





merSETA

MANUFACTURING, ENGINEERING
AND RELATED SERVICES SETA

Implementation Guideline for METAL Apprentices

Document Title	Implementation guideline for Metal Apprentices		
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ANNEXURES

Document Type	Document Number
Apprenticeship Contract (Include Medical Certificate, Additional Information Form and Self Evaluation Checklist)	LPM-FM-006(B)
Rescission form Section 24B	LPM-FM-004
Rescission form Section 24A	LPM-FM-003
Application to Transfer an Apprentice	LMP-FM-005
Trade Test Applications Form	LPM-FM-007
Conditions of Apprenticeship	LPM-GL-002
Training Schedule	Refer to www.merset.org.za
Trade Test, Section 28 of the Manpower Training Act	LPM-FM-009

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**CLIENT SERVICES
REGIONAL OFFICES**

<p>Eastern Cape Client Relations Manager Zwelethemba Ngayeka Tel: 010 219 3494 Fax: 010 219 3494 Email: zngayeka@merseta.org.za</p>	<p>Gauteng South Client Relations Manager Sabelo Buthelezi Tel: 010 219 3453 Fax: 011 219 3453 Email: sbuthelezi@merseta.org.za</p>
<p>Free State & Northern Cape Client Relations Manager Gerhard Slabbert Tel: 010 219 3358 Fax: 010 219 3358 Email: gslabbert@merseta.org.za</p>	<p>Kwazulu Natal Client Relations Manager Musa Mtshali Tel: 010 219 3399 Fax: 010 219 3399 Email: mmtshali@merseta.org.za</p>
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**DESIGNATED TRADES IN THE
METAL AND ENGINEERING INDUSTRY**

1. Armature Winder
2. Blacksmith
3. Boilermaker
4. Diesel Fitter
5. Domestic Appliance Mechanician
6. Domestic Radio and Television Mechanician
7. Earthmoving Equipment Mechanician
8. Electrician
9. Electronics Equipment Mechanician
10. Fitter
11. Fitter and Turner
12. Forklift Mechanic
13. Instrument Mechanician (Industrial Instrumentation & Process Control)
14. Lift Mechanic
15. Millwright (Electro-Mechanic)
16. Motor Mechanic
17. Moulder
18. Patternmaker
19. Plastics Mould Maker
20. Refractory Mason
21. Refrigeration Mechanic (Commercial)
22. Refrigeration Mechanic (Industrial)
23. Rigger
24. Roll Turner
25. Sheet Metal Worker
26. Telecommunications Mechanician
27. Too, Jig and Die Maker
28. Tractor Mechanic
29. Turner
30. Welder

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WORKPLACE READINESS

Your work place must be approved for training prior to registering an apprentice. Contact your Merseta Regional office for a Client Liaison Officer to assist.

QUALIFICATION FOR COMMENCING APPRENTICESHIP

The minimum age and educational qualifications for commencing apprenticeship shall be:

1. 16 years in all trades
2. For all designated trades, Standard 7 / Grade 9 or a statement of attainment issued by or on behalf of the school attended by the prospective apprentice reflecting a pass at standard 7 / Grade 9 level in the subjects Afrikaans or English, Mathematics or Science and at least two other subjects or a four subject national Technical Certificate part 1 (NTC 1)

EMPLOYMENT OF MINORS IN DESIGNATED TRADES

No person shall take into or retain in their employment in a designated trade any minor (under the age of 18) who is not qualified in terms of Section 17 of the Manpower Training Act, 1981 (as amended) to bind themselves as an apprentice, or who is not qualified so to bind themselves as an apprentice, or who is not qualified so to bind themselves in accordance with the conditions of apprenticeship prescribed in respect of apprenticeship in the designated trade in question, unless signed by their guardian.

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PROCEDURE FOR INDENTURING AN APPRENTICE

- The prospective apprentice applies to you as the employer for engagement as an apprentice.
- Follow your normal selection procedure for employment and ascertain that the prospective apprentice meets the minimum requirements for the particular trade as defined in the respective government gazette.
- Complete the apprenticeship contract, as per the next section, and send the contract, together with the supporting documents to the Merseta within 30 days of employing the prospective apprentice.
- If it is established that you have not been workplace approved, the relevant Client Liaison Officer will carry this process out prior to registration of contract.
- An identified mentor by the employer and the apprentice will be invited to an induction session by the Merseta.

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DOCUMENTATION FOR INDENTURING

- Two fully completed Metal Industries contracts.
(Example of completed contract attached) *the contract can be downloaded from Merseta website www.merseta.org.za*
(Refer:LPM-FM-006(B))
- Both contacts must be signed identically and all contracting parties must initial each page of the contract.
- The initials and surname of each person signing the contract must be written in pencil, in capital letters, against each signature.
- The commencement date is the starting date of the apprenticeship and not the date of employment.
- Certified copy of identity document the page on which the photograph appears must be attached to the contract.
- Certified copy of highest SA school qualification or any other SA qualification or an evaluated certificate by SAQA must be attached to the contract.
- The apprentice is required to undertake a medical examination. The cost of the examination is to be born by the employer.

