



LIMPOPO

PROVINCIAL GOVERNMENT

REPUBLIC OF SOUTH AFRICA

**POLICY ON LEARNERSHIP
DEPARTMENT OF SPORT, ARTS & CULTURE**

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1. PREAMBLE

South Africa considers skills development initiatives as an integrated part of the country's overall objectives to reduce poverty, increased competition, reduced crime and increased economic development and growth.

To achieve these objectives the Department is engaged in capacitating the most disadvantaged unemployed youth and employees through implementation of learnership training programmes and that are designed for both current employees as well as unemployed people to improve and uplift the skills levels of individuals. The intention is to enhance productivity by having a skilled work force which can contribute to economic development.

2. DEFINITIONS

'learnership' means a learning programme which -
(i) consist 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 the intended learnership is registered in the prescribed manner.

The successful completion of the learnership results in a learner receiving a qualification that is accredited by SAQA and registered by Dol (Department of Labour) and within the National qualifications Framework (NQF).

'learnership agreement' means a learnership agreement contemplated in section 17/(1) of the Act.

The employer enters into a learnership agreement with the learner and training and education provider. The employer will provide the practical part of the learnership whilst the training and education provider will offer the theoretical learning part of the learnership.

'learner' means a person employed in the public service under the learnership programme under the auspices of the Minister of Labour for unemployed youth not younger than 18 years and not older than 35 years.

'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;

'section 18(2) learner' means a learner who was not in the employment of the employer party

'mentor' shall mean a Government official responsible for supervision or mentoring of a learner (s).

'PSCBC' Public Service Coordinating Bargaining Council

'SETA' Sector Education and Training Authority established in terms of the Skills Development Act

'Workplace Skills Development Committee' Departmental Human Resource Development Committee

'SAQA' South African Qualifications Authority

'DPSA' Department Of Public Service and Administration.

'WSDC' Work place skills development Committee

'DSAC' Department of Sport, Arts and Culture
'HRD' Human Resource Development
'HRM&D' Human Resource Management and Development
'ETQA' Education and Training Authority

3. PURPOSE

To provide guidelines for the implementation and maintenance of learnership programmes within the Department. This policy will regulate the implementation of learnership programmes. The policy is also intended to give effect to the broad national strategies, namely the Internship Framework for the Public Service led by the Department of Public Service and Administration (DPSA), the National Human Resource Development Strategy, the National Skills Development Strategy and the Department Workplace Skills Plan.

4. OBJECTIVES

The objectives of the learnership policy are the following:

- To meet the challenges of capacity building in the public service.
- To create opportunities for learners to access employment at a later stage
- To integrate structured learning and structured workplace experience.
- Promote application of learning in the Department.
- Align Education and Training with labour market needs.
- Provide for a framework for training and development for unemployed and employed and thus making South Africa globally competitive.
- Bridge the gap between current education and labour market needs.
- Reduce unemployment resulting from skills development deficiencies.
- To facilitate transformation of the Department in a way that promotes continuous learning.
- Provide opportunity to obtain nationally recognized qualifications through a combination of formal and hands-on work settings
- Provide opportunities to obtain higher levels of competency and certification that will enhance marketability and opportunities for job advancement and/or promotion.

5. LEGAL FRAMEWORK

- The constitution of the Republic of South Africa Act (Act No 108 of 1996)
- Employment Equity Act (Act No.55 of 1998)
- Labour Relations Act (Act No 66 of 1995) (refer in particular to section 189)
- SAQA, No 58 of 1995
- Basic Conditions of Employment Act (Act No 75 of 1997)
- White paper on Human Resource Management in the Public Service of 1997
- National Skills Development Strategy for NSDS 2006 – 2005
- Skills Development Levies Act (Act, No 9 of 1998)
- The South African Qualifications Act (Act No. 58 of 1999)
- Learnership Regulation, 2007
- National Qualification Framework
- Public Service Act (Act No 103 of 1994) as amended (in particular section 7(3)(b))
- Public Service Regulations, 2001 as amended
- Employment Equity Act (Act No.55 of 1998)

- Skills Development Act (Act No.9 of1998)
- Public Finance Management Act (Act No. 1 of 1999) (sections 36(5), and 38 – 42 are of particular importance)
- Skills Development levy Act (Act No. 9 of 1999)
- Occupational Health and Safety Act (No. 85 of 1993)
- Compensation for Occupational Injuries and Diseases Act (Act No.130 of 1993).
- Determination on Conditions of Service for Interns and Learners in the Public Service, 3 May 2006.
- Determination on Leave of absence in the Public Service as amended.

