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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 519 **29 June 2007**

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 of 1998)

LEARNERSHIP REGULATIONS, 2007

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, in terms of section 36 read with sections 16 and 17 of the Skills Development Act, 1998 (Act No. 97 of 1998) after consultation with the National Skills Authority, hereby make the regulations in the Schedule attached hereto.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE
LEARNERSHIP REGULATIONS, 2007

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Definitions

1 In this Schedule, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and -

(a) **'employer'** includes a lead employer;

(b) **'ESDA'** means Employment and Skills Development Agency contemplated in section 17(7) of the Act;

(c) **'ETQA'** means an education and training quality assurance body contemplated in section 5(1)(a)(ii)(bb) of the South African Qualifications Authority Act;

(d) **'lead employer'** means a lead employer contemplated in regulation 5(4);

(e) **'lead training provider'** means a lead training provider contemplated in regulation 5(5);

(f) **'learnership'** means a learning programme which –

(i) consists of a structured learning component; the learnership includes practical work experience of a specified nature and duration;

(ii) the learnership would lead to a qualification registered by the South African Qualifications Authority and related to an occupation, and

(iii) the intended learnership is registered with the Director-General in the prescribed manner.

(g) **'learnership agreement'** means a learnership agreement contemplated in section 17(1) of the Act;

(h) **'qualification associated with a learnership'** means the qualification contemplated in section 16(c) of the Act;

(i) **'section 18(1) learner'** means a learner who was in the employment of the employer party to the learnership agreement when the agreement was concluded;

(j) **'section 18(2) learner'** means a learner who was not in the employment of the employer party to the learnership agreement when the agreement was concluded;

(k) **'submit'** means to deliver by hand or registered post or to transmit a communication by electronic mechanism as a result of which the recipient is capable of printing the communication;

(l) **'the Act'** means the Skills Development Act, 1998 (Act No. 97 of 1998); and

(m) **'training provider'** includes a lead training provider.

Registering learnerships

2 (1) A SETA applying to register a learnership in terms of section 16 of the Act must complete the registration form set out in Annexure A to these Regulations.

(2) The completed registration form referred to in subregulation (1) must be signed by the executive officer of the SETA and be submitted to the Director-General.

(3) If the SETA applying to register a learnership is not the ETQA accredited for the relevant qualification associated with the learnership, the SETA must submit proof to the satisfaction of the Director-General that it has made adequate arrangements with the relevant ETQA-

(a) to ensure the quality management of the education, training and assessment of learners under the learnership; and

(b) to issue certificates of achievement for the qualification.

(4) Upon registration of a learnership, the Director-General must-

(a) allocate and issue a learnership number; and

(b) issue a certificate of registration to the SETA.

(5) The Director-General may require a SETA to submit information, particulars or documentation prior to the registration of a learnership within time-periods stipulated by the Director-General.

Amending registered learnerships

3 (1) A SETA may apply in writing to the Director-General to amend a registered learnership.

(2) If the South African Qualifications Authority amends the registration of a qualification associated with a learnership, the relevant SETA must, within 45 working days of the amendment, apply to amend the registered learnership in terms of subregulation (1).

(3) If the registered learnership is amended, the Director-General must amend the relevant certificate of registration accordingly or issue a new certificate of registration.

(4) The amendment of a registered learnership does not affect –

(a) the rights and obligations of the parties to any learnership agreement in respect of that learnership in force at the time of the amendment;

(b) the validity of any learnership completed by a learner or any qualification associated with the learnership achieved by a learner -

(i) before amendment of the learnership; or

(ii) in respect of any period of learnership that is commenced before the amendment of the learnership and which the learner has duly completed.

Deregistration of learnerships

4 (1) The Director-General may deregister a registered learnership if -

(a) the relevant SETA has in writing requested the Director-General to deregister the learnership;

(b) the qualification associated with the learnership has been deregistered by the South African Qualifications Authority;

(c) the relevant SETA fails to submit information, particulars or documentation in respect of the learnership in accordance with regulation 2(5); or

(d) the Director-General is satisfied that there is no longer a need for the learnership due to no enrolments of learners.

(2) Before deregistering a registered learnership, the Director-General must, -

(a) publish notice of the intention to deregister and the reasons for doing so in the *Government Gazette*;

(b) give interested persons 30 days from the date of notice in the *Government Gazette* to make representations on why the learnership should not be deregistered; and

(c) consider those representations, and any views expressed by the National Skills Authority, in reaching a decision.

(3) The deregistration of a registered learnership does not affect –

(a) the rights and obligations of the parties to any learnership agreement in respect of that learnership in force at the time of deregistration;

(b) the validity of any learnership completed by a learner or any qualification associated with the learnership achieved by a learner-

(i) before deregistration of the learnership; or

(ii) in respect of any period of learnership that is commenced before the deregistration of the learnership and which the learner has duly completed.

Registering learnership agreements

5 (1) A learnership agreement must be in the form set out in Annexure B.

(2) A SETA may require the parties to a learnership agreement to submit relevant information in addition to that required in terms of subregulation (1).

(3) A SETA may register a learnership agreement in terms of section 17(3) of the Act only if-

(a) the Director-General has registered the learnership;

(b) a completed learnership agreement form referred to in subregulation (1) has been submitted to the SETA;

(c) all parties to the agreement have signed the agreement and, if the learner is a minor[1], the learner's parent or guardian has signed the agreement on behalf of the learner

(d) the employer party to the learnership agreement falls within the scope of coverage of the SETA as determined by the Minister in terms of section 9(2) of the Act;

(e) if the employer party is liable to pay a skills development levy, the employer party is classified within the jurisdiction of the SETA in terms of section 5 of the Skills Development Levies Act;

(f) the training provider party to the learnership agreement is accredited for the qualification associated with the learnership as contemplated in section 17(1)(c) of the Act;

[1] A minor is a person as defined by the Birth and Registration Amendment Act No. 1 of 2002

(g) the terms of the agreement comply with the Act, any other applicable law and the terms of the registered learnership;

(h) the learnership agreement was concluded before the start of the learnership; and

(i) in the case of a section 18(2) learner, the learner and the employer party have, subject to subregulation (8), entered into a contract of employment.

(4) A SETA may only register a learnership agreement to which a group of employers is party if-

(a) one of the employers is identified in the agreement as the lead employer;

(b) the lead employer and the learner have signed the agreement; and

(c) the lead employer undertakes -

(i) to ensure compliance with the employer's duties in terms of the agreement; and

(ii) to ensure the implementation of the agreement at the workplace of the other employer parties to the agreement.

(5) A SETA may only register a learnership agreement to which a group of training providers is party if-

(a) one of the training providers is identified in the agreement as the lead training provider;

(b) the lead training provider is accredited for the qualification associated with the learnership as contemplated in section 17(1)(c) of the Act;

(c) the lead training provider undertakes -

(i) to ensure compliance with the training provider's duties in terms of the agreement;

(ii) to ensure the proper assessment of the learner in accordance with the requirements of the relevant SETA; and

(iii) to undertake the quality assurance of training and assessment at the sites of the training provider parties to the agreement.

(6) The SETA must -

(a) within 21 working days of receiving the learnership agreement, decide whether or not to register the learnership agreement;

(b) if it decides to register the learnership agreement, within 7 working days of its decision -

(i) record the name, the date of registration and the registration number of the learnership agreement; and

(ii) send a copy of the learnership agreement to each of the parties to the agreement at the addresses stated in the agreement.

(c) if it decides not to register the learnership agreement, within 7 working days of its decision notify the parties to the agreement accordingly in writing, providing reasons thereof.

(7) Unless the parties to the contract agree otherwise, a contract of employment concluded with a section 18(2) learner only comes into effect once the SETA has registered a learnership agreement in respect of the learner.

Commencing education and training under learnerships

6 The learner and training provider parties to a learnership agreement may not commence the education and training specified in the agreement until the SETA has registered the learnership agreement.

Altering terms of learnership agreements

7 (1) The parties to a learnership agreement registered with the relevant SETA may, by agreement and subject to the SETA's approval, alter the terms of the said agreement.

(2) A SETA may only register an alteration referred to in subregulation (1), if a copy of the learnership agreement, together with the alterations to the said agreement, signed by all the parties thereto, is submitted to the SETA.

Substituting parties to learnership agreements

8 (1) A SETA may approve the substitution of the employer or the training provider party to a learnership agreement in terms of section 17(5) of the Act if a written application, accompanied by an agreement setting out the terms of the substitution and signed by all the parties to the learnership agreement, is submitted to the SETA.

Terminating learnership agreements

9 (1) A SETA may approve the termination of a learnership agreement in terms of section 17(4)(b) of the Act if-

(a) the employer and learner have agreed in writing to terminate the agreement;

(b) the employer or the learner has requested, on good cause, to terminate the agreement and the other parties to the learnership agreement have had the opportunity to make representations as to why the agreement should not be terminated;

(c) the learner has terminated the contract of employment with the employer; or

(d) the training provider has requested on good cause to terminate the agreement and-

(i) the other parties to the agreement have had the opportunity to make representations; and

(ii) the SETA and the employer have been unable to arrange for a new training provider party to be substituted for the old training provider party in accordance with regulation 7(1).

(2) An application to terminate a learnership agreement in terms of subregulation 1 must be submitted to the SETA in writing together with-

(a) a copy of the relevant learnership agreement;

(b) in the case of subregulation (1)(a), a written agreement signed by the employer and the learner setting out the reasons for the termination.

Decision making by SETAs

10 Unless indicated otherwise in these Regulations, a SETA must make any decision required in terms of these Regulations within 30 working days of receiving the relevant documents.

Record keeping by SETAs

11 (1) Every SETA must keep an updated record of-

(a) all learnership agreements registered by the SETA, including the title and registration number of the learnerships;

(b) all grants paid by the SETA in respect of learnerships;

(c) all alterations to the terms of learnership agreements referred to in regulation 7;

(d) all substitutions of parties to learnership agreements in terms of regulation 8;

(e) all learnership agreements successfully concluded, including the title and number of the learnerships;

(f) all learnership agreements that the SETA did not register and the reasons for not registering the agreements; and

(g) all learnership agreements terminated in terms of regulation 10, including the reasons for termination.

(2) Records referred to in subregulation (1) may be kept in any form, provided that at least one set of the records is kept in hard copy.

Employer agreements with ESDAs

12 (1) An employer may conclude an agreement with an ESDA in terms of which the ESDA assumes responsibility for exercising some or all of the employer's rights or performing some or all of the employer's duties-

(a) in terms of a learnership agreement with a section 18(1) learner;

(b) in terms of a contract of employment or a learnership agreement with a section 18(2) learner.

(2) An employer may conclude an agreement contemplated in subregulation (1) only with an ESDA registered by the Director-General in terms of these regulations.

(3) An agreement contemplated in subregulation (1)-

(a) may apply to one or more contracts of employment or learnership agreements;

(b) may apply to a contract of employment or learnership agreement-

(i) that has already been concluded only once the contract of employment or learnership agreement has been amended in writing and signed by the parties to the contract or agreement;

(ii) to be concluded at a future date;

(c) may not vary or transfer any rights or duties in terms of the contract of employment of a section 18(1) learner;

(d) may not vary or transfer any rights or duties in terms of any statute, other than the Act, except to the extent permitted by such statute.[2]

(4) If an agreement contemplated in subregulation (1) is concluded in respect of -

(a) a section 18(1) learner, the ESDA may only exercise those rights and assume responsibility for those duties which are specifically identified in the learnership agreement as being transferred to the ESDA;

(b) a section 18(2) learner, the ESDA is responsible for exercising the rights and performing the duties of the employer except those which are specifically identified in the learnership agreement or contract of employment as remaining within the responsibility of the employer.

(5) An agreement contemplated in subregulation (1) must comply with the minimum terms and conditions contained in Annexure C.

Applications for registration of ESDA

13 An application for registration of an ESDA must be submitted to the Director-General in the form set out in Annexure D.

Requirements for registration of ESDAs

14 (1) The Director-General may register an ESDA if the Director-General is satisfied that the applicant-

(a) has the necessary infrastructure, resources and systems to provide quality services to learners and employers;

(b) will comply with all statutory requirements relevant to its operations;

(c) has effective financial management policies and procedures;

(d) has effective administrative and records management policies and procedures;

[2] NOTE:. For example, the employer remains responsible under the Occupational Health and Safety Act 85 of 1993 for ensuring the health and safety at work of learners working under the employer's direction or supervision.

(e) has structures and processes for decision-making, accountability and control that will ensure good governance;

(f) has the necessary skills to provide effective services as an ESDA;

(g) will maintain a high standard of ethical conduct in providing services as an ESDA; and

(h) will comply with any other reasonable requirements determined by the Director-General.

(2) The Director-General may require an applicant to submit further information, particulars or documentation in support of any application for registration, within the time-period stipulated by the Director-General.

Registration of ESDAs

15 (1) If the Director-General decides to register an ESDA, the Director-General must-

(a) enter the applicant's name in the register of ESDAs; and

(b) issue a certificate of registration to the ESDA stating the terms of registration.

(2) The certificate of registration of an ESDA must be substantially in the form of Annexure E.

(3) If the Director-General decides not to register an ESDA, the Director-General must advise the applicant in writing of the decision and provide the applicant with written reasons for the decision.

