



**merSETA**

MANUFACTURING, ENGINEERING  
AND RELATED SERVICES SETA

# Implementation Guideline for MOTOR Competency Based Modular Training (CBMT)

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## ANNEXURES

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

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**CLIENT SERVICES  
REGIONAL OFFICES**

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## DESIGNATED TRADES IN THE MOTOR CBMT INDUSTRY

### 4 Levels:

1. Automotive Body Repairer
2. Automotive Machinist
3. Motor Mechanic

### 3 Levels:

4. Spray Painter

## 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 AN APPRENTICESHIP

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

1. 16 years
2. Std 7/Grade 9: Automotive Body Repairer / Spray Painter  
Std 8/Grade 10: Automotive Machinist / Motor Mechanic
3. For all designated trades, a statement of attainment certificate issued by or on behalf of the school attended by the prospective apprentice reflecting a pass at Standard 7 / Grade 9 or Standard 8 / Grade 10 level (depending on the trade) must accompany the registration documents.

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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.
- If it is established that you have not been workplace approved, the relevant Merseta Client Liaison Officer (CLO) will carry out this process prior to registration of contract.
- Complete the apprenticeship contract (**Ref: LPM-FM-006(A)**), as per the next section, and send the contract, together with the supporting documents to the Merseta within (30) thirty days of employing the prospective apprentice.

The company must identify a tradesperson who could mentor the apprentice throughout his/ her learning programme. This mentor and apprentice/s will be invited to an induction session arranged by Merseta.

## PROCEDURE TO TRAIN A CBMT APPRENTICE

- Obtain / order a set of Learning Guides (modular books) per trade and level as prescribed in the conditions of apprenticeship through:
  - John Addis for the Motor Mechanic Learning guides or
  - Laser Facilities for the other three trades
- The date that the learning guides are received in order for the apprentice to commence with learning, will be recorded as the commencement date of the apprenticeship contract and should be completed on page 5 “Addendum to Apprenticeship Contract”
- The Employer pays for these learning guides and may deduct this money from the wages of the apprentice in fair amounts – never more than 12% of the apprentice’s wages. This material is then used by the apprentice as a reference guide throughout his career.
- It’s the responsibility of the employer to ensure that the apprentice successfully completes the learning guides, in-house via the assistance of the trained mentor for spray painter, automotive body repairer and

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automotive machinist, or being outsourced to an accredited provider for motor mechanic.

- All outsourced training (as identified during the workplace approval) i.e.: wheel alignment, air conditioning, measuring etc, should be done at an accredited training provider or another company that will be willing to give written confirmation of it's commitment to stand in for such training aspects.
- Each trade consists of a minimum and maximum time frame per level. The apprentice should be found competent on (1) one module, before he/she can progress to a next module. The maximum times per level may not to be exceeded, as stipulated in the conditions of the apprenticeship. This may lead to the cancellation of the apprenticeship contract.
- The apprentice is allowed only three attempts to any assessment – whether it is the modular tests or the level tests. If competency is not achieved within three attempts the contract may be rescinded.
- Once all modules have been completed as indicated by the specific trade course lay-out, an apprentice must spend a pre-determined period in the workplace at the employer to gain experience – being referred to as on-the-job-training.
- Record should be kept of all modular tests completed and the minimum hours logged.
- Once the apprentice has completed & mastered all the modules & minimum hours, as stipulated in the trade course lay-out, a level test will be arranged at an accredited training provider – and in the case of automotive machinists these tests may be conducted at the company where the apprentice is registered. (Refer to page 26 to apply for level test)
- Once found competent on the level test, the apprentice should commence with the next level on the following day;  
**NB: therefore the next level of learning guides should be available.**
- On moving to the next level the salary of the apprentice is also adjusted to that of the next level – with consideration of the qualification allowance. (Refer to page 17 & 18 for wage schedule)
- Should the apprentice be found competent on the level test, the training provider will send the results to the Merseta, who will inform the employer in writing.
- A level certificate will be issued by Merseta, and forwarded to the employer to hand to the apprentice.

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- The same procedure will follow for all the levels until the specific trade has been completed.
- The apprentice is deemed a qualified artisan, (14) fourteen days after the last day of the final level test.
- A final certificate will be issued on completion of all levels per trade.

## DOCUMENTATION FOR INDENTURING

- Two (2) fully completed Motor CBMT Industry contracts.  
(Example of completed contract attached (***Example of a blank document (Ref: LPM-FM-006(A))***),
- Both contracts must be signed identically on page three and five and all contracting parties must initial each page of the contract.
- 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.
- The initials and surname of each person signing the contract must be written in pencil, in capital letters, against each signature.
- The commencement date on page one (1) of the contract is the date when the apprentice started at the company as an apprentice.

