

Resolution

No 11

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION No. 11 OF 1996

ESTABLISHMENT OF WORKPLACE FORUMS

1. The parties to the Council note the following:

- (a) ~~legislation dealing~~ *the Schedule to the Act which will deal* with workplace forums in the public service as provided for by section 207(4) of the Labour Relations Act, 1995 has, as yet, not been finalised;
- (b) a task team has been established to research workplace forums in the public service and will submit a report on the concept to workplace forums to the Joint Labour Relations Task Team of the Public Service by mid-October 1996; and
- (c) the educator sector, due to the specific nature of this sector, has indicated its preference to do its own research and report to the task team referred to in (b), before they submit their report on the special Schedule to be added to the Labour Relations Act, 1995 by the Minister for the Public Service and Administration, after consulting the PSCBC.

2. The parties therefore agree that -

- (a) workplace forums will not be established in the educator sector until such time as the parties are clear on how workplace forums, or other similar structures, will operate in the public service, especially the educator sector, and at which stage any party may refer the matter to Council; and
- (b) the matter be referred to the Research Committee for investigation in order to comply with the requirements of paragraph 1(b) and (c) above.

SIGNED AT PRETORIA ON THIS 26 DAY OF August 1996.

On behalf of the employer.

On behalf of the employee parties.

Signature

Signature

Party

[Handwritten signature]
.....
.....

.....
.....

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

[Handwritten signature]

RESOLUTION

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION 2 OF 1995

MEASURES WITH REGARD TO THE DISTRIBUTION OF FUNDS FROM THE EMPLOYEE AND EMPLOYER FUNDS ESTABLISHED IN TERMS OF RESOLUTION 3 OF 1994, and MATTERS PERTAINING TO AUDITING OF PAID UP MEMBERSHIP OF EMPLOYEE PARTIES TO THE COUNCIL.

The employer- and employee organisations as defined in section 1 of the Education Labour Relations Act 1993, 146 of 1993, who are parties to the Education Labour Relations Council established in terms of section 6 of the said Act, agree in terms of section 12 of the Act that:

1. All employee parties will submit their certified and audited membership records to the secretary for auditing by the auditors of the council before 31 July, in order to enable the secretary to determine the said membership, which the secretary will do in terms of clause 10(22)(e)(i) of the constitution of the Council before 31 August 1995.

2. The funds available in both the employee fund and the employer fund established in terms of council resolution 3 of 1994, after provision has been made for expenditure of the council of an amount of R 50 000 to date, shall be divided between and paid over to the employee parties forthwith as follows:

2.1 20% of the funds available in the respective funds after provision for expenditure of the council for an amount of R 50 000 to date, and thereafter provision for actual expenditure with regard to each following specific calendar month, shall be retained in the funds and invested in an interest bearing bank account, pending the final determination of the paid up membership of employee parties and the ~~comprehensive~~ ^{substantive} implementation of the deduction of levies by the employer parties in terms of resolution 3 of 1994.

2.2 The balance of the funds so available shall be paid to employee parties in the following shares, from the employee fund until final determination of paid up membership in terms of the constitution of the council and from the employer fund until such time as the employer parties shall have ~~comprehensively~~ ^{substantively} implemented resolution 3 of 1994:

[Handwritten signatures and initials are present throughout the page, including a large signature on the left side and several initials on the right side.]

- one half to The South African Democratic Teachers' Union

- one half to all other employee parties pro rata to their respective shares of the 60% of the vote weights of employee party votes that have been allocated to them in terms of the resolution in this regard dated 23 March 1994 as amended.

3. The amount retained in the employee fund in terms of 2.1 above shall be distributed to employee parties after final determination of paid up membership and vote weights for the following year: Provided that such distribution shall be made pro rata based on finally determined paid up membership and shall take into account all previous distributions in terms of 2.2 above. No employee party shall have any claim against the council or any other employee party with regard to distributions paid in terms of 2.2.

4. Amounts paid to the employee parties from the employer fund as an interim measure in terms of this resolution until such time as the employer parties shall have ^{substantially} ~~comprehensively~~ implemented the deduction of levies in terms of resolution 3 of 1994 and the payment thereof to the council, shall be recoverable by the employer fund from the employee fund, free of interest and in installments to be agreed by the parties to the council, in the executive committee.

Signed at Pretoria on 13 July 1995.

Employer Parties

Employer Parties

Party

Signature

Party

Signature

Party	Signature	Party	Signature
<i>Bankers</i>	<i>Dept of Education with duty for DET & ADECS and by det. and delegates</i>	<i>SUTA</i>	<i>[Signature]</i>
<i>L.D. [unclear]</i>	<i>North West P.</i>	<i>APP</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>[unclear]</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>TO</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>W.C.F.D.</i>	<i>ASAE</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>F.P.E. Phelps</i>	<i>APPA</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>NATU</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>OVSDV</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>OFSDA</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>OPSTA</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>CATU</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>SATU</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>SHCU</i>	<i>[Signature]</i>
<i>[unclear]</i>	<i>[unclear]</i>	<i>SACU(224)</i>	<i>[Signature]</i>

Handwritten notes and signatures on the left side of the page, including 'M. J. L. D. N.', 'H. J. L. D. N.', and various illegible signatures.

Handwritten signature in a circle.

Handwritten signatures and initials on the right side of the page.

Handwritten signatures and initials at the bottom center of the page.

In the Arbitration proceedings pursuant to the AGM of 1996 of the Education Labour Relations Council ("ELRC") concerning the determination of vote weights

The parties to this arbitration agree as follows:

1. The South African Democratic Teachers Union (SADTU) has 51% (fifty one per cent) of the vote weight until the next annual general meeting of the ELRC.
2. The remaining 49% of the vote weight shall be shared amongst all the other admitted parties to the ELRC.
3. The parties agree to this settlement agreement being made an award by the arbitrator.

Dated at Pretoria on 16 August 1996.

Basagwan
For and on behalf of
SADTU

[Signature]

[Signature]
For and behalf of
APEK, CATU, CTPA,
NATU, OFSATA, OVSOV,
SAAVSE, SAOF, SAOU
SAOV (KZN), SATA, ASAE and TO

[Signature]
Secretary of ELRC.

[Signatures]