Conditions for registration of ESDAs

16 The Director-General may impose any reasonable conditions on the registration of an ESDA and may on reasonable grounds, amend or cancel any condition imposed or impose new conditions.

Deregistration of ESDAs

17 (1) The Director-General may, on reasonable grounds, deregister an ESDA after-

(a) notifying the ESDA in writing of the intention to cancel its registration and the reasons thereof;

(b) giving the ESDA 30 days from the date of notice to make representations on why it should not be deregistered; and

(c) considering any representations received in reaching a decision.

(2) If the Director-General deregisters an ESDA, the Director-General must –

(a) notify the ESDA of the decision in writing and provide reasons for the decision; and

(b) remove the ESDA's name from the register of ESDAs.

(3) An ESDA which has been deregistered as contemplated in subsection (1) must return its certificate of registration to the Director-General within 30 days of receiving notice of deregistration.

(4) In the event that an ESDA responsible for exercising the rights or performing the obligations of an employer in terms of any learnership agreement or contract of employment is deregistered or ceases to exist or operate for any reason, the responsibility for exercising or performing the rights and duties transferred to the ESDA in terms of an agreement contemplated by regulation 12 revert to the employer, unless the employer has concluded an agreement contemplated by regulation 12(1) with another ESDA.

Referral of disputes

18 (1) A party referring a dispute in terms of section 19(2) of the Act must submit a completed Form 7.11 published in terms of the Labour Relations Act 66 of 1995 to the Commission for Conciliation, Mediation and Arbitration.

(2) The relevant provisions of Parts C and D of Chapter VII of the Labour Relations Act 66 of 1995, read with the changes required by the context, apply in respect of a dispute in terms of section 19 of the Act.

(3) A learner referring a dispute contemplated by section 19(1) of the Act to the Commission for Conciliation, Mediation and Arbitration in terms of section 19(2) of the Act complies with section 19(3) of the Act if -

(a) in respect of a learnership agreement or a contract of employment in respect of which any of the employer's rights or duties are exercised or performed by an ESDA, a copy of the referral is served on either the employer or the ESDA;

(b) in respect of a learnership agreement to which a group of employers are a party, a copy of the referral is served on the lead employer.

Short title

19 These regulations are to be known as the Learnership Regulations, 2007.

Repeal of regulations

20 The Learnership Regulations, 2001 published in General Notice No 330 in Government Gazette 22197 of 3 April 2001 are hereby repealed as a whole.

Annexure A

APPLICATION TO REGISTER A LEARNERSHIP

Documents to accompany this application form:

- The relevant SAQA qualification document downloaded from the SAQA website.
- If the applying SETA is not the accredited ETQA for the qualification associated with the learnership, proof of adequate arrangements with the relevant ETQA must be attached.

Learnership registration number : _____
Learnership registration date: _____
Learnership review date: _____
SETA responsible for learnership: _____
ETQA accredited for qualification associated with the learnership:
_____
(For official use only)

1. SETA information

1.1 Name of SETA: _____

1.2 Name of Chamber (if applicable): _____

1.3 Details of SETA official responsible for preparing the application

1.3.1 Name: _____

1.3.2 Telephone number: _____

1.4 SETA's telephone number: _____

1.5 SETA's fax number: _____

1.6 SETA's postal address: _____

_____

_____

1.7 SETA's e mail address: _____

2. Qualification information

2.1 Title of qualification associated with the learnership: _____

2.2 SAQA qualification ID number: _____

2.3 NQF level: _____

2.4 Expiry date of the qualification: _____

2.5 Minimum number of credits of the qualification: _____

2.6 Entry level requirements for the qualification: _____

2.7 Name of ETQA accredited for the qualification: _____

3. Learnership information

3.1 Is this an application to register a new learnership or to replace an existing learnership?

(tick relevant box)

3.1.1 ☐ new learnership

3.1.2 ☐ learnership to replace an existing learnership

3.2 If replacing an existing learnership, indicate the following:

3.2.1 Name of existing learnership: _____

3.2.2 Number of existing learnership: _____

3.3 Learnership title: _____

3.4 Review date of the learnership: _____

3.5 Number of credits to be earned through the learnership: _____

3.6 Related occupation (as per Organising Framework for Occupations – OFO):

_____

3.7 Occupation code (as per Organising Framework for Occupations – OFO):

4. Learnership identification

4.1 How was the need for this learnership identified?

(tick the relevant box or boxes)

- ☐ SETA sector skills plan
- ☐ Skills plans from "adjacent" SETAs
- ☐ SETA commissioned research
- ☐ Workplace skills plans
- ☐ Scarce skills list
- ☐ Generally available research (specify): _____

Other (specify): _____

4.2 What needs will the learnership address? _____

_____

_____

_____

4.3 What is the specific purpose of the learnership? _____

_____

_____

_____

5 Learnership outline in case of unit standards based qualification

Occupation name		Occupation number	
Learnership title		Credit value of this learnership	
Qualification title		Qualification registration number	
Qualification expiry date		NQF registration level	Credit value of qualification
ETQA accredited for qualification			
Purpose of the learnership			
Entry level requirements for the learnership			

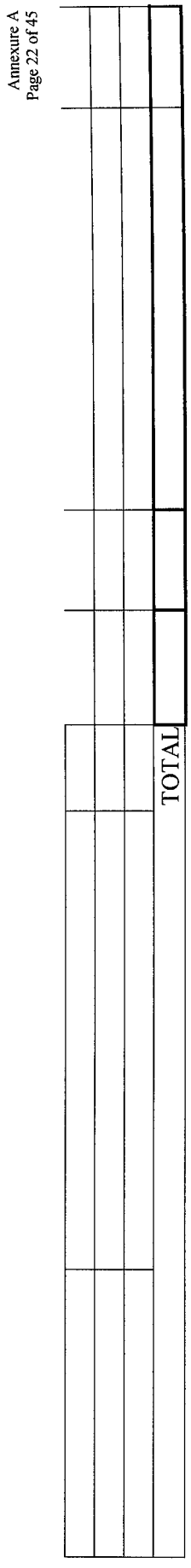
Unit Standard Title	US number	NQF Level	Credit value	Specific Outcomes for each Unit Standard	Percentage of learning at: Training Provider	Percentage of learning at: Work Place	Specified Practical Workplace Experience Activities	Notional Hours
Fundamental Unit Standards								
				• •			• •	
				• •			• •	
		TOTAL		TOTAL			TOTAL	
Core Unit Standards								
				• •			• •	
				• •			• •	
		TOTAL		TOTAL			TOTAL	
Elective Unit Standards								
				• •			• •	
				• •			• •	

TOTAL		TOTAL			TOTAL

6 Learnership outline in case of non- unit standards based qualification

Occupation name				Occupation number	
Learnership title				Credit value of this learnership	
Qualification title				Qualification registration number	
Qualification expiry date		NQF registration level		Credit value of qualification	
ETQA accredited for qualification					
Purpose of the learnership					
Entry level requirements for the learnership					

Exit level outcomes	Specific theoretical learning outcomes	Notional Learning Hours	Percentage of learning at: Training Provider	Percentage of learning at: Work Place	Specified Practical Workplace Experience Activities	Notional Learning Hours
Year 1						
		TOTAL				
Year 2						
		TOTAL				
Year 3						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7. Declaration by SETA

We declare that this application is a true and accurate reflection of the learnership, the qualification associated with the learnership and the rationale for the learnership.

Signed on this _____ day of _____ 20_____

at _____

SETA Executive Officer: _____ _____
Name Signature

ETQA Manager: _____ _____
Name Signature

Learnership Manager: _____ _____
Name Signature

Annexure B

SETA Logo

LEARNERSHIP AGREEMENT

PART A: TERMS AND CONDITIONS OF AGREEMENT

1 Declaration of the parties

We understand that this Agreement is legally binding.

We understand that it is an offence in terms of the Skills Development Act 97 of 1998 ('the Act') to provide false or misleading information in this Agreement.

We agree to the following rights and duties.

2 Rights and duties of learners, employers and training providers

2.1 Rights of the Learner

The learner has the right to:

2.1.1 receive an induction to the learnership;

2.1.2 be educated and trained under the learnership;

2.1.3 access to the required resources for the achievement of the specified outcomes for the structured learning component as well as the specified practical workplace experience activities of the learnership;

2.1.4 be assessed and have access to the assessment results for the structured learning component as well as the specified practical workplace experience activities of the learnership;

2.1.5 receive a written statement of results within 21 working days of the final assessment required in this learnership agreement;

2.1.6 if successful, be awarded a certificate of achievement for the qualification associated with the learnership within 45 working days of the learner's final assessment;

2.1.7 in the case of a section 18(2) learner, receive the agreed learnership allowance for the duration of the learnership;

2.1.8 raise grievances in writing with the SETA or the ETQA accredited for the qualification associated with the learnership concerning any shortcomings in the quality of the education and training under the learnership.

2.2 **Duties of the Learner**

The learner must:

2.2.1 carry out all occupationally related work for the employer required for the practical workplace experience activities specified in the learnership;

2.2.2 comply with the employer's workplace policies and procedures;

2.2.3 be available for, and participate in, all structured learning and practical workplace experience activities required by the learnership;

2.2.4 attend all theoretical learning sessions and practical learning activities with the training provider;

2.2.5 complete timesheets and projects and participate in any assessment activities that are required for the final assessment at the end of the learnership; and

2.2.6 undertake all learning relating to the learnership conscientiously.

2.3 **Rights of the Employer**

The employer has the right to require the learner to:

2.3.1 perform duties in terms of this Agreement; and

2.3.2 comply with the rules and regulations concerning the employer's workplace policies and procedures.

2.4 **Duties of the Employer**

The employer must:

2.4.1 comply with all duties in terms of the Skills Development Act and applicable legislation including:

- Basic Conditions of Employment Act 75 of 1997;
- Labour Relations Act 66 of 1995;
- Employment Equity Act 55 of 1998;
- Occupational Health and Safety Act 85 of 1993 (or Mine Health and Safety Act 27 of 1996);
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Unemployment Insurance Act 30 of 1996.

2.4.2 provide the facilities and resources required for the specified practical workplace experience activities of the learnership;

2.4.3 provide the learner with supervision, mentoring and coaching at work;

2.4.4 provide the learner with appropriate education and training to competently perform the specified workplace experience activities required by the learnership;

2.4.5 release the learner during normal working hours to attend off-the-job structured learning required by the learnership;

2.4.6 conduct on-the-job assessment for the specified workplace experience activities, or cause it to be conducted;

2.4.7 keep up to date records of workplace learning and periodically discuss progress with the learner and the training provider;

2.4.8 if the learner was not in the employment of the employer at the time of concluding this Agreement-

- enter into a contract of employment with the learner for the duration of the learnership;
- advise the learner of the terms and conditions of his or her employment, including the learner allowance; and
- advise the learner of the employer's workplace policies and procedures.

2.4.9 pay the learner the agreed learner allowance for the duration of the learnership;

2.4.10 apply the same disciplinary, grievance and dispute resolution procedures to the learner as to any other employee;

2.4.11 submit the signed learnership agreement to the SETA for registration.

2.4.12submit records as required by ETQA body.

2.5 **Rights of the Training provider**

The training provider has the right to access the learner's portfolio of evidence and workplace learning related assessments.

2.6 **Duties of the Training provider**

The training provider must:

2.6.1 provide the structured learning specified in the learnership;

2.6.2 provide the learner support as required by the learnership;

2.6.3 record, monitor and retain details of the education and training provided to the learner in terms of the learnership and periodically discuss progress with the learner and the employer;

2.6.4 conduct off-the-job assessments for the structured learning component specified in the learnership, or cause it to be conducted;

2.6.5 ensure that the assessment against the outcomes of the qualification associated with the learnership is conducted at the end of the learnership; and

2.6.6 issue a written statement of results in respect of the learner's final assessment for the qualification associated with the learnership within 21 working days of the assessment, to the learner, the SETA and the ETQA accredited for the qualification.

3 Suspension of this agreement

3.1 A SETA may approve the suspension of this agreement if-

3.1.1 the employer and the learner have agreed in writing to suspend the agreement; or

3.1.2 the employer or the learner has requested, on good course, to suspend the agreement and the other parties to the learnership agreement have had opportunity to make presentations as to why the learnership should not be suspended.

3.2 An application to suspend a learnership agreement must be submitted to the SETA in writing together with-

3.1.1 a written agreement signed by the employer and the learner setting out the reasons for the suspension; and

3.1.2 where appropriate the reasons for the suspension and proof that the other parties to the learnership agreement have had the opportunity to make presentations as to why the agreement should be suspended.

3.3 All parties to a suspended learnership agreement must take appropriate steps to reactivate the learnership programme on expiry of the suspension period.

4 Termination of this Agreement

This learnership agreement terminates:

4.1 on the termination date stipulated in Part B of this Agreement; or

4.2 on an earlier date if:

4.2.1 the learner has successfully completed the final assessment and fulfilled all requirements associated with the specified workplace experience activities of the learnership;

4.2.2 the learner is fairly dismissed by the employer for a reason related to the learner's conduct or capacity as an employee;

4.2.3 the SETA approves the termination of the Agreement in terms of the Learnership Regulations, 2007.

