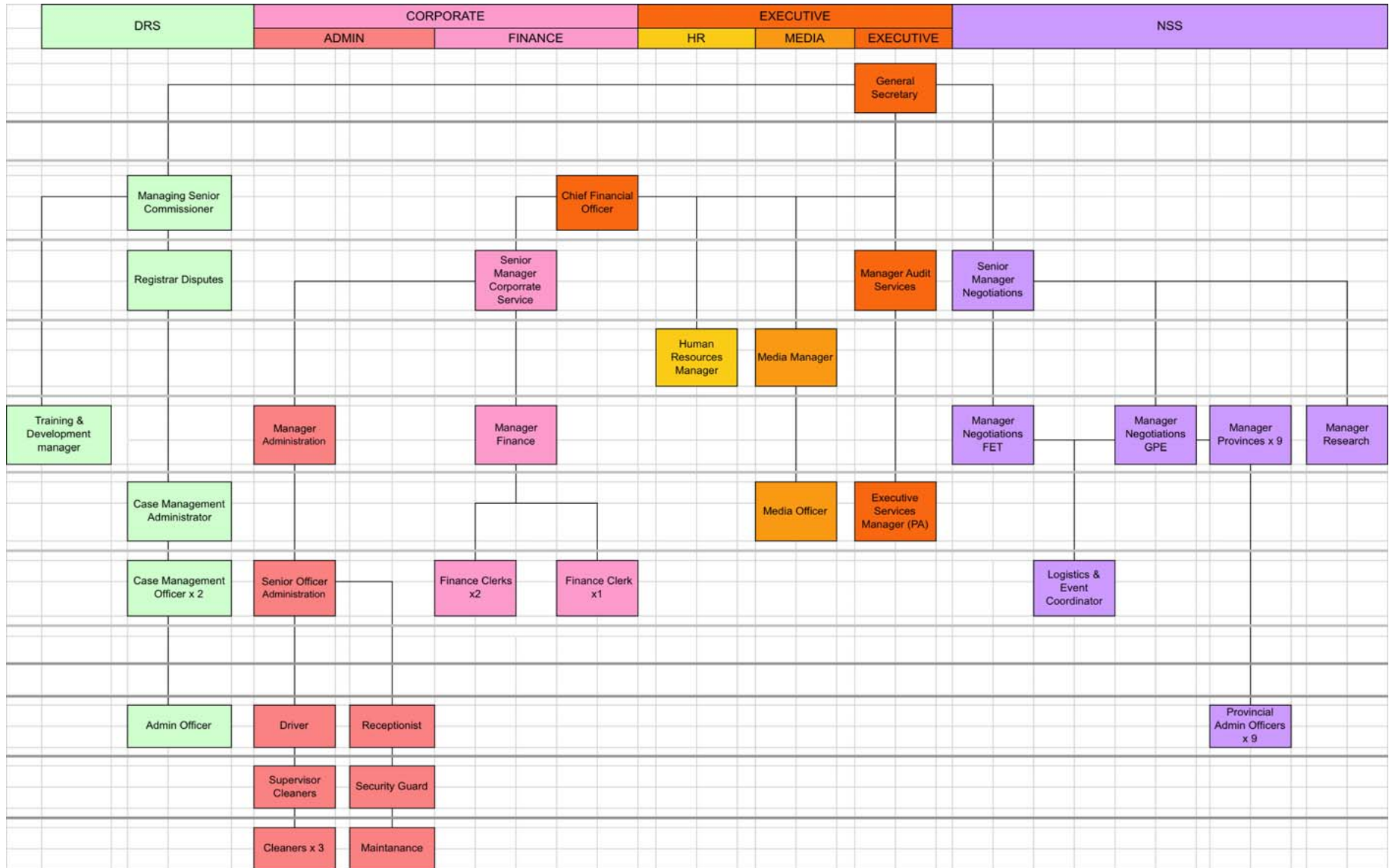
- To build an effective, efficient and caring council in the delivery of labour peace.



- ❑ To facilitate appropriate quality services in the resolution of disputes and effective negotiations.
- ❑ To complete all targeted time bound projects.
- ❑ Enable faster delivery of all core services (dispute resolution & negotiation).
- ❑ Equality and Transformation.
- ❑ Bring a better quality of education to all.
- ❑ Demonstrate a high level of Integrity and transparency in dispute resolution & negotiations.
- ❑ Effective Implementation of Collective Agreements and Arbitration awards.
- ❑ To promote training and build Capacity in Education.