6. SCOPE OF APPLICATION

The policy is applicable to all employees of the Department employed in terms of the Public Service Act, 1994 and the Basic Conditions of Employment Act No 75 of 1997 and prospective learners from the Limpopo Province who wishes to obtain post-school training and work experience. Preference will be given to the previously disadvantaged groups.

7. KEY PRINCIPLES THAT UNDERPIN LEARNERSHIP PROGRAMMES

In the recruitment and placement of learners the following principles should apply:

- 7.1 **Alignment with human resource planning:** Opportunities identified learnership programmes must contribute to strategic staffing needs of the Department. Qualifications and studies of the placed learners must have relevance to the core business of the strategic business unit or sub-branch. Managers shall identify strategic areas upon which the internship should be implemented.
- 7.2 **Compliance with prescribed quotas:** Learnership opportunities will be afforded to learners in line with the Public Service prescribed quota. (at least 5% of the overall employment establishment)
- 7.3 **Representativity:** Race, gender and disability representativity must be given the necessary attention .In terms of the law, preference should be given to women, blacks and people disabilities.
- 7.4 **Accreditation and Recognition:** learnerships must be based on learning programmes that are accredited so that they are recognized across all sectors. Only accredited and registered service providers should be utilised.
- 7.5 **Agreement on Learning Arrangements between Institutions:** learnerships must be built on learning arrangements, that add value to classroom based work, that are established between learning institutions and the Department of Sport, Arts and Culture. These learning institutions should also be accredited and registered.
- 7.6 **Cost Effectiveness:** learnerships must be established on the principle of cost effectiveness. Managers should always budget the correct amount.

8. POLICY PROVISIONS AND ROLES AND RESPONSIBILITIES

8.1. General Policy Statement

- 8.1.1 The Department of Sport, Arts and Culture will provide learnership opportunities provided that:
 - 8.1.1.1 Adequate financial resources are available to accommodate such learners
 - 8.1.1.2 Adequate infrastructure resources are available to accommodate learners
 - 8.1.1.3 Appropriate and qualified mentor(s) are available to supervise learners
 - 8.1.1.4 Specific or particular duties that can best be executed by learners are available.
- 8.1.2 The Sub-branch Human Resource Management & Development in the Corporate Governance Branch will be responsible for coordinating and implementing learnership programmes within the Department and roles and responsibilities of different stakeholders will be as follows:

8.2 Communication and Access to Information

- 8.2.1 Information system must be established to communicate the existence of the learnership programmes, the contents of learning arrangements and the employment needs of the public service.
- 8.2.2 Adverts should be placed in the print media once a year to sensitize the broader public about this programme.

8.3. Effective Management

- 8.3.1 Performance management systems that include clearly defined performance indicators and assessment measures to evaluate learners must be established. Proper supervision should always exist.

8.4. Participation and Accommodation

- 8.4.1 The Department must make reasonable attempts to accommodate and integrate the learner into its corporate culture. Once learners have been placed, the Department should induct and orientate them.

8.5 Code of Conduct

- 8.5.1 Learners must abide by the Public Service's Code of Conduct and the Public Service Regulations in general. The Programme Manager (Senior Manager and or Manager) and the mentor should assist the learner in understanding and adhering to the code of conduct.

8.6. Mentor

- 8.6.1 This is compulsory upon placement of the the learner. A proper developmental plan should be drafted to assist the learner throughout his/her tenure in the Department.