5 Disputes

5.1 If there is a dispute concerning any of the following matters, it may be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA):

5.1.1 the interpretation or application of any provision of this Agreement, the learner's contract of employment or a sectoral determination made in terms of section 18(3) of the Act;

5.1.2 Chapter 4 of the Act;

5.1.3 the termination of this Agreement or, in the case of a section 18(1) learner, the learner's contract of employment.

5.2 If there is a dispute regarding the quality of education and training provided by the training provider or regarding the quality of the learner's learning performance, it may be referred to the ETQA accredited for the learnership qualification for resolution in accordance with the applicable policies and procedures of the ETQA.

PART B: DETAILS OF THE LEARNERSHIP AND THE PARTIES TO THIS AGREEMENT

Please take note of the following:

- If the learner is not already in the employ of the employer, the learner and employer must conclude a contract of employment.
- If the learner is a minor then the learner's parent or guardian must be a party to this Agreement and must complete section 3. The parent or guardian ceases to be a party to this Agreement once the learner ceases to be a minor.
- If a group of employers are party to this Agreement, one of the employers must perform the function of a lead employer. The lead employer must complete section 4. Details of the other employers must be attached on a separate sheet.
- If the employer and the accredited training provider are the same entity, the employer must complete sections 4 and 5.
- If a group of training providers are party to this Agreement, one of the providers must perform the function of lead training provider. The lead training provider must be accredited for the qualification and must complete section 5. Details of the other training providers must be attached on a separate sheet.
- A copy of the learning programme outline and implementation plan must be attached.
- If the employer has concluded an agreement with an ESDA in terms of which the ESDA is to perform some or all of the employer's obligations or exercise some or all of the employer's rights in terms of the learnership agreement, section 6 must be completed.

1 Learnership details

1.1 Name of learnership: _____

1.2 Department of Labour registration number of learnership: _____

1.3 Commencement date of learnership agreement: _____

1.4 Termination date of learnership agreement: _____

1.5 Occupation that this learnership is related to (as per the Organising Framework of Occupations (OFO): _____

1.6 Name of the qualification: _____

1.7 SAQA Qualification ID number: _____

2 **Learner details**

2.1 Full name: _____

2.2 Identity number: _____

2.3 Date of birth: _____

2.4 Sex: ☐ Male ☐ Female

2.5 Race: ☐ African ☐ Indian

☐ Coloured ☐ White

☐ Other (specify): _____

2.6 Do you have a disability, as contemplated by the Employment Equity Act 55 of 1998?[3]

☐ Yes (specify): _____ ☐ No

2.7 Home address: _____

_____

_____

2.8 Telephone number: _____

[3] The Employment Equity Act defines a disability as a long-term or recurring physical or mental impairment which substantially limits prospects of entry into, or advancement in, employment.

2.9 Postal address (if different from above): _____

_____

_____

2.10 E-mail address: _____

2.11 Are you a South African citizen?

☐ Yes ☐ No (specify and attach documents indicating your status, for example: permanent residence, study permit, etc):

2.12 Highest level qualification:

(Tick the relevant box)

	NQF level / nomenclature		**Other nomenclature**	
8		☐	Doctoral degrees, PhD	☐
7		☐	Masters degrees	☐
6		☐	4 year Degrees	☐
5		☐	National diplomas and higher certificates	☐
4	Further Education & Training Certificate	☐	Grade 12, matriculation exemption NTC 4	☐
3		☐	Grade 11, NTC 3	☐
2		☐	Grade 10, NTC 2	☐
1	General Education & Training Certificate	☐	Grade 9, School leaving certificate, NTC 1, ABET level 4	☐

2.13 What is the title of your highest qualification? _____

2.14 Have you previously undertaken a learnership?

☐ Yes (specify title and code): _____ ☐ No

2.15 Were you employed by your employer before concluding this Agreement?

☐ Yes ☐ No

2.16 If you were unemployed before concluding this Agreement, state for how long:

_____

2.17 If you are employed, when did you start work with your employer?

_____

3 **Parent or Guardian details**

(To be completed if learner is a minor)

3.1 Full name:_ _____

3,2 Identity number:_____

3.3 Home address: _____

_____

_____

3.4 Postal address (if different from above): _____

_____

_____

3.5 Telephone number (home and work): _____

3.6 E-mail address: _____

4 **Employer details**

4.1 Legal name of employer: _____

4.2 Trading name (if different from above): _____

4.3 Are you liable for the skills development levy?

☐ Yes ☐ No

If yes, what is your SDL number: _____

4.4 Name of SETA with which you are registered: _____

4.5 What is the Standard Industrial Classification (SIC) code that applies to your core business: _____

4.6 Are you acting as the Lead Employer?

☐ Yes ☐ No

4.7 Business address: _____

_____

_____

4.8 Postal address (if different from 4.7): _____

_____

_____

4.9 Name of contact person: _____

4.10 Telephone No: _____

4.11 Fax No: _____

4.12 E-mail address: _____

5 **Training Provider details**

5.1 Legal name of Training Provider: _____

5.2 Trading name (if different from above): _____

5.3 Are you acting as the Lead Training Provider?

☐ Yes ☐ No

5.4 Are you liable for the skills development levy?

☐ Yes ☐ No

If yes, what is your SDL number: _____

5.5 What is the Standard Industrial Classification (SIC) code that applies to your core business: _____

5.6 Name of ETQA that has accredited your institution: _____

5.7 Accreditation number and review date: _____

5.8 Business address: _____

_____

_____

5.9 Postal address (if different from 5.8): _____

_____

_____

5.10 Name of contact person: _____

5.11 Telephone number: _____

5.12 Fax number : _____

5.13 E-mail address: _____

6 **ESDA details (if applicable)**

6.1 Legal name of ESDA: _____

6.2 Trading name (if different from above): _____

6.3 Registration number: _____

6.4 Business address: _____

_____

_____

6.5 Postal address (if different from 6.4): _____

_____

_____

6.6 Name of contact person: _____

6.7 Telephone number: _____

6.8 Fax number : _____

6.9 E-mail address: _____

6.10 If the learner is a section 18(1) learner, list below the rights and duties of the employer in terms of the learnership agreement, if any, that are to be exercised by the ESDA as agreed by the employer and the ESDA:[4]

_____

_____

_____

_____

_____

6.11 If the learner is a section 18(2) learner, specify below the rights and duties of the employer in terms of the contract of employment or the learnership agreement, if any, that will be within the responsibility of the employer[5]:

_____

_____

_____

_____

[4] If the required information is set out clearly in the agreement concluded between the employer and the ESDA, reference can be made to the relevant provisions in the agreement.

[5] If the required information is set out clearly in the agreement concluded between the employer and the ESDA, reference can be made to the relevant provision in the agreement.

_____

_____

6.12 Attach a copy of the agreement between the employer and the ESDA.

7 **Terms and conditions of employment**

7.1 Are the learner's terms of employment determined by a document of general application (for example, sectoral determination, bargaining council agreement, collective agreement):

☐ Yes (specify): _____ ☐ No

7.2 Attach a copy of a document reflecting the learner's conditions of employment (for example: contract of employment, written particulars of employment).

8 **Signatories**

Learner's signature:

_____

Date: _____

Witness signature:

_____

Date: _____

Parent or Guardian's signature
(Only if the learner is a minor)

_____

Date: _____

Witness signature:

_____

Date: _____

Employer or Lead Employer's signature

_____

Date: _____

Witness signature:

_____

Date: _____

Training Provider or Lead Training Provider's signature

_____

Date: _____

Witness signature:

_____

Date: _____

Official use only

Learnership Agreement Number:	_____
Registration date of the Agreement:	_____
Signature of SETA Official (Learnership Manager):	_____

TO BE COMPLETED BY EACH TRAINING PROVIDER IF A GROUP OF TRAINING PROVIDERS IS PARTY TO THE AGREEMENT

Training Provider 1

Legal name of training provider: _____

Name of ETQA that has accredited your institution: _____

Accreditation number and review date: _____

Name of contact person: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Signature: _____

Date: _____

Training Provider 2

Legal name of training provider:

_____

Legal name of training provider:

_____

Accreditation number and review date:

_____

Name of contact person: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Signature: _____

Date: _____

TO BE COMPLETED BY EACH EMPLOYER IF A GROUP OF EMPLOYERS IS PARTY TO THE AGREEMENT

Employer 1

Legal name of employer: _____

Name of contact person: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Signature: _____

Date: _____

Employer 2

Legal name of employer: _____

Name of contact person: _____

Telephone number: _____

Fax number: _____

E-mail address: _____

Date: _____

Annexure C

AGREEMENT BETWEEN EMPLOYER AND ESDA

MINIMUM TERMS AND CONDITIONS OF A REGULATION 12 AGREEMENT

An agreement between an employer and an ESDA as contemplated in Regulation 12 must contain:

1. A sufficient description of the parties, including legal names, trading names, relevant registration details, addresses, responsible persons and their contact details.

2. The scope of the agreement

(1) If the agreement covers contracts of employment or learnership agreements that have already been concluded, the agreement must –

(a) identify the relevant contracts of employment or learnership agreements to which the agreement applies;

(b) contain an acknowledgement that the agreement will apply to these contracts of employment or learnership agreements only once they have been amended in writing and signed by the parties to the contracts of employment or learnership agreements.

(2) If the agreement covers contracts of employment or learnership agreements to be concluded at a future date, the agreement must identify the future contracts of employment or learnership agreements to which the agreement will apply with as much clarity as is possible.

3. The rights and duties of the ESDA under the agreement in respect of learners, including -

(1) in respect of section 18(1) learners, the rights and duties of the employer under the learnership agreement that have been transferred to the ESDA;

(2) in respect of section 18(2) learners, the parties' agreement that the ESDA will exercise the rights and perform the duties of the employer in terms of the learnership agreement or contract of employment except those rights or duties specifically identified in the learnership agreement or contract of employment as falling within the responsibility of the employer;

(3) the commitment by the ESDA to exercise such rights and duties in accordance with any applicable law or regulation.

4. The rights and duties of the employer under the agreement.

5. A warranty by the ESDA-

(a) regarding the standard of services to be provided under the agreement;

(b) that it has the capacity and resources to comply with any duties it assumes in terms of contracts of employment, learnership agreements and applicable legislation.

6. The duration of the agreement.

7. Provision for amending the agreement.

8. Provision for terminating the agreement.

9. Provision for the expedited arbitration of any dispute regarding the interpretation or application of the agreement.

Annexure D

APPLICATION TO REGISTER AN ESDA

Place: .....

Date: .....

(IN TRIPLICATE)

The Director-General

Department of Labour

Private Bag .....

1. **Details of Applicant**

1.1. Legal name of applicant: _____

1.2. Trading name (if different from above): _____

1.3. Type of legal entity: _____

1.4. Registration number: _____

1.5. Business address: _____

_____

_____

1.6. Postal address (if different from above): _____

_____

_____

1.7. Name of responsible person: _____

1.8. Telephone number: _____

1.9. Fax number _____

1.10. E-mail address: _____

2. **Identification of employment and skills development services to be provided**

2.1. Provide details of the industries/sectors and geographic regions in which you intend providing employment and skills development services:

_____

_____

_____

_____

2.2. Identify the learnerships in respect of which you intend offering employment and skills development services:

_____

_____

_____

_____

2.3. Provide details of any needs analysis conducted to determine expected demand for your services:

_____

_____

_____

3. **Documents to be attached to application**

3.1. Certified copy of entity registration documents;

3.2. Proof of compliance with relevant statutory requirements;

3.3. Copies of financial management policies and procedures;

3.4. Copies of administrative and records management policies and procedures;

3.5. A description of the governance structures of the organisation;

3.6. Proof of skills of personnel;

3.7. Proof of financial capacity;

3.8. A needs analysis and expected demand report.

Signed on this _____ day of _____ 20_____

at _____

Authorised official: _____ _____
Name Signature

Annexure E

CERTIFICATE OF REGISTRATION OF ESDA

This is to certify that Director–General: Labour has registered

[Name of ESDA].....

.....

Registration No:.....

of **[Business address of ESDA]**

.....

.....

.....

as an Employment and Skills Development Agency ("ESDA") in terms of regulation 15 of the Learnership Regulations, 2007 subject to the following terms and conditions:

.....

.....

.....

.....

.....

Director-General: Labour

Date: ..... 20 .....

ISAZISO SIKAHULUMENI

UMNYANGO WEZABASEBENZI

Inombolo R. 519 **29 June 2007**

UMTHETHO WEZOKUTHUTHUKISWA KWAMAKHONO WE-1998 (UMTHETHO ONGUNOMBOLO 97 WE-1998)

IMITHETHOMIGOMO YEZINHLELO ZOKUFUNDA AMAKHONO, 2007

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe Wezabasebenzi, ngaphansi kwesigaba samashumi amathathu nesithupha (36) sihambisana nesigaba seshumi nesithupha (16) neseshumi nesikhombisa (17) soMthetho Wezokuthuthukiswa Kwamakhono we-1998 (uMthetho ongunombolo 97 we-1998), emva kokuxhumana nesiGungu sikaZwelonke Sezamakhono, ngenza iMithethomigomo kuSheduli.

