



Ours is to Transform TVET/CET Sector - Gearing for a Total Shut-down of the Sector

Introduction

The National Union {NEHAWU} convened a joint Community Education Training {CET} & Technical Vocation Education and Training {TVET} National Meeting on the 29 November 2018 at Parktonian Hotel, Johannesburg.

The meeting was convened to assess progress in resolving the issues raised with the Department of Higher Education and Training since 2017 when we delivered the memorandum of demands. The meeting also received a report on the dispute declared by the union in which we obtained a certificate to strike following numerous unsuccessful engagements at the bargaining chambers with the Department of Higher Education to resolve numerous issues that are affecting our members in the sector. The meeting concluded that the employer has left the national union with no other option than embarking on the national strike action.

NEHAWU has been consistent in calling for the transformation of higher education sector in South Africa. As an education union, we have for a number of years been involved in championing the struggle to transform education and have successfully intervened to change government policies for the betterment of the society. Our struggle to transform the sector has been premised on the notion of People's Education for People's Power to be more effective and deliverable to our people needs.

Background of Issues in Dispute

Following the reconfiguration of government departments in 2009 through the presidential proclamation through a Government Gazette, the Department of Education was split into two components i.e. the Department of Basic Education (DBE) and the Department of Higher Education (DHET). This meant that the Technical and Vocational Education and Training (TVET) Colleges (formerly known as Further Education and Training (FET) Colleges) and universities became the competence of the DHET and all the associated functions were subsequently transferred from the 9 Provincial Education Departments (PEDs) to the DHET. Support staff, academic staff and senior managers (Principals, Deputy Principals-Corporate, Academic, etc.) were transferred to the DHET between 2013-2015.

The union has been engaging with the Department of Higher Education to address the post migration challenges in the TVET and CET Sector. Some of the post migration challenges have been addressed by the department however, issues that are related to the Absorption (Section 198) of 204 employees whose recruitment processes are in doubt according to TVET colleges and in ring-fencing those who are below REQV13, standardization of benefits (Pension Fund Deductions in line with Resolution 1 of 2007) for CET Staff, implementation of section 198B permanency for CET staff, non-implementation of PSCBC Resolution 3 of 2009 as well as unpaid benefits caused by dual pay system (37% in lieu of benefits) remains resolved.

Issues in Dispute

- **Implementation of PSCBC Resolution 3 of 2009 (Grade progression)**

The matter was raised because the persal system does not recognise service records acquired prior migration. This means members who were previously on college payroll are not eligible for grade progression.



- **Unpaid Benefits as a result of Dual Pay System (37% in lieu of benefits)**

Staff members who were appointed in 2009 and paid by college payroll did not receive benefits until 2013 whereas their colleagues who were on persal received all benefits. The employer is refusing to pay unpaid benefits.

- **Regulating or Standardising TVET Colleges Advertisements Bulletin in line with DHET Recruitment and Selection Policy**

The issue on dispute here is that our members are being disadvantaged currently as colleges are still using their old recruitment policies. e.g General Assistant post at college A will be advertise at level 2 whereas college B will advertise at level 3. We wanted the issues of recruitment and selection in colleges to be standardized of which DHET does not see anything wrong.

- **Standardization of Benefits (Pension Fund Deductions in line with Resolution 1 of 2007) for CET Staff)**

We raised the matter as it affects approximately 11000 members that were inherited after the migration process in the different regions. We argued that some provinces were receiving benefits whereas others were on a 37% pay in lieu of benefits and requested the Department to standardize the benefits accordingly. Some workers have been employed for more than 10 years and when they reach retirement age the only last pay cheque becomes their retirement benefit. The Employer has been coming up with excuses on the matter since 2016.

- **Implementation of Section 198B Permanency for CET Staff**

The issue in dispute is that our members have been appointed on a temporary basis for many years, which is against the new Labour Relations Amendments regulating temporary employment. The minister had previously committed that the process of absorbing CET lecturers into permanency would start on or before December 2016. The employer indicated that process of benchmarking CET 17 temporary support staff with the TVET process to convert those affected employees to permanent appointment, however the absorbing lecturers depends on Post Provision Norms (PPN) process which has not yet been finalized and that they were still verifying student numbers. We could not agree on basis that employer was linking permanency with processes of PPN which we do not know when it will be finalised.

Wayforward of the Joint CET & TVET National Meeting

The national meeting after deliberating on this matters agreed and concluded on the following:

1. As a matter of principle, the union after receiving a report on the status of negotiations decided to pick-up a fight, using the strike certificate.
2. All provinces must convene workplace meetings between the period Of 03rd and 04th week of January 2019 mobilising members for a national strike scheduled for the 13th February 2019.
3. On the week of the 04th to 08th February 2019, the union must organise workplace pickets as a build-up towards the strike.
4. On the 11th February 2019, the Secretariat must convene a press conference to outline the state of readiness for the strike and confirm the 13th February 2019 as a date of commencing our national strike.

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5. On the 08th January 2019, the head office will circulate a bulletin covering the outcomes of this meeting particularly the programme of action. On the same day, the union must issue a statement highlighting our issues and also expressing our intention to strike.
6. Linked to pickets at workplaces will be an aggressive recruitment campaign.
7. On the 07th February 2019, all provinces are directed to convene their provincial TVET and CET bargaining forums in order to consolidate branch mandates and new issues identified.
8. On the 08th February 2019, a national TVET and CET bargaining forums will be convened to consolidate the national mandate and program of action towards the strike.
9. The national union should produce placards and specific t-shirts for the strike and distribute prior the actual strike.
10. National and provinces must convene meetings with SASCO for full support as this time will coincide with registration process in these institutions.
11. In addition to public health union programme, TVET and CET national specific programme must be developed and driven through national war room in the first six months of the year, 2019.
12. This specific dedicated TVET and CET national programme must have an advantage of the national union programme of establishing structure, substructures and forum as operational mechanism for implementation of union decisions.
13. The National Office Bearers must continue to pressurise the DPSA to enforce the law through integrating TVET Colleges and CETs into GPSSBC.

END

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