The employer must ensure that the prospective electrical apprentices are not colour blind and that the mechanical apprentices do not suffer from a lack of "Depth Perception". The cost of the medical examination is the responsibility of the employer.-Refer : LPM-FM-006(B) page 7 of 9

- Contract to be signed with a black pen by all parties with two witnesses to each signature. Contracting parties may not sign as witnesses. Rubber stamps may not be used.
- Prospective apprentices under the age of 18 (unmarried) are legally not allowed to sign a binding contract unless assisted by their guardians:
 - Both parents are the legal and natural guardians of their legitimate child.
 - Details to be completed on the front page of the contract and signed with two witnesses verifying the signature on page three of the contract.
- Tippex or pen corrections will not be acceptable on the contracts.

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- Once all required information has been completed the contract with all relevant documents and additional information form (Refer: LPM-FM-006(B) page 6 of 9) must be submitted to Central Administration unit at Head Office.
- Original copy will be sent to the employer for safe keeping once registered by the Merseta. Once the contract is terminated the original contract will be requested by Merseta.
- A certified copy of the contract will be sent to the apprentice for information purposes.

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**EXAMPLE OF COMPLETED
METAL CONTRACT**

CONTRACT NUMBER / KONTRAKNOMMER _____



**MANUFACTURING, ENGINEERING AND RELATED SERVICES
EDUCATION AND TRAINING AUTHORITY**

REPUBLIC OF SOUTH AFRICA / REPUBLIEK VAN SUID-AFRIKA
CONTRACT OF APPRENTICESHIP IN TERMS OF THE
MANPOWER TRAINING ACT, 1981
KONTRAK VAN VAKLEERLINGSKAP INGEVOLGE DIE
WET OP MANNEKRAGOPLEIDING, 1981

THIS CONTRACT OF APPRENTICESHIP IS ENTERED INTO BETWEEN THE UNDERMENTIONED EMPLOYER AND APPRENTICE.
HIERDIE KONTRAK VAN VAKLEERLINGSKAP WORD AANGEGAAN DEUR DIE ONDERGENOEMDE WERKGEWER EN VAKLEERLING.

DETAILS OF EMPLOYER / BESONDERHEDE VAN WERKGEWER:

NAME OF EMPLOYER / NAAM VAN WERKGEWER:	XYZ Engineering
ADDRESS / ADRES:	5 Rose Circle, EPPINGA II

DETAILS OF GUARDIAN / BESONDERHEDE VAN VOOG:

NAME OF GUARDIAN (IF APPLICABLE) / NAAM VAN VOOG (INDIEN VAN TOEPASSING):	Faranaaz Solarie
ADDRESS OF GUARDIAN / ADRES VAN VOOG:	10 Devon Way, Green Point, 8001

To be completed if
apprentice younger
than 18 years old.

DETAILS OF APPRENTICE / BESONDERHEDE VAN VAKLEERLING:

FULL NAMES OF APPRENTICE / VOLLE NAME VAN VAKLEERLING:	Naseem Solarie
ADDRESS / ADRES:	10 Devon Way, Green Point, 8001
DATE OF BIRTH / GEBOORTEDATUM:	12 January 1991
IDENTITY NUMBER / IDENTITEITSNOMMER:	910112 5039 086
HIGHEST EDUCATIONAL QUALIFICATION / HOOGSTE OPVOEDKUNDIGE KWALIFIKASIE:	Matric
COMMENCEMENT DATE OF CONTRACT / BEGIN DATUM VAN KONTRAK:	1 January 2008

AND HAVING BEEN GRANTED REMISSION OF / EN WAT KORTING VAN

See page 17 of
Guide for details
on Remission.

BY THE MERSETA IN RESPECT OF PREVIOUS SERVICE AND EXPERIENCE /
DEUR DIE MERSETA TEN OPSIGTE VAN VORIGE DIENS EN ONDERVINDING TOEGESTAAN IS.

- 1) THE APPRENTICE, HAVING BEEN FOUND PHYSICALLY FIT, AGREES TO BIND HIM / HERSELF:
DIE VAKLEERLING, WAT LIGGAAMLIK GESKIK BEVIND IS VERBIND HOM / HAARSELF:
- (a) AS AN APPRENTICE TO THE EMPLOYER IN THE TRADE OF:
 - (b) AAN DIE WERKGEWER AS VAKLEERLING IN DIE AMBAG VAN:

Tool, Jig + Diemaker

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Review: Learning Programme Manager		Approved: CEO	

All parties to initial each
page in black ink.

Handwritten signatures and initials:
A.M.
HWP.
N.S.