ELRC ORGANOGRAM





1.7 The structure of the ELRC

The ELRC consists of a national office situated in Gauteng, and nine provincial offices. Each provincial office has a Provincial Secretary responsible for the overall functioning of the Province.

2. CONTACT DETAILS [SECTION 14(1)(B)]

Head Office

Physical Address:

261 West Street
Centurion
0042

Postal Address:

Private Bag X126
Centurion
0046

Contact numbers:

Tel: 012-663-7446
Fax 1: 012-663-9604

Email Address:

Reception: admin@elrc.co.za
General Secretary - gen.sec@elrc.co.za
Media Manager - media.pro@elrc.co.za

Provincial Information Officers

EASTERN CAPE - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Eastern Cape
Postal Address : P O Box 474, King Williams Town, 5600
Physical Address : Block A, Unit 2, Siwani Avenue, Bisho
Business Village, Bisho, 5605
Telephone Number : (040) 639 3535
Fax Number : (040) 639 3562

FREE STATE - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Free State
Postal Address : Private Bag X20565, Bloemfontein, 9300
Physical Address : Business Partners Building, cnr of East
Burger & Henry Street, Bloemfontein, 9300
Telephone Number : (051) 430 8927
Fax Number : (051) 430 5803

GAUTENG - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Gauteng
Postal Address : P O Box 5980, Johannesburg, 0046
Physical Address : Standard Bank House, 6th Floor, 20 Albert
Street, Johannesburg, 2000
Telephone Number : (011) 838 3155
Fax Number : (011) 838 3155

KWAZULU NATAL - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : KwaZulu Natal



Postal Address : P O Box 40045, Red Hill, 4071
Physical Address : 55 Church Street, Red Hill, 4071
Telephone Number : (031) 573 1777
Fax Number : (031) 573 1779

MPUMALANGA - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Mpumalanga
Postal Address : P O Box 4607, Nelspruit, 1200
Physical Address : 17 Samora Machel Drive, Office No 202,
2nd Floor, Mutual Place Building, Nelspruit,
1200
Telephone Number : (013) 755 3404
Fax Number : (013) 752 6769

NORTHERN CAPE - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Northern Cape
Postal Address : As per Physical Address
Physical Address : 95 Du Toit Span Building, Suite13, Du Toit
Span Road, Kimberley, 8300
Telephone Number : (053) 832 0247/8
Fax Number : (053) 832 0248

NORTHERN PROVINCE (LIMPOPO) - ELRC PROVINCIAL CHAMBERS

Postal Address : As per Physical Address
Physical Address : 8 & 10 Amy Park Building, Marshall Street,
Polokwane, 7000
Telephone Number : (015) 291 1460
Fax Number : (015) 295 3090

NORTH WEST - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : North West
Postal Address : As per Physical Address
Physical Address : 1st Floor, Mimosa Building,
Protea Park, Rustenburg, 0300
Telephone Number : (014) 592 0085
Fax Number : (014) 597 3399

WESTERN CAPE - ELRC PROVINCIAL CHAMBERS

Provincial Chamber : Western Cape
Postal Address : P O Box 13, Bellvile, 7530
Physical Address : 12th Floor, Sunbell Building
Cnr Old Paarl & Voortrekker Road, Bellvile,
7530
Telephone Number : (021) 945 3055
Fax Number : (021) 945 1254



3. ACCESS TO THE RECORD HELD BY THE ELRC [SECTION 14(1)(D)]

3.1 Automatic disclosures [Section 14(1)(e)]

National Head Office

Operations and Information Department:

- All policies and standard operating procedures

Research Unit:

- Information sheets
- ELRC Arbitration awards
- Selected Labour Court Judgments
- ELRC Labour Bulletin
- Codes of Good Practice
- Frequently Asked Questions
- Research documents
- ELRC Guidelines
- Contact details for labour related institutions

Library:

The public is allowed to utilise the library but cannot take books on loan. The following resources are available from the ELRC library:

- Books
- Journals
- Research Reports

Disputes Department:

- Dispute referral forms
- Information Sheets
- Contact details of labour related institutions
- Information on the status of case-related queries
- Arbitration awards and rulings

Corporate Services

- Finance Department
 - All financial policies and standard operating procedures
 - Annual financial statements
- Administration Department
 - All Administration policies and standard operating procedures
 - Information Technology
 - All IT polices and standard operating procedures
 - Minutes
 - Project Status
 - Strategic planning
 - Security Standards



