

SKILLS DEVELOPMENT IN THE WORKPLACE



INTRODUCTION

The Skills Development Act is aimed at developing strategies and improving the skills of the workforce, to provide for learnerships, to provide for financing of skills development and to regulate employment services. It is vital to have a skills development plan and strategy as South Africa has a high unemployment rate.

PURPOSE OF THE ACT

The following are some of the purposes of this legislation:

- to develop the skills of the South African workforce (improving quality of life, productivity and competitiveness, to promote self-employment and to improve the delivery of social services);
- to increase levels of investment in education and training;
- to encourage employers to use the workplace as an active learning environment; to provide opportunities to acquire new skills and new entrants to the labour market with experience;
- to encourage participation in learnership and training programmes;
- to improve employment prospects of previously disadvantaged persons.

INSTITUTIONAL AND FINANCIAL FRAMEWORK TO ACHIEVE THE ABOVE PURPOSES

The following institutions are established in terms of the Act:

- National Skills Authority
- National Skills Fund
- Skills Development levy-grant scheme
- Sector Education and Training Authorities (SETAs)
- Labour Centres
- Skills Development Planning Unit

NATIONAL SKILLS AUTHORITY

The National Skills Authority (NSA) is the body that advises the Minister of Employment and Labour on the national skills development policy and strategy, establishes guidelines for implementation and allocates subsidies from the National Skills Fund. It also liaises with the SETAs on policy and strategy. The NSA also conducts investigations on matters falling under the Act.

SECTOR EDUCATION AND TRAINING AUTHORITIES (SETAs)

There are approximately 27 SETAs that have been established for all the sectors in South Africa (for example banking; local government; health and welfare; construction and wholesale/retail).

SETA functions are as follows:

- develop sector skills plan;
- implement the plans by establishing learnerships; improving workplace skills plans; allocating grants and monitoring education and training in the sector;
- promote learnerships (identify workplaces for practical work experiences; support development of learning materials and assist in learnership agreements);
- apply for accreditation;
- liaise with the NSA; and
- report to the Director-General of Labour.

SETAs establish learnerships (a contract of employment), which lead to a qualification registered by the South African Qualifications Authority. Learnerships create a bridge between learning and working. They establish occupational competence, which is able to respond to labour market demands. There are learnerships for employees (persons already employed by the company) and unemployed

persons (they are employed on a learnership for a fixed period of time).

SKILLS PROGRAMMES

A skills programme is occupationally-based, gives credits towards a qualification, makes use of accredited training providers and complies with prescribed requirements. All programmes support lifelong learning.

DISPUTES ABOUT LEARNERSHIPS

The following disputes may be referred to the CCMA:

- (a) the interpretation or application of any provision of –
 - (i) a learnership agreement;
 - (ii) a contract of employment of a learner contemplated in section 18 (2); or
 - (iii) a determination made about a contract of employment with a learner.
- (b) Chapter 4 of the SDA
- (c) the termination of –
 - (i) a learnership agreement; or
 - (ii) a contract of employment of a learner contemplated in section 15 (2) of the SDA.

RELEVANT LEGISLATION

- South African Qualifications Authority Act 58 of 1995
- Skills Development Act 97 of 1998