FOR A MINIMUM PERIOD OF 80 WEEKS OF PRACTICAL TRAINING AND A MAXIMUM OF 4 YEARS OR AS DETERMINED IN THE CONDITIONS OF APPRENTICESHIP FOR THE METAL INDUSTRY, WITH THE PROVISION THAT:
 VIR 'N MINIMUM TYDPERK VAN 80 WEKE PRAKTIËSE OPLEIDING EN 'N MAKSIMUM TYDPERK VAN 4 JAAR OF SOOS DEUR DIE LEERVOORWAARDES VOORGESKRYF, MET DIEN VERSTANDE DAT:

- (a) (i) any absence due to extended sick leave (exceeding 30 days) will lead to extension of both the minimum and maximum periods of apprenticeship; and
- (a) (ii) any absence without permission or due to a suspension will extend both the minimum and maximum periods of apprenticeship.
- (b) to serve the employer diligently and to adhere to the rules and regulations for apprentices prescribed in the Manpower Training Act and relevant Regulations;
- (c) not to disclose information concerning the employer's business other than in the ordinary course of his / her employment;
- (d) to work only for the employer to whom indentured except with the employer's written consent;
- (e) to attend courses / classes or undertake correspondence study in accordance with the requirements of the relevant training schedule and to take the prescribed examinations;
- (f) to record and retain details of training received including successful completion of modules in a training record.

- (a) (i) enige afwesigheid weens verlengde siekteverlof (meer as 30 dae) sal lei tot die verlenging van beide die minimum en die maksimum tydperke van die vakleerlingskap; en
- (a) (ii) enige afwesigheid sonder verlof of weens 'n skorsing sal beide die minimum en maksimum tydperk van vakleerlingskap verleng.
- (b) om die werkgever ywerig te dien en hom by die reëls en regulasies vir vakleerlinge te hou soos voorgeskryf deur die Wet op Mannekragopleiding en verwante Regulasies;
- (c) om nie inligting oor die werkgever se sake openbaar te maak nie behalwe in die gewone verloop van sy / haar werk;
- (d) om slegs te werk vir die werkgever by wie hy / sy geregistreer is, tensy die werkgever hom / haar andersins skriftelik toestemming verleen;
- (e) om kursusse / klasse by te woon of om 'n korrespondensiekursus te volg in ooreenstemming met die vereistes van die toepaslike opleidingskedule en om die voorgeskrewe eksamens af te lê;
- (f) om besonderhede van die opleiding wat ontvang is, met inbegrip van modules wat met welslae voltooi is, in 'n opleidingsrekord aan te teken en te bewaar.

II THE EMPLOYER AGREES:

- (a) to train the apprentice according to the training schedule for the relevant trade;
- (b) to reimburse the apprentice for fees paid for theoretical instruction when the apprentice passes the prescribed subjects required in terms of the training schedule and conditions of apprenticeship;
- (c) to endorse and sign this contract on successful completion of the prescribed training schedule and trade test, and submit it to the MERSETA;
- (d) to apply to the MERSETA for permission to employ the apprentice on short time if short time is to be worked by apprentice;
- (e) on successful completion of all modules within each of the four phases, the training record is signed by both the Supervisor and Apprentice. The Employer must submit the signed training record to the relevant regional office on completion of each phase.

II DIE WERKGEWER STEM HIERBY TOE:

- (a) om die vakleerling volgens die opleidingskedule van die betrokke ambag op te lei;
- (b) om die vakleerling te vergoed vir gelede wat vir teoretiese opleiding betaal is wanneer die vakleerling die eksamens van die voorgeskrewe vakke slaag wat ingevolge die opleidingskedule en leervoordes vereis word;
- (c) om hierdie kontrak te endorseer en te onderteken wanneer die voorgeskrewe opleidingskedule en ambagstoets met welslae afgehandel is, en om die kontrak aan die MERSETA voor te lê;
- (d) om by die MERSETA aansoek te doen vir toestemming om 'n vakleerling op kort tyd in diens te neem as kort tyd deur die vakleerling gewerk moet word;
- (e) na suksesvolle voltooiing van alle modules soos voorgeskryf in die vier fases, word die opleidingsrekord deur die Toesighouer en die Vakleerling geteken. Die Werkgever moet die getekende opleidingsrekord na die betrokke streekskantoor stuur na voltooiing van elke fase.

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[Handwritten signatures and initials]
 A.M.
 W.P.
 M.C.

BREACH OF CONTRACT

KONTRAKBREUK

If the apprentice is guilty of any of the following acts, the employer may cancel his contract with the approval of the MERSETA or suspend the apprentice in accordance with the procedures laid down by the MERSETA from time to time and shall report the matter to the relevant regional office of the MERSETA within three days of the date of suspension:

Indien die vakleerling skuldig bevind word aan enige van die volgende handellinge, kan die werkgewer hierdie kontrak met die goedkeuring van die MERSETA kanselleer of die vakleerling skors ooreenkomstig die prosedures wat van tyd tot tyd deur die MERSETA voorgeeskryf word. Die werkgewer moet die saak binne drie dae na die datum waarop die vakleerling geskors is by die betrokke streekkantoor van die MERSETA aanmeld:

- serious misbehaviour (both during and out of working hours)
- neglect of training responsibilities
- neglect of theoretical study obligations

- ernstige wangedrag (beide gedurende en buite werksure)
- verwaarloosing van opelidingsverantwoordelikheid
- verwaarloosing van teoretiese studie verpligtinge.

