

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



**COLLECTIVE AGREEMENT
NUMBER 2 OF 2009**

**MATTERS IDENTIFIED FOR
COLLECTIVE BARGAINING IN
PUBLIC EDUCATION**

Collective Agreement Number 2 of 2009 - MATTERS IDENTIFIED FOR COLLECTIVE BARGAINING IN PUBLIC EDUCATION
- 14th August 2009



17/08/2009
AW

EDUCATION LABOUR RELATIONS COUNCIL

COLLECTIVE AGREEMENT NO 2 OF 2009

Matters Identified for Collective Bargaining in Public Education

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to provide for a list of priority areas identified for collective bargaining. However, Parties still reserve the right to place any other matter for collective bargaining on the agenda of the ELRC if they so wish.

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 That there is an urgent need for parties to conclude discussions and negotiations on matters identified as crucial for the development and provisioning of quality public education.
- 3.2 ELRC Collective Agreement No. 3 of 2002 which dealt with the Performance Management Development System for Office Based educators.
- 3.3 ELRC Collective Agreement No. 8 of 2003 which dealt with the establishment of the Integrated Quality Management System (IQMS).
- 3.4 ELRC Collective Agreement No. 1 of 2008 which created a framework for the implementation of the Occupational Specific Dispensation (OSD) for educators.
- 3.5 Specific challenges relating to:
 - 3.5.1 Teacher Appraisal
 - 3.5.2 The finalization of the Education Management System for School and Office based management
 - 3.5.3 The need for a job evaluation for Office based educators

- 3.5.4 The finalization of the Teaching and Learning Specialist and Senior Teaching and Learning Specialist Categories
- 3.5.5 The need to finalize the processes relating to the Recognition of Prior Learning (RPL) of educators for qualification purposes.
- 3.6 The intended revision and amendment of the Personnel Administrative Measures (PAM).
- 3.7 ELRC Collective Agreement 2 of 2008 which dealt with anomalies, inequities, backlogs and the incorrect and or non implementation of collective agreements.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

4.1 Teacher Appraisal

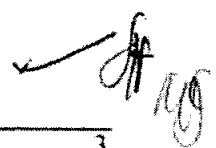
- 4.1.1 That issues relating to teacher appraisal will find expression during the discussions in the upcoming Teacher Development Summit.
- 4.1.2 The ELRC will finalize the issues relating to teacher appraisal taking into account the discussion and recommendations emanating from the Teacher Development Summit.
- 4.1.3 A working group of the ELRC will be established prior to the commencement of the Teacher Development Summit and will meet immediately thereafter to expedite the finalization of this matter.
- 4.1.4 The working group must conclude their work and make recommendations to the ELRC within three months from the time of the Teacher Development Summit.

4.2 Education Management Service (EMS) for School and Office Based Management

- 4.2.1 All principles relating to the Education Management Service (School and Office Based Management) shall be subjected to further negotiations in the ELRC and will be finalised by 30 August 2009.

4.3 Job Evaluation for Office Based Educators

- 4.3.1 An ELRC Task Team will be established to investigate the disparities that exist in the employment of office based educators by 20 July 2009.



4.3.2 The Task Team will consider all elements, including a work study to determine the appropriate grading of Office based educator posts.

4.3.3 The Task Team must conclude their investigation and submit their recommendations to Council by October 2009.

4.4 Teaching and Learning Specialists and Senior Teaching and Learning Specialists

4.4.1 All issues relating to the creation and filling of these posts will be referred to a working group of the ELRC to be established by 20 July 2009.

4.4.2 The working group must conclude their discussions and submit their recommendations to ELRC by the end of August 2009.

4.5 Recognition of Prior Learning (RPL).

4.5.1 That issues relating to RPL will find expression during the discussions in the upcoming Teacher Development Summit.

4.5.2 All educators who are part of the categories related to under and unqualified educators shall have an opportunity to be subjected to the RPL and upgrading processes for qualification purposes.