Once learning guides have been received, page 5 of the contract (Addendum) must be completed and signed by all parties. The date of commencement will then be changed from the date learning guides were received.

- 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 medical examination is the responsibility of the employer. Use the form provided by Merseta for this purpose.  
**(Ref: LPM-FM-006(A) page 8 of 9)**
- 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.

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- 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.

Once all required information has been completed the contract with all relevant documents and additional information form

**(Ref: LPM-FM-006(A) page 7 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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c) not to disclose or communicate to any person whomsoever any information relating to the business

other than in the ordinary course of his/her employment;

d) not to solicit or take orders for or undertake any work within the scope of the Motor Industry whether for gain or not, other than for his/her Employer;

e) to attend or undertake such technical classes, courses, examinations or test as may be determined by the conditions of apprenticeship of the MERSETA;

f) to keep weekly record of all training received, including completion of modules in a log book and in accordance with conditions prescribed by the MERSETA and a true copy of which shall be handed to the Employer for record purposes.

2. THAT the Employer does by those present agree:-

a) to train the Apprentice in accordance with his/her contractual obligations;

b) to remunerate the Apprentice at no less than the relevant wage rate, supplemented by allowance prescribed for skills and academic achievements;

c) to pay such fees in respect of technical instructions as he/she may be required to pay in terms of any notice under Section 13 of the Act;

d) that the prescribed training programmes will commence within 90 (ninety) days of the engagement date;

e) to endorse and sign this contract on successful completion of the prescribed training programme and submit it to the regional office of the MERSETA for termination. The MERSETA shall forward the original to the Apprentice to be his/her property;

3. THAT it is further agreed between all parties to the contract that:-

a) after fair procedures had been followed and the Employer is satisfied that the Apprentice has committed a serious breach of terms of his/her contract or that the Apprentice conducted or is conducting himself/herself in an unseemly manner and contrary to good discipline and such conduct is not conducive to his/her training, the Employer's business or the attainment of the objects of the Act, whether during or outside his/her working hours or when attending classes or course or taking examinations in accordance with the conditions of apprenticeship during his/her stay in a hostel, if such stay related to his/her apprenticeship, the Employer may forthwith suspend the Apprentice for a period not exceeding the number of days which the Apprentice ordinarily works in a week and shall report the matter to the regional office in question of the MERSETA for confirmation and approval, within 3 (three) days of the date on which he/she suspends the Apprentice;

2

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b) where, owing to a lack of work or an exigency in the Motor Industry, short time is being worked by the Employer he/she may with the written approval of the MERSETA, given after consultation with the regional office in question, employ the apprentice on short time for such periods and such conditions as may be stipulated by the MERSETA.

AS WITNESS WHEREOF the contracting parties hereto have hereunder set their hands this

.....day of .....month .....year

AS WITNESS

1.) .....

2.) .....

.....  
EMPLOYER

1.).....

2.).....

.....  
GUARDIAN (If Apprentice is a minor)

1.).....

2.).....

.....  
APPRENTICE

↑  
All  
Signatures to be in  
Black Ink and names  
and surnames to be  
added in pencil.

Registered at the office of the MERSETA on this

.....day of.....(month) .....(year)

.....  
**REGIONAL MANAGER**

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## COMPLETION

This is to certify that the Apprentice:

.....  
has completed all prescribed training and successfully completed all prescribed modules and tests in the  
trade of .....

COMPLETION DATE: .....day of .....(month) .....(year)

.....  
**Employer**

.....  
**QUALIFICATION NOTED:** .....day ..... (month) .....(year)

## REGIONAL MANAGER

NOTE:- 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 on its own initiative, after consultation with the regional office in question, or at the instance of any part thereto, if it is satisfied that it is expedient to do so in terms of this agreement and the prescriptions thereof.

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**ADDENDUM TO CONTRACT OF APPRENTICESHIP IN TERMS OF THE MANPOWER TRAINING ACT, 1981**

**COMPETENCY BASED MODULAR TRAINING SYSTEM (CBMT)**

THIS ADDENDUM ATTACHED TO THE CONTRACT OF APPRENTICESHIP made and entered into between ..... **JJ Trucking Services** ..... (of address) ..... **PO Box 21, Stikland, 7340**..... (hereinafter referred to as the Employer), on the one part, and .....**Henry Clinton Pretorius** ..... identity document number .....**901005 0846 080**..... (address) .....**20 Bracken Street, Protea Heights, Brackenfell, 7560**..... (hereinafter referred to as the Apprentice), on the other part.