AGREEMENT

OOREENKOMS

The employer and apprentice undertake to adhere to the conditions stipulated in this contract and any additional rules and regulations especially to the employer which do not conflict with the conditions of his contract.

Die werkgewer en die vakleerling verbind hulle daartoe om hulle by die voorwaardes te hou wat in hierdie kontrak bepaal word asook enige bykomende reëls en regulasies wat spesifiek met die werkgewer verband hou wat nie in stryd is met die voorwaardes van hierdie kontrak nie.

T du Plessis

EMPLOYER / WERKGEWER *T du Plessis*

AS WITNESSES / AS GETUIES:

1. *[Signature]*
S.v Rensburg

2. *[Signature]*
A Mngeni

1. *[Signature]*
N Sanjica

2. *[Signature]*
Y Bahlmann

1. *[Signature]*
N. Sanjica

2. *[Signature]*
Y. Bahlmann

All Signatures in Black Ink

Name in Pencil

N. Solarie
APPRENTICE / VAKLEERLING *N. Solarie*

F. Solarie
GUARDIAN / VOOG *F. Solarie*

(If apprentice is a minor)
(Indien die vakleerling 'n minderjarige is)

REGISTERED at the office of MERSETA on this
GEREGISTREER in die kantoor van die MERSETA op hierdie

day of / dag van _____ 20_____

ADMIN AND CALL CENTRE MANAGER

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[Handwritten signatures and initials]
A.M. 17
A.S.

QUALIFICATIONS / KWALIFIKASIES

(to be signed on successful completion)
(moet onderleken word wanneer die opleiding met wetslae voltooi is)

This certifies that the apprentice
Hiermee word gesertifiseer dat die vakleerling

completed the prescribed training and successfully completed all prescribed modules and tests in the trade:
die voorgeskrewe opleiding deurloop het en alle voorgeskrewe modules en toetse suksesvol voltooi het vir die ambag:

on this / op hierdie

_____ day of / dag van _____ 20_____

EMPLOYER / WERKGEWER

FOR OFFICE USE ONLY

VIR KANTOORGEBRUIK ALLEENLIK

QUALIFICATION NOTED / KWALIFIKASIE AANGETEKEN

_____ day of / dag van _____ 20_____

ADMIN & CALL CENTRE MANAGER

RESCISSION OF CONTRACT

No contract of apprenticeship shall be rescinded except -

- (a) with the consent of the MERSETA, by agreement of the parties thereto; or
- (b) by the MERSETA, after consultation with the regional office in question, on its own initiative or at the instance of any party thereto, if it is satisfied that it is expedient to do so.

ONTBINDING VAN KONTRAK

'n Kontrak van vakleerlingskap word nie ontbind nie behalwe -

- (a) met die toestemming van die MERSETA by ooreenkoms deur die betrokke partye; of
- (b) deur die MERSETA, na oorleg met die betrokke Streekkantoor, uit eie beweging of op versoek van enige party daarby, indien hy oortuig is dat dit verstaan is om dit te doen.

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**PROCEDURE FOR
CONTRACT ADMINISTRATION
BY MERSETA**

The Client Liaison Administrator (Central Admin) will capture the information on the Datanet system and keep it on application status.

Contract numbers will be allocated and placed on both contracts and both contracts are handed to the Central Administrator Manager for registration.

Once status has been changed on Datanet from application status to registration status the Client Liaison Administrator will send the original contract back to the employer for safe keeping and will be requested to be sent back to Merseta when:

- An application for transfer is requested. **(Refer: LPM-FM-005)**
- Rescission of contract is requested. **(Refer: LPM-FM-003/LPM-FM-004)**
- Termination of contract due to a trade test pass

A copy is kept by the Central Administration office.

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PERIOD OF TRAINING

The minimum and the maximum period of apprenticeship for all designated trades shall be 80 practical weeks or training and four years respectively provided that the Merseta may reduce the said periods commensurate with credits granted remission by Merseta for training or experience attained prior to indenturing.

