



MERGING OF NATIONAL TERTIARY EDUCATION UNIONS

MOTION TO EXERCISE A MEMORANDUM OF AGREEMENT

BETWEEN

NATIONAL TERTIARY EDUCATION STAFF UNION – NATIONAL UNION of TERTIARY EMPLOYEES of SOUTH AFRICA

Having considered the proposition that a single union in the tertiary education sector is desirable and that in order to make the creation of such a union possible it is necessary for these two unions, and possibly others with the same or similar founding objectives, to amalgamate; this Congress :

recognises the need for the creation of a single voice for the representation of workers in the tertiary education sector, and, noting that :

1. our respective constituencies have directly related objectives in higher and further education;
2. a single synchronised representative union will best serve the interests of broad representation of workers in higher and further education at national, local, teaching and general staff levels;
3. the achievement of a single unionised voice for higher and further education will be through the merging of the nationally oriented and registered entities; and, therefore;

accepts the following motion:

THIS CONGRESS RESOLVES TO

Accept the following **MEMORANDUM OF AGREEMENT** and mandates the union's leadership to

1. establish a Joint Task Team between the unions;
2. ensure the Joint Task Team completes its work by June 30th 2009 at the latest;
3. institute joint chairing of the Joint Task Team;
4. establish a joint budget for the support of the Joint Task Team.

MEMORANDUM OF AGREEMENT

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NATIONAL TERTIARY EDUCATION STAFF UNION – NATIONAL UNION of TERTIARY EMPLOYEES of SOUTH AFRICA

1. INTRODUCTION

This *Memorandum of Agreement* contains the working framework **agreed** to by the national presidents' task teams for the **NUTESA** and the **NTESU**.

The framework discussion followed the signing of a *Memorandum of Understanding* between the respective national presidents on the 18th September 2008, the text of which was circulated to union structures shortly thereafter.

The framework was negotiated by the national presidents' task teams on 18th October 2008 and represents **agreed** fundamentals necessary for the negotiation of a detailed statement on the

following. In setting these fundamentals and principles leadership **agreed** that the Joint Task Team be required to remain within the boundaries set by these in expanding constitutional, objective, administrative and other models for a future union.

The Unions have seen necessity in taking this action because the new landscape of higher education has already been responded to by stakeholders other than the Unions. HESA being one organisation as an offshoot from SAUVCA and CTP. These Unions must bring together their differing characters and strengths in order to break the barrier between Universities of Technology, Universities and Comprehensive Universities, forming a common response to the university sector. Historically, the *Higher Education Employees Forum* brought the several unions together in a mutual interest collective, but it could not sustain itself in a climate of “separate but identical interests” at the time.

MEMBERSHIP BASE

In October 2008, the two unions represented a membership base of approximately 19 branches collectively. The total membership at this time was estimated to be approximately 6000 members. In certain cases on each side it has proven difficult to ascertain the exact status of the branch and its membership mainly because of leadership problems or administrative management of the remit of union dues from managements.

The traditional memberships for the two unions were drawn from the technikons for the **NUTESA** and the universities via UDUSA, and some of the old education colleges for the **NTESU**.

It is difficult to estimate the potential membership within the HE sector, but as a total, an approximation of 25 000 does not seem unreasonable. What proportion falls within the ambit of potential membership of a new amalgamated union would approximate to 60% of that estimate (assuming closed shop coverage in skilled, technical, administrative, research and teaching worker categories). That would approximate to 15 000 potential members. Expansion into the FET sector would have obvious implications for these estimates.

NAME AND LOGO

Possibly the most important and emotional debate, the national presidents’ task team **agreed** that this will not be a mandate the Joint Task Team will have to deal with. Rather, this will be left to general debate contextualised by a reasoned strategic presentation to the joint collective where communal ownership of the decision can be negotiated. The responsibility for developing this presentation will be with the national presidents’ task team for the **NUTESA** and **NTESU** members who developed this proposal. This would logically be at a founding congress for the amalgamated structure.

The status quo and principles for a reasoned strategic presentation are outlined here.

There are four possible scenarios **agreed** upon which must be deliberated and used as presentation rubrics.

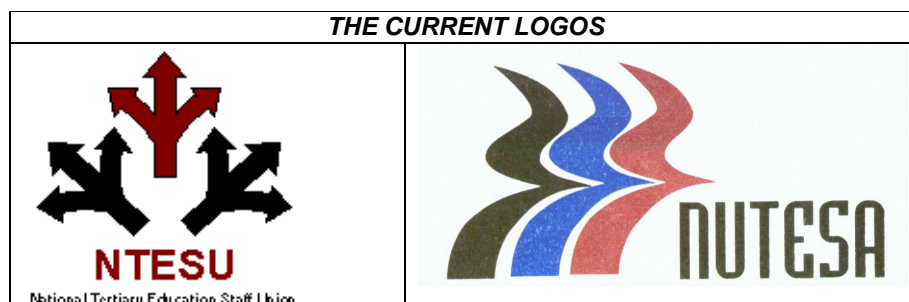
- Retain the name of one union and the logo of the other.
- Retain the name and logo of one union with other ceasing to exist.
- Develop a new name and logo completely.
- Retain the logos of both unions with a common or revised name.