MMS MDLADLANA
UNGQONGQOSHE WEZABASEBENZI

ISHEDULI

IMITHETHOMIGOMO YEZINHLELO ZOKUFUNDA AMAKHONO, 2007

OKUQUKETHWE

1. Izincazelo
2. Ukubhaliswa kweziNhlelo Zokufunda Amakhono
3. Ukuchitshiyelwa kweZinhlelo Zokufunda Amakhono ezibhalisiwe
4. Ukwesulwa kweZinhlelo Zokufunda Amakhono ezibhalisiwe
5. Ukubhaliswa kwezivumelwano zeziNhlelo Zokufunda Amakhono
6. Ukuqala kokufunda nokuqeqeshwa ngaphansi koHlelo Lokufunda Amakhono
7. Ukuguqulwa kwemibandela yezivumelwano zeziNhlelo Zokufunda Amakhono
8. Ukushintshwa kwabantu abangamalunga wesivumelwano soHlelo Lokufunda Amakhono
9. Ukuqedwa kwezivumelwano sokufunda amakhono
10. Ukuthathwa kwezinqumo ngamaSETA
11. Ukugcinwa kweminingwane yi SETA
12. Izivumelwano phakathi kwabaqhashi ne ESDA
13. Isicelo sokubhaliswa kwe ESDA
14. Izidingo zokubhaliswa zama ESDA
15 Ukubhaliswa kwama ESDA
16. Imigomo yokubhaliswa kwama ESDA
17. Ukwesulwa kokubhaliswa kwama ESDA
18. Ukudluliswa kwezikhalo
19. Isihloko esifingqiwe
20. Imithethomigomo esuliwayo

Isithasiselo A: Isicelo sokubhalisa uHlelo Lokufundisa Amakhono
Isithasiselo B: Isivumelwano soHlelo Lokufundisa Amakhono
Isithasiselo C: Isivumelwano phakathi komQashi ne ESDA
Isithasiselo D: Isicelo sokubhaliswa kwama ESDA
Isithasiselo E: Isitifiketi soku bhaliswa kwe ESDA

Izincazelo

1 KuleSheduli, noma iliphi igama elisetshenziwe noma umbono elinikezwe incazelo yalo ngokoMthetho Ongamele lisho leyoncazelo enikeziwe futhi-

(a) **"umqashi"** umbandakanya nomqhashi oyinhloko;

(b) **"ESDA"** – kuchaza i-Employment and Skills Development Agency esungulwe ngokulotshiwe kusigaba 17(7) soMthetho Ongamele;

(c) **"ETQA"** Umnyango owenza isiqiniseko sokuthi imfundo nokuqeqesha kuhamba ngendlela njengoba kulotshiwe kusigaba 5 (l)(a)(ii)(bb) soMthetho we SAQA;

(d) **"umqashi oyinhloko"** kuqhaza umqashi ochazwe kusigaba 5(4) salemithethomigomo;

(e) **"umqeqeshi oyinhloko"** kuqhaza umqeqeshi ochazwe kusigaba 5(5) saleMithethomigomo;

(f) **"uHlelo Lokufunda Amakhono"** kuqhaza uHlelo lokufunda-

(i) oluqukethe uhla lokufunda olwakhiwe; uHlelo luhlanganisa umsebenzi othile owenziwa mathupha ngesikhathi esibekelwe;

(ii) uHlelo Lokufunda lwandulela kusiqu esibhalisiwe ngu SAQA nesikhundla somsebenzi esiqondene; futhi

(iii) uHlelo Lokufunda Amakhono oluhlosiwe lubhalisiwe yiNhloko yoMnyango Wezabasebenzi ngendlela eyaliwe.

(g) **"isivumelwano soHlelo Lokufunda Amakhono"** kuqhaza Isivumelwano soHlelo Lokufundisa Amakhono ngokulotshiwe kusigaba 17(1) soMthetho Ongamele;

(h) **"isiqu noma isifundo esincikene noHlelothize Lokufunda Amakhono"** kuqhaza isifundo ngokulotshiwe kusigaba 16(c) soMthetho Ongamele;

(i) **"umfundi wesigaba 18(1) soMthetho Ongamele"** kuchaza umfundi obesebenza kumqashi obandakanyekayo esivumelwaneni ngesikhathi isivumelwano senziwa;

(j) **"umfundi wesigaba 18(2) soMthetho Ongamele"** kuchaza umfundi obengaqashwanga ngumqashi obandakanyekayo ohlelweni lokufundisa nokuqeqesha ngesikhathi kwenziwa isivumelwano;

(k) **"ukuthumela"** kuchaza ukuletha izinto ezidingekayo ngesandla noma ngeposi elibhalisiwe okanye ngombikombani ukuze kuthi lowo oziholayo azithole ziwuhlobo olubhaliwe;

(l) **"uMthetho Ongamele"** kuchaza Umthetho Wezokuthuthukiswa Kwamakhono we-1998 (Umthetho Ongunombolo 97 we-1998); kanye no-

(m) **"umqeqeshi"** umbandakanya nomqeqeshi oyinhloko.

Ukubhaliswa kweziNhlelo Zokufunda Amakhono

2 (1) I-SETA efuna ukubhalisa uhlelo lokufundisa ngokwesigaba 16 soMthetho Ongamele kufanele igcwalise isicelo sokubhalisa esihambisana nemibandela njengoba kubekwe ku Sithasiselo "A".

(2) Isicelo kufanele sisayindwe nguMphathi-Jikelele weSETA bese sithunyelwa kuNhloko yoMnyango Wezabasebenzi.

(3) Uma i-SETA icela ukubhalisa uhlelo lokufunda ingahlangabezani nezidingo ze-ETQA ngohlelo efuna ukulubhalisa leyo SETA kufuneka ikhombise ubufakazi obanele bokuthi yenze amalungiselelo anele ne ETQA kuNhloko yoMnyango-

(a) lokhu kuqinisekisa izinga eliphezulu lokuphatha kwezemfundo, ukuqeqeshwa nokuhlolwa kwabafundi abangaphansi kohlelo;

(b) ukukhishwa kwezitifiketi zempulelelo ekuphothulweni kohlelo.

(4) Ngokubhaliswa kohlelo iNhloko yoMnyango Wezabasebenzi-

(a) ikhipha inombolo yohlelo lokufunda;

(b) inikeze iSETA isitifiketi sokubhaliswa kohlelo lokufunda.

(5) INhloko yoMnyango Wezabasebenzi ingafuna ulwazi, imininingwane nezincwadi kuSETA ngaphambi kokubhaliswa kohlelo lokufunda ngezikhathi azinqumile.

Ukuchitshiyelwa kweziNhlelo Zokufunda Amakhono ezibhalisiwe

3 (1) I-SETA ingenza isicelo esibhaliwe kuNhloko yoMnyango ukuthi kuchitshiyelwe uhlelo olubhalisiwe.

(2) Uma i-SAQA ichibiyela uhlelo olubhalisiwe njengoba kushiwo kusigatshana (1) i-SETA eqondene nohlelo kufanele ifake isicelo sokuchibiyela uhlelo kungakapheli izinsuku ezingamashumi amane nesihlanu (45).

(3) Uma uhlelo lokufunda olubhalisiwe luchitshiyelwa iNhloko yoMnyango ichibiyele isitifiketi sokubhaliswa kohlelo lokufunda njengoba kufanele noma akhiphe isistifiketi esisha.

(4) Ukuchitshiyelwa kohlelo lokufunda akuthinti-

(a) amalungelo nemisebenzi yabantu abambandakanyekayo kunoma isiphi isivumelwano esisamile ngesikhathi kuchitshiyelwa uhlelo lokufunda;

(b) ubunjalo bohlelo oluqedwe ngumfundi kanye nanoma iluphi uhlelo oluphunyelelwe oluphathelene nohlelo obelusebenza-

(i) ngaphambi kokuchitshiyelwa kohlelo;

(ii) noma isikhathi esiqaliwe ngaphambi kokuchitshiyelwa kohlelo kanye naleso sikhathi umfundi asiqedile.

Ukwesulwa kweziNhlelo Zokufunda Amakhono ezibhalisiwe

4 (1) INhloko yoMnyango ingalwesula uhlelo lokufunda olubhalisiwe uma-

(a) i-SETA icele ngencwadi kuNhloko yoMnyango ukuthi esule uhlelo lokufunda olubhalisiwe;

(b) izifundo eziphathelene nohlelo zesulwe yiSAQA;

(c) i-SETA yehluleka ukunikeza ulwazi, imininingwane nezincwadi eziphathelene nohlelo lokufunda njengoba kumisiwe esigabeni 2(5);

(d) iNhloko yoMnyango inelisekile ukuthi asikho isidingo sohlelo ngenxa yokungabikhona kwabafundi ababhalisela uhlelo.

(2) Ngaphambi kokwesula uhlelo iNhloko yoMnyango kufanele-

(a) ashicilele isaziso senhloso yokwesula uhlelo lokufunda nezizathu zokwenza lokho kuSomqulu ka Hulumeni (Government Gazette);

(b) anikeze abathintekayo izinsuku ezingamashumi amathathu kusukela ngosuku lwesaziso kuSomqulu ka Hulumeni ukuthi babeke imibono yabo ukuthi kungani uhlelo kufanele lungesulwa;

(c) abheke imibono yabantu abathintekayo kanye nabaPhathi beNhlangano yamaKhono kaZwelonke (NSA) uma enza isinqumo.

(3) Ukwesulwa kohlelo lokufunda olubhalisiwe akuthinti-

(a) amalungelo nemisebenzi yalabo abathintekayo ezivumelwaneni zohlelo ebezimile ngesikhathi sokwesulwa kohlelo;

(b) ubunjalo bohlelo oluqedwe ngumfundi kanye nanoma iziphi izifundo eziphathelene nohlelo umfundi aziphumelele-

(i) ngaphambi kokwesulwa kohlelo;

(ii) noma isikhathi esingakanani esiqaliwe noma esiqedwe ngumfundi ngaphambi kokwesulwa kohlelo lokufunda.

Ukubhaliswa kwezivumelwano zeziNhlelo Zokufundisa Amakhono

5 (1) Isivumelwano sohlelo lokufunda kufuneka sibenjengoba sibekwe kusithasisele B.

(2) I-SETA ingadinga ukuthi abantu abathintekayo esivumelwaneni sohlelo lokufunda banikeze ulwazi ngaphezulu kwalolo abalunikeze njengoba kishiwo kusigatshana (1).

(3) I-SETA ingabhalisa isivumelwano sohlelo lokufunda ngokwesigaba 17(3) kuphela uma-

(a) iNhloko yoMnyango Wezabasebenzi ilubhalisile uHlelo lokufunda;

(b) isivumelwano sokufunda njengoba kuchaziwe kusigatshana (1) sigcwalisiwe sathunyelwa kuSETA;

(c) sisayindwe yibo bonke abantu abathintekayo esivumelwaneni, kanti uma umfundi esemncane[1], kumele kube abazali abasayindayo;

(d) umqashi othintekayo esivumelwaneni uwela ngaphansi kwaleyo SETA njengoba kubekwe nguNgqongqoshe kusigaba 9(2) soMthetho Ongamele;

(e) uma umqashi kufanele akhokhe intela, lowomqashi uwela ngaphansi kwamandla eSETA ngokwesigaba 5 soMthetho Wezintela Zokuphuculwa Kwamakhono (Skills Development Levies Act);

(f) umqeqeshi othintekayo esivumelwaneni unegunya lokufundisa izifundo ezisohlelweni njengoba kubekiwe kusigaba 17 (1)(c);

(g) isivumelwano kufuneka sihambisane nomthetho kanye nayo yonke eminye imigomo ephathelene nezinhlelo zokufunda ezibhalisiwe;

(h) isivumelwano sohlelo lokufunda sasayindwa ngaphambi kokuqala kohlelo;

(i) uma kungumfundi wesigaba 18(2) umqashi nomfundi banesivumelwano somsebenzi ngaphansi kwesigatshana (8).

(4) I-SETA ingabhalisa izivumelwano sezinhlelo zokufunda namaqembu abaqashi uma-

(a) oyedwa wabaqashi akhonjwe njengomqashi oyinhloko esivumelwaneni;

(b) umqashi oyinhloko nomfundi basayindile esivumelwaneni;

(c) umqashi oyinhloko ezibophezela ukuthi-

[1] Omncane kuchaze umuntu ochazwe ngokomthetho we Birth and Registration Amendment Act No.1 of 2002

(i) uzoqinisekisa ukugcinwa kwemisebenzi yomqashi njengoba isesivumelwaneni;

(ii) uzoqinisekisa ukugcinwa kwesivumelwano endaweni yokusebenza yabanye abaqashi abathintekayo esivumelwaneni.

(5) I-SETA ingabhalisa uhlelo lokufunda olunamaqembu abaqeqeshi abayingxenye yalo kuphela uma -

(a) omunye wabaqeqeshi ezoba ngumqeqeshi oyinhloko;

(b) umqeqeshi oyinhloko egunyaziwe ukufundisa izifundo eziyingxenye yohlelo njengoba kubekiwe esigabeni 17(1)(c) soMthetho Ongamele;

(c) umqeqeshi oyinhloko uzibophezela ukuthi -

(i) uzoqinisekisa ukuthi ukugcinwa kwemisebenzi yabaqeqeshi njengokwesivumelwano;

(ii) uzoqinisekisa ukuthi ukuhlolwa kwabafundi kuhamba ngendlela njengoba kubekwe yiSETA ethintekayo;

(iii) uzibophezela ukuthi ukuqeqeshwa nokuhlolwa kwabafundi ezindaweni zabaqeqeshi abathintekayo esivumelwaneni.

