


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


The GS hereby certifies that the
Collective Agreement was ratified
by Council on this date
19 March 2025



EASTERN CAPE CHAMBER

**COLLECTIVE AGREEMENT
NO 1 OF 2024**

09 December 2024

**GUIDELINES FOR ADVERTISING AND
FILLING OF EDUCATOR POSTS AT
INSTITUTIONS**

GUIDELINES FOR ADVERTISING AND FILLING OF EDUCATOR POSTS AT INSTITUTIONS

1. PURPOSE OF THIS AGREEMENT

- 1.1 To repeal the PELRC Collective Agreement 2 of 2002, which provided guidelines on interviews for educators within the Eastern Cape Department of Education.
- 1.2 To provide uniform procedures and selection criteria, as well as structures that will be used in the selection process for filling vacant and funded educator posts.
- 1.3 To promote the values of fairness, equity, diversity, and transparency in the filling of educator posts.
- 1.4 To provide clear guidelines and procedures for the recruitment of school-based educators with a view to minimise any possible disputes.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- 2.1 The Employer, and
- 2.2 All the educators of the employer as defined in the Employment of Educators Act, 1998 (as amended) whether such educators are members of trade union parties to this agreement or not.
- 2.3 The employer and employees as confined in the Eastern Cape Province.
- 2.4 This agreement applies to school-based educators only.

3. LEGISLATIVE FRAMEWORK

- 3.1 The Constitution of the Republic of South Africa Act no 108 of 1996.
- 3.2 The Labour Relations Act No 66 of 1995 as amended.
- 3.3 Employment of Educators Act No 76 of 1998.
- 3.4 The South African Schools Act No 84 of 1996.
- 3.5 Personnel Administrative Measures published in Government Gazette No. 46879 dated 9 September 2022.
- 3.6 The South African Council for Educators Act No 31 of 2000.

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- 3.7 ECDOE Employment Equity Plan.
- 3.8 Employment Equity Act 55 of 1998 as Amended.
- 3.9 Immigration Act no 13 of 2002.
- 3.10 Promotion of Administrative Justice Act.
- 3.11 Government Gazette No 444333 dated 9 April 2021.

4. THE PARTIES NOTE AS FOLLOWS:

- 4.1 The provisions of Personnel Administrative Measures (PAM), Chapter B as it relates to sifting, shortlisting and interviews for school-based educators.
- 4.2 The many disputes on the filling of posts that are caused by the lack of a clear uniform selection procedure and criteria.

5. PARTIES TO CHAMBER THEREFORE AGREE THAT:

- 5.1 The guidelines for advertising and filling of educator posts in schools, as set out in Annexure A shall be the guiding principle in compliance with applicable legislation.

6. DISPUTE RESOLUTION

- 6.1 Any dispute arising from the application or interpretation of this collective agreement shall be referred to the Education Labour Relations Council for resolution in terms of its dispute resolution procedures.

7. DATE OF IMPLEMENTATION

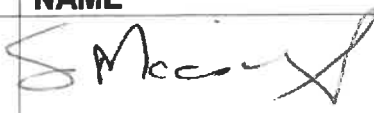
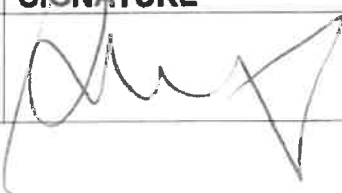
- 7.1 This agreement shall, in respect of parties or non-parties, come into effect on the date it is ratified by the ELRC.

8. SIGNING OF THIS COLLECTIVE AGREEMENT



THUS, DONE AND SIGNED AT **EAST LONDON** ON THIS THE 09. DAY OF
DECEMBER..... 2024.

M: N
S.A.M
L.P.M.

ON BEHALF OF THE STATE AS THE EMPLOYER:

DEPARTMENT	NAME	SIGNATURE
EASTERN CAPE DEPARTMENT OF EDUCATION	S. Mcc... 	

ON BEHALF OF THE EMPLOYEE PARTIES:

TRADE UNION	NAME	SIGNATURE
SADTU	M. NTAME	
CTU – ATU	L.P. MBINDA	

ANNEXURE A

Guidelines and procedures on filling of vacant school-based educator posts.

