

**EDUCATION LABOUR RELATIONS COUNCIL**  
*Established in terms of the LRA of 1995 as amended*



## **COLLECTIVE AGREEMENT 2 OF 2018**

**25 SEPTEMBER 2018**

**AMENDMENTS TO PARAGRAPH B 8.5.2 & B 8.5.3  
OF THE PERSONNEL ADMINISTRATIVE  
MEASURES**

H.M. My

**EDUCATION LABOUR RELATIONS COUNCIL****COLLECTIVE AGREEMENT 2 OF 2018****AMENDMENTS TO PARAGRAPH B 8.5.2 & B 8.5.3 OF THE PERSONNEL ADMINISTRATIVE MEASURES****1. PURPOSE OF THIS AGREEMENT**

The purpose of this agreement is to amend and repeal respectively measures regarding the reappointment of educators after a break in service contained in Paragraph B 8.5.2 & B 8.5.3 of Chapter B of the Personnel Administrative Measures.

**2. SCOPE OF THIS AGREEMENT**

This agreement applies to and binds:

- 2.1 The Employer, as defined in the Employment of Educators Act 76 of 1998 as amended;
- 2.2 The Trade Unions in the Education Sector; and
- 2.3 All employees of the employer as defined in the Employment of Educators Act 76 of 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 Education Labour Relations Council Resolution No. 6 of 1996: Residual Issues Emanating from Resolution No 3 of 1996 (Paragraph 6 of Annexure A).
- 3.2 Education Labour Relations Council Resolution No 7 of 2001: New Leave Measures for Educators and Provision for the Remuneration of Educators who Perform Child Care Duties during Periods of Leave.
- 3.3 Lack of knowledge fueled by rumours and a distrust of the pension laws reforms led to a spike in the number of teachers and public servants resigning to access their pensions and immediately thereafter seek to re-enter the profession. This has resulted in instability and threatened the commitment of Provincial Departments of Education (PEDs) to ensure that there is a right teacher, at the right time, in the right class teaching effectively.

**4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:**

4.1 To request the Minister of Education to amend Paragraph B 8.5.2 & B 8.5.3 of Chapter B of the Personnel Administrative Measures in accordance with the attached document (Annexure A).

**5. 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**

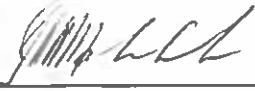
Any dispute arising from the application or interpretation of this collective agreement shall be referred to the *Council* for resolution in terms of its dispute resolution procedures.

**THUS DONE AND SIGNED AT CENTURION THIS THE DAY OF 25 September 2018**

**ON BEHALF OF THE STATE AS THE EMPLOYER**

DEPARTMENT	NAME	SIGNATURE
BASIC EDUCATION	H.M. Murecci	

**ON BEHALF OF THE EMPLOYEE PARTIES**

TRADE UNION	NAME	SIGNATURE
SADTU	MUGWENA MALULEKE	
CTU-ATU		

**ANNEXURE A****DETERMINATION OF SALARIES****B.8.5.2 Educators who are reappointed after a break in service**

**B.8.5.2.1** An educator who is appointed after a break in service shall always be appointed to the entry level salary notch code of the salary band of the post to which he/she has been appointed under the following conditions:

- (a) Should an educator resign or retire and comes back in service on the same level and has more than 6 years of uninterrupted service on that particular post level, such an educator shall be awarded additional 6 notches to the minimum (entry) notch of the post which he/she is appointed.
- (b) Should an educator resign or retire and comes back in service on the lower post level and has more than 6 years of uninterrupted service on any post level, such an educator shall be awarded additional 6 notches to the minimum (entry) notch of the post which he/she is appointed.
- (c) Should an educator resign or retire and comes back in service on the same level and has less than 6 years of uninterrupted service on that particular post level, such an educator shall be appointed to the minimum (entry) notch of the applicable post.
- (d) Should an educator resign or retire and comes back in service on the lower level and has less than 6 years of uninterrupted service on that particular post level, such an educator shall be appointed to the minimum (entry) notch of the applicable post.

**B.8.5.2.2 Recognition of actual experience for promotion purposes:**

- (a) The educator's years of actual experience will still be considered for promotion purposes. E.G. If a deputy principal applies for a promotion post of deputy principal again after a break in service, his/her actual years of service will still be recognised for promotion purposes.

**B.8.5.2.3 Appropriate experience obtained outside public education for determination of salary:**

- (a) The provisions as outlined in Chapter B.8.4.3.1 relating to the above-mentioned in the determination of salary will not apply to educators who have resigned or retired and reappointed.