The Apprentice acknowledges receipt of the training material and will commence with training in terms of the CBMT system on ..... day of ..... (month) ..... (year). Insert date training commenced

The Apprentice and the Employer by their signatories hereto acknowledge and confirm that they are familiar with and understand the relevant legislations pertaining to the contract of apprenticeship to which this addendum applies and acknowledge that the terms and conditions contained in this addendum are incorporated in the contract of apprenticeship.

AS WITNESS WHEREOF the contracting parties hereto have hereunder set their hands this ..... day of ..... (month) ..... (year)

AS WITNESSES

- 1. ....
  - 2. ....
- EMPLOYER
- 1. ....
  - 2. ....
- GUARDIAN (if apprentice is a minor)
- 1. ....
  - 2. ....
- APPRENTICE

**All Signatures to be in Black Ink and names and surnames to be added in pencil.**

.....  
**REGIONAL MANAGER**

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**PROCEDURE FOR  
CONTRACT ADMINISTRATION  
BY MERSETA**

The Client Liaison Administrator (CLA) (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 CLA 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

An original contract is to be kept by the Central Administration office.

**PERIOD OF TRAINING**

The minimum and the maximum period of a (3) three level apprenticeship for the spray painter trade shall be 103 practical weeks on-the-job-training and 157 weeks respectively.

**Government Notice: R1369 Date: 30/10/1998**

The minimum and the maximum period of a level (4) four apprenticeship for the automotive body repairer trade shall be 93.8 practical weeks on-the-job-training and 205 weeks respectively.

**Government Notice: R959 Date: 14/06/1998**

The minimum and the maximum period of a level (4) four apprenticeship for the automotive machinist trade shall be 85 practical weeks on-the-job-training and 209 weeks respectively.

**Government Notice: R959 Date: 14/06/1998**

The minimum and the maximum period of a level (4) four apprenticeship for the motor mechanic trade shall be 83 practical weeks on-the-job-training and 209 weeks respectively.

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**Government Notice: R1158 Date: 05/09/1997**

With respect to the minimum and maximum periods mentioned above:

- The minimum period of all trades shall exclude time spent at a technical college, extended sick leave (every day more than (30) thirty days in any year of apprenticeship), period of absence outside the control of apprentice and other absenteeism;
- The maximum period of all trades shall include time spent at a technical college and, if necessary, the time taken for level tests and minimum time of the above mentioned weeks per trade, of practical on-the-job-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) thirty days sick leave per year.

The employer of an apprentice shall, within (7) seven days of the apprentice being absent, notify the Central Administrator in question of such absenteeism and shall do likewise within seven days after the apprentice returns to work.

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## RATE OF PAY / WAGES

PLEASE NOTE THAT THE MOTOR 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 MOTOR INDUSTRY BARGAINING COUNCIL OR THE MERSETA OFFICE FOR THE MOST RECENT WAGES.

### WAGES IN THE TRADE

MOTOR MECHANIC  
AUTOMOTIVE MACHINIST  
AUTOMOTIVE BODY REPAIRER  
SPRAY PAINTER

(Competency Based Modular Training -**CBMT-system**)

Implementation date:

An employer shall remunerate an apprentice weekly at not less than the rates specified below effective from 10 December 2007:

<b>LEVEL 1</b>	R548.55 per week	R12.19 per hour
<b>LEVEL 2</b>	R684.45 per week	R15.21 per hour
<b>LEVEL 3</b>	R823.05 per week	R18.29 per hour
<b>LEVEL 4</b>	R958.50 per week	R21.30 per hour

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**EDUCATIONAL QUALIFICATIONS OBTAINED  
PRIOR TO OR DURING APPRENTICESHIP**

<b>Group</b>		<b>Per week</b>
Group 1	(I) National Technical Certificate, Part 1 (N1) with the relevant relevant trade theory (ii) Standard 10 Senior Matriculation Certificate (non-technical field of study) with mathematics (iii) Standard 8 Certificate (technical field of study)	R 13.00
Group 2	(I) Standard 9 Certificate (technical field of study) (ii) National Technical Certificate, Part II (N2) with the relevant trade theory (iii) National Technical Certificate Part III (N3)	R 23.04
Group 3	(i) Standard 10 Senior Matriculation Certificate (technical Field of study) (ii) National Technical Certificate, Part III (N3) with the relevant trade theory (iii) Four Subjects at T1 level	R 27.89
Group 4	(I) National Technical Certificate, Part V ( N4) (ii) Four subjects at T2 level	R 32.74
Group 5	(I) National Technical Certificate, Part V (N5) (ii) Four subjects at T3 level	R 37.59
Group 6	(I) National Diploma (engineering) (ii) National Technical Certificate, Part VI (N6) (iii) National Certificate for Technicians	R 42.44

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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.

