

PSCBC Roundtable on Collective Bargaining

28 August 2017





INTRODUCTION

- Education Labour Relations Council is a bargaining council established in terms of section (37)(2) of the Labour Relations Act of 1995 as amended.
- It serves the public education sector nationally and provincially.
- Its core duties is Dispute Management Services and Collective Bargaining Services.
- Its mandate is to promote and maintain labour peace in public education.
- Through provision of dispute resolution and facilitation of negotiations between teacher Unions and the Employer.



COMPOSITION OF THE PARTIES TO COUNCIL

- ❖ The State as Employer (Department of Basic Education)
- ❖ Labour Parties as Employees
 - SADTU – South African Democratic Teacher’s Union
 - CTU – ATU – Combined Teacher’s Unions – Autonomous Teacher’s Unions
 - NAPTOSA – National Professional Teachers Organisation of South Africa
 - SAOU – Suid-Afrikaanse Onderwysersunie
 - NATU – National Teachers Union
 - PEU – Professional Teachers Union
 - PSA – Public Servants Association
 - HOSPERSA – Health and other Service Personnel Trade Union of South Africa.



COMPOSITION OF THE PARTIES TO COUNCIL (Cont.)

- The threshold for admission to the Council is 60 000 members per Teacher Union
- Representation to the Council is done through vote weights where the Employer carries 50% and labour parties share 50%

****NB:** The set up in respect of composition at national level is replicated at provincial level.*



CONSTITUTIONAL SCOPE

- Basic Education Sector – State as employer and Employees – (Employment of Educators Act)
- DHET, Employers in TVET and Employees – (FETC Act of 2012)



DEMOCRATISATION THROUGH COLLECTIVE BARGAINING

- ELRC uses the “Win – Win”, “Mutual Gain” or “Principled Bargaining” System to democratise bargaining and sustain labour peace.
- Negotiations are characterised by Trust and Good Faith in order to achieve economic development through signing of collective agreements.
- Parties jointly identify issues of mutual interest for negotiations in order to promote social justice and labour peace.



DEMOCRATISATION THROUGH COLLECTIVE BARGAINING (Cont.)

- Parties jointly brainstorm options for potential agreements
- Parties settle on identified options which satisfactorily meets interest of both sides
- Committed to continuing healthy relationship with each other



CHALLENGES FACED BY THE SECTOR

- Mandate seeking process
- Agenda items serving for too long in Council
- Common and correct implementation of Collective Agreements
- Common interpretation of Collective Agreements
- Post Provisioning Model



MANAGING CHALLENGES TO AVOID INDUSTRIAL ACTION

- Conducting training for Negotiators and Dispute practitioners periodically.
- Joint identification of issues of mutual interest for bargaining.
- Facilitation and mediation in cases where there is potential for deadlocks.
- Monitoring and Enforcement of Collective Agreements.
- Establishment of disputes prevention task teams in all nine provinces to identify and curb potential disputes timeously.

thank
you!