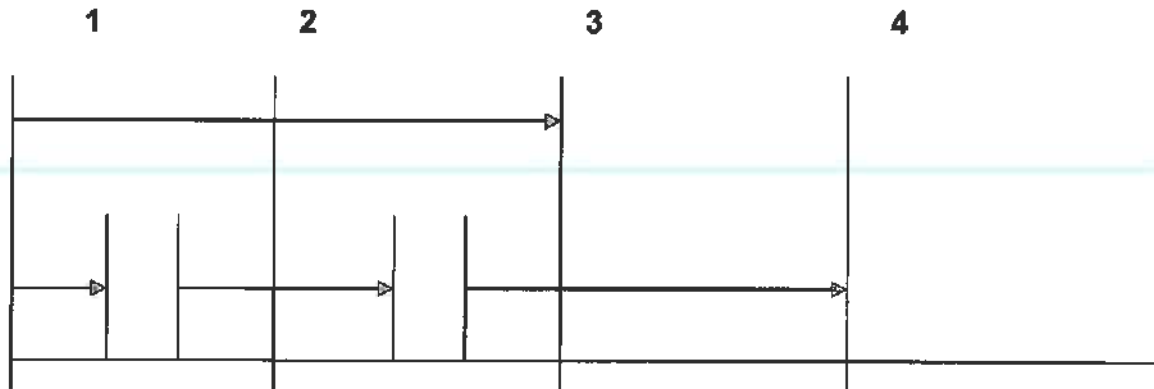
With respect to the minimum and maximum periods mentioned above:

- The minimum period of 80 weeks shall exclude time spent at a technical college, extended sick leave (every day more than 30 days in any year of apprenticeship), period of absence outside the control of apprentice and other absenteeism;
- The maximum period of four years shall include time spent at a technical college and, if necessary, the time taken for tests and minimum of 80 weeks of practical training;
- Both the minimum and maximum time periods shall exclude periods of absence outside the control of the apprentice and other absenteeism other than the 30 days sick leave per year.

The employer of an apprentice shall, within seven days of the apprentice being absent, notify the relevant Central Administrator in of such absenteeism and shall do likewise within seven days after the apprentice returns to work.

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Section 13



NO TRADE TEST = NO ARTISAN

Requirements to qualify for trade assessment section 13

1. Minimum of 80 weeks practical training excluding technical college must be completed before trade test can be attempted.
2. Minimum of a N2 with a four - subject pass must be achieved before a trade test can be attempted.
 - Maths
 - Science
 - Technical drawing
 - Theory Relevant to the trade
3. All modules in relevant schedule must be completed and signed off before trade test can be attempted.

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WAGES

PLEASE NOTE THAT THE METAL INDUSTRY BARGAINING COUNCIL REGULATES WAGES FOR APPRENTICES AND THIS IS REGULARLY ADJUSTED. THIS DOCUMENT IS EFFECTIVE ON THE DATE OF PUBLICATION ONLY. ALWAYS CONSULT THE BARGAINING COUNCIL OR THE MERSETA OFFICE FOR THE MOST RECENT WAGES.

Year	Current minimum wage rate per week	Increase on actual rates	Weekly increase on minimum rates	New Minimum weekly wage rates
First Year	R697	10.4%	R72	R7 69
Second Year	R768	10.4%	R80	R 848
Third Year	R916	10.4%	R1, 011	R1, 011
Fourth Year	R1, 356	10.4%	R1, 497	R1, 497
		Whichever is the greatest personal increase		

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LEAVE ENHANCEMENT PAY
(previously known as Leave Bonus Pay)

As per Metal and Engineering Industries Bargaining Council Main Agreement.

5 day week:

$$\frac{1 \text{ Week's Wages} \times 52 \times 8.33\% \times \text{Number of Shifts}}{234}$$

6 day week

$$\frac{1 \text{ Week's Wages} \times 52 \times 8.33\% \times \text{Number of Shifts}}{283}$$

REMISSION

Persons previously indentured in a particular trade, who have left and reapplied to be indentured in the same trade will receive remission as follows:

- The employer allows the apprentice to undertake the various criterion tests for the trade for experience/training previously attained.
- For each test that the apprentice successfully completes, the employer must provide documentary proof of the modules in which competency was proved.
- Evidence to be sent to Merseta to work out the remission to be allocated to the prospective apprentice.
- Remission will be allocated to a maximum period of 26 weeks.
- Should an apprentice receive remission, this will effect the first year of wages.

Practical training and completion of the remaining modules must be completed before a trade test may be attempted.

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COLLEGE ATTENDANCE

In terms of the conditions of apprenticeship, an apprentice must attend Further Education classes until certain conditions have been met.

- An apprentice who is not already in a possession of NTC2 certificate should attend college classes to obtain NTC2 certificate (four subjects: maths and trade theory are compulsory and two relevant subjects (e.g.: Technical Drawing and Science) .
- Where facilities for class attendance do not exist 20 km of the apprentice's place of work may take a correspondence course.
- The apprentice shall attend classes five days per week during ordinary hours for the duration of the course.
- An apprentice who attends classes during ordinary hours of work is not required to report for work.
- If the apprentice has failed subjects which have resulted in the apprentice not to obtain the relevant certificate, the deduction of class and examination fees may be made only in respect of those subjects in which the apprentice has failed. This deduction is made in equal instalments over a 12 month period.
- An apprentice who due to absence, is unable to attend technical classes or take a correspondence course at least one academic year, shall not be required to pursue his studies during such year.
- Kindly note that it is the employer's responsibility to ensure that the apprentice obtains the required National Technical Certificate and therefore the employer is required to make the arrangements directly with a FET College.