- The entry requirements to apply for a trade test under the apprentices in Competency Based Modular Training System is a minimum of a standard 9 or grade 11 (technical or academic) with mathematics and science. The apprentice will be exempted from N2 due to the trade theory component being covered within the CBMT system.
- Where facilities for class attendance do not exist within (20) twenty kilometre (km) of the apprentice's place of work, such apprentice 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 whom the apprentice has failed. This deduction is made in equal instalments over a (12) twelve month period and not more than (20%) twenty percent of the weekly rate.
- 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 (N2) and therefore the employer is required to make the arrangements directly with a FET College.

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## ABSENTEEISM

### ABSENCE FROM TECHNICAL COLLEGE/ FET PROVIDER

- 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) thirty 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.

## 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) thirty days.

An employer who has suspended an apprentice shall report the matter in writing to the Merseta Regional Office in question, within three (3) days of the date on which the apprentice was suspended.

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.

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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.

When the employer decides 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.

## 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.

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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 Chairperson 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 evident in terms of the Chairperson's manner of conducting the hearing. The Chairperson should display objectivity and openness of mind. Actions on the part of the Chairperson 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 Chairperson 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;

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- 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 corrective 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.

### 3. Style of the Hearing

Throughout the disciplinary enquiry, the Chairperson 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 Chairperson 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 Chairperson 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 the industrial court.

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## CANCELLATION REQUEST

- If an apprentice fails a learning guide module or level test (3) three times, the employer needs to 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.

### 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 under section 24b will be evaluated at the Review Committee. Only after the Merseta agrees to the rescission, is the contract deemed cancelled.

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- 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) thirty 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.

## 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.

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- 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.

**APPLICATION FOR A LEVEL TEST**

- Merseta will only pay for two attempts for apprentice indentured prior to 1 April 2006.
- Employers of apprentices, who commenced the apprenticeship on or after 1 April 2006, are liable for the payment of the first (2) two attempts for a level test and the apprentice will pay for the third if need be.
- An apprentice that has completed all the minimum on-the-job-training hours & modules (learning guides tests) must carry out the following process:
  - The level test application form must be completed in full.  
**(Refer: LPM-FM-019)**
  - Certified copy of the apprentice identity document and relevant education certificate must be attached to the application forms.
  - A trade declaration form needs to be completed & signed by the employer, owner & apprentice stating that the modular tests (learning guides) & minimum hours (as stipulated in the trade course lay-out) have been met.
  - All above documents must be submitted to the Merseta Central Administration office for processing.
- Should an apprentice pass the qualifying level test, the level test centre will forward the results to the Merseta Central Administration who will inform the employer in writing.
- The Merseta Central Administration office will forward, after successful completion of a level, a level certificate that needs to be kept in a safe place.

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- The same will apply for the next level, until completion of the maximum trade levels.
- The apprentice will commence with the next level after found competent on the previous level, the following day, therefore the employer needs to issue the apprentice with the respective trade's modular learning guides.
- It's the prerogative of the employer to book the apprentice at an accredited training provider to perform the modular (learning guides) task. This task could also be performed by the indicated mentor.
- All exposure / outsourced training that the employer cannot perform (as indicated during the workplace approval), should be performed by an accredited training provider.
- After completion of all levels, the employer is required to complete the termination section (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 level test.
- The Merseta will issue a final competence certificate within three months after the final level 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 Takalani Murathi - Fax: (011) 484-4599  
Gauteng North Regional Office Mr Harry Geldenhuys – Fax : (012) 564-5220  
Bloemfontein Regional Office: Mr Gerhard Slabbert – Fax: (051) 447-8873  
Eastern Cape Regional Office: Mr Zwele Ngayeka – Fax: (041) 363-0144  
Kwa-Zulu Natal Regional Office: Mr Musa Mtshali – Fax: (031) 208-4624  
Mpumalanga Regional Office: Mr Sabelo Buthelezi – Fax: (013) 692-4629  
Western Cape Regional Office: Ms Bronwin Abrahams - Fax: (021) 914-8131

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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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