8.7. Contract

- 8.7.1 All interns and learners must sign contracts that clearly indicate terms of reference as well as termination condition.

8.8 Assessor

- 8.8.1 A trained or a qualified assessor is needed in case of a learnership. The Programme Manager jointly with HRM &D and in consultation with Sector Education & Training should seek and appoint an accredited assessor.

9. ROLES AND RESPONSIBILITIES

9.1 The Employer (DEPARTMENT OF SPORT, ARTS AND CULTURE) Duties

- 9.1.1 Providing the learners with workplace learning opportunities
- 9.1.2 Supervising, mentoring and assessing the learners during the learning process.
- 9.1.3 Comply with the duties in terms of the all the applicable legislative mandates
- 9.1.4 Provide the learner with appropriate training in the work environment to achieve the relevant outcomes required by the learnership
- 9.1.5 Provide appropriate facilities and resources required for the specified practical workplace experience activities of the learnership;
- 9.1.6 Provide the learner with supervision, mentoring and coaching at work;
- 9.1.7 Release the learner during normal working hours to attend theoretical education and training required by the learnership;
- 9.1.8 Administer payments of the allowance to the learner both while the learner is working for the employer and while the learner is attending approved theoretical training;
- 9.1.9 Conduct on –the-job assessment for the specified workplace experience activities or cause it to be conducted;
- 9.1.10 Keep up to date records of learning and periodically discuss progress with the learner;
- 9.1.11 Advise the learner of the terms and conditions of his or her employment, including the learner's allowance and workplace policies and procedures.;
Pay the learner the agreed learner allowance for the duration of the learnership;
- 9.1.12 Apply the same disciplinary, grievance and dispute resolution procedures to the learner as to other employees;
- 9.1.13 Track the effectiveness of coaches, mentors and check if the training service provider is accredited;
- 9.1.14 Monitor the impact of the programme;
- 9.1.15 Monitor the accreditation of service providers.
- 9.1.16 Inform the SETA if the learner terminates the contract before the end of learnership.
- 9.1.17 Submit a copy of the signed learnership agreement to the SETA for registration.
- 9.1.18 Submit records as required by ETQA body

9.2 The SETA'S

- 9.2.1 Approval of learnership applications
- 9.2.2 Assist with funding of learnership where is relevant
- 9.2.3 Ensure the quality of the learnership
- 9.2.4 Validation of workplaces to determine learnership implementation capacity and readiness
- 9.2.5 Assisting in the conclusion of learnership Agreements

- 9.2.6 Validation and registration of learnership Agreement
- 9.2.7 Monitoring and evaluation of learnership implementation
- 9.2.8 Monitoring and evaluation of Training Providers
- 9.2.9 Certification of successful learners

9.3 The Assessor and Training Service Provider

The assessor shall:

- Evaluate prior learning of the learner
- Provide feedback to the learner and the relevant Sector Education & Training Authorities.
- Provide the Department with an action plan as per the developmental plan.

The Training Provider must:

- Provide theoretical learning and assessment
- Support the learner during the learning process
- Record, monitor and retain details of training provided to the learner in terms of the learnership;
- Conduct theoretical and practical assessment in terms of the learnership
- Provide reports to the employer on the learner's performance.
- Keep both theory and practical records

9.4 The Learner's duties

The learner must:

- 9.4.1 Carry out all the occupationally related work for the employer required for the practical workplace experience activities specified in the learnership;
- 9.4.2 Comply with the employer workplace policies and procedures;
- 9.4.3 be available for, and participate in, all structured learning and practical workplace experience activities required by the learnership;
- 9.4.4 Attend the theoretical learning sessions and practical learning activities with training provider;
- 9.4.5 Sign a Learner Contract of Employment in addition to the Learnership Agreement;
- 9.4.6 Work for the employer during the learning process;
- 9.4.7 Sign performance agreement, instrument or any written assessment tools supplied by the employer to record relevant workplace experience; and
- 9.4.8 Undertake all learning related to the learnership conscientiously;
- 9.4.9 Complete time sheets and projects and participate in any assessment activities that are required for the final assessment at the end of the learnership;
- 9.4.10 Submit a portfolio of evidence for the purposes of accreditation at the end of the learnership;
- 9.4.11 Participate in mandatory induction and orientation as arranged by the Department.
- 9.4.12 Take full advantage of the training and development opportunities afforded to him/her by the department. The Department is under no obligation to sponsor the learner regarding skills development initiatives.

