

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 skilled employees contribute effectively to a productive workforce.

PURPOSE OF THE ACT

The purpose of this legislation includes, but is not limited to, the following:

- 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; and
- to improve employment prospects of previously disadvantaged persons.

INSTITUTIONAL AND FINANCIAL FRAMEWORK

The purpose of the Act is to be achieved through-

- The National Skills Fund
- A 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 21 SETAs established for different sectors in South Africa (e.g., banking, local government, health and welfare, construction, and wholesale/retail).

The functions of a SETA are as follows:

- develop a 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
- reports to the Director-General of Employment and Labour.

A SETA may establish a learnership if the learnership -

- includes a structured learning component;
- includes a structured work experience component;
- the learnership would lead to a qualification registered by the South African Qualifications Authority associated with a trade, occupation or profession; and
- the intended learnership is registered with the Director-General of Employment and Labour.

Learnerships create a bridge between learning and working. They establish occupational competence, which enables them 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).

QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO)

The Quality Council for Trades and Occupations (QCTO) is a Quality Council established in 2010 in terms of the Skills Development Act. Its role is to oversee the design, implementation, assessment and certification of occupational qualifications, including trades, on the Occupational Qualifications Sub-Framework (OQSF). QCTO is responsible for defining the labour-related needs into qualifications and the quality assurance of occupational qualifications, including workplace training.

SKILLS PROGRAMMES

A skills programme is occupationally based, gives credits towards a qualification, uses 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; or
- (c) The termination of –
 - (i) a learnership agreement; or
 - (ii) a contract of employment of a learner contemplated in section 18 (2) of the SDA.

The LRA 7.11 referral form can be downloaded from the CCMA Website (<https://www.ccma.org.za/advicecategories/ccma-referral-forms/>).

RELEVANT LEGISLATION

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