4.5.3 The ELRC will finalize the issues relating to RPL, taking into account the discussion and recommendations emanating from the Teacher Development Summit.

4.5.4 A working group of the ELRC will be established prior to the commencement of the Teacher Development Summit and will meet immediately thereafter to expedite the finalization of this matter.

4.5.5 The working group must conclude their work and make recommendations to the ELRC within three months from the time of the Teacher Development Summit.

4.6 Revision of the PAM

4.6.1 To establish a Task Team by 1 July 2009 which will consider the revision and amendment of the Personnel Administrative Measures (PAM).

4.6.2 The Task Team will submit its first report to the ELRC by 30 October 2009.

4.7 Anomalies and Backlogs

- 4.7.1. That an auditing firm be appointed by the employer to comply with the responsibilities contemplated in paragraph 4.2 of ELRC Collective Agreement 2 of 2008, as well as to include the correctness of the OSD translations emanating from ELRC Collective Agreement 1 of 2008.
- 4.7.2. That said auditing firm will complete the required process, where after the employer will implement the recommendations before or on 30 March 2010.

5. DATE OF IMPLEMENTATION

The provisions of this Collective Agreement shall take effect on the date of signing.

All dates in this agreement that have expired or have been affected by another date other than the date of signing of this agreement shall be reviewed by the parties at an ELRC bargaining meeting of the 4th of September 2009.

6. INTERPRETATION AND APPLICATION

- 6.1 In the event of any conflict between the provisions of this Collective Agreement and any other Collective Agreement of the ELRC, the provisions of this Collective Agreement shall take precedence.
- 6.2 No amendments to this Collective Agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the ELRC as a Collective Agreement of ELRC.

7. DISPUTE RESOLUTION


Any dispute about the interpretation or application of this Collective Agreement shall be resolved in terms of the dispute resolution procedure of the ELRC.

8. SIGNING OF THE AGREEMENT

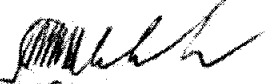
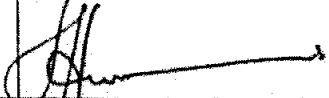
Thus done and signed at Johannesburg on this 14th day of August 2009
by:



ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	D. Huddle	

ON BEHALF OF THE EMPLOYEE PARTIES

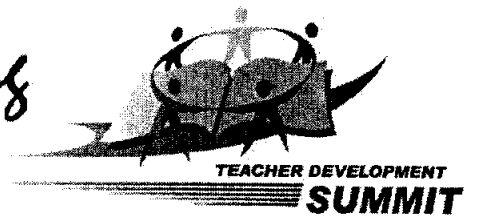
TRADE UNION	NAME	SIGNATURE
CTU "SADTU"	M. J. Mawake	
CTU "SAOU"	H. Hendricks	

DECLARATION

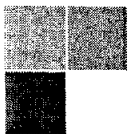
Teacher Development Summit 29 June – 2 July, 2009

2 July | 09

Perfecting the art of teaching



LAYOUT AND DESIGN BY ELRC



*17/08/2009
AW*



Teacher Development Summit 29 June – 2 July, 2009 *Declaration, 2 July 2009*

Preamble:

The Teacher Development Summit ('the Summit') of 29 June to 2 July 2009 represents an important historical moment: it has been a national gathering of all stakeholders, who have come together as a result of a call from teachers themselves through their organised formations and supported by the Department of Education, the Education Labour Relations Council (ELRC), the South African Council for Educators (SACE) and the Education, Training and Development Practices Sector Education and Training Authority (ETDP SETA). The Summit has been a rare and important opportunity to think afresh and innovatively about the many challenges relating to teacher development.

Practising teachers were strongly represented among the Summit participants, and made their voices heard both in the formal sessions and a special round table discussion in which they shared their experience of teacher development activities, both positive and negative.

