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Clarification on NAPTOSA Representation in TVET and CET Colleges

It has come to our attention that uncertainty exists at some TVET and CET Colleges regarding the implementation of the Department of Higher Education and Training's Collective Bargaining *Circular No. 1 of 2025*, particularly in relation to the CTU-ATU acting together arrangement.

NAPTOSA is a recognised and admitted trade union within the Public Service Coordinating Bargaining Council (PSCBC) and the Education Labour Relations Council (ELRC). As such, NAPTOSA continues to enjoy all organisational rights afforded to recognised trade unions in terms of the *Labour Relations Act, 66 of 1995 (LRA)* and applicable collective agreements.

Neither the Circular nor the CTU-ATU acting together arrangement removes NAPTOSA's status as a recognised trade union or its right to represent its members.

The CTU-ATU arrangement is intended to regulate representation within the collective bargaining environment of the ELRC, where the parties have agreed to act jointly for purposes of bargaining and related ELRC activities.

This arrangement does not extend beyond the scope of ELRC collective bargaining structures.

Labour Forums established at college level are not structures of the ELRC. They are workplace consultative forums established to deal with labour relations and operational matters at institutional level. Consequently, representation in these forums is governed by the applicable legislative framework and recognised organisational rights, and not by the CTU-ATU bargaining arrangement.

Accordingly, where NAPTOSA has members within a college, it is entitled to represent those members in Labour Forums and other workplace engagements affecting their employment interests.

The Labour Relations Act protects the rights of registered and recognised trade unions to organise, represent and advance the interests of their members. These rights include representing members in workplace matters and participating in structures where recognised trade unions are entitled to representation.

Any interpretation of the Circular that seeks to prevent NAPTOSA from representing its members in workplace Labour Forums merely because of the CTU-ATU arrangement is, in our view, inconsistent with both the purpose of the arrangement and the organisational rights recognised by the Labour Relations Act.

NAPTOSA is currently engaging the Department of Higher Education and Training to obtain formal clarification regarding the implementation of the Circular to ensure that there is a uniform understanding across all TVET and CET Colleges.

We are confident that this engagement will dispel the misconception that the CTU-ATU arrangement limits NAPTOSA's ability to represent its members outside the ELRC bargaining environment.

NAPTOSA remains fully committed to protecting the rights and interests of every member. Members are encouraged to continue approaching their NAPTOSA representatives for assistance and representation.

Should any college deny NAPTOSA representation in a Labour Forum or other workplace structure on the basis of an incorrect interpretation of the Circular, members are requested to notify their Provincial Office immediately so that appropriate intervention can take place.

NAPTOSA will continue to keep members informed of developments.

Mr BL Manuel
Executive Director