

EDUCATION LABOUR RELATIONS COUNCIL KWAZULU NATAL CHAMBER

RESOLUTION NO.1 OF 2001

1. PREAMBLE

- 1.1 The DEC (KZN) advertises thousands of posts annually and, the number of applications often total a few hundred thousand. Should 2% of the applications result in disputes, this would amount to as many as 6 000 disputes.
Manpower and Resources within the ELRC would not be able to cope with that amount of disputes for KZN alone.
- 1.2 Chapter H of PAM provides for a grievance handling mechanism but owing to the nature and dynamics of promotions disputes, it would not be possible to adopt the procedure without variation.
- 1.3 Disputes results in posts, remaining unfilled for a lengthy period of time and this prejudices the applicants, teacher organisations, SGBs, learners and the Employer.
- 1.4 It is therefore imperative that a quick, and efficient grievance handling mechanism be inserted to resolve grievance handling mechanism before they become disputes.

2. SCOPE OF THE AGREEMENT

This agreement shall bind the following categories of persons/parties.

- 2.1 All teacher organisations that are party to the KZN chamber of the ELRC and their members that are employed by the DEC(KZN)
- 2.1 All applicants that are not members of any party to the KZN chamber of the ELRC.
- 2.3 All school Governing Bodies of KZN that have educators employed in terms of the Employment of Educators Act 76 of 1998.
- 2.4 The Department of Education and Culture of KwaZulu Natal.

3. GRIEVANTS

Grievants can be :

- i. Applicants or Trade Unions on behalf of applicants that have reason to believe that they have been prejudiced by the conduct of any party in the promotions process.
- ii. Trade Unions that have had persons to observe the process should they believe that the process was unfair.

4. SUBMISSION OF GRIEVANCES

- 4.1 Promotion grievances must be lodged within 7 days of the grievance (breach) having occurred, or within 7 days of the grievant becoming aware of the alleged breach or contravention.
- 4.2 A grievance must be set out in the prescribed form and submitted to the Regional Office that has jurisdiction e.g. grievances that occur within Empangeni Region must be submitted to the Empangeni Regional Office.
Names of the responsible officers and addresses of the different regional offices are listed in Annexure A.

5. GRIEVANCE HANDLING COMMITTEE

- 5.1 Each Region would appoint a panel of 3 officials, of which one will act as a secretary, to hear evidence and make an appropriate recommendation/s within 2 days of completion of hearing. In order to resolve the grievance to the satisfaction of all affected parties, the committee shall have the right to call any party/person to present information if the committee is of the view that, that party/person has relevant information or may be directly affected by the outcome of the hearing.

6. RECORDS OF HEARINGS

All records of grievance hearings, including minutes, recommendations etc. must be kept by the secretary in a safe place at the regional office, for future reference.

7. REPRESENTATION

Grievants are entitled to be represented by the union. Representation by a legal practitioner is not permitted.

8. ACCEPTANCE/NON ACCEPTANCE OF RECOMMENDATION

- 8.1 Should the grievant or his/her representative accept the recommendation of the committee, such acceptance must be reduced to writing and the agreement shall constitute an agreement between the DEC (KZN) and the grievant.
- 8.2 Should the agreement not accept the recommendation and remain aggrieved, he/she may pursue the dispute via the ELRC and will serve a copy of the referral form to the Labour Relations Directorate of KZN.

9. VARIATION

This agreement shall not be varied unless reduced to writing and accepted by all parties to the KZN Chamber of the ELRC.

THUS DONE AND SIGNED ON

_____ DAY OF _____ 2001

ON BEHALF OF THE EMPLOYER

NAME _____ SIGNATURE _____

ON BEHALF OF THE EMPLOYEE PARTIES

NAPTOSA: NAME _____ SIGNATURE _____

SADTU: NAME _____ SIGNATURE _____

SAOU: NAME _____ SIGNATURE _____