(6) I-SETA kufanele -

(a) yenze isinqumo sokuthi ibhalisa noma ayisibhalisi isivumelwano sohlelo lokufunda kungakapheli izinsuku ezingamashumi amabili nanye isitholile isivumelwano sokufunda.

(b) uma i-SETA yenza isinqumo sokubhalisa isivumelwano sohlelo lokufunda kungapheli izinsuku eziyisikhombisa isenzile isinqumo, kufanele -

(i) ibhale igama, usuku lokubhaliswa, nenombolo yokubhaliswa kohlelo lokufunda;

(ii) ithumele ikhophi komunye ngamunye wabathintekayo esivumelwaneni emakhelini abhalwe esivumelwaneni.

(c) uma i-SETA yenza isinqumo sokungalubhalisi uhlelo lokufunda kufanele yazise bonke abathintekayo inikeze nezizathu zokungabhalisi kungakapheli izinsuku eziyisikhombisa isenzile isinqumo.

(7) Uma abathintekayo bevumelana ngokunye, isivumelwano somsebenzi kubafundi abangaphansi kwesigaba 18(2) somthetho siqala ukusebenza uma iSETA seyibhalise isivumelwano sohlelo lokufunda ngalowo mfundi.

Ukuqala kokufunda nokuqeqeshwa ngaphansi koHlelo Lokufunda Amakhono

6 Umfundi nomqeqeshi abathintekayo esivumelwaneni sohlelo lokufunda abavunyelwe ukuqala ngemfundo nokuqeqesha ngokwesivumelwano iSETA ingakasibhalisi isivumelwano sohlelo lokufunda.

Ukuguqulwa kwemibandela yezivumelwano zeziNhlelo Zokufunda Amakhono

7 (1) Abathintekayo esivumelwaneni sohlelo lokufunda olubhaliswe kuSETA, bangavumelana ukuguqula imibandela yesivumelwano uma iSETA ivuma.

(2) I -SETA ingabhalisa izinguquko ezishiwo kusigatshana (1) kuphela uma ithola ikhophi yesivumelwano ehambisana nezinguquko ezenziwe kuleso sivumelwano esayindwe yibo bonke abathintekayo kuleso sivumelwano.

Ukushintswa kwabantu abangamalunga wesivumelwano soHlelo Lokufunda Amakhono

8 (1) I -SETA ingakuvumela ukushintshwa komqashi noma umqeqeshi oyingxenye yesivumelwano njengoba kunqunywe esigabeni 17(5) somthetho uma isicelo esibhaliwe siphelezelwa yisivumelwano esinemibandela futhi sisayndwe yibo bonke abayingxenye yesivumelwano senziwa kuSETA.

Ukuqedwa kwesivumelwano sokufundisa amakhono

9 (1) I-SETA ingakuvumela ukuqedwa kwezivumelwano zohlelo lokufunda ngegunya lesigaba 17(4)(b) somthetho uma-

(a) umqashi nomfundi bevumelana ngencwadi ukuqeda isivumelwano;

(b) umqashi noma umfundi ngezizathu ezinqala, ezicelela ukuba kuqedwe isivumelwano nabanye abathintekayo benikeziwe ithuba lokubeka imibono yabo ephikisa ukuqedwa kwesivumelwano;

(c) umfundi eqede isivumelwano somsebenzi nomqashi wakhe;

(d) umqeqeshi ucele ukuthi isivumelwano siqedwe ngenxa yezizathu ezinohlonze futhi -

(i) abayingxenye yesivumelwano banikeziwe ithuba lokubeka imibono yabo;

(ii) i-SETA nomqashi behlulekile ukuthola umqeqeshi omusha wokubambela omdala njengoba kubekwe esigabeni 7(1).

(2) Isicelo sokuqedwa kwesivumelwano ngokwesigatshana (1) kufanele senziwe kuSETA ngencwadi ephelezelwa -

(a) ikhophi yesivumelwano okukhulunywa ngaso;

(b) ngokwesigatshana (1)(a), isivumelwano esisayindwe umqashi kanye nomfundi futhi umfundi anikeze izizathu zokuqedwa kwesivumelwano.

Ukuthathwa kwezinqumo ngamaSETA

10 I-SETA ingathatha noma isiphi isinqumo esidingekayo ngegunya laleMithethomigomo kungakapheli izinsuku ezingamashumi amathathu ithole izincwadi ezifanele, phandle uma kubekwe ngenye indlela kuleMithethomigomo.

Ukugcinwa kwemininingwane yi SETA

11 (1) Wonke amaSETA kufuneka agcine izincwadi eziqukathe -

(a) zonke izivumelwano zezinhlelo zokufunda ezibhaliswe yiSETA kanye negama lohlelo nenombolo yokubhaliswa kwezinhlelo;

(b) zonke izimali ezikhokhwe yiSETA ikhokhela izinhlelo zokufunda;

(c) zonke izinguquko emibandeleni yezivumelwano njengoba kuchaziwe kusigaba 7;

(d) zonke izinguquko zabantu abangamalunga wesivumelwano sokufunda njengoba kuchaziwe kusigaba 8;

(e) zonke izivumelwano zezinhlelo zokufunda eziqedwe ngempumelelo, kanye negama nenani lezinhlelo;

(f) zonke izivulmelwano iSETA engazange izibhalise nezizathu zokungabhalisi;

(g) zonke izivumelwano ezaqedwa ngokwesigaba 10 saleMithethomigomo nezizathu zalokho.

(2) Izincwadi ezishiwo esigabeni (1) ngaphezulu zingagcinwa noma ngaluphi uhlobo kodwa kufuneka okungenani ikhophi eyodwa yezincwadi ibe wuhlobo lwephepha.

Izivumelwano phakathi kwabaqashi ne ESDA

12 (1) Umqashi angenza isivumelwano ne ESDA lapho i-ESDA izibophezela ukuthatha eminye noma yonke imisebenzi yomqashi noma ukwenza eminye yemisebenzi yomqashi mayelana -

(a) nesivumelwano sohlelo lokufunda nomfundi ongaphansi kwesigaba 18(1);

(b) nesivumelwano somsebenzi noma isivumelwano sohlelo lokufunda nomfundi ongaphansi kwesigaba 18(2).

(2) Umqashi angenza isivumelwano esikusigaba (1) ne ESDA abhaliswe yiNhloko yoMnyango Wezabasebenzi kuphela ngokwaleMithethomigomo.

(3) Isivumelwano esigabeni (1)-

(a) singabandakanya isivumelwano somsebenzi esisodwa noma eziningi okanye izivumelwano zokufunda ngaphansi kohlelo;

(b) singabandakanya izivumelwano zomsebenzi noma zokufunda-

(i) eseziphelile uma isivumelwano somsebenzi noma sokufunda sichitshiyelwe futhi sasayindwa abayingxenye yaso;

(ii) ezizosayindwa esikhathini esizayo.

(c) singehluki noma sedlusele amalungelo asesivumelwaneni somsebenzi somfundi ongaphansi kwesigaba 18 (1);

(d) singehluki noma sedlulisele amalungelo nemisebenzi asemthethweni ngaphandle kwalo, phandle uma kuvunyelwa yilowoMthetho[2].

(4) Uma isivumelwano esishiwo esigabeni (1) senziwa maqondana -

(a) nomfundi ongaphansi kwesigaba 18(1) i-ESDA ingasebenzisa kuphela lawo mandla emisebenzini eshiwo esivumelwaneni sokufunda ukuthi idluliselwe ku-ESDA;

(b) nomfundi ongaphansi kwesigaba 18(2), i-ESDA inamandla okwenza imisebenzi yomqashi ngaphandle kwaleyo esesivumelwaneni sokufunda noma somsebenzi ehlala ingumthwalo womqashi.

(5) Isivumelwano esigabeni (1) kufuneka okungenani sihlangabezane nemigomo nemibandela equkethwe kuSithasiselo C.

Isicelo sokubhaliswa kwe ESDA

13 Isicelo sokubhalisa i-ESDA kufuneka senziwe kuNhloko yoMnyango Wezabasebenzi njengoba kubekwe kuSithasiselo D.

Izidingo zokubhaliswa zama ESDA

14 (1) INhloko yoMnyango ingabhalisa i-ESDA uma enelisiwe ukuthi lowo owenza isicelo-

(a) unezingqalasizinda, izimfanelo nokunye ukuthi enzele abafundi nabaqashi umsebenzi osezingeni eliphezulu;

(b) uhlangabezana nazo zonke izimfuno zomthetho ezithinta umsebenzi wakhe;

(c) unekhono nezindlela ezisebenzayo ekuphathweni kwezimali;

(d) unezindlela zokuphatha nokugcinwa kwezincwadi ezisebenzayo;

[2] Inothi: Isibonelo, umqashi kufanele aqinise ukuthi abafundi abasebenza ngaphansi kwakhe bavikelekile ngaphansi koMthetho we Occupational Health and Safety Act 85 ka 1993.

(e) uyakwazi ukwenza izinqumo nokuphatha ngendlela;

(f) unamakhono okwenza umsebenzi omuhle njenge-ESDA;

(g) uzogcina izinga eliphezulu lokuziphatha ekwenzeni umsebenzi njenge-ESDA;

(h) uzohlangabezana nazo zonke ezinye izidingo ezifunwa yiNhloko yoMnyango Wezabasebenzi.

(2) INhloko yoMnyango ingafuna ukuthi lowo owenza isicelo anikeze ulwazi, imininingwane nezincwadi ezinye ezixhasa isicelo sokubhalisa ngesikhathi esinqunywe yiNhloko yoMnyango Wezabasebenzi.

Ukubhaliswa kwama ESDA

15 (1) Uma iNhloko yoMnyango Wezabasebenzi yenza isinqumo sokubhalisa i-ESDA kufanele-

(a) afake igama le-ESDA encwadini yama-ESDA;

(b) akhiphe isitifiketi sokubhaliswa kwe-ESDA esisho nemibandela yokubhaliswa.

(2) Isitifiketi sokubhaliswa kufanele sifane naleso esikuSithasiselo E kuleMithethomigomo.

(3) Uma iNhloko yoMnyango Wezabasebenzi enza isinqumo sokungayibhalisi i-ESDA kufanele azise lowo owenze isicelo ngencwadi maqondana nesinqumo sakhe anikeze nezizathu ngesinqumo sakhe.

Imigomo yokubhaliswa kwama ESDA

16 INhloko yoMnyango Wezabasebenzi ingabeka noma imiphi imigomo ekubhalisweni kwama ESDA kanti futhi ngezizathu ezinohlonze, achibiyele noma asuse noma imuphi umgomo okanye enze imigomo emisha.

Ukwesulwa kokubhaliswa kwama ESDA

17 (1) INhloko yoMnyango Wezabasebenzi, ngezizathu ezinohlonze, ingesula i-ESDA encwadini emuva-

(a) kokwazisa ngencwadi i-ESDA ngenhloso yokuyesula anikeze nezizathu zalokho;

(b) anikeze i-ESDA izinsuku ezingamashumi amathathu kusukela osukwini lwesaziso ukuthi ibeke imibono yayo ephikisa ukwesulwa kwayo;

(c) abheke imibono ayitholile uma enza isinqumo sokwesula i-ESDA.

(2) Uma iNhloko yoMnyango Wezabasebenzi yesula i-ESDA kufanele -

(a) azise i-ESDA ngencwadi ukuthi usenzile isinqumo anikeze nezizathu zesinqumo sakhe;

(b) esule igama le-ESDA encwadini yama ESDA.

(3) I-ESDA eyesuliwe encwadini njengoba kushiwo esigabeni (1) kufuneka ibuyisele isitifiketi sokubhaliswa kuNhloko yoMnyango kungakapheli izinsuku ezingamashumi amathathu emuva kokwaziswa ukuthi yesuliwe.

(4) Umangabe i-ESDA isebenzisa amalungelo omqashi noma beyenza umsebenzi womqashi ngokwezivumelwano zohlelo lokufunda noma zomsebenzi seyesuliwe noma ingasekho nganoma isiphi isizathu noma ingasasebenzi, wonke amalungelo nemisebenzi ebeyinikezwe wona abuyela kumqashi ngokwesivumelwano esisesigabeni 12 phandle uma umqashi enze isivumelwano nenye i-ESDA ngokwesigaba 12(1).

Ukudluliswa kwezikhalo

18 (1) Lowo owedlulisa isikhalo ngokwesigaba 19(2) soMthetho Ongamele kufanele athumele iForm 7.11 eshicilelwe ngokoMthetho Wezabasenzi (Labour Relations Act 66 of 1995) egcwalisiwe ku Khomishani Wokuxolelana, Ukulamula Nokubonisana (Commission for Concilliation, Mediation and Arbitration).

(2) Imibandela equkethwe eziQeshini C no D wesaHluko VII soMthetho Wezabasebenzi (Parts C and D of Chapter VII of the Labour Relations Act 66 of

1995) ufundwa nezinguquko ezidingwa yisimo, uyasebenza ngokwesigaba 19 soMthetho Ongamele.

