



WHAT YOU NEED TO KNOW ABOUT LEARNERSHIP OR APPRENTICESHIP CONTRACTS

I hope that everyone is well rested after the December break and ready to face 2017 and the challenges the new year will bring. As is usual at the start of a new year, I receive requests from learners looking for employers who would be willing to offer them workplace exposure so that they can gain practical experience as this is a requirement in order for the learner to receive his or her qualification.

I received such an email from a young man, who we will call John, who said: "I have done my training in electrical apprenticeship ... and I am seeking employers who can help me to start working in order to gain the experience I need to qualify ..." John adds that this employer should be "registered with a SETA".

I consider it unethical that certain training providers pull youngsters into their 'web' by creating the illusion that, after some training, they will

achieve a qualification.

We need to make young people aware that there are unethical people out there and we must educate them so that they will not be lured into parting with their (or their parent's) hard-earned money and waste their valuable time on a useless 'qualification'.

Before we get into John's predicament, let's look at the legislation: The Skills Development Act, 1998 (Act No. 97 of 1998), contains the following definitions, which will give clarity and context to this article.

Definitions

"Apprenticeship" means a learnership in respect of a listed trade, and includes a trade-test in respect of that trade; [Definition inserted by section 1(a) of Act No. 37 of 2008]

"Learnership" includes an apprenticeship; [Definition inserted by section 1(b) of Act No. 37 of 2008]

As John says he has done his "apprenticeship training", he should have signed an apprenticeship contract before he started his training. In this contract there would have been a responsibility placed on him, his employer and the training provider.

The Skills Development Act, 1998 (Act No. 97 of 1998) states that a "learnership agreement" means an agreement entered into for a specified period between a learner; an employer or a group of employers (in this section referred to as "the employer"); and a skills development provider accredited by the Quality Council for Trades and Occupations (QCTO) or group of such skills development providers.

The Construction Sector Education Training Authority's learnership agreement, which provides the responsibilities and duties of the three parties, is available at <http://www.ceta.org.za/wp-content/uploads/2014/08/Learnership-Agreement-v130314.pdf>. Additional information can be found at <http://www.saqa.org.za/docs/webcontent/2014/web0310.html>

Based on the requirements John should not be required to go and look for a workplace to provide him with an opportunity to learn in order to acquire the qualifications. It is the responsibility of the employer who signed the learnership agreement to ensure this is done.

Did John get the incorrect information about his "apprenticeship"? In my opinion, he did not undergo an apprenticeship. He was robbed of the opportunity to enter into a valid apprenticeship contract. Do not get caught by these inconsiderate non-compliant individuals who work outside of the law.

My advice to John is to confirm with the SETA that he is registered as an apprentice and ensure that he has a copy of his learnership contract. Remember, this is your future, so take control.

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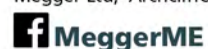
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