Higher education institutions, represented by the HESA Deans of Education Forum, participated in all aspects of the Summit, both to listen and contribute to a common vision for teacher development.

This Declaration represents the consensus achieved among participants at the Summit that will form the basis for a new, strengthened, integrated national plan for teacher development.

1. NOTING THAT:

- 1.1 South African teachers come with different historical qualifications and educational backgrounds, the majority of which were developed under apartheid structures that deliberately disadvantaged and underdeveloped large sections of the population. This has resulted in major differences in the development needs of teachers across the system, particularly with respect to confidence and competence in dealing with the National Curriculum Statement and changes in education more broadly.
- 1.2 Teachers continue to work in different and unequal contexts and with different levels of resourcing and support, especially in rural schools in comparison with urban schools and township schools compared with suburban schools.
- 1.3 A large number of serving teachers are not fully qualified (in terms of current requirements), and unqualified teachers continue to be employed, especially in rural schools, which exacerbates the already existing inequities in the system; we therefore continue to experience the consequences of inherited inequities in terms of equity of access to and the quality of teacher development.
- 1.4 The National Policy Framework for Teacher Education and Development (NPFTED) was published in 2007 after a long process of consultation and research with the intention of bringing clarity to a number of longstanding issues and providing the basis for several important innovations.
- 1.5 SACE is responsible for the endorsement of teacher development programmes to ensure quality and relevance and for implementation of the CPTD management and information system, including maintaining a database to track teachers' professional development.

Perfecting the art of teaching

- 1.6 Collective agreements negotiated in the ELRC have made provision for professional development of educators, including the provision for teachers to devote 80 hours per year to teacher development.
- 1.7 There is a shared commitment to improve access to and the quality of teacher development and promote professionalism in teaching.

2. BELIEVING THAT:

- 2.1 The quality of teachers impacts directly on the quality of learning and education more broadly, and therefore improving the quality of teacher education and development in the system is a national priority.
- 2.2 Equity in the provision of teacher development is a fundamental requirement of both social justice and quality education.
- 2.3 Teacher development is both a right and an individual and collective responsibility of teachers, and as such should be jointly owned and driven by teachers and their organisations and by the State and other employers. Teachers need to be informed of what is available and how they can access development opportunities.
- 2.4 The core aims of teacher development are to:
 - 2.4.1 achieve sustainable improvement in the quality of teaching and learning in the classroom;
 - 2.4.2 redress past neglect in the provision of teacher education as a result of apartheid policies; and
 - 2.4.3 enable teachers to improve their knowledge, competence, confidence, morale and professionalism, including attitudes to lifelong learning.
- 2.5 We must respond more effectively and efficiently to inherited inequalities in access to and the quality of teacher development.
- 2.6 The roles of, and the relationships among, the bodies with responsibilities for teacher development need to be clearly defined.
- 2.7 Schools are sites where teachers learn and practice their craft and develop their professional skills, values and identities.
- 2.8 The evaluation and appraisal of teachers should inform teacher development processes.
- 2.9 Although teacher development initiatives on their own can improve the quality of teaching and learning, their impact can be maximized within a wider context which includes:
 - 2.9.1 effective leadership at all levels of the system;
 - 2.9.2 functional schools;
 - 2.9.3 effective district and provincial support structures; and
 - 2.9.4 sufficient dedicated national resourcing.
- 2.10 There must be a new, strengthened, integrated national plan for teacher development which targets the needs of teachers more effectively and efficiently.



