

EDUCATION LABOUR RELATIONS COUNCIL

Established in terms of the LRA of 1995 as amended



RESOLUTION 5 OF 2001

6 JULY 2001

**AMENDMENT OF MEASURES IN ORDER TO
EXTEND AND CLARIFY THE PROVISIONS
FOR THE APPOINTMENT OF EDUCATORS
WHO ARE NOT PROFESSIONALLY QUALIFIED**



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RESOLUTION NO 5 OF 2001

AMENDMENT OF MEASURES IN ORDER TO EXTEND AND CLARIFY THE PROVISIONS FOR THE APPOINTMENT OF EDUCATORS WHO ARE NOT PROFESSIONALLY QUALIFIED

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to agree on amendments to current measures in order to provide for the permanent appointment to certain posts of persons who are not professionally qualified and to clarify the position of such professionally unqualified educators in the education system.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

2.1 The employer, and

2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998, whether such employees are members of trade union parties to this agreement or not

3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

3.1 The current measures in PAM provide for the permanent appointment of a person who is otherwise sufficiently qualified, but who is not professionally qualified as an educator to certain posts such as a "post for technical subjects". Developments in the technical college and other sectors have been such that teachers and lecturers also need to be recruited from trade and industry for other learning areas than technical subjects, such as tourism and maritime studies. The requirement that these lecturers must be professionally qualified makes it extremely difficult for institutions to recruit suitable candidates for appointment.

3.2 The current measures in PAM regarding the appointment and promotion of professionally unqualified educators are unclear and are causing a great deal of confusion.

3.3 Proposed amended paragraphs 2.1 and 2.2 of Chapter B of PAM are at Annexure A. The paragraphs provide for additional learning areas for

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which a teaching qualification is not required. It also rephrases the general requirements for appointment in order to clarify certain uncertainties.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

To amend measures regarding the appointment of educators in order to extend the provision for permanent appointment of educators who are professionally unqualified. It is agreed to recommend to the Minister of Education to amend paragraphs 2.1 and 2.2 of Chapter B of PAM by replacing them with the paragraphs in Annexure A.

5. ADOPTION AND DATE OF IMPLEMENTATION

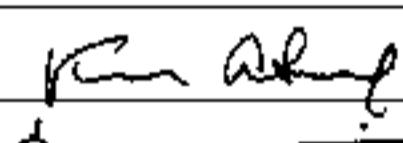
This agreement shall, in respect of parties and non-parties, come into effect on the date it is signed in Council

6. DISPUTE RESOLUTION

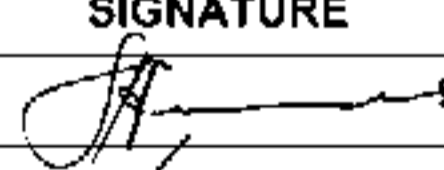
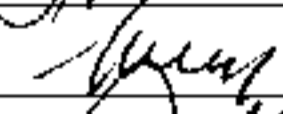
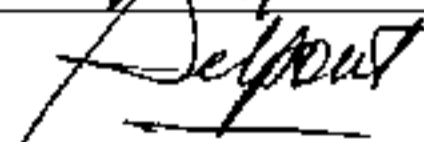
Any dispute arising from the provisioning of this agreement shall be referred to the ELRC for resolution.

Thus done and signed at Centurion on the 6th day of July 2001 by:

ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	KADEL ABMAH D. Hlindwe	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
NAPTOSA	H. Hendricks	
SADTU	M. Mkhay	
SAOU	P. Delpont	

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2. APPOINTMENTS IN EDUCATION

2.1 Definition

The concept 'appointment' includes the following:

- (a) Employment in a full-time or part-time capacity. This includes employment in a shared capacity where more than one educator is appointed to a post.
- (b) The first appointment of a person as an Educator by an education department.
- (c) The transfer of an educator to a higher, an equal or a lower post level grading within the same education department or from one department to another.
- (d) The reappointment, after a break in service, of an educator by an education department.
- (e) The appointment of an educator can be in a permanent or temporary capacity. If the appointment is in a temporary capacity, it is for a fixed period. Appointment in a temporary capacity can either be to a substantive vacant post or as a substitute for another educator who is temporarily not occupying his or her post.

2.2 Minimum requirements for appointment

(a) Educational qualifications

- (i) In order to qualify for appointment as an educator a person must have at least a recognised three year qualification (REQV13) which must include appropriate training as an educator.
- (ii) Notwithstanding the requirements set out in paragraph (i), a person appointed to any one of the following posts, is not required to be a qualified educator but must comply with the relevant requirements for appointment as set out in the document "Evaluation of Qualifications for Employment in Education":

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- Posts for Technical Subjects, including Hair Care
 - Posts for Technical Drawing
 - Posts for Instrumental Music
 - Posts for Practical Ballet, National Greek Dances, History of Ballet and Anatomy
 - Posts for training in the Hotel and Catering Industry
 - Accompanist posts for Ballet
 - Posts for Speech and Drama
 - Posts for the teaching of Nursing at Schools for Learners with Special Educational Needs
 - Posts for Television production and maintenance
 - Librarian posts at colleges and departmental head office libraries
 - Posts of Education Therapists, Psychologists and Social Workers/Pedagogues
 - Posts for the offering of instructional programmes in the Engineering field of study
 - Posts for the offering of instructional programmes in the fields of study of Business Studies, Art, Agriculture, Computer and Information Studies, Maritime Studies, Utility Services and Social Services
- (iii) Notwithstanding the requirements set out in paragraph (i), the Minister may approve the appointment, to educator posts outside education institutions, of persons who have not been trained as educators in cases where such training is not a prerequisite to perform the duties attached to the specific educator post, but who are otherwise suitably qualified to perform such duties. The total number of such appointments

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to posts in provincial education departments as well as the Department of Education may not exceed 100.

- (iv) Notwithstanding the requirements set out in paragraph (i), a person who does not comply with the minimum qualification requirements, but who is already employed as an educator in terms of previous measures that provided for his or her appointment, may retain his or her employment status in terms of the measures that applied when he or she was appointed.
- (v) With the exception of persons appointed to posts referred to in paragraphs (ii) or (iii), a person who is appointed from outside education and who is not appropriately qualified, may only be appointed in a temporary capacity. These appointments are regarded as individual relaxations of the requirements.
- (vi) Persons who qualify for appointment in a permanent capacity in terms of paragraphs (i) to (iv), may also be promoted to appropriate posts on higher post levels.
- (vii) Notwithstanding the provisions in paragraphs (ii) to (vi), preference should in all cases be given to appropriately qualified applicants for any educator post.

(b) Experience

(i) Post level 1

Unless otherwise required by the provisions for the filling of posts referred to in paragraph (a)(ii), no experience is required for appointment to posts at post level 1.

(ii) Post level 2-6

The minimum requirements in respect of experience for appointment to promotion posts are as follows:

Post level	Minimum Experience required (years)
2	3
3	5
4	7
5	8
6	9

Educator's actual as well as appropriate experience must be taken into account for purposes of appointment at post levels 2 and higher.

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