(3) Umfundi owedlulisa isikhalo njengoba kulotshiwe esigabeni 19(1) soMthetho Ongamele ku CCMA ngokwesigaba 19(2) soMthetho Ongamele uhambisana nesigaba 19(3) soMthetho Ongamele uma -

(a) ngokwesivumelwano sohlelo lokufunda noma somsebenzi lapho amalungelo nemisebenzi yomqashi adluliselwe ku-ESDA, ikhophi yokwedluliswa kwesikhalo ithunyelwa kumqashi noma ku-ESDA;

(b) esivumelwaneni sohlelo lokufunda lapho kuneqembu labaqashi lithinteka, ikhophi yencwadi yokwedluliswa kwesikhalo inikezwa umqashi oyinhloko.

Isihloko esifingqiwe

19 LeMithethomigomo izokwaziwa ngokuthiwa yiMithethomigomo yeziNhlelo Zokufunda Amakhono, 2007.

Imithethomigomo esuliwayo

20 IMithethomigomo yeziNhlelo Zokufundisa Amakhono ka 2001, eshicilelwe kuSaziso soMphakathi esingunombolo 330, esiqukethwe kuSaziso sikaHulumeni, Inombolo 22197 yangomhlaka 1 April 2001 iyesulwa ngokuphelele.

Isithasiselo A

ISICELO SOKUBHALISA UHLELO LOKUFUNDISA AMAKHONO

Amaphepha okufanele ahambisane nalesisicelo:

- Ubufakazi obubuya ku SAQA obuphuma ku website ka SAQA
- Uma i-SETA eyenza isicelo ingagunyaziwe ngu ETQA ngezifundo ezihambisana noHlelo Lokufunda, ubufakazi bokothi iwenzile amalungiselelo no ETQA

Inombolo yoHlelo Lokufunda : _____

Usuku lokubhaliswa koHlelo : _____

Usuku lokubuyekezwa koHlelo : _____

I SETA ephethe uHlelo : _____

I ETQA enegunya lokuphatha loHlelo :

_____

(Ihhovisi kuphela)

1. Imininingwane ye SETA

1.1 Igama le SETA _____

1.2 Igama lomkhandlu we SETA (uma ukhona) _____

1.3 Imininingwane yomuntu we SETA ogunyazwe ukwenza lesisicelo

1.3.1 Igama: _____

1.3.2 Ucingo: _____

1.4 Ucingo lwe SETA: _____

1.5 Inombolo yefeksi ye SETA: _____

1.6 Ikheli le SETA: _____

_____

_____

1.7 Ikheli le email ye SETA: _____

2. Imininingwane yesifundo

2.1 Isihloko sesifundo esihambisana noHlelo Lokufunda Amakhono: _____

2.2 Inombolo yesifundo ephuma ku SAQA: _____

2.3 Izinga ngokwe NQF: _____

2.4 Usuku lokuphela kwesifundo : _____

2.5 Inani eliphansi lama credits esifundo : _____

2.6 Ibanga elemukelekile ukuqala izifundo : _____

2.7 Igama le ETQA ephethe isifundo : _____

3. Imininingwane yoHlelo Lokufunda

3.1 Ingabe lesi yisicelo sokubhalisa uHlelo Lokufunda olusha noma olukhona ?

(Khetha)

3.1.1 ☐ UHlelo olusha Lokufunda

3.1.2 ☐ UHlelo Lokufunda lokuvala uHlelo olukhona

3.2 Uma luvala uhlelo olukhona, phendula okulandelayo :

3.2.1 Igama loHlelo olukhona : _____

3.2.2 Inombolo yoHlelo olukhona : _____

3.3 Isihloko sohlelo lokufunda : _____

3.4 Usuku lokubuyekezwa kohlelo lokufunda : _____

3.5 Inani lamaphuzu (credits) atholakala ngaloluhlelo : _____

3.6 Isikhundla somsebenzi (ngokwe Organising Framework for Occupations – OFO):

_____

3.7 Inombolo yekhodi yesikhundla (ngokwe Organising Framework for Occupations – OFO):

_____

4. Ukusungulwa koHlelo Lokufunda Amakhono

4.1 Saziwa kanjani isidingo saloluHlelo Lokufunda ?

(Khetha)

☐ Ipulani lamakhono le SETA

☐ Ipulani lamakhono le SETA encikene

☐ Ucwaningo lamakhono le SETA

☐ Ipulani lamakhono labaqhashi

☐ Uhla lwamakhono aswelekileyo

☐ Ulwazi olukhona emphakathini (chaza): _____

_____

Okunye (chaza): _____

4.2 Luzokwanelisa ziphi izidingo loluHelo Lokufundisa Amakhono ?

_____

_____

_____

4.3 Yini inhloso yaloluHlelo Lokufunda ? _____

_____

_____

_____

5 Uhla loHlelo Lokufunda Amakhono ngokwe unit standards

Igama lesikhundla				Inombolo yesikhundla	
Isihloko soHlelo				Amaphuzu (credits) aqukethwe wuhlelo	
Isihloko sesifundo				Inombolo yokubhaliswa kwesifundo	
Usuku lokuphela kwesifundo		Izinga kwi NQF		Isisindo (value) samaphuzu esifundo	
i-ETQA ephethe isifundo					
Inhloso yesifundo					
Izimfuno ezidingekayo ukuqalisa uhlelo					

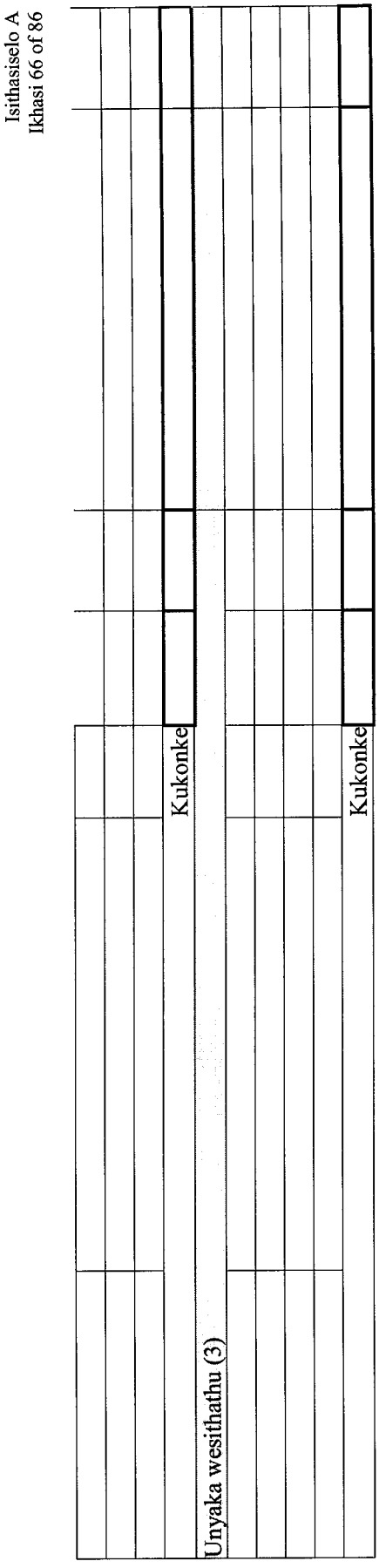
Isihloko sama unit standards	inombolo	Izinga le NQF	Isisindo	Imiphumela ye Unit Standard ngayinye	Okwekhulu okwenziwa : Umqeqeshi	Okwekhulu okwenziwa : Umqhashi	Ubufakazi bobungcweti / bamakhono obenziwa umfundi emsebenzini	Isikhathi
Ama Unit Standards ayingqalasizinda (fundamental)								
				• •			• •	
				• •			• •	
Kukonke				Kukonke			Kukonke	
Ama Unit Standards ngqo (core)								
				• •			• •	
				• •			• •	
Kukonke				Kukonke			Kukonke	
Ama Unit Standards akhethiwe								

				• • •				• • •	
				• • •				• • •	
			Kukonke			Kukonke			Kukonke	

6 Uhla loHlelo Lokufunda Amakhono olungancikene nama unit standards

Igama lesikhundla				Inombolo yesikhundla	
Isihloko soHlelo				Amaphuzu (credits) aqukethwe wuhlelo	
Isihloko sesifundo				Inombolo yokubhalisa kwesifundo	
Usuku lokuphela kwesifundo		Izinga kwi NQF		Isisindo (value) samaphuzu esifundo	
i-ETQA ephethe isifundo					
Inhloso yesifundo					
Izimfuno ezidingekayo ukuqalisa uhlelo					

Imiphumela ekuphetheni kohlelo	Imiphumela yalokho okufundisiwe	Isikhathi sokufunda	Okwekhulu okwenziwa :		Ubufakazi bobungcweti / bamakhono obenziwa umfundi emsebenzini	Isikhathi sokufunda
			Umqeqeshi	Umqashi		
Unyaka wokuqala (1)						
		Kukonke				
Unyaka wesibili (2)						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Kukonke
Unyaka wesithathu (3)
Kukonke

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7. Ukugoqela yi SETA

Thina sifunga siyagoqela ukuthi lesisicelo siyiqiniso elingenamaphutha lesidingo sokubhaliswa koHlelo Lokufunda Amakhono kanye nesifundo esincikene nalo.

Kusayindwe ngalolusuku _____ luka _____ 20_____

indawo_____

UMphathi weHovisi le SETA: _____ _____
Igama isiginesha

UMphathi we ETQA: _____ _____
Igama isiginesha

UMphathi woHlelo
Lokufunda Amakhono: _____ _____
Igama isiginesha

Isithasiselo B

i-logo ye SETA

ISIVUMELWANO SOHLELO LOKUFUNDISA AMAKHONO

ISIGABA A: IMIBANDELA NEZIBOPHO ZESIVUMELWANO

1 **Ukugoqela kwababamba iqhaza**

Siyazi ukuthi lesivumelwano siyasibophezela ngokomthetho;

Siyazi ukuthi kuwukuphula umthetho ukunikeza imininingwane engasilo iqiniso nelahlekisayo ngaphansi koMthetho Wezokuthuthukiswa Kwamakhono we-1998 (Umthetho Ongamele);

Sivumelana ngalamalungelo nezibopho ezilandelayo:

2 **Amalungelo nezibopho zabaFundi, abaQashi nabaQeqeshi**

2.1 **Amalungelo woMfundi**

UMfundi unelungelo:

2.1.1 lokungeniswa nokuqaliswa ohlelweni lokufunda amakhono;
2.1.2 lokufundiswa nokuqeqeshwa ngaphansi kohlelo lokufunda;
2.1.3 lokuthola zonke izimfanelo ezenza ukuthi aphumelele ekuzuzeni imiphumela ukuthi ekufundeni kanye nasekusebenzeni mathupha ukuze athole ulwazi ngemisebenzi ohambisana nohlelo;
2.1.4 lokuhlolwa futhi abone imiphumela yokuhlolwa ohlelweni lokufunda kanye nasekusebenzeni mathupha endaweni yokusebenza lapho athola khona ulwazi ngemisebenzi yohelo;
2.1.5 lokuthola imiphumela ngencwadi kungakapheli isinsuku ezingamashumi amabili nanye zokusebenza emuva kokuceda ukuhlowa kokugcina okufuneka kulesisvumelweno zokufunda;

2.1.6 lokuthola isitifiketi uma ephumelele ezifundweni ezihambisana nohlelo, kungakapheli izinsuku ezingamashumi amane nanhlanu emuva kokuhlolwa kokugcina komfundi;

2.1.7 Umfundi ongaphansi kwesigaba 18(2) unelungelo lokuthola izimali okuvunyelwene ngazo ngesikhathi efunda ngaphansi kohlelo;

2.1.8 Ukwedlulisa izikhalo ngencwadi kuSETA noma ku ETQA egunyazwe ukufundisa izifundo esihambisana nohlelo lokufunda. Izikhalo kufuneka ziphathelane namagebe kanye nezinga lokufunda nokuqeqeshwa

ngaphansi kohleko.

2.2 **Imisebenzi yoMfundi**

UMfundi kufanele:

2.2.1 Enze yonke imisebenzi yomqashi edingekayo engxenye yokufunda mathupha ngenhloso yokuthola ulwazi oludingekayo ohlelweni;

2.2.2 Alandele imithetho nezindlela zomqashi endaweni yokusebenza;

2.2.3 Abekhona futhi abambe iqhaza kuzozonke izifundo kanye nokusebenza mathupha ukuthola ulwazi olufunwa uhlelo;

2.2.4 Abekhona kuzozonke izifundo zolwazi kanye nezamathupha ezenziwa umqeqeshi;

2.2.5 Agcwalise amaphepha esikhathi nama-projects kanti futhi abambe iqhaza kukho konke ukuhlolwa okudingekayo kokulungiselela ukuhlolwa kokugcina ekupheleni kohlelo lokufunda;

2.2.6 Afunde ngokuzimisela kuzozonke izifundo zohlelo lokufunda.

2.3 **Amalungelo woMqashi**

Umqashi unelungelo lokufuna kumfundi:

2.3.1 Ukuthi enze yonke imisebenzi ekulesisivumelwano;

2.3.2 Ukuthi alandele imithetho nezindlela zokusebenza endaweni yokusebenza yomqashi.

2.4 **Imisebenzi yoMqashi**

Umqashi kufanele:

2.4.1 Enze yonke imisebenzi njengoba ibekwe kuMthetho Wezokuthuthukiswa Kwamakhono (Umthetho Ongamele) kanye neminye ebandakanya:

- Umthetho i-Basic Conditions of Employment Act, nombolo 75 ka 1997;
- Umthetho i-Labour Relations Act, nombolo 66 ka 1995;
- Umthetho i-Employment Equity Act, nombolo 55 ka 1998;
- Umthetho i-Occupational Health and Safety Act, nombolo 85 ka 1993 (okanye i-Mine Health and Safety Act, nombolo 27 ka 1996);
- Umthetho i-Compensation for Occupational Injuries and Diseases Act, nombolo 130 ka 1993;

- Umthetho i-Unemployment Insurance Act, nombolo 30 ka 1996).