As noted above the respective names are :

N	National	N	National
U	Union	T	Tertiary
T	Tertiary	E	Education
E	Employees	S	Staff
S	South	U	Union
A	Africa		

The words National, Tertiary and Union appear in both names. Whether the remaining words can be arranged in such a manner that a suitable acronym is found will require debate. Naturally, a new

name will imply a new union and this will entail processing through the Department of Labour as well as the need to dissolve the existing unions in accordance with their constitutions.



2. JOINT TASK TEAM

The Joint Task Team will comprise four teams of two persons, one each from the respective unions taking responsibility for the following portfolio functions :

- a. Constitutional development and Registrar of Labour Relations;
- b. Administrative structuring;
- c. Treasury matching and due diligence, subscription proposals, infrastructure and costing of current and future national office staffing and equipment, the latter in consultation with the administrative structuring team;
- d. Marketing, recruitment and any general matters arising out of the teams in a-c above but not specific to those portfolios.

These task teams will also be responsible for meeting collectively to jointly discuss and review the work of all the teams in order to critique, consolidate and cross reference each others' work. The final task of these teams will be to collate their work into a *Document of Intent* for presentation to a joint founding congress of the **NTESU** and **NUTESA**.

3. FUNDAMENTAL 1

The term of office of Congress and National Office Bearers will be two years. Hence Congress will meet biennially.

4. FUNDAMENTAL 2

After some negotiation the following union structure was **agreed**.

CONGRESS
<p>Meeting every second year Apex strategic and decision making body</p> <p>CONSISTING OF</p> <ul style="list-style-type: none"> o National Executive Committee (NEC) o 1 Delegate per 'n' Branch members or part thereof <i>(in principle 100 but adjustable – task team A)</i> o Voting rights to be determined between options : <ul style="list-style-type: none"> o 1 vote per branch; or, o Capped proportional per branch <i>(task team A)</i> <p>Non-voting</p> <ul style="list-style-type: none"> o Officials and administrative support of the union

National Executive Committee (NEC)
<p>Meeting at least four times per annum One of these a joint meeting with the Council of Chairpersons</p> <p>CONSISTING OF</p> <ul style="list-style-type: none"> ○ National President ○ Vice-President (<i>Policy and Strategy</i>) ○ Vice-President (<i>Academic Staff</i>) ○ Vice-President (<i>General Staff</i>) ○ National Secretary ○ National Treasurer ○ Portfolio Member (<i>Recruitment and Marketing</i>) ○ Portfolio Member (<i>Legal and Bargaining</i>) <p>Non-voting</p> <ul style="list-style-type: none"> ○ General Secretary (if one is appointed, else most senior administrative official) ○ Other persons as necessary in attendance
Council Of Chairpersons
<p>Meeting once per annum in conjunct with NEC.</p> <p>CONSISTING OF</p> <ul style="list-style-type: none"> ○ Standing NEC members + General Secretary (if appointed) ○ Chairpersons of all Branches in good standing <p>Non-voting</p> <ul style="list-style-type: none"> ○ Other persons as necessary in attendance
Branches
<p>Branch structures to mirror the structure of the NEC (but may be given other flexibilities in union's branch rules).</p>
Other Branch Structures (Subject to Union's Standard Branch Rules)
<p>Branch Trade Union Representatives Branches with more than (say) 250 members must constitute this, calculation is based on the LRA allocation for union representatives but this will not dictate the size and shape of this provision.</p>

5. FUNDAMENTAL 3

Union dues The two unions differ in the national subscription rate. The treasury task team has the responsibility of assessing the initial level of **national subscription** for a new union structure.

The principle of a split subscription must be preserved meaning that a national subscription remitted via the employer will be raised and branches may set branch level subscriptions as budgeted by each local. The Joint Task Team will be responsible for identifying whether any upper limit is set on these, implying that a total subscription amount cannot be exceeded. It will also be responsible for recommending a rate model (whether rand amounts are set, or, percentage on salary rates are set, for instance).

NATIONAL PRESIDENTS' TASK TEAM MEMBERS

NUTESA
Norman Kemp
Bongiwe Hobololo

NTESU
Sylvia Nkanyuza
John Landman

18th October 2008.