1. Advertising

- 1.1 The advertisement shall be placed in a bulletin, gazette or circular that will be made available to all public schools and as well as Unions who are parties to the Provincial Education Labour Relations Council (PELRC).
- 1.2 A bulletin for Post level 1 will only be issued after the processes related to ELRC Collective Agreement 4 of 2016 have been finalised and section 4.2 of Annexure A of ELRC Collective Agreement 4 of 2018 as amended by ELRC Collective Agreement 2 of 2024 has been taken into consideration.
- 1.3 Schools shall on a regular basis submit their educator vacancies to the respective District Offices for advertisement.
- 1.4 No post will be advertised without its verification.
- 1.5 The advertisement of vacant posts for educators must:
 - 1.5.1 Be self-explanatory and clear and must include: -
 - 1.5.1.1 Job title.
 - 1.5.1.2 Subjects to be taught.
 - 1.5.1.3 Minimum requirements as stipulated in PAM.
 - 1.5.1.4 Additional, preferred, or recommended experience, skills and/or competencies, with the emphasis on core-curriculum and extra-curriculum activities, that are necessary for the post level 1 to 4.
 - 1.5.1.5 Procedure to be followed for application.
 - 1.5.1.6 Names and telephone numbers of contact persons.
 - 1.5.1.7 Preferable date of appointment.
 - 1.5.1.8 Closing date for the receipt of applications
 - 1.5.1.9 Recommended candidate(s) must be subjected to conduct and reference checking, security clearance and vetting procedures, as required, subject to section 8 of the Employment Equity Act, 1998.
 - 1.5.1.10 Be accessible to all who may qualify or are interested in applying for such post(s).
 - 1.5.1.11 Be non-discriminatory and in keeping with the provisions of the Constitution of the RSA.
 - 1.5.1.12 Clearly state that the State is an equal opportunity employer.
- 1.6 Instruction on the bulletin must reflect the following:
 - 1.6.1 Clearly indicate that incomplete and late applications will not be considered.

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- 1.6.2 Be accessible to all who may qualify or are interested in applying for such post(s).
- 1.6.3 Clearly state that the Eastern Cape Department of Education is an affirmative action employer.
- 1.6.4 State that the applicants must also take note that if no notification of appointment is received within four months after closing date, they must assume that their application has been unsuccessful.
- 1.6.5 Inform applicants that applications, qualifications and CV's will not be returned. Only original certified copies of original documents should be submitted.
- 1.6.6 Indicate that the department reserve the right not to fill advertised positions.
- 1.7 The Head of Department or delegated authority will only have powers to withdraw the advertised post before the processes of shortlisting and interviews starts and after considering submissions made by the District Director.

2. Applications and Procedure when Applying

- 2.1 A separate application form must be submitted for each vacancy.
- 2.2 The only application form to be used for this vacancy list is the (EDP01) application form. No other form will be considered.
- 2.3 A CV and certified copies of the following documents must be attached to each application form (EDP01):
 - 2.3.1 All academic qualifications together with Grade 12 Certificate and Professional qualifications);
 - 2.3.2 ID document;
 - 2.3.3 SACE Certificate [where if not available, proof of application with SACE].
 - 2.3.4 Candidates will provide at least two recent references on their CV's;
 - 2.3.5 Reliable email address.
- 2.4 The complete post number (indicated on the left of each vacant post) of the vacancy for which the application is made, and the applicant's PERSAL number (if the applicant is employed by the Department/has been previously employed by the Department) are to be inserted on the application form.
- 2.5 Applications must be sent to the Employing Department: Eastern Cape Department of Education.

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- 2.6 No faxed copies or e-mailed applications will be accepted.
- 2.7 The applicant's education qualification(s) will be verified, and a probity check will be performed.
- 2.8 Failure to comply with the above procedures will lead to an application being disqualified.

3. Sifting

- 3.1 The Eastern Cape Department of Education shall acknowledge receipt of all applications by:
 - 3.1.1 Informing all applicants in writing of receipt; clearly indicating whether the application is complete or not; and
 - 3.1.2 Indicating whether applications meet the minimum requirements for the post and whether such applications have been referred to the institution concerned.
- 3.2 The Eastern Cape Department of Education shall handle the sifting process to eliminate all those candidates who do not comply with the requirements for the post(s) as stated in the advertisement. The records of all applications received shall be kept.
- 3.3 Teachers Trade Union parties to the ELRC will be given a full report at a formal meeting on:
 - 3.3.1 The names of educators who have met the requirements for a post in terms of the advertisement.
 - 3.3.2 The names of the educators who have not met the minimum requirements in terms of the advertisement.
 - 3.3.3 All persons involved during the sifting process must sign confidentiality declaration forms.
- 3.4 Incomplete applications will not be considered after the sifting process has been completed.