2.4.2 Anikeze izimfanelo nendawo edingeka ukuqeqesha mathupha endaweni yomsebenzi ukuze abafundi bathole ulwazi lomsebenzi ohambisana nohlelo;

2.4.3 Aphathe, etuleke, abonise umfundi;

2.4.4 Afundise futhi aqeqeshe umfundi ukuthi akwazi ukwenza yonke imisebenzi okudingeka ayazi njengengxenge yohlelo lokufunda;

2.4.5 Akhulule umfundi ngezikhathi zomsebenzi ukuze akwazi ukuyofunda ezindaweni ezingekho endaweni yomsebenzi, nyengoba kudingwa uhlelo lokufunda;

2.4.6 Ahlole noma enze ukuthi kube nokuhlolwa emsebenzini wamakhono mathupha;

2.4.7 Agcine izincwadi ngokufunda nokuqeqeshwa kwasemsebenzini aphinde axoxisane nomfundi kanye nomqeqeshi ngenqubekela phambili yomfundi;

2.4.8 Uma umfundi ubengasebenzeli umqashi ngenkathi kwenziwe lesisivumelwano kufanele-

- enze isivumelwano somsebenzi nomfundi saleso sikhathi umfundi engaphansi kohlelo lokufunda;
- aluleke umfundi ngemigomo nemibandela yokuqashwa kanye nemali azoyithola; futhi
- aluleke umfundi ngemithetho nezindlela zokusebenza endaweni yomqashi.

2.4.9 Akhokhele umfundi imali abavumelene ngayo ngesikhathi umfundi esengaphansi kohlelo lokufunda;

2.4.10 Asebenzise izindlela anazo zokuqondisa izigwegwe, izikhalo kanye nokuxazululwa kwezinkinga njengoba kunjalo kubo bonke abanye abasebenzi;

2.4.11 Ahambise isivumelwano sokufunda ngaphansi kohlelo ukuthi sibhaliswe kuSETA;

2.4.12 Ahambise izincwadi ku-ETQA njengobe kundingeka.

2.5 **Amalungelo oMqeqeshi**

UMqeqeshi unelungelo lokuhlola amaphepha (portfolio) omfundi kanye nolwazi lokusebenza mathupha endaweni yomqashi.

2.6 **Imisebenzi yoMqeqeshi**

UMqeqeshi kufanele:

2.6.1 Afundise izifundo ezinohlaka ezidingwa uhlelo;

2.6.2 Axhase umfundi njengoba kudingwa uhlelo;

2.6.3 Abheke futhi agcine imininingwane yokufunda nokuqeqeshwa komfundi aphinde axoxisane nomfundi kanye nomqashi ngenqubekela phambili yomfundi ongaphansi kohlelo lokufinda;

2.6.4 Ahlole ulwazi lokufunda kwangaphandle komsebenzi noma enze ukuthi kube nokuhlolwa kwalololwazi;

2.6.5 Aqinisekise ukuthi ukuhlolwa kuhambisana nemiphumela elindelwe ngaphansi kohlelo lokufunda;

2.6.6 Akhiphe incwadi yemiphumela yezifundo emuva kokuhlolwa kokugcina kungakapheli izinsuku ezingamashumi amabili nanye, ayinikeze umfundi, iSETA kanye ne-ETQA enegunya lokuphatha lezozifundo.

3 Ukumiswa kwesivumelwano

3.1 I-SETA ingagunyaza ukumiswa kwalesisivumelwano uma:

3.1.1 umqashi nomfundi bavumelene ngencwadi ukumisa isivumelwano; noma

3.1.2 umqashi noma umfundi ecelile ngezizathu ezinhle ukumisa isivumelwano, abathintekayo nabo banikezwe ithuba lokubeka imibono yabo ephikisa ukumiswa kwesivumelwano sokufunda.

3.2 Isicelo sokumiswa kwesivumelwano kufuneka sihanjiswe kuSETA ngencwadi ebhaliwe kanye nalokhu okulandelayo-

3.2.1 isivumelwano esibhaliwe phakathi komqashi nomfundi enikeza izizathu zokumiswa kwesivumelwano;

3.2.2 uma kunesidingo, izizathu kanye nobufakazi bokuthi abathintekayo esivumelwaneni banikiwe ithuba lokuphikisa ukumiswa kwesivumelwano sohlelo lokufunda.

3.3 Bonke abayingxenye yesivumelwano sohlelo lokufunda kufanele bathathe izinyathelo zokuvuselela isivumelwano uma sekuphele isikhathi sokumiswa kwaso.

4 Ukuqedwa kwalesisivumelwano

Lesisivumelwano siyaphela:

4.1 ngosuku lokuphela kwaso njengoba kulotshiwe kuSigaba B walesisivumelwano; noma

4.2 ngaphambi kwesikhakhi uma-

4.2.1 umfundi eqede ngempumelelo ukuhlolwa kokugcina futhi wenelisa lwafeza zonke izidingo ezihambisana nolwazi lokusebenza mathupha ngaphansi kohlelo;

4.2.2 umfundi uxoshiwe emsebenzini ngoba umqashi enezizathu ezibonakalayo noma eziphathelene nokuziphatha kwakhe noma ikhono lakhe njengomsebenzi;

4.2.3 I-SETA ikwamukela ukuqedwa kwesivumelwano ngokwemibandela ebekwe kuMithethomigomo Yezinhlelo Zokufundisa Amakhono, 2007.

5 Izikhalo

5.1 Uma kunokungezwani noma impikiswano mayelana nalokhu okulandelayo, izikhalo zizokwedluliselwa ku Commission for Conciliation, Mediation and Arbitration (CCMA):

5.1.1 incazelo noma ukusetshenziswa kwanoma iliphi iphuzu lesivumelwano, isivumelwano somfundi sokuqashwa noma isinqumo (Sectoral determination) esenziwe ngaphansi kwesigaba 18(3) soMthetho Ongamele;

5.1.2 Isahluko 4 soMthetho Ongamele;

5.1.3 Ukuqedwa kwalesisivumelwano noma ukuphela kwesivumelwano somsebenzi ongumfundi ongaphansi kwasigaba 18(1) soMthetho Ongamele.

5.2 Uma kunenkinga ngezinga lemfundo nokuqeqeshwa ngumqeqeshi noma izinga lomfundi ezifundweni zakhe, izinkinga zidluliselwa ku-ETQA ogunyaziwe kulezozifundo ukuthi izicazulule ngendlela ebekwe emigomeni ka-ETQA.

ISIGABA B: IMININGWANE YOHLELO LOKUFUNDA AMAKHONO KANYE NABANTU ABANGAMALUNGA WESIVUMELWANO

Uyacelwa ukuba ubheke lokhu okulandelayo:

- Umangabe uMfundi usebenzela umqashi, uMfundi noMqashi kudingeka ukuba basayinde isivumelwano sokusebenza.
- Umangabe uMfundi esemncane umzali noma lowo obheke uMfundi kudingekile ukuba naye abambe ichaza kulesisivumelwano agcwalise imininingwane ekusiHlephu sesi-3. uMzali noma uMphathi woMfundi uzoyeka ukubamba ichaza umangabe uMfundi kudingeka aziphathele ngokwakhe ngokomthetho.
- Umangabe iQembu labaQashi libamba ichaza kusivumelwano, omunye wabaQashi kudingeka ukuba asebenze njengoMqashi oyiNhloko. UMqashi oyiNhloko kudingeka ukuba agcwalise imininingwane ekusiHlephu sesi-4. Imininingwane yabanye abaqashi kudingeka inikezwe ephepheni elihamba lodwa.
- Umangabe uMqhashi noMqeqeshi ogunyaziwe bengumuntu munye, uMqhashi kudingeka ukuba agcwalise imininingwane ekusiHlephu 4 no 5.
- Umangabe iQembu labaQeqeshi libamba ichaza kusivumelwano, omunye wabaQeqeshi kudingeka ukuba asebenze njengoMqeqeshi oyiNhloko. UMqeqeshi oyiNhloko kudingeka abenegunya lokuqeqesha ngaphansi kwesifundo leso esithile kanti futhi kudingeka ukuba agcwalise imininingwane ekusiHlephu sesi-5. Imininingwane yabanye abaqeqeshi kudingeka inikezwe ephepheni elihamba lodwa.
- Ikhophi lohla lohlelo lokufundisa nokuthi kuzofundiswa kanjani kudingeka ukuba linikezwe.
- Umangabe uMqashi usayinde isivumelwano ne-ESDA ukuthi i-ESDA isebenze eminye noma yonke imisebenzi yomqashi okanye i-ESDA ibambe amanye noma wonke amalungelo womqashi ngokohlelo lokufundisa amakhono, imininingwane ekusihlephu sesi-6 kudingeka ukuba igcwaliswe.

1 Imininingwane yoHlelo Lokufunda Amakhono

1.1 Igama loHlelo Lokufunda : _____

1.2 Inombolo yoHlelo Lokufunda ebhaliswe wuMyango Wezabasebenzi:

_____

1.3 Usuku lokuqala kwesivumelwano sohlelo lokufundisa: _____

1.4 Usuku lokuqedwa kwesivumelwano soHlelo Lokufunda :

_____

1.5 Isikhundla esincikene nohlelo lokufunda amakhono (ngokwe Organising Framework of Occupations (OFO): _____

1.6 Igama lesifundo: _____

1.7 Inombolo kamazisi yesifundo yakwa SAQA:

_____

2 **Imininingwane yoMfundi**

2.1 Igama eligcwele: _____

2.2 Inombolo kamazisi: _____

2.3 Usuku lokuzalwa: _____

2.4 Ubulili: ☐ Wesilisa ☐ Wesifazane

2.5 Ubuhlanga: ☐ Onsundu ☐ Indiya

☐ Wombala ☐ Omhlophe

☐ Okunye (chaza): _____

2.6 Ingabe ukhubazekile ngokomthetho we Employment Equity Act 55 of 1998?[3]

☐ Yebo (chaza): _____ ☐ Cha

2.7 Ikheli lasekhaya: _____

_____

_____

2.8 Ucingo: _____

2.9 Ikheli lokuposa (uma lehlukile kwelingaphezulu):

_____

_____

2.10 Ikheli lombikombani: _____

2.11 Ingabe uyisakhamuzi sase South Africa ?

[3] Umthetho we Employment Equity Act uchaza ukukhubazeka ngokulimala komzimba okanye kwengqondo isikhathi esidlulele ukuvimbela umsebenzi amathuba wokuqhashwa nokukhushulwa emsebenzini.

☐ Yebo ☐ Cha (chaza uphinde unikeze amaphepha achaza ngesimo sakho, isibonelo: sakhamuzi, igunya lokufunda, nokunye):

2.12 Izinga eliphakeme lemfundo:

(Khetha)

	Ngokwezinga le NQF		**Ngokwamanye amagama**	
8		☐	Isiqu sobuDokotela, PhD	☐
7		☐	Isiqu se-Masters	☐
6		☐	Isiqu seminyaka emine (4)	☐
5		☐	Isiqu se-diploma kazwelonke kanye nesitifikethi sebanga eliphakeme	☐
4	Isitifikethi semfundo nokuqeqesha sebanga elimaphakathi	☐	Ibanga le-12, umatikuletsheni NTC 4	☐
3		☐	Ibanga le-11, NTC 3	☐
2		☐	Ibanga le-10, NTC 2	☐
1	Isitifikethi semfundo nokuqeqesha sebanga eliphansi	☐	Ibanga le-9, Isitifikethi somhlalaphansi, NTC 1, Imfundo yabadala yebanga le-4	☐

2.13 Yini isihloko sesifundo sakho esiphakeme? _____

2.14 Ingabe ukewangenela uhlelo lokufunda amakhono ngaphambili?

☐ Yebo (chaza isihloko nekhodi): _____ ☐ Cha

2.15 Ingabe ubuqhashiwe ngumqhashi wakho ngaphambi kokusayinda isivumelwano?

☐ Yebo ☐ Cha

2.16 Umangabe ubuqhashiwe ngumqhashi wakho ngaphambi kokusayinda isivumelwano, chaza ukuthi isikhathi esingakanani:

_____

2.17 Umangabe uqhashiwe, ingabe uqalenini ukusebenza nomqhashi wakho?

_____

3 **Imininingwane yoMzali noma uMphathi woMfundi**

(Kudingeka ukuba igcwaliswe umangabe umfundi esemncane)