9.5 The Mentor

- 9.5.1 Steer the learner through the process.
- 9.5.2 Help the learner to collect evidence for portfolios
- 9.5.3 Establish and maintain good working relationship with the learner.
- 9.5.4 Support learner through learning process.
- 9.5.5 Monitor learner's performance and progress.

9.6 Workplace Skills Committee

The Workplace Skill committee shall:

- Oversee the quality of the internship and the learnership programme.
- Provide advice to the Human Resource Development (HRD) Unit
- Set criteria collaboratively to measure the effectiveness of the following: internship and learnership programme, selection of mentors and assessors.
- Address challenges emanating from the implementation of the programme by way of recommendations to the Head of Department

9.7 The Management

The management shall:

- 9.7.1 Prior to the implementation of the learnership programme, respective managers within the DSAC will:
 - Determine requirements for their respective divisions in collaboration with the HRD unit
 - Identify strategic occupation in the component in the component in which internship programmes could run.
 - Build budgets into the Medium Term Expenditure Framework.
 - Apply effective learnership management tools developed by the HRD unit
 - Ensure that all functions to be performed by the learners are clearly articulated, understood and agreed to by all parties.
 - Ensure that the necessary infrastructure (physical, human and financial resources) is in place to accommodate trainees.
 - Ensure that appointments will be made with due consideration to applicable Labour Legislation.
- 9.7.2 Provide the learners with adequately supervised, varied and professional experience which supplements classrooms learning.
- 9.7.3 Identify appropriate learning assignments.
- 9.7.4 Create a working environment that allows interns and learners to help the Department to meet its operational needs while developing and enhancing their employability skills.
- 9.7.5 Complete and submit a written evaluation report of the learner's performance at the end of the internship or the learnership.
- 9.7.6 Assign, train and manage learners in their tasks and responsibilities.
- 9.7.7 Provide daily supervision and coaching.
- 9.7.8 Appoint the mentors and the assessors.
- 9.7.9 Provide office space and related facilities.

- 9.7.10 Provide feedback to the HRD unit
- 9.7.11 Provide required information on the progress of the learner

9.10 Human Resource Development Unit

Human Resource development unit shall:

- Sensitise senior managers about the programme annually during January
- Advertise the intake of learners annually during February in the national and local print media.
- Assist managers to select and place learners appropriately.
- Forge links with learning institutions and the relevant Sector Education & Training Authorities.
- Provide monthly ,quarterly and annual reports to all stakeholders

10. RECRUITMENT AND SELECTION PROCESS

- 10.1 In terms of the 18.1 category (employed learners) the conditions of service will remain the same.
- 10.2 In terms of the 18.2 category (unemployed learners) Normal conditions of the service for temporary employees as per the Basic Conditions of Employment Act should apply except for the following:
 - The Department will pay a fixed amount as an allowance for the duration of the contract
 - No deductions whatsoever will be made from the learner's allowance.
 - Allowances for section 18(2) learner will vary depending on the NQF (National Qualification Framework) level of the learner.
- 10.3 learner's will not be appointed on the Departmental establishment but additional thereto.
- 10.4. Human resource management shall ensure that appointments are made in accordance with the Employment Equity directives.
- 10.5 All appointments will be made in terms of contracts with no guarantee of permanent employment. Included in the contract will be the following:
 - Learners will not be allowed to use DSAC equipment and facilities without proper authorisation.
 - Learners may not be utilised for work activities that do not relate to their field of study.
 - Learners will subject themselves to DSAC organisational discipline and protocol.
- 10.6 Dispute resolution will be in accordance with the contract of employment as determined by the Basic Conditions of Employment Act.
- 10.7 Where the nature of the field of the learner requires field work the Department will only pay the actual expenses.
- 10.8 Upon termination of contract the learner should submit a written letter and hand it to the supervisor/mentor, who should then forward it to the Co-ordinator of the learnership Programme and to the Human Resource Manager. The termination letter should show the date of termination
- 10.9 The learner should always be accompanied by his/her mentor and should not be allowed to drive him/her.
- 10.10 A learner is entitled to the same conditions of service as a contract worker as contemplated in paragraph 27 of the Determination on leave of absence in the Public Service. The learner is eligible to annual leave, sick leave, maternity leave and