4. Interviews

- 4.1 An Interview Committee shall be appointed by the School Governing Body of the school in a formal setting convened for such a purpose.
- 4.2 The Interview Committee shall comprise:
 - 4.2.1 Members of the School Governing Body, excluding educator members who are applicants to the advertised post(s);
 - 4.2.2 One departmental representative (who may be the school principal or departmental official) as an observer and resource person;

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- 4.2.3 The principal of the school (if he/she is not the departmental representative) except in the case where he/she is an applicant; and
- 4.2.4 One union representative per union as nominated by the Union that is party to the provincial chamber of the ELRC.
- 4.3 The panel should consist of a minimum of three members which shall include at least two parents, and one educator provided such an educator is not an applicant to the post at hand.
- 4.4 If the number of interview committee members is to be more than 3 such a number should be an odd number.
- 4.5 In the event all teachers in the School Governing Body are applicants, such teachers will be excused, and the School Governing Body should consider co-opting a teacher representative from the same school for the purpose of only being an Interview Committee Member and discharging of all duties assigned to the Interview Committee.
- 4.6 The co-opted member referred to in this context shall not sit nor participate in the School Governing Body meeting convened for ratification.
- 4.7 In the event the School Governing Body is unable to get a co-opted teacher from the same school, the School Governing Body should continue with the selection process without the teacher component.
- 4.8 One departmental representative (who may be the school principal) as a resource person and observer.
- 4.9 In the case of a Principal post, a circuit manager must be a resource person and observer.
- 4.10 In cases of Post Level 1, Departmental Heads and Deputy Principals, the Principal shall be a resource person and observer. If the Principal waives this responsibility and the School Governing Body wants his/her full participation in the Interview Committee, the permission must be sought from the District Director, who if approved, must appoint the resource person in writing.
- 4.11 The panel shall appoint from among its members a chairperson and a secretary.
- 4.12 The school governing body is responsible for convening the panel and must ensure that all relevant persons/organisations are informed about the time and venue of the shortlisting and interviewing meetings, at least five working days prior to the date of the interview.
- 4.13 The union representatives referred to in paragraph 4.2.4 will be observers to the shortlisting, interviews and drawing up of a preference list.

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4.14 The non-attendance of such union representatives, however, does not invalidate the process if proof of invitation is provided.

4.15 Records and proof of invitations should be kept and form part of the submission to the district.

5. Roles & Responsibilities of The Interview Committee

5.1 The interview committee must elect among themselves a chairperson and Secretary.

5.2 The interview committee must set and adopt a short-listing criterion.

5.3 The interview committee must shortlist applicants guided among others by the following:

5.3.1 Fairness, non-discriminatory practices in keeping with the Constitution of the country .

5.3.2 Curricular needs of the schools.

5.3.3 The obligations of the Employer towards serving educators..

5.3.4 The Equity Plan of the Department.

5.3.5 The inherent needs and the profile of the post.

5.4 The interview committee must draft interview questions on the day of the interviews.

5.5 The questions for interviews must under no circumstances be made available in whatever form to any of the applicants/interviewees prior to the actual interview section.

5.6 The questions should be in accordance with the requirements of the post.

5.7 The interview committee must sign confidentiality declaration forms before starting the process of shortlisting and interviews.

6. Procedures During Interviews

6.1 Allow enough time for each interviewee.

6.2 Each applicant must receive more or less the same amount of time per interview.

6.3 The Chairperson of the Interview Committee should allow members of the Committee to put questions according to a prearranged plan.

6.4 Interviews should be treated in a similar manner, both in terms of questions asked and the manner in which interviews are conducted.

6.5 Indicate that the final decision will be taken by the Head of Department or his/her delegated authority.

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- 6.6 Members of the interview committee must declare their interests, recuse themselves in cases of conflict of interest, possible prejudice, or advantage of applicants, for the entire selection process and that the reasons for the recusal are recorded in the minutes of the proceedings.
- 6.7 An educator who has been acting in the advertised post for 12 months or more and has applied for the post must be shortlisted.
- 6.8 The interview committee must shortlist a maximum of 5 and if for valid reasons this maximum should be exceeded, it must not be more than 7.
- 6.9 In case of small schools where Post Provisioning Norms is five or less and the advert fails to attract a sizeable number of applicants, a minimum of 3 may be shortlisted, failing which the Head of Department will have to make a determination based on the facts presented.
- 6.10 Do not:
 - 6.10.1 Rush the interview.
 - 6.10.2 Allow any person who is an applicant to be part of any of the processes.
 - 6.10.3 Ask questions about religion, sexual orientation personal questions or leading questions.
 - 6.10.4 Cross examine an applicant.
 - 6.10.5 Use a cell phone during the interview process.
 - 6.10.6 Interrupt answers of applicants, unless the purpose is to get clarity from the applicant.
 - 6.10.7 Inform applicants about their successful or unsuccessful application during the interview. This is the role of the Employer.

