

Feedback: ELRC bargaining meeting

An ELRC meeting was held on 3 December 2024 where the following issues were discussed:

Investigation of irregular appointment of under-qualified Grade-R practitioners as educators in public schools

The employer previously reported that under-qualified Grade R-practitioners were appointed in public schools, which necessitated sourcing of a legal opinion on the way forward. Subsequently, a task team was established to investigate the matter. The legal opinion advised that the Department could approach the court to set aside the appointments. However, it was resolved that the employer could draft a collective agreement on the upgrading of qualifications for under- and unqualified Grade-R practitioners, considering the inputs of the task team rather than termination of these employees. The said agreement will be subjected to the concurrence and mandate from the Heads of Education Departments Committee (HEDCOM). The employer reported that there is no decision yet as the outcome of HEDCOM is awaited and labour noted the report.

Overtime exceeding 30% for staff involved in examination-related work

The employer placed the item on the agenda noting that examination-related work will necessitate overtime beyond the 30% threshold as stipulated in the *Basic Conditions of Employment Act*. The Department was further advised by the DPSA that the matter is transversal as it is not only markers, observers, and educators who are involved but also employees employed under the *Public Service Act*. Upon engagement with the DPSA, endorsement was given for the Department to approach the Department of Employment and Labour, hence a letter was written to the Minister to get the approval. The PSCBC was also consulted, which also provided endorsement. Labour raised concern that marking had already started before the matter could be resolved, noting that marking has been happening all the years and the same was expected. The employer assured the labour that the employer is dealing with the matter.

Conditions of service: Grade-R educators

A task team was established to deal with the conditions of Grade-R educators. A concern was raised about the pending implementation of the *BELA Act* and its impact. The much-awaited proclamation date for absorption of Grade R as part of the foundation phase will create a challenge for the ELRC. Critical issues that require urgent attention include career pathways for the educators, addressing illegal appointments, the *modus operandi* to upgrade their qualifications to ensure alignment with the

Employment Educators Act and adoption of Grade-R educators. There is also an issue of infrastructure for the Department that needs to be addressed as some Grade-R classes are not even operating in school yards. Noting that the upgrade of qualification and career pathing is the mandate of the South African Council for Educators (SACE), it was resolved that a joint task meeting must be arranged between ELRC and SACE task teams. Labour raised concerns that January is approaching, and the matter is yet to be concluded, which creates uncertainty for Grade-R educators regarding their future. However, the Department assured labour that it is ready to appoint Grade-R educators in terms of the *Employment Educators Act*.

Draft proposed review: Promotion requirements

The employer had previously tabled the review of the promotion requirements, which was referred to the task team. The task team presented the draft document. Labour requested an opportunity to consider the document to get a mandate from their principals and revert in the next bargaining meeting. The employer was also advised to put the document in the normal draft of a collective agreement and not bearing the departmental logo.

Correction and replacement of Annexure A6: Collective Agreement 2/2022

The employer had tabled the matter after picking up some errors on Annexure A6 of ELRC Collective Agreement 2/2022 pertaining to summative sheet. The current version of Annexure A6 (Composite score sheet for school-based therapists, psychologists, counsellors) has the wrong sub-total (76) for Performance Standard 6 and consequently and incorrect total of 228. The correct sub-total for Performance Standard 6 should be 68 and the correct total for all Performance Standards should be 220. Labour supported the amendment, and the employer was advised to correct this and present the Collective Agreement for approval.

Reports from provincial ELRCs

The second quarter reports pertaining to vetting of educators, teacher wellbeing/safety in schools and implementation of ELRC national agreements were presented for noting. Labour raised concerns about the status of the reports and inconsistency of the reporting information. Parties were advised that once the collective agreement is concluded, the matter is no longer a matter of mutual interest but a right to the members and non-implementation must be treated as such.

Amendments to PAM

The employer previously tabled the proposed amendments to the PAM and *Government Gazette No 38249*, dated 27 November 2014. The employer requested the approval for the Minister to gazette these amendments, but labour requested two weeks to consider the document and to get mandate from their principals.

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