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SHORT TIME

- A letter of submission to be sent two clear working days' Notification to relevant Bargaining Council / Trade Union / Employees.
- Consultation between Employer and Trade Union should take place.
- Merseta needs to be informed by letter (a copy of the Bargaining Council letter to be attached).
- Clear period of short time to be detailed in letter to Merseta.
- If possible alternative should be looked at e.g.: apprentices that need to undertake technical classes or simulated training should do so during this period.
- If artisans are working, apprentices should be allowed to work.
- If the company does not belong to a Bargaining Council, they have to display the notices in the factory for everyone to see.
- Submit final letter to Merseta when apprentices will be working full working hours.
- Contract will be extended for the duration of time lost. A letter will be sent to the employer and apprentice informing them on new incremental and termination dates.

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ABSENTEEISM

ABSENCE FROM TECHNICAL COLLEGE

- The various technical colleges generally notify the respective employer of all absenteeism of apprentices while undergoing a block release.
- The administrators only note the absenteeism by placing the reports in the respective files.
- No extensions of contracts are to be effected until the employer requests such an extension, which is normally by way of a disciplinary hearing with the possibility of a suspension.

SICK LEAVE

- Employer notifies Merseta of sick leave.
- Administrator will update Datanet system.
- The Merseta Datanet system will automatically extend the contract date once 30 days in the apprentice incremental year has been exceeded.
- 30 days sick leave per year cycle of an apprenticeship contract is only for contract purposes and has nothing to do with the sick leave allocated to an employee working at a company.

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SUSPENSIONS

In terms of the Manpower Training Act, the employer may suspend an apprentice for a period not exceeding the number of days ordinarily worked in a week but he/she can also request the Merseta to extend the suspension up to a maximum of 30 days.

If an employer is of the opinion that the apprentices has committed "A serious breach of the terms of the contract or any condition of apprenticeship", a disciplinary enquiry is held and the employer may then issue a written warning, or suspend the apprentice for a maximum period not exceeding the number of days worked in a week.

The general principle is that suspension is applied on a day-for-day basis i.e. for every day absent without permission, the same number of days suspension to a maximum of the number of days normally worked by the employee in one week. **Any employer who has suspended an apprentice shall report the matter in writing to the Merseta with three (3) days of the date on which dates the suspension of the apprentice will be affected.**

Should the employer decide to suspend the apprentice after a formal disciplinary enquiry in terms of the company's disciplinary code, the suspension must be made effective immediately.

This does not mean that the suspension has been approved by the Merseta.

The Merseta has the right to uphold, set aside or extend the suspension, depending on the circumstances.

Each case will be thoroughly dealt with on merit.

Should the Merseta decide to set aside a suspension or to reduce the suspension, the employer and the apprentice will be notified within 3 days.

The employer is then obliged to refund the apprentice the salary that was lost due to the suspension. The contract date is then altered accordingly and the employer and apprentice will be informed in writing on the new incremental date for the next year and termination date.

When requesting suspension full supporting documentation must be submitted with the request for suspension e.g. disciplinary minutes.

The apprentice/employer retains the right to appeal against such a decision being taken by the Merseta and therefore may appeal to the registrar within 30 days of such a decision, and finally the minister in a similar way. All the contact details will be given in the letter which will be sent to both parties.

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DISCIPLINARY HEARINGS

Both the employer and apprentice (and where required a legal guardian) sign the contract of apprenticeship and must therefore abide by the conditions of the contract as contained in the Manpower Training Act, 1981 (as amended) and the gazetted conditions of apprenticeship.

Should either or both parties breach the contract, disciplinary action must be taken. The employer's policies and procedures have to be followed.

Guidelines for a Disciplinary Hearing

The following information serves as a guideline with regard to the purpose and conduct of a disciplinary hearing.

The question has been raised as to the nature and purpose of a disciplinary hearing and the general conduct of the chairman and other persons involved in the proceedings. These matters are summarised hereunder:

1. The Purpose of Conducting a Disciplinary Hearing

The overall aim of conducting a disciplinary hearing is to enquire into the behaviour or performance of an apprentice in a fair and structured manner with the ultimate objective being to seek to improve or rectify the behaviour or performance of the employee concerned.

From this, the purpose of conducting a disciplinary hearing is generally as follows:

- a) To hear the relevant evidence concerning the alleged breach of discipline, misconduct or poor performance;
- b) To reach as just and as balanced a verdict as possible, given the available evidence;
- c) To obtain a clear understanding of the employee's current disciplinary history;
- d) To try to get the apprentice to accept responsibility for modifying their unacceptable behaviour or performance by imposing an appropriate disciplinary action against the apprentice;
- e) To prevent a recurrence of incorrect behaviour or practices and/or decide whether any managerial/worker action could prevent such a recurrence. The Chairman should be neutral at all times.