7. Procedure After Interviews

- 7.1 The Interview Committee should finalise its recommendation immediately after the last candidate.
- 7.2 The Interview Committee must rank all the applicants interviewed in order of their preference and motivate the ranking of each applicant to the School Governing Body.
- 7.3 The School Governing Body, not the Interview Committee, must submit its recommendations in order of preference to the Eastern Cape Department of Education. This submission may or may not differ from the earlier submission of the Interviews Committee. The School Governing Body must give reasons to the Interview Committee when changes are to be made to the preference list submitted by the Interview Committee.

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- 7.4 In considering the recommendation of school governing body the Head of Department shall take into account the provisions of section 6 of Employment of Educators Act¹.
- 7.5 The Eastern Cape Department of Education must notify the successful applicant first, and as soon as possible obtain his/her acceptance of the nomination in writing thereafter.
- 7.6 The Eastern Cape Department of Education must notify the unsuccessful interviewees as soon as possible.
- 7.7 The School Governing Body must return all applications and forward copies of the minutes to the Eastern Cape Department of Education.
- 7.8 The School Governing Body must ensure that the nomination form and support documentation are correctly and fully completed and submitted to the Eastern Cape Department of Education as soon as possible.
- 7.9 The School Governing Body must retain accurate records of proceedings related to both shortlisting and interviews.

8. Role of the Eastern Cape Department of Education Upon receiving recommendation from the School Governing Body

- 8.1 The Circuit Manager must submit the recruitment pack as per the prescribed checklist from HR.
- 8.2 HR must quality assure the pack and prepare for approval by the HOD/ Delegated Authority.
- 8.3 In cases where the Head of the Department or his/her delegated authority declines the School Governing Body's recommendation, he/she must provide full motivation in writing within 14 working days or call a meeting with the School Governing Body to discuss the rejection of the recommendation and must minute the decision taken in the meeting. Should there be no communiqué within 14 working days from the Head of Department or his/her delegated authority, it will imply that the recommendation made by the School Governing Body stands.
- 8.4 For all other purposes relating to the recommendation of the SGB, the provision of Section 6 of Employment of Educators Act² shall apply.
- 8.5 The preferred candidate, upon being issued with an offer letter, shall be given a maximum of 7 days to accept/decline.

¹ 76 of 1998

² 76 of 1998

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9. Independent Interviewing Committees

- 9.1 Where it is not possible for an Interview Committee to be constituted as per this collective agreement or PAM or Employment of Educators Act due to incompetency, dysfunctionality, disagreements, or conflicts the HOD or Delegated Authority may appoint an Independent Panel to do the shortlisting, interviews and recommendation, provided such an independent panel will perform its work in the presence of union representative as observes.
- 9.2 Before the HOD appoints an independent panel, the HOD must comply with provisions of Section 25 (1) of the South African School Act³ (SASA).

10. The role of Observers and Resource Persons

- 10.1 The Departmental representative shall act as an advisor and observer.
- 10.2 The Departmental representative shall only play an observer role and not take part in decision-making when recommendations are made for appropriate/non-appointable candidates.
- 10.3 Resource person shall advice the panel pertaining to the relevant departmental policies, rules and regulations as well as appropriate legislation.
- 10.4 Union observers will observe all the proceedings and shall not be actively involved in the process.

11. Ratification by the School Governing Body

- 11.1 Recommendation, i.e. the preference list compiled by the interview committee must be ratified by a quorum of the School Governing Body, before forwarding the list to the Head of Department/Delegated Authority for appointment.
- 11.2 If the School Governing Body does not agree with the recommendation of the Interview Committee for proven, valid reasons, the School Governing Body must refer the matter back to the Interview Committee, which includes observers, to review their decision. The School Governing Body may not make decisions and/or compile a list of preference on behalf of the Interview Committee.
- 11.3 In cases where the School Governing Body has requested for an independent panel, the independent panel must conduct ratification and inform the respective School Governing Body of an outcome.
- 11.4 In cases where the Head of the Department withdrew the functions of the School Governing Body, the appointed independent panel

³ 84 of 1996

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must report back the outcomes of the recruitment process to the entire School Governing Body (the chairperson of the independent panel should sign the recommendation and the minutes of the reporting session).

12. Recommendations and the decision of the Head of the Department to appoint

12.1 In considering the recommendation of the SGB, the Head of Department/Delegated Authority should take into consideration the provisions of Section 6 of the Employment of Educators Act.

13. Records

13.1 District offices must ensure that accurate records are kept of proceedings dealing with the sifting, shortlisting, interviews, decisions and motivations relating to the preference list submitted by School Governing Bodies and other such structures.

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