3. THE SUMMIT PARTICIPANTS RESOLVE THAT:

- 3.1 A new, strengthened, integrated national plan for teacher development be developed that:
 - 3.1.1 defines clear roles, responsibilities and innovative, collaborative relationships among the key stakeholders for the improvement of teacher development;
 - 3.1.2 relates key decisions to the broader context of teacher supply, utilisation and demand;
 - 3.1.3 defines the appropriate institutional arrangements for the delivery of key components of teacher development such as teacher education and professional development;
 - 3.1.4 contains clear priorities and realistic timeframes for implementation;
 - 3.1.5 recognises the needs of ECD practitioners and Foundation Phase educators as a particularly important aspect of the plan;
 - 3.1.6 reduces the overload of policy prescriptions and regulations;
 - 3.1.7 provides for an equitable, adequate and efficient allocation of funds and other resources (including the source and destination of such funds and resources) to enable all teachers to perfect the art of teaching – the central concept underpinning the Summit; and
 - 3.1.8 provides a platform for the development of robust human resource management and information systems that facilitate equitable and efficient provision of and support for teacher development.

The plan will address the following issues:

3.2 *Appraisal and evaluation*

- 3.2.1 A clear, coherent policy and regulatory environment will be designed for both teacher appraisal and teacher development, which teachers and other role-players can easily understand and with which they can readily engage.
- 3.2.2 Teacher appraisal for purposes of development will be delinked from appraisal for purposes of remuneration and salary progression.
- 3.2.3 IQMS will be streamlined and rebranded. Mechanisms for identifying and responding to teacher development needs will be improved, particularly in relation to developing curriculum competence that will enhance the quality of teaching and learning in our schools. This should be done in a way that secures the trust and confidence of teachers, so that they are able to discuss their own challenges in a non-punitive environment and are able to access relevant mentoring, support and training that is targeted to their needs.

3.3 *DoE support and resourcing*

- 3.3.1 DoE will identify budgetary resources for teacher development (including the Skills Development Levies) and how they are currently used.
- 3.3.2 Teacher development provision for state-employed teachers will be properly funded as a national competence in order to meet system needs and priorities.
- 3.3.3 DoE and provincial education departments will develop coherent, cooperative and streamlined structures and credible capacity for teacher development and support within a national framework which integrates all aspects of teacher education and development, and develop credible capacity.

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3.3.4 Relationships between provincial and district-based structures (district offices and teacher development centres or institutes) and their capacity to support teacher development must be examined and strengthened.

3.3.5 DoE will, in collaboration with all the key stakeholders, research and prioritise system needs for the production of quality teacher development programmes which respond to urgent needs within defined timeframes and are managed on a sustainable basis.

3.4 Provisioning

3.4.1 DoE, in collaboration with teacher unions and stakeholders, including HEIs, will resource appropriate structures and modes of delivery of teacher development to ensure that support is accessible to all our teachers, including programmes provided by a variety of role-players such as teacher unions and teacher development institutes.

3.4.2 To address the demand for new teachers with required curriculum competence, particularly for rural areas, and to provide quality teacher development opportunities for all teachers wherever they are, with due consideration of educational and economic costs and benefits, urgent attention and consideration must be given to:

3.4.2.1 the opening of colleges, in response to widespread calls for such a move, and the form that this might take, including aspects of pre-service and in-service training; and

3.4.2.2 alternative models for strengthening the institutional capacity of the system as a whole.

3.4.3 DoE will support HEIs, teacher unions and NGOs to develop their capacity to design and create responsive curricula based on the needs of teachers and the system focusing particularly on the skills, practices and content knowledge required to improve the quality of learning and teaching in the classroom.

3.4.4 The DoE, together with teacher unions, will ensure that the utilisation of teachers' time allocated to teacher development is beneficial to the teacher and results in improved quality in the classroom.

3.4.5 A streamlined system for the recognition of professional competence must be developed to assist permanent underqualified and unqualified teachers (as defined in the ELRC collective agreement) to benefit from appropriate salary grading.

3.4.6 To examine the modalities, including RPL, resource requirements and implications for teacher development to achieve the ideal that all teachers will reach the level of REQV 14 as soon as practically possible.

3.5 Management of the post-Summit process

3.5.1 The mandate of the Teacher Development Summit Steering Committee will be extended to oversee the development of the plan for teacher development, and to report on progress to the Minister within three months of the Summit with the intention of commencing roll-out in 2010.