2. Conduct at the Hearing

The nature of the proceedings at the disciplinary hearing should assume a corrective and not a punitive approach. This should be evidence in terms of the Chairman's manner of conducting the hearing.

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The Chairman should display objectivity and openness of mind. Actions on the part of the Chairman for example, of intimidating, browbeating or harassing the accused apprentice are unacceptable.

Where a disciplinary hearing is conducted, various issues must therefore be carefully observed. The Chairman of the hearing should:

- Ensure that all relevant persons are present or readily available;
- Explain the procedure to the apprentice.
- Explain the apprentice's right to the apprentice, guardian (where applicable) and apprentice representative.
- Ensure that the nature of the alleged offence and any written statements describing the events of the offence are made known to those present;
- Hear evidence in any orderly manner.
- Ensure that the apprentice understands all evidence, as interpreted, if necessary;
- Summarise evidence to ensure adequate comprehension by all concerned.
- Allow the apprentice, guardian (where applicable) or apprentice representative to put questions of clarity to any witnesses;
- Allow the apprentice representative to introduce any evidence on behalf of the apprentice;
- Give the opportunity at any point in the proceedings, to the apprentice, guardian (where applicable) and apprentice representative to leave the hearing to discuss the evidence presented;
- To hear any plea of mitigation before closing the hearing and imposing appropriate disciplinary action;
- Inform the apprentice, guardian (where applicable) and apprentice representative of the full reasons of the committee's findings, the nature of the action being applied and its effect as well as obtaining agreement on what needs to be accomplished to achieve the expected standard of behaviour and performance.

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3. Style of the Hearing

Throughout the disciplinary enquiry, the Chairman should keep the objectives of the hearing in mind, namely to establish the facts and administer fair disciplinary action, in order to achieve these objectives the Chairman should:

- Seek information by posing open ended questions;
- Maintain control of the hearing but, at the same time allow the apprentice to put his/her case in his/her own way;
- Concentrate on the facts relating to the performance or behaviour of the apprentice and not get drawn into personalities;
- Behave in a calm, rational manner and never become angry or be sarcastic or rude;
- Ask the apprentice for suggestions as to resolving the problems;
- Respond with empathy at all times;
- Maintain or enhance the apprentice's self esteem and never humiliate the apprentice.

Strive to obtain agreement on specific problem solving action steps in terms of "who" "what" and "when".

The Chairman should be neutral at all times.

The observance of the above guidelines will ensure that the disciplinary hearing is objective, unbiased and will be regarded as fair and proper by the apprentice, guardian (where applicable), the apprentice representative, fellow apprentices and ultimately be the industrial court.

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CANCELLATION REQUEST

- If an apprentice fails a module or phase test three times, the employer may apply to the Merseta to have the contract cancelled. A motivating letter must accompany the application (Rescission of Contract form, Section 24B of the Manpower Training Act) together with supporting evidence. (Refer: LPM-FM-004)
- Merseta has the right to investigate further to ensure that the apprentice received the correct training in order to ensure proficiency in the stipulated module or phase.

All cancellation requests must be thoroughly investigated.

RESCISSION OF CONTRACT

Mutual Agreement (Section 24A of the Manpower Training Act)

- Should an apprentice wish to cancel the apprenticeship contract voluntarily and the employer agrees, all contracting parties must sign the form "rescission of apprenticeship contract: Section 24(a)". (Refer: LPM-FM-003)
- A copy of the written notification by employer / apprentice together with a letter from the apprentice explaining the reasons for the request, the rescission form and the original contract, must be submitted to the Merseta offices.
- Rescission of contract by mutual agreement is for noting purposes. However, if there are any discrepancies, it will be investigated.
- The employer and the apprentice will be informed on the cancellation of contract.

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One Sided Cancellation (Section 24B of the Manpower Training Act)

- If one of the parties wish to cancel the contract and the other contracting party does not agree then a Rescission of contract 24B application form must be completed and sent to the Merseta offices with supporting documents to substantiate the cancellation.
(Refer: LPM-FM-004)
- An application for the rescission of a contract in will be debated at the Review Committee. Only after the Merseta agrees to the rescission, is the contract deemed cancelled.
- The employer and the apprentice will be notified in writing accordingly by the Merseta.
- The employer or the apprentice has the right to appeal against the decision of the Merseta within 30 days of such a decision to the registrar and finally the minister.

RIGHT OF APPEAL

In terms of Section 41 of the Manpower Training Act, 1981 (as amended) an employer, prospective employer, apprentice, prospective apprentice or minor (hereinafter referred to as the appellant) who feels aggrieved by a decision taken by the Merseta may appeal to the Registrar of Manpower Training.

An appellant who feels aggrieved by a decision of the registrar, may appeal to the Minister.

Note 1

Before any complaint is lodged with the Merseta the conflicting parties must, as a first step, follow the normal company disciplinary / grievance procedure and advise the Merseta of the decision they propose to implement.

