



**Provincial Education Labour Relations Chamber
EASTERN CAPE**

COLLECTIVE AGREEMENT NO 1 OF 2008

**PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT
SUBSTANTIVE POSTS**

1. Objective

To provide for procedure to appoint temporary educators who occupy vacant substantive post level 1 posts permanently.

2. Definitions

"Institution-based educator" means an educator employed in terms of the Employment of Educators Act, 1998 as amended who works in a public school.

"Temporary educator" for the purpose of this agreement refers to those temporary educators who are professionally qualified and who are appointed against vacant and substantive post level one posts.

"Substantive post" is a funded post on the approved post establishment of the Department.

3. Scope

This agreement applies to and binds:

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

4. The parties to this agreement note as follow:

- 4.1. That Section 6B of the Employment of Educators Act, 1998 as amended allows the Head of Department after consultation with the

**COLLECTIVE AGREEMENT NO 1 OF 2008
PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT SUBSTANTIVE
POSTS**

R
MMD
ED

governing body of a public school to convert the temporary appointment of an educator appointed to a post on the educator establishment of the public school in to a permanent appointment in that post without the recommendation of the governing body.

- 4.2 That subject to the regulations G.N.1451 of 2002 published in *Government Gazette* No.24077 dated 15 November 2002 on educator post provisioning for educational institutions, the Head of Department is required to notify all educational institutions of their educator post provisioning, which may increase / or decrease the number of posts at a particular institution.

5. The parties to the provincial chamber agree as follows:

5.1 Temporary educators in public schools:

- 5.1.1 That all temporary institution-based educators on post level 1 who meet the minimum requirements for appointment and who are in vacant substantive post level 1 posts or are appointed in the period referred to in 5.1.2 as the result of the completion of the verification of SNE learners in the mainstream, shall with effect from the date of signing of this agreement be appointed permanently in those vacant substantive posts.
- 5.1.2 The process including their identification and appointment shall begin on the date of signing of this agreement and shall lapse after a period of three months from the date of signing.
- 5.1.3 In order to give effect to 5.1.1 above, the curricular needs of the institution where there are vacant substantive posts shall be the guiding principle.
- 5.1.4 The principal of the affected school shall consult the school governing body on the matters agreed to in this agreement and dealt with in Section 6B of the Employment of Educators Act, 1998 as amended.
- 5.1.5 Before sending the name(s) of a qualifying educator(s) to the District Director determined in terms 5.1.4, the principal must call a staff meeting to inform them of his/her intentions to recommend the qualifying educator(s). Minutes of the said meetings must be forwarded to the relevant District Directors.
- 5.1.6 After receipt of the recommendations from the principal, the employer shall confirm an appointment in writing.
- 5.1.7 A permanent appointment shall be deemed to be completed when a temporary educator referred to in paragraph 5.1.1 of this agreement receives confirmation of permanent appointment.

COLLECTIVE AGREEMENT NO 1 OF 2008
PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT SUBSTANTIVE
POSTS

R
MMD
AB

5.1.8 The employment status of temporary educators who are appointed against vacant substantive promotion posts as well as unqualified temporary educators shall be investigated by a joint task team of the Employer and Trade Unions to the PELRC. The joint task team must submit its recommendations to the STANCO meeting scheduled for 19 August 2008, unless otherwise agreed to by the Parties.

6. Ratification of this agreement

This agreement shall come into effect on the day the Education Labour Relations Council (ELRC) ratifies it.

7. Disputes resolution procedure

Any dispute about the interpretation or application of this agreement shall be dealt with according to the dispute resolution procedure of the ELRC.

8. Date of implementation

This agreement shall come into effect on the date it is signed, unless otherwise indicated in any paragraph of this agreement.

This done and signed in BHISHO
 on this 7 of AUGUST 2008

On behalf of the Provincial Employer

	NAME	SIGNATURE
EASTERN CAPE DEPARTMENT OF EDUCATION	R. PRETORIUS	<i>R. Pretorius</i>

On behalf of Employee Parties

TRADE UNION PARTY	NAME	SIGNATURE
"CTU" SADTU	M. DIMAZA	<i>M. Dimaza</i>
"CTU" SAOU	<i>C. Seemman</i>	<i>C. Seemman</i>

COLLECTIVE AGREEMENT NO 1 OF 2008
 PERMANENT APPOINTMENT OF TEMPORARY EDUCATORS IN VACANT SUBSTANTIVE
 POSTS

R
MMD
EST