

# IMPLEMENTATION OF NEWLY PROMULGATED WORKPLACE BASED LEARNING PROGRAMME AGREEMENT REGULATIONS



The Department of Higher Education and Training has promulgated the SETA workplace-based learning programme agreement regulations, 2018 on Friday, 16 November 2018 in the Government Gazette No 42037.

In preparation for the regulations coming into effect on Monday, 1 April 2019, the merSETA wishes to draw your attention to matters to be considered when implementing the workplace-based learning programme agreement regulations:

## **Submission of agreement**

- The current learnership agreement will no longer be in use and will be replaced by the Workplace-based learning programme agreement;
- All employers or providers are required to capture the learner details on the National Skills Development

Management System (NSDMS), upload all the relevant documentation and submit the originals to the relevant merSETA regional office;

- The employer or provider must submit a completed and signed agreement together with supporting documentation to the merSETA within 30 working days from the date on which the learner signed the agreement. Should the submission of the original completed agreement not be submitted within the turnaround time, the application will be withdrawn;
- The starting date of the learning programme agreement is determined by the date of registration of the merSETA; and
- The end date of the learning programme agreement is subject to the number of credits of the qualification or part qualification or duration of the curriculum.

**Workplace Based Learning Programmes**

Apprenticeship	Means a period of workplace based learning culminating in an occupational qualification for a listed trade.
Learnership	Means a period of workplace based learning culminating in an occupational qualification or part qualification.
Internship for the "N" Diploma	Means a period of workplace based learning undertaken as part of the requirement for the "N" Diploma.
Candidacy	Means a period of workplace based learning undertaken by a graduate as part of the requirement for registration as a professional in the required professional designation as stipulated by a professional body.
Student internship: Category A	Means a period of workplace based learning undertaken as part of the requirement for the Diploma, National Diploma, Higher Certificate or Advanced Certificate as a vocational qualification stipulated in the Higher Education Qualifications Sub-Framework (HEQSF).
Student internship: Category B	Means a period of workplace based learning undertaken as part of the requirement for a professional qualification.
Student internship: Category C	Means a period of workplace based learning undertaken as part of the requirement for the Occupational Qualifications of the Quality Council for Trades and Occupations (QCTO).
Student internship	Means a period of workplace based learning for a person who is enrolled at an education and training institution for a SAQA registered qualification and may include vacation work.
Graduate internship	Means a period of workplace based learning for the purposes allowing a person who has completed a post school qualification to gain workplace experience or exposure to enhance competency and/or employability. This may include academic staff with existing qualifications that need industrial exposure or experience.

**All learners on Skills Programmes or Individual Unit Standards are required to be captured on the National Skills Development Management System and the original registration form number LMP-FM-015 must be submitted together with supporting documents to the merSETA regional office.**

Conditional placement of learner:	<ul style="list-style-type: none"> <li>When a learner has signed an agreement, the employer must forthwith conditionally place the learner on the relevant workplace-based learning programme pending the merSETA's registration and compliance process; and</li> <li>A copy of the contract of employment for unemployed learners or a letter confirming the employment status of the employed learner (whichever is applicable), must be submitted together with the workplace based learning programme agreement including originally certified identity document and highest educational qualification to the merSETA regional office.</li> </ul>
Requirements for registration:	<ul style="list-style-type: none"> <li>The merSETA may register an agreement if it has received the signed agreement within 30 days of the date on which the learner signed the agreement;</li> <li>The merSETA may register an agreement if the employer falls within the merSETA scope, as established or re-established by the Minister in terms of Section 9 of the Act;</li> <li>The employer has entered into a contract of employment of the learner if the learner is not employed with the company at the start of the workplace based learning programme agreement; and</li> <li>The provider is accredited by the relevant Quality Council.</li> </ul>