3.1 Igama eligcwele: _____

3,2 Inombolo kamazisi: _____

3.3 Ikheli lasekhaya: _____

_____

_____

3.4 Ikheli lokuposa (uma lehlukile kwelingaphezulu)

_____

_____

3.5 Ucingo (ekhaya nasemsebenzini): _____

3.6 Ikheli lombikombani: _____

4 **Imininingwane yoMqashi**

4.1 Igama lomthetho lomqashi: _____

4.2 Igama lebhizinisi (uma lehlukile kwelingaphuzulu): _____

4.3 Kudingekile ukuba ukhokhe i-levy na?

☐ Yebo ☐ Cha

Uma kudingekile, gcwalisa inombolo yakho ye levy : _____

4.4 Igama le SETA yakho: _____

4.5 I-SIC khodi ehambisana nebhizinisi lakho: _____

4.6 Ingabe usebenza njengomqashi oyinhloko na?

☐ Yebo ☐ Cha

4.7 Ikheli lomqashi : _____

_____

_____

4.8 Ikheli lokuposa (uma lehlukile kwelingaphezulu ku 4.7): _____

_____

4.9 Igama lomuntu ochumene : _____

4.10 Ucingo : _____

4.11 Ifeksi: _____

4.12 Ikheli lombikombani: _____

5 **Imininingwane yoMqeqeshi**

5.1 Igama lomthetho lomqeqeshi: _____

5.2 Igama lebhizinisi (uma lehlukile kwelingaphezulu):

_____

5.3 Ingabe usebenza njengomqeqeshi oyinhloko na?

☐ Yebo ☐ Cha

5.4 Kudingekile ukuba ukhokhe i-levy na ?

☐ Yebo ☐ Cha

Uma kudingekile, gcwalisa inombolo yakho ye levy: _____

5.5 I-SIC khodi ehambisana nebhizinisi lakho: _____

5.6 Igama le ETQA egunyaze inhlangano yakho: _____

5.7 Inombolo yegunya nosuku lokubuyekezwa kwegunya:

_____

5.8 Ikheli lomqeqeshi : _____

_____

_____

5.9 Ikheli lokuposa (uma lehlukile kwelingaphezulu ku 5.8): _____

_____

_____

5.10 Igama lomuntu ochumene: _____

5.11 Ucingo: _____

5.12 Ifeksi _____

5.13 Ikheli lombikombani: _____

6 **Imininingwane ye ESDA (uma idingeka)**

6.1 Igama lomthetho le ESDA: _____

_____

6.2 Igama lebhizinisi (uma lehlukile kwelingaphezulu): _____

_____

6.3 Inombolo yokubhaliswa: _____

6.4 Ikheli lebhizinisi ye ESDA : _____

_____

_____

6.5 Ikheli lokuposa (uma lehlukile kwelingaphezulu ku 6.4): _____

_____

_____

6.6 Igama lomuntu ochumene: _____

6.7 Ucingo: _____

6.8 Ifeksi _____

6.9 Ikheli lombikombani: _____

6.10 Uma ngabe umfundi ungaphansi kwesigaba 18(1), gcwalisa ngaphansi amalungelo nemisebenzi ezophathwa yi ESDA ngokwesivumelwano sohlelo lokufundisa amakhono, njengalokho kuvunyelwene phakathi komqashi neESDA ukuthi kuzophathwa yiESDA:[4]

_____

_____

_____

_____

_____

6.11 Uma ngabe umfundi ungaphansi kwesigaba 18(2), gcwalisa ngaphansi amalungelo nemisebenzi ezophathwa wumqashi ngokwesivumelwano sohlelo lokufundisa amakhono, uma kukhona, njengalokho kuvunyelwene phakathi komqashi neESDA ukuthi kuzophathwa ngumqashi[5]:

_____

_____

_____

6.12 Thumela ikhophhi lesivumelwano phakathi komqashi neESDA.

[4] Uma ngabe lemininingwane ibekwe yacaca kusivumelwano phakathi komqashi ne ESDA, lokho kungakhonjwa kuphlela ukuthi kutholakala kuphi kusivumelwano.

[5] Uma ngabe lemininingwane ibekwe yacaca kusivumelwano phakathi komqashi ne ESDA, lokho kungakhonjwa kuphlela ukuthi kutholakala kuphi kusivumelwano.

7 **Imibandela nezibopho zomsebenzi**

7.1 Ingabe imibandela yomsebenzi womfundi ihambisana nemithetho kazwelonke (isibonelo, isinqumo sesifunda ngokuphethelene nabasebenzi, isivumelwano senhlangano emele amalungelo wabasebenzi, isivumelwano sezinhlangano ezimele amalungelo abasebenzi).

☐ Yebo (chaza): _____ ☐ Cha

7.2 Thumela ikhophi elichaza ngemibandela yomsebenzi womfundi (isibonelo: isivumelwano somsebenzi, imibandela yomsebenzi ebhaliwe).

8 **Amasiginesha wamaLunga**

Isiginesha yoMfundi:

_____

Usuku : _____

Isiginesha yoFakazi:

_____

Usuku: _____

Isiginesha yoMzali noma yoMphathi signature

(Uma ngabe umfundi emncane kuphela

_____

Usuku: _____

Isiginesha yoFakazi:

_____

Usuku: _____

OkweHovisi kuphela

Inombolo yohlelo lokufundisa amakhono: _____

Usuku lokubhaliswa kwesivumelwano: _____

Isiginesha yoMphathi weSETA (uMphathi woHlelo lokufunda amakhono): _____

IMININGWANE EKUDINGEKA IGCWALISWE NGUMQEQESHI NGAMUNYE UMANGABE IQEMBU LABAQEQESHI LIYILUNGA LESIVUMELWANO

Umqeqeshi 1

Igama lomthetho lomqeqeshi: _____

Igama leETQA eligunyaze inhlangano yomqeqeshi : _____

Inombolo yegunya nosuku lokubuyekezwa kwegunya: _____

Igama lomuntu ochumene: _____

Ucingo: _____

Ifeksi: _____

Ikheli lombikombani: _____

Isiginesha: _____

Usuku: _____

Umqeqeshi 2

Igama lomthetho lomqeqeshi: _____

Igama leETQA eligunyaze inhlangano yomqeqeshi : _____

Inombolo yegunya nosuku lokubuyekezwa kwegunya: _____

Igama lomuntu ochumene: _____

Ucingo: _____

Ifeksi: _____

Ikheli lombikombani: _____

Isiginesha: _____

Usuku: _____

IMININGWANE EKUDINGEKA IGCWALISWE NGUMQASHI NGAMUNYE UMANGABE IQEMBU LABAQASHI LIYILUNGA LESIVUMELWANO

Umqashi 1

Igama lomthetho lomqashi: _____

Igama lomuntu ochumene: _____

Ucingo: _____

Ifeksi: _____

Ikheli lombikombani: _____

Isiginesha: _____

Usuku: _____

Umqashi 2

Igama lomthetho lomqashi: _____

Igama lomuntu ochumene: _____

Ucingo: _____

Ifeksi: _____

Ikheli lombikombani: _____

Isiginesha: _____

Usuku: _____

Isithasiselo C

ISIVUMELWANO PHAKATHI KOMQASHI NE ESDA

IMBIJANA YEMIBANDELA NEMIGOMO YESIVUMELWANO SESIGABA 12

Isivumelwano phakathi komqashi ne ESDA kudingikeli ukuba sichaze ngalokhu okulandelayo:

1. Incazelo eyanele mayelana nabantu ababambe ichaza, kufakwe amagama womthetho, amagama wamabhizinisi, imininingwane yokubhaliswa kwebhizinisi efanele, ikheli, abantu abaphethe kanye futhi nemininingwane yokuchumana nabo.

2. okuqukethwe yisivumelwano-

(1) Umangabe lesivumelwano siqukethe isivumelwano somsebenzi okanye isivumelwano sohlelo lokufindisa amakhono esisayindiwe saphethwa, isivumelwano kudingeka ukuba-

(a) sichaze lesosivumelwano somsebenzi okanye lesosivumelwano sohlelo lokufundisa amakhono esimbandanyekayo;

(b) sisho ukuthi lesisivumelwano sizohlanganisa leso sivumelwano somsebenzi okanye leso sivumelwano sohlelo lokufundisa amakhono kuphela uma sibuyekeziwe sasayindwa yilabobantu ababamba ichaza kuzo.

(2) Umangabe lesivumelwano siqukethe isivumelwano somsebenzi okanye isivumelwano sohlelo lokufindisa amakhono esizosayindiwa siphethwe ngesikhathi esizayo, lesivumelwano kudingeka sichaze lesosivumelwano somsebenzi okanye lesosivumelwano sohlelo lokufundisa amakhono ezizothinteka kulesisivumelwano ngendlela ecacile nezwakalayo.

3. Amalungelo nemisebenzi ye ESDA ngaphansi kwesivumelwano ngokuphathelene nomfundi, kuhlanganisa nalokhu okulandelayo-

(1) mayelana nomfundi ongaphansi kwesigaba 18(1), amalungelo nemisebenzi yomqashi ngaphansi kwesivumelwano eyedluliselwe ku ESDA;

(2) mayelana nomfundi ongaphansi kwesigaba 18(2), isivumelwano ngamalungu sokuthi iESDA izophatha lawomalungelo nemisebenzi yomqashi ngaphansi kwesivumelwano sohlelo lokufundisa amakhono okanye isivumelwano somsebenzi ngaphandle kwalawo malungelo nemisebenzi echazwe ngokusobala ngaphansi kwesivumelwano sohlelo lokufundisa amakhono okanye isivumelwano somsebenzi ekudingeka ukuthi iphathwe ngumqashi;

(3) isibopho seESDA sokuthi izophatha lawomalungelo nemisebenzi ngokwemithetho nemithethomigomo eqondene.

4. Amalungelo nemisebenzi yomqashi ngaphansi kwesivumelwano.

5. Isiqinisekiso seESDA-

mayelana nezinga lomsebenzi ozokwenziwa ngaphansi kwesivumelwano;

nokuthi inamandla nezimfanelo zonke ezidingekayo zokuthi isebenze umsebenzi wayo ngaphansi kwesivumelwano somsebenzi, isivumelwano sohlelo lokufundisa amakhono kanye nemithetho efanele neqondene.

6. Isikhathi sonke sesivumelwano.

7. Umyalo wokubuyekezwa kwesivumelwano.

8. Umyalo wokuphelisa isivumelwano.

9. Umyalo wokuqulwa kwezikhalo ngendlela engenazihibe mayelana nokuhumushwa nokusebenza kwesivumelwano.

Isithasiselo D

ISICELO SOKUBHALISA I-ESDA

Indawo:.....
Usuku: .....

(GCWALISA KATHATHU)
INhloko YoMnyango
UMnyango Wezabasebenzi
Private Bag .....

1. **Imininingwane yofaka isicelo**

1.1. Igama lomthetho le ESDA_____

_____

1.2. Igama lebhizinisi (uma lehlukile kwelingaphezulu); _____

_____

1.3. Uhlobo lwesakhiwo sebhizinisi ngokomthetho: _____

_____

1.4. Inombolo yokubhaliswa:_____

1.5. Ikheli lebhizinisi:_____

_____

_____

1.6. Ikheli lokuposa (uma lehlukile kwelingaphezulu): _____

_____

_____

1.7. Igama lomuntu ophethe: _____

1.8. Ucingo : _____

1.9. Ifeksi: _____

1.10. Ikheli lombikombani:_____

2. **Chaza imisebenzi yokuletha amathuba wemisebenzi nokuphuculwa kwamakhono ezokwenziwa**

2.1. Nikeza imininingwane yezimboni nezifunda / nezifundazwe lapho ufisa ukuletha amathuba wemisebenzi nokuphuculwa kwamakhono khona:

_____

_____

_____

2.2. Chaza izinhlelo zamakhono lapho ufisa ukuletha amathuba wemisebenzi nokuphuculwa kwamakhono khona:

_____

_____

_____

2.3. Nikeza imininingwane yocwaningo olwenziwe ukuthi ubone isidingo somsebenzi wakho: _____

_____

_____

3. **Izincwadi ezihambisana nalesisicelo**

3.1. Ikhophi lokubhaliswa kwebhizini elifakazelwe;

3.2. Ubufakazi bokuhambisana nezimfuno zomthetho;

3.3. Amakhophi wemigomo nezindlela zokuphathwa kwezimali;

3.4. Amakhophi wemigomo nezindlela zokuhanjiswa kwebhizinisi nezincwadi;

3.5. Incazelo yezakhiwo nezinhlaka zokuphathwa kwenhlangano;

3.6. Ubufakazi bamakhono abasebenzi;

3.7. Ubufakazi bamandla wezimali;

3.8. Umbiko mayelana nocwaningo lwezidingo.

Kusayindwe ngalolusuku _____ luka _____ 20_____

indawo_____

uMphathiswa onegunya: _____ _____

Igama Siginesha

Isithasiselo E

ISITIFIKETHI SOKUBHALISWA KWE-ESDA

Lokhu kuyisiqiniseko sokuthi iNhloko yoMnyango Wezabasebenzi ibhalise

[Igama le-ESDA].....

.....

iNombolo yokubhalisa:.....

yase **[iKheli le ESDA]**

.....

.....

.....

ukuba yiNhlangano yeZemisebenzi Nokuphuculwa Kwamakhono (phecelezi i-ESDA) ngaphansi kwesigaba 15 seMithethomigomo yeziNhlelo Zokufundisa Amakhono, 2007 ngaphansi kwalemibandela elandelayo:

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iNhloko yoMnyango Wezabasebenzi

Usuku:..... 20 .....

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