



DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION



DIE IDENTIFISERING VAN BOTALLIGES EN MOONTLIKE VERPLASING/TRANSFER OF SERVING EDUCATORS ITO OPERATIONAL REQUIREMENTS



TRANSFER OF SERVING EDUCATORS ITO OPERATIONAL REQUIREMENTS



- ELRC Collective Agreement no. 4 of 2016 – 23 Aug 2016
 - Replaces CA 2 of 2003
 - CA applies to and binds;
 - The employer, and
 - All educators of the employer as defined in the EEA
- Annexure A
 - B.6.1 Operational requirements are based on, but not limited to;
 - Change in learner enrolment
 - Curriculum changes
 - Change to grading or classification of an institution
 - Merging or closing of institutions
 - Financial constrains

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- B.6.2
 - Subject to regulations on PPN, the HOD must inform each institution of its new PPN.
 - The new PPN may provide for fewer posts
 - As a result, some serving educators may be in addition to the new PPN
- B.6.3
 - Principal must inform his staff of the new PPN and the procedure that will follow identifying educators that will in excess.
 - This information must be accessible to all members of the staff
- B.6.4
 - Identifying educators in addition need not to be performed annually, but at least once every 36 months

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- B.6.4.1
 - The Principal may recommend that educators in addition, be absorbed in current vacancies or future vacancies (not longer than 6 months)
- B.6.4.2/3
 - After considering B.6.4.1 the CM/DM together with the Principal shall identify educators in addition based on the following:
 - Views of the staff in a formal meeting
 - Needs of the institution
 - ✓ Specific curriculum obligations
 - ✓ Number of classes
 - ✓ Timetable
 - ✓ Allocation of learners to classes
 - If two or more educators are competing for the same posts after abovementioned process, LIFO shall be applied
 - ✓ All continuous service at any public education institution must apply
 - Union reps invited to observe the process
 - Identified educator in addition shall be informed in writing by the PDE

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- B.6.5
 - Procedure to follow in filling vacancies when dealing with educators in addition to the PPN
 - E'er may transfer to another post matching skills and experience (sect 6 and 8)
 - E'er may only transfer on recommendation of such a school
 - E'er shall provide a list of vacancies and their profiles for educators to make choice
 - If educator fails to make a choice, E'er reserves the right to make a choice on behalf of the educator
 - E'er shall submit choices of educators to relevant SGB of school for consideration and recommendation within 2 months
 - HOD may temporarily transfer educator without recommendation for a stated period (sect 8(5))
 - If none of the vacancies match the educator's choice, E'er must give educator an opportunity to make written submissions, e.g. personal reasons within 5 days before final decision
 - After final decision E'er must give educator 30 days to report at new place of work

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- B.6.9
 - Role of the Arbitrator in respect to the process above
 - An ELRC arbitrator shall have the jurisdiction to set aside the decision of the E'er to transfer an educator and refer the decision back to the E'er if:
 - ✓ The educator has not been given an opportunity to make presentations
 - ✓ The educator has not been given an reasonable notice of date to report for duty at new school
 - ✓ The E'er has failed to apply his/her mind to the presentation given by the educator, if the arbitrator finds that the E'er has acted irrationally, the arbitrator shall consider the following:
 - ❖ Operational requirements remain the ultimate and overriding factor when deciding on a transfer
 - ❖ Best interests of the learners
 - ❖ Remoteness of the new school
 - ❖ Educators' situation of childcare or care of family
 - ❖ Availability of alternative means to care for family left behind as result of the transfer
 - ❖ Educators in addition must be transfer to another place of work

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- An Arbitrator in an interpretation, application or enforcement of the measures outlined above dispute, shall:
 - ✓ Not have any jurisdiction to determine where an educator shall be transferred, this falls within the prerogative of the E'er
 - ✓ not have jurisdiction to award compensation



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Dankie / Thank you