- IT Infrastructure (LAN/WAN)
- Software matrix
- Software version
- Backup selections and strategies

Human Resources Department

- All Human Resources policies and standard operating procedures

Provincial Offices

All policies and procedures as indicated above
All referral forms
Information sheets

3.2 Records that may be requested [Section 14(1)(d)]

Description of the subjects and categories for records held by the ELRC:

Operations and Information Department

- Contracts with publishing companies:
 - Legal Information network
 - Butterworths on line
 - Butterworths CD's
 - Juta CD's
- Quarterly and annual reports

Corporate Services

- Finance Department

- Asset Register
- Quarterly financial statement
- Budgets
- Strategic plans
- Finance statistics
- MTEF submissions

- Administration Department

- Vendors
- Tenders
- Rental agreements
- Lease agreements

- Information Technology Department

Reports produced requiring consolidation, for example:

- IT project reports
- Anti virus report service level agreement reports
- Hardware/software procurement report
- SLA reports- system generated



- Inventory reports
- Server reports
- Ad hoc reports (any information required from the any of the databases can be extracted using Crystal report or queries on request)

Human Resources Department

- Employment records
- Salary structures
- Employment Equity plan
- Work on the Skills Development Act

Negotiation Support Services

- Accreditation documents
- Collective agreements

Provincial requests

- Case files
- Staff meeting minutes
- Statistics on settlement rates
- Case load by province
- Disputes by categories
- Awards

3.3 The request procedures

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal as mentioned hereunder:
 - mandatory protection of the privacy of a third party who is a natural person;
 - mandatory protection of commercial information of a third party;
 - mandatory protection of certain confidential information of a third party;
 - mandatory protection of the safety of individuals and the protection of property;
 - mandatory protection of records privileged from production in legal proceedings;
 - mandatory protection of research information of a third party and protection of research information of a public body;
 - manifestly frivolous and vexatious requests or substantial or unreasonable diversion of resources;
 - mandatory protection of economic interests and welfare of the Republic and commercial activities of public bodies.



Nature of the request

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner he/ she has asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- The requester must provide the information officer with sufficient particulars to enable the officer to identify the requester and the requested record [s 18(2)(a)].
- The requester must indicate the language in which he or she prefers to receive the requested record [s 18(2)(b)].
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee s22:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the



request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The requested record will be withheld by the information officer until the requester has paid the applicable fee [s 22(5)].
- If a request for access to information is refused, the information officer will repay the deposit to the requester [s 22(4)].

4. SERVICES AVAILABLE [SECTION 14(1)(F)]

4.1 Nature of services

The services of the ELRC are schematically depicted in the diagram on the following page.



SERVICES THE ELRC PROVIDES TO THE PUBLIC

**DISPUTE RESOLUTION
SERVICES**

Panelists

- Conciliations
- Arbitrations
- Facilitations
- Con/Arb processes

**NEGOTIATIONS SUPPORT
SERVICES**

- Workshops

**OPERATIONS &
INFORMATION
DEPARTMENT**

- Access to records such as Collective Agreements
- Information on Education and Research



4.2 How to gain access to these services

To gain access to the above services at the ELRC, requests must be made to the relevant department as indicated below: Refer to Contact Details [Section 14(1)(b)] for details related referring to the ELRC's provincial offices

General Secretary

Email : gen.sec@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0432
Fax : 012 663 9599

CFO

Email : cfo@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0451
Fax : 012 663 9599

Media Manager

Email : media.man@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0442
Fax : 012 663 9599

Senior Manager: Negotiation Support Services

Email : neg.hod@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0440
Fax : 012 663 8189

Senior Manager: Dispute Resolution Services

Email : gen.sec@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0452
Fax : 012 643 1601

Senior Manager: Corporate Services

Email : corporate.hod@elrc.co.za
Physical Address : 261 West Street, Centurion, 0046
Postal Address : Private Bag X126, Centurion, 0046
Telephone : 012 663 0449
Fax : 012 643 6904



5. ARRANGEMENT ALLOWING FOR PUBLIC PARTICIPATION [SECTION 14(1)(G)]

If members of the public have any queries or concerns regarding the ELRC and would like to participate in the formulation of policy, they would have to apply through the General Secretary or contact any member of the social partners under whose constituency such member belongs to. For example, if the member of the public were a unionist, he would have to refer the matter to the constituency that represents labour.

6. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH [SECTION 14(1)(H)]

The requester can lodge an internal appeal with the General Secretary of the ELRC (Information Officer). The requester can lodge an appeal related to:

- A decision not to grant access to a record;
- The fee charged;
- A decision to extend the time period to deal with the request; or
- The body refusing to give the requester the record in the form he or she asked for.

The procedure is as follows:

- The requester would be required to complete the relevant appeal form C, within 60 days.
- After completing the form, the requester must send the form to the information officer.
- A requester may request to be informed of the outcome of the appeal in any manner other than a written reply, for example, by e-mail or telephone.
- The person appealing must supply their contact details and may also be required to pay an appeal fee. (The fee is not payable when not asking for private information, the current fee is currently R35 for public bodies)
- The information officer must respond to the request within 10 working days and if the request was refused the information officer must give reasons for refusing in terms of the Act.

7. OTHER INFORMATION AS PRESCRIBED IN TERMS OF THE ACT [SECTION 14(1)(I)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of Section 92 to be placed here.

8. UPDATING OF THE MANUAL [SECTION 14(2)]

A public body must, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than a year.



9. AVAILABILITY OF THE MANUAL [SECTION 14(3)]

Regulation No. R 187 of 15 February 2002 prescribes, in Section 4(1) that the manual of a public body must be made available in the following manner:

- A copy in each of the three official languages must be made available to every place of legal deposit as defined in Section 6 of the Legal Deposits Act, 1997; the South African Human Rights Commission; and every office of that public body.
- The manual is to be published in three of the official languages in the Gazette.
- The manual is to be made available on the website, if any, of the public body.

10. REQUEST TO THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR THE COMPILATION OF ONE MANUAL [SECTION 14(4)(A) AND SECTION 14(4)(B)]

If the functions of two or more public bodies are closely connected, the Minister may, on request or of his or her own accord, determine that the two or more bodies compile one manual only.

The public bodies in question must share the cost of the compilation and making available of such manual as the Minister determines.

11. EXEMPTION BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FROM ANY PROVISION OF THIS SECTION FOR A DETERMINED PERIOD [SECTION 14(5)]

For security, administrative or financial reasons, the Minister may, on request or of his or her own accord, by notice in the *Gazette*, exempt any public body or category of public bodies from any provision of this section for such period as the Minister thinks fit.



B. PRESCRIBED FEES FOR PUBLIC BODIES

<p style="text-align: center;">PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 FEES IN RESPECT OF PUBLIC BODIES</p>
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1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1a-e) and 7(3)(1a-e) are as follows:

Type of copy requested	Fees
For every photocopy of an A4-size page or part thereof	R0, 60
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0, 40
For a copy in a computer-readable form on Stiffy disc	R5, 00
For a copy in a computer-readable form on Compact disc	R40, 00
For a transcription of visual images, for an A4-size page or part thereof	R22, 00
For a copy of visual images	R60, 00
For transcription of an audio record, for an A4-size page or part thereof	R12, 00
For a copy of an audio record	R17, 00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3)(1) (f) are as follows:
 - To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
5. For purposes of section 22(2) of the Act, the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable; and
 - One third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.



C. PRESCRIBED FORMS FOR ACCESS TO A RECORD OF A PUBLIC BODY

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
[Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)]
[Regulation 2]

FOR DEPARTMENTAL USE

Reference number:

Request received by:
(state rank, name and surname of information office / deputy information officer) on (date)
at.....(place)

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R.....

..... Signature of Information Officer / Deputy Information Officer

a. PARTICULARS OF PUBLIC BODY

The Information Officer / Deputy Information Officer:

.....
.....
.....
.....
.....

b. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which the information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:



Postal address:.....

 Fax number:
 Telephone number:
 E-Mail address:.....
 Capacity in which request is made when made on behalf of another person:

c. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:
 Identity number:.....

d. PARTICULARS OF RECORD

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Description of record or relevant part of the record:

Reference number (if available):.....

Any further particulars of record:

e. FEES

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason therefore.*

Reason for exemption from payment of fees:



f. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 – 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

**Mark the appropriate box with an 'X'.*

- (a) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form:

- copy of record*
- inspection of record*

2. If record consists of visual images:

This includes photographs, slides, video recordings, computer-generated images, sketches, etc.

- view the images*
- copy of the images*
- transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack (audio cassette)*
- transcription of soundtrack (written or printed document)*

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record*
- printed copy of information derived from the record*
- copy in computer-readable form (stiffy or compact disc)*

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you. A postal fee is payable.



- Yes
- No

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available

In which language would you prefer the record?

g. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record:
.....
.....

Signed on this day of

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

.....