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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 234 15 March 2011

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

AMENDMENT OF SECTORAL DETERMINATION 5: LEARNERSHIP SECTOR, SOUTH AFRICA

I, Mildred Nelisiwe Oliphant, Minister of Labour, in terms of section 56 (1) of the Basic Conditions of Employment Act, No 75 of 1997, hereby amend Sectoral Determination 5: Learnership Sector, South Africa, published under Government Gazette No.22370 of 15 June 2001, in accordance with the schedule hereto and fix 01 April 2011 as the date from which the provisions of the said Sectoral Determination shall become binding upon all employers and learners in all sectors where Sector Education and Training Authorities (SETAs) have been established.

M. N. OLIPHANT, MP
MINISTER OF LABOUR

DATE.....08/03/2011........
UMNYANGO WEZABASEBENZI

No. R. 234  15 March 2011

UMTHETHO WEZIMISELO EZIYISISEKELO EMSEBENZINI,
ONGUNOMBOLO 75 KA 1997

UKUCHIBIYELWA KWESINQUMO SOMKHAKHA 5: UMKHAKHA
WOKUQEQESHWA KWAMAKHONO, ENINGIZIMU AFRIKA

Mina, Mildred Nelisiwe Oliphant, uNgqongqoshe WezabaSebenzi, ngokwesigaba 56(1)
soMthetho Wezimiselo Eziyisisekelo Emsebenzini, 75 ka 1997, nginazisa
ngokuchibiyelela kwesinqumo somkhakha 5 wokuqeqeshelwa amakhono, Eningizimu
Africa, owawusakazwe ngaphansi Komqulu Kahulumeni No.22370 ngomhlaka 15
kaNhlangula 2001, ngokuhambisana noholelo lokulungisa kusukela ngomhlaka 01
kuMbaswa 2011 ngokwesethulo ezibekiwe Kuzinqumo Zomkhakha okufanele bonke
abaqashi kanye nabafundi bawulandele kuyona yonke imikhakha eyasungulwa ngaphansi
komthetho wezo Qequesho kwamakhono (SETAs).

M. N. OLIPHANT, MP
UNGQONGOSHE WEZABASEBENZI

USUKU...08/03/2011.....
SCHEDULE

1. Section 1 of the Sectoral Determination 5: Learnership Sector is hereby amended by:

(a) the insertion before the definition of "Bargaining Council" of the following definitions:

`apprenticeship' means a learnership in respect of a listed trade, and includes a trade-test in respect of that trade;

'artisan' means a person that has been certified as competent to perform a listed trade in accordance with Act No. 37, 2008 SKILLS DEVELOPMENT AMENDMENT ACT, 2008

(b) the insertion after the definition of "Labour Relations Act, 1995" of the following definitions:

'learner' includes an apprentice;

'learnership' includes an apprenticeship;

'learning' means the acquisition of knowledge, understanding, values, skill, competence or experience;

'learning programme' includes a learnership, an apprenticeship, a skills programme and any other prescribed learning programme which includes a structured work experience component

2. Replace Table A in sub-clause 3 as reflected in Government Notice Number 519 of 15 June 2001, with the following:
Table A

<table>
<thead>
<tr>
<th>Exit level of learnership</th>
<th>Credit already earned by learner</th>
<th>Percentage of wage to be paid as allowance</th>
<th>Minimum allowance per week</th>
<th>Annual Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>NQF 1 or 2</td>
<td>0 - 120</td>
<td>35%</td>
<td>R204.47</td>
<td></td>
</tr>
<tr>
<td></td>
<td>121 - 240</td>
<td>69%</td>
<td>R408.92</td>
<td></td>
</tr>
<tr>
<td>NQF 3</td>
<td>0 - 120</td>
<td>17%</td>
<td>R204.47</td>
<td></td>
</tr>
<tr>
<td></td>
<td>121-240</td>
<td>40%</td>
<td>R385.10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>241-360</td>
<td>53%</td>
<td>R630.45</td>
<td></td>
</tr>
<tr>
<td>NQF 4</td>
<td>0 - 120</td>
<td>13%</td>
<td>R204.47</td>
<td></td>
</tr>
<tr>
<td></td>
<td>121-240</td>
<td>25%</td>
<td>R408.92</td>
<td></td>
</tr>
<tr>
<td></td>
<td>241-360</td>
<td>53%</td>
<td>R630.45</td>
<td></td>
</tr>
<tr>
<td></td>
<td>361-480</td>
<td>56%</td>
<td>R920.09</td>
<td></td>
</tr>
<tr>
<td>NQF 5 to 8</td>
<td>0-120</td>
<td>8%</td>
<td>R204.47</td>
<td></td>
</tr>
<tr>
<td></td>
<td>121-240</td>
<td>18%</td>
<td>R442.99</td>
<td></td>
</tr>
<tr>
<td></td>
<td>241-360</td>
<td>27%</td>
<td>R662.81</td>
<td></td>
</tr>
<tr>
<td></td>
<td>361-480</td>
<td>38%</td>
<td>R933.74</td>
<td></td>
</tr>
<tr>
<td></td>
<td>481-600</td>
<td>49%</td>
<td>R1192.70</td>
<td></td>
</tr>
</tbody>
</table>

Previous years minimum allowances per week + CPI (Excluding Owner’s Equivalent Rent)

3. Add sub-clause 3(5) as reflected in Government Notice Number 519 of 15 June 2001, to read:

(5) Subject to sub-clause (3), the annual minimum allowances:

(a) The annualised CPI (Excluding Owner’s Equivalent rent) should be utilised to calculate the annual increase on allowances.

(b) For the purpose of this clause, the “CPI” is the Consumer Price Index as reported by Statistics South Africa six weeks before the increases become effective.