adoption leave on a pro-rata basis linked to the period of the learner's contract of appointment.

- 10.11 In case of maternity leave learner's will be released without allowance and they will have to renegotiate their contracts after leave.
- 10.12 No unused leave credits can be claimed by learner's.
- 10.13 learner's will be covered by the Compensation for Occupational Injury Act, regarding injury on duty.
- 10.14 Misconduct and grievances committed by learner's will be dealt with in terms of the PSCBC (Public Service Coordinating Bargaining Council) Resolutions, applicable Departmental Policies and the Labour Relations Act, as amended.

11. FINANCING

- 11.1 Each programme/sub-programme shall make provision for learnership in its budget.
- 11.2 Each programme shall keep expenditure records.
- 11.3 The budget for learnership shall be controlled and managed by responsible programme and or sub-program managers.

12. PERIOD OF LEARNERSHIP

- 12.1 A learnership programme will depend on the contract between the learner and the relevant Sector Education & Training Authority.

13. CONDITIONS OF SERVICE AND REMUNERATION OF LEARNERS

- 13.1 In terms of the 18.1 category (employed learner's) the conditions of service will remain the same.
- 13.2 In terms of the 18.2 category (unemployed learner's) the conditions of service such as Learner's allowances, hours of work, overtime, types of leave (sick leave, annual leave, maternity leave), dispute resolution will be in accordance with the contract of employment as determined by the Basic Conditions of Employment Act.

14. MONITORING, EVALUATION AND REPORTING

The HRD unit will monitor the implementation of the learnership Programme through the following mechanisms:

- Determining the total number of learners who successfully complete the programme in the Department and obtain a qualification and secure employment after the completion of the learnership programme.
- The degree to which managers are satisfied with the value and contribution made by the learners.
- Prepare monthly, quarterly and annual reports on the learnership programme.
- Review the overall programme for purposes of improvements and alignments to departmental strategic goals.
- Monitoring sector education and training trends and patterns for forecasting and planning purposes.

15. TERMINATION AND EXIT STRATEGY

- 15.1 The learnership agreement between the employer and the learner terminates on account of the following:
- o on the termination date stipulated in the signed Agreement; or
 - o on an earlier date if:
 - the learner has successfully completed the final assessment and fulfilled all requirements associated with the specified workplace experience activities of the learnership;
 - the learner is fairly dismissed by the employer for a reason related to the learner's conduct or capacity as an employee;
 - the SETA approved the termination of the Agreement in terms of the Learnership Regulations, 2007.
- 15.2 Upon satisfactory completion of the learnership programme, the learner shall be awarded a SAQA accredited certificate at the NQF level in terms of the contract.
- 15.3 The Department is under no obligation to employ the learner/s after the completion of their respective programmes. The programme aims at bettering their chances of employment as well as enhances capacity of the Department to render the expected services

16. POLICY IMPLEMENTATION

- 16.1 The policy shall come into effect on the day to be designated by the Accounting Officer after it has been approved by Executing Authority.

17 AMENDMENT OF POLICY

- 17.1 This policy shall be reviewed annually or as and when necessary and it shall follow the initial process of policy development.

~~RECOMMENDED/NOT RECOMMENDED~~



HEAD OF DEPARTMENT

2009/03/31
DATE

APPROVED /NOT APPROVED



MEMBER OF EXECUTIVE COUNCIL

9/04/2009
DATE