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**Education Labour Relations Council
KwaZulu Natal Chamber**

RESOLUTION 2 OF 2002

THE ABSORPTION OF DISPLACED EDUCATORS

1.PURPOSE

To ensure that all educators displaced in terms of HRM 12 of 1997 are suitably absorbed into educational institutions.

2.SCOPE

This agreement shall bind the KwaZulu Natal Department of Education and Culture, all educators employed by the KwaZulu Natal Department of Education and Culture and all parties to the KwaZulu Natal Chamber of the Education Labour Relations Council.

3.PARTIES TO THE CHAMBER NOTE :

That since 1997 many educators have been displaced from their institutions owing to violence and intimidation.

Currently a large number of such educators have not been able to secure permanent positions at other institutions and have been seconded to other schools.

4.DATE OF IMPLEMENTATION

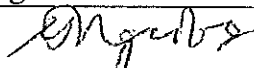
This agreement shall be effective from 23 August 2002.

5.DISPUTE RESOLUTION

Any dispute arising from this agreement shall be referred to the Council for resolution in terms of its constitution.

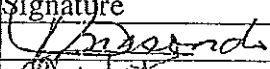
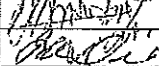
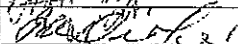
THUS DONE AND SIGNED AT DURBAN TEACHERS CENTRE ON THE

_____ DAY OF _____ 2001 BY

Department	Name	Signature
Department of Education and Culture -- KwaZulu Natal	G. N. NGCIBO	

ON BEHALF OF THE STATE AS EMPLOYER

AND

Trade Union	Name	Signature
Naptosa	V. B. MASONDO	
Sadtu	N. G. GWABAZA	
Saou	T. M. Diker	

ON BEHALF OF LABOUR.

Annexure 1

RESOLUTION 2

2002

The suitable absorption of displaced educators

1. Parties to the Chamber note the following:
 - a) HRM 12 of 1997 is an agreement of Chamber which sets out the procedures to deal with educators who have been displaced due to violence, intimidation etc;
 - b) The Labour Relations Act and other applicable labour legislation;
 - c) The Employment of Educators act, 1998;
 - d) The Personnel Administration Measures (PAM);
 - e) The South African Schools Act;
 - f) ELRC Resolution 5 of 1998
 - g) ELRC Res. 2 of 2001
 - h) PSCBC Resolution 7 of 2002
2. The purpose of this agreement is to expedite the suitable absorption of educators who were displaced in terms of HRM 12 OF 1997.
3. The parties therefore agree to the following procedure for the suitable absorption of displaced educators
 - a) **Post Level 1 Educators**
 - I. All displaced educators (PL 1) shall be deemed in surplus at the institutions to which they were substantively appointed.
 - II. The provisions and procedures that apply to placement of educators declared in surplus shall apply to Displaced Educators.
 - III. Displaced educators must be automatically shortlisted for vacancies advertised in open lists, provided that they apply for such posts.
 - IV. Transfer of displaced educators must be effected in terms of applicable legislation and regulations.

b) Promotion Post Holders

- i. The Employer shall make every endeavor to facilitate the safe return of displaced Promotion Post Holders to the schools from which they were displaced. *28 Feb. 2003 to complete the PRP*
- ii. Should such attempts not be successful, the Employer shall negotiate cross transfers within the district, in the first instance, thereafter within the region and finally within the Province. *31 March 2003 to complete the process. End of April (it involves negotiations)*

NB

Such cross transfers shall only be effected if the educators concerned and the respective school governing bodies are in agreement.

3 meetings in Secondment

- iii. After placement attempts as envisaged in terms of clauses (i) and (ii) above have been completed, the names of the remaining displaced educators shall be placed on a special transfer list. *SA meeting to May 16 May 2003*
- iv. Posts occupied by such educators shall be advertised in a closed list and only the educators whose names appear on the Special Transfer List shall be eligible to apply for such posts. *3 May 2003 closing date 30 May 2003*

NB

Transfer lists and posts shall be categorized in terms of posts levels and Displaced Educators shall only be eligible to apply for posts at the same level as their current substantive posts.

- v. It is compulsory for educators to apply for at least 5 posts. Should there be fewer than 5 posts for which the educator is eligible, the displaced educator is required to apply for all posts that have been advertised on the specific level.
- vi. Should there be educators on the special transfer list who were not successful in securing any post on the closed list, such educators shall be held additional to the establishment for a reasonable period.

Definitions:

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1/1/03

"Displaced educator" means an educator who has been displaced in terms of HRM 12 of 1997.

"Department" means the KwaZulu Natal Department of Education and Culture;

"Closed list" means a list advertising the substantive posts of all displaced Educators.

"Special Transfer List" means a list of Displaced Educators according to their post levels.

