

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




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EDUCATION LABOUR
RELATIONS COUNCIL

COLLECTIVE AGREEMENT NUMBER 5 OF 2016

23 August 2016

LEVY AGREEMENT

 M.G. A.M.

EDUCATION LABOUR RELATIONS COUNCIL

COLLECTIVE AGREEMENT NO. 5 OF 2016 LEVY AGREEMENT

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to increase the levies collected from the employer and employees in order to finance the operations of the Council.

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 All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended) 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.1 of 2002.
- 3.2 Education Labour Relations Council Collective Agreement No. 3 of 2007.
- 3.3 The constitution of the Council provides for the raising of levies from the employer and the employees in order to finance the expenditure of the Council.
- 3.4 The parties to the Council have agreed to a joint and equal contribution by the employer and employees.
- 3.5 The trade union parties to this agreement have as their members the majority of employees employed by the employer in the workplace.
- 3.6 For the purpose of this agreement, the parties agree that the registered scope of the Council constitutes the workplace.

4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:

4.1 Levies

- 4.1.1 Each employee must pay a levy of **R7.50** per month to the Council with effect from **1 April 2017**.
- 4.1.2 This agreement will be reviewed after 5 (five) years of the date of implementing this agreement.
- 4.1.3 Every month the employer must deduct each employee's levy from the employee's basic salary. The employer must pay the employees' levies to the Council on or before the 15th day of the month following the month on which the deductions were made.
- 4.1.4 Each payment must be accompanied by an electronic schedule specifying the date of the deductions and the total amount of deductions in each province.
- 4.1.5 At the same time as paying the monies (i.e. on or before the 15th day of the month), the employer must pay a levy to the Council. The employer's levy is equal to the total amount that should have been collected from all of the employees.

4.2 Application and Utilisation of Council Funds

- 4.2.1 All levies received by the Council, in terms of paragraph 4.1, must be used and accounted for in accordance with the provisions of the Council's constitution and in terms of the approved financial policy.
- 4.2.2 Besides the normal operating expenses of the Council, these funds may be used for services (and activities) associated with the Council including dispute prevention support; research and development; facilitation; communication; training and development and other activities that enhance the dispute prevention and resolution and negotiations and consultations services if –
 - (i) the Executive Committee of the Council has agreed to and or budgeted for project and or operations;
 - (ii) the service expenditure is financially possible; and
 - (iii) in making its decision the Executive Committee must ensure that the utilisation of these funds is in proportion to each party's representation in the Council.

5. DATE OF IMPLEMENTATION

This agreement shall come into effect on 1 April 2017.

6. DISPUTE RESOLUTION


Any dispute about the interpretation or application of this agreement shall be resolved in terms of the dispute resolution procedure of the Council.

7. DEFINITIONS

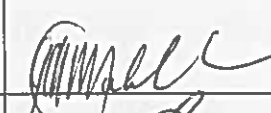
- (1) **"constitution"** means the constitution of the Education Labour Relations Council.
- (2) **"Council"** means the Education Labour Relations Council.
- (3) **"employee"** means an educator as defined in the Employment of Educators Act, 1998, as amended.
- (4) **"employer"** means the employer as defined in the Employment of Educators Act, 1998, as amended.
- (5) **"the Act"** means the Labour Relations Act No. 66 of 1995, as amended.
- (6) **"workplace"** means the registered scope of the Council.

Thus done and signed at **CENTURION** on the **24** day of **August 2016** by:

ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
DEPARTMENT OF BASIC EDUCATION	H.M. Nwabe	

ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
"SADTU"	Mugwena Mahuleke	
CTU "ATU"	JC KLOPPER	