Additional requirements for a group of employers:	<p>The merSETA may register the agreement to which a group of employers are party only if:</p> <ul style="list-style-type: none"> <li>• One employer is identified in the agreement as the lead employer and is geographically located within South Africa;</li> <li>• All other employer parties have signed an annexure to the agreement;</li> <li>• All parties to the agreement are approved for the structured work experience component; and</li> <li>• The lead employer undertakes to ensure compliance with the employer's duties and ensures implementation of the agreement at the workplace of the other employer parties.</li> </ul>
Additional requirements for a group of providers:	<p>The merSETA may register the agreement to which a group of providers are party only if:</p> <ul style="list-style-type: none"> <li>• One provider is identified in the agreement as the lead provider and is geographically located within South Africa;</li> <li>• Every provider who is party to the agreement is accredited or the components and who have signed an annexure to the agreement;</li> <li>• The lead provider undertakes to ensure compliance with the provider's duties and ensures that provider parties provide the relevant curriculum components; and</li> <li>• Ensure that the accreditation status of the provider parties are maintained for the duration of the agreement.</li> </ul>
Registration decision by merSETA:	<ul style="list-style-type: none"> <li>• The merSETA must register the agreement within 30 working days of receiving the agreement once it has verified that the relevant requirements are met;</li> <li>• The merSETA will record the date of registration and issue a learner agreement number;</li> <li>• Proof of submission will be submitted to the parties concerned and copies of the agreement will be made available upon request; and</li> <li>• The agreement start date is the date which the merSETA registers the agreement.</li> </ul>
Amendments to agreement:	<ul style="list-style-type: none"> <li>• Prior approval must be obtained from the merSETA prior to any mutually agreed amendments; and</li> <li>• Amendments must be recorded as annexures to the agreement and signed by all parties.</li> </ul>
Substitution of agreement:	<ul style="list-style-type: none"> <li>• The merSETA may approve an application from an employer for the substitution of the employer or provider upon receipt of a written application in the form of an annexure. The employer or provider is required to capture the request for substitution on NSDMS, download the addendum, sign and upload the completed documents.</li> </ul>
Suspension of agreement:	<ul style="list-style-type: none"> <li>• The merSETA may suspend a learning programme agreement for a specific period upon receipt of the request from either an employer or learner, on good cause, and the other parties have been afforded the opportunity to make representation as to why the agreement should not be suspended; and</li> <li>• The reasons for suspension must be submitted to the merSETA; and proof that the other parties have had the opportunity to make representation as to why the agreement should not to suspend must be submitted.</li> </ul>

Termination of agreement:	<ul style="list-style-type: none"> <li>The merSETA may only approve the termination if an employer, learner or provider has made a written request and the other parties have had the opportunity to make representation;</li> <li>The learner has terminated a contract of employment with the employer and another employer has not been substituted or the employer has been unable to arrange for another provider to substitute the existing provider; and</li> <li>The decision of the termination must be communicated to each party in writing by the merSETA and the agreement must be de-registered.</li> </ul>
Certification of learner achievements:	<ul style="list-style-type: none"> <li>A certificate must be issued by the Quality Council, within 30 working days after the assessment and verification (external moderation) process has been concluded.</li> </ul>
Completion of agreement:	<ul style="list-style-type: none"> <li>Once the end date specified in the agreement has been reached, the merSETA must inform the learner and employer that the agreement has been completed and advise on any outstanding matters relating to it; and</li> <li>If the learner has completed the workplace based learning programme, inform the Department after a period of six months in a format determined by the Department if the learner was employed full time or part time by an employer.</li> </ul>

The merSETA is currently utilising the Seta Management System (SMS) for all learner registration and until further notice, employers and providers are advised to apply to access the system and upload all learners on learning programmes. The access forms are available on the merSETA website and must be submitted to [MISsupport@merseta.org.za](mailto:MISsupport@merseta.org.za).

The merSETA is in the process of preparing for the switch over to the newly developed National Skills Development Management System (NSDMS). Stakeholders will be advised once the change occurs and how to register themselves on the system to gain access. All capturing after the "go live" will be on the NSDMS system.

*Should you require clarity or assistance, you are required to contact the merSETA regional offices or call centre.*

## IMPLEMENTATION OF WORKPLACE BASED LEARNING PROGRAMME AGREEMENT REGULATION

### Pre-requirements for learner registration

Lead and host employers to be workplace approved.  
Lead and host providers to be accredited.  
Identify the learner.

### Conditional placement of learner

Include the original start date of the learner on the learning programme and make reference that commencement date of learning programme is based on registration date.

### Getting started on the Seta Management System

Capture the agreement information on the Seta Management System.  
Upload supporting documents.  
Download completed agreement and all parties to sign.

### Submission to the merSETA

Submit original agreement and supporting documents to merSETA within 30 working days from date signed by learner.

### merSETA responsibility

Register agreement within 30 working days from date of receipt, once requirements are met.  
The commencement date of learning programme is determined by the registration date of the agreement by merSETA.