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TRANSFER OF APPRENTICESHIP CONTRACT

Occasions arise when it could be advantageous to either the employer or the apprentice or both the employer and apprentice to have the apprenticeship contract transferred to another employer.

These occasions could be one of the following:

- The apprentice decides to seek employment with another employer with the purpose of continuing the apprenticeship period for various reasons.
- The employer finds that he/she can no longer offer training to an apprentice and requests that the apprentice be transferred to another employer who is capable of offering training.

Note:

It must, however, be borne in mind that the transfer of an apprenticeship may not occur if the new employer is not workplace approved.

- The transfer application form must be completed and submitted to the Merseta office.
(Refer: LPM-FM-005)
- The transfer document needs to be completed correctly and signed by all contracting parties in black pen with witnesses verifying all contracting signatures. All signatures are to be signed in black pen. The initial and surname must be written in pencil in block letters.
- All documents and the original apprenticeship contract to be sent to the Merseta Regional Office.
- Once registered the first contracting employer, new employer and apprentice will be informed in writing that the transfer was registered and the apprentice can move to the new employer.

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APPLICATION FOR TRADE TEST

- Employers of apprentices who commenced the apprenticeship on or after 1 April 2006 are liable for the payment of first two attempts at the trade test and the apprentice will pay for the third if need be.
- Merseta will only pay for two attempts for apprentice indentured prior to 1 April 2006.
- An apprentice that has completed all the modules, NTC 2 four subject certificates with maths and trade theory, being compulsory, and an additional two subjects (e.g. technical drawing and science) or equivalent or higher and has 80 practical weeks of training qualifies to undertake the trade test.
 - The trade test application form must be completed in full. **(Refer: LPM-FM-007)**
 - Certified copy of the apprentice identity document and NTC 2 certificate, maths and trade theory are compulsory subjects and an additional two relevant subjects e.g.: technical drawing and science, or equivalent qualification or higher, must be attached to the application forms.
 - Letter from the employer stating that the apprentice has completed 80 practical weeks of training.
 - All the above must be submitted to the Merseta Central Administration office for processing.
- Should an apprentice pass the qualifying trade test, the trade test centre will send the results to the Merseta who will inform the employer in writing.
- The employer is required to complete the termination section, on page 4, of the original contract and submit to the Merseta.
- The apprentice is deemed a qualified artisan 14 days after the last day of the trade test.
- The Merseta will issue the trade test certificate within three months after the trade test results have been received.

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CUSTOMER CARE

LET US KNOW WHAT YOU THINK

Name:

_____ *(Optional)*

Company Name:

Tel No: _____ Cell No: _____

Nature of Query:

Name of Administrator/Advisor attending to you:

Purpose of Visit:

Please Evaluate our Service:

In an attempt to improve and maintain excellence in customer service in the frontline, we are asking our customers to give us feedback.

Please answer the following questions with a rating of 1 to 5.

- 1 – Very Poor
- 2 – Poor
- 3 – Average
- 4 – Good
- 5 – Excellent

1. Please rate our Customer Service _____
2. Please rate the efficiency of our receptionist _____
3. Please rate the speed at which you were attended _____
4. Friendliness of the Administrator/Advisor assisting you _____

General remarks/recommendations:

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WE APPRECIATE YOUR KINDNESS

Once completed, please fax to relevant Regional Manager:

Gauteng South Regional Office Mr Sabelo Buthelezi - Fax: 010 219 3453
Gauteng North Regional Office Mr Harry Geldenhuys - Fax: 010 219 3360
Bloemfontein Regional Office: Mr Gerhard Slabbert – Fax: 010 219 3358
Eastern Cape Regional Office: Mr Zwele Ngayeka – Fax: 010 219 3494
Kwa-Zulu Natal Regional Office: Mr Musa Mtshali – Fax: 010 219 3399
Mpumalanga Regional Office: Ms Semodi Phiri – Fax: 010 219 3271
Western Cape Regional Office: Ms Bronwin Abrahams - Fax: 010 219 3312

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Workshop / Visitation Evaluation Form

Dear Participant

Please provide your honest feedback of the workshop / visit by filling in this evaluation form. This information will help us to improve our service to you as a valued partner in Skills Development.

Name of Facilitator/Skills Advisor: _____

Venue: _____ Date: _____

Name of Delegate: _____ Company: _____

Contact Number: _____

Please Evaluate our Service:

1. Was this workshop / visit relevant /helpful for your participation in skills development? Please explain

2. What other topic/issues would you like to be covered in future?

3.

A) _____

B) _____

C) _____

4. Rate the quality of our presentation on a scale of:

Poor	Good	Excellent
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5. Rate the professionalism of the facilitator/ Advisor on the scale of:

Poor	Good	Excellent
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Kindly supply contact details of people you would like Merseta to visit

1. _____ Contact _____

2. _____ Contact _____

General remarks/recommendations:

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