



**merSETA**  
MANUFACTURING, ENGINEERING  
AND RELATED SERVICES SETA

# Implementation Guide for MOTOR Timebased Apprentices

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 1 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled
Review: Learning Programme Manager		Approved: CEO	

## CONTENTS

Content	Page
Client Services: Regional Offices	4
Trades	5
Workplace readiness	5
Qualifications to commence an apprenticeship	5
Procedure for indenturing	6
Documentations for indenturing	7 – 12
Procedure for contract administration	13
Period of training	13 - 14
Rate of pay / Wages	15 - 16
College Attendance	17
Short Time	17 – 18
Absenteeism	18
Suspension	19 – 20
Disciplinary Processes	20 – 23
Cancellation request	23
Rescission of contracts	23 – 24
Right of Appeal	24
Transfer of apprenticeship contract	25
Application for Trade Testing	26 - 27

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 2 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## ANNEXURES

Document Type	Document Number
Apprenticeship Contract (Include Medical Certificate, Additional Information Form and Self Evaluation Checklist)	<a href="#">LPM-FM-006(D)</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-006</a>
Training Schedule	Refer to <a href="http://www.mersetza.org.za">www.mersetza.org.za</a>
Trade Test, Section 28 of the Manpower Training Act	-

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 3 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

**CLIENT SERVICES  
REGIONAL OFFICES**

<p>Eastern Cape Client Relations Manager Zwelethemba Ngayeka Tel: 041 3630117/0177 Fax: 086730 0112 Email: <a href="mailto:zngayeka@merseta.org.za">zngayeka@merseta.org.za</a></p>	<p>Gauteng South Client Relations Manager Takalani Murathi Tel: 011 551 5200 Fax: 086 670 4698 Email: <a href="mailto:tmurathi@merseta.org.za">tmurathi@merseta.org.za</a></p>
<p>Free State &amp; Northern Cape Client Relations Manager Gerhard Slabbert Tel: 051 4301263 Fax: 086 670 0034 Email: <a href="mailto:gslabbert@merseta.org.za">gslabbert@merseta.org.za</a></p>	<p>Kwazulu Natal Client Relations Manager Musa Mtshali Tel: 031 208 4600/1/2/4 Fax: 086 6730 0037 Email: <a href="mailto:mmtshali@merseta.org.za">mmtshali@merseta.org.za</a></p>
<p>Limpopo &amp; Mpumalanga Client Relations Manager Sabelo Buthelezi Tel: 013 656 4762/88/02 Fax: 086 501 9901 Email: <a href="mailto:sbuthelezi@merseta.org.za">sbuthelezi@merseta.org.za</a></p>	<p>Western Cape Client Relations Manager Bronwin Abrahams Tel: 021 914 8130 Fax: 086 687 4343 Email: <a href="mailto:babrahams@merseta.org.za">babrahams@merseta.org.za</a></p>
	<p>Gauteng North Client Relations Manager Harry Geldenhuys Tel: 012 564 5211 Fax: 012 564 5220 Email: <a href="mailto:hgeldenhuys@merseta.org.za">hgeldenhuys@merseta.org.za</a></p>

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 4 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## DESIGNATED TRADES IN THE MOTOR TIME BASED INDUSTRY

### 4 Year Trades:

1. Automotive Electrician
2. Automotive Engine Fitter
3. Diesel Mechanic
4. Fitter & Turner
5. Motorcycle and Scooter Mechanic
6. Tool, Jig & Die Maker
7. Tractor Mechanic
8. Vehicle Body Builder

### 3 Year Trades:

9. Automotive Trimmer
10. Diesel Fuel Injection Pump Technician

### WORKPLACE READINESS

- Work place approval to take place (Contact the closest Regional Office for a Client Liaison Officer (CLO) to assist).

### QUALIFICATION FOR COMMENCING APPRENTICESHIP

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

1. 16 years
2. Standard 7/Grade 9: Automotive Trimmer / Vehicle Body Builder  
Standard 8/Grade 10: for all other trades
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).

### EMPLOYMENT OF MINORS IN DESIGNATED TRADES

No person shall take into or retain in them 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 5 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## 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 CLO will carry this process out prior to registration of contract.
- Complete the apprenticeship contract, 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.
- An identified mentor by the employer and the apprentice will be invited to attend an induction session by the Merseta.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 6 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## DOCUMENTATION FOR INDENTURING

- (2) Two fully completed Motor Time-based Industries contracts.  
(Example of completed contract attached. **(Refer: LPM-FM-006(D).  
(Annexure A for blank copy)**)
- 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 the highest educational or highest school qualification, or higher, or equivalent certificate, or an SAQA evaluated certificate, 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.  
**(Refer: LPM-FM-006(D) page 7 of 8)**
- 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 (3) 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 **(Refer: LPM-FM-006(D) page 6 of 8)** must be submitted to Central Administration unit at Head Office.
- An 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 7 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

**EXAMPLE OF COMPLETED  
MOTOR TIMEBASED  
CONTRACT**



CONTRACT NO:.....

**merSETA**

MANUFACTURING, ENGINEERING AND RELATED SERVICES SETA

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

THIS CONTRACT OF APPRENTICESHIP commencing on the 3 day of January (month) 2007 (year) (hereinafter referred to as the engagement date) 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.... born on the .....5..... day of .....May..... (month) ...1990.....

(year)(hereinafter referred to as the Apprentice), assisted herein by his/her guardian (if applicable) .....

**To be completed if apprentice is younger than 18 years old.**

Pretorius..... of (address) ..... Protea Heights, Brackenfell, 7560..... on the other part.

**AGREEMENT**

1. That the Apprentice, having been found physically able and having obtained the Technical Matric certificate, does of his/her own free will (where legally required, with the consent of his/her guardian) by those present agree:-

- a) to honour his/her contractual obligations to the Employer in the trade of Diesel Mechanic designated in terms of Section 13 (1) of the Manpower Training Act, 1981 (hereinafter referred to as the Act), in respect of the Motor Industry referred to in the Government Notice .....R1461.....dated 16 July 1982..... for the unexpired portion of the minimum period of .....85.....weeks and maximum period of .....208..... weeks subjected to the provision.....

**You will find these details on page 13+14 of this guide.**

Document Title	Implementation Guideline for Motor Apprenticeship		
Document Number	LPM-GL-005	Date Compiled	
Page Number	Page 8 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled



- b) undertake to adhere to all the relevant legislation as may apply;
- 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 an in accordance with conditions prescribed by the MERSETA and a true copy of which shall be handed to the Employer for record purposes;
- g) in terms of clause 8 (2) (c) of Government Notice R1461 dated 16 July 1982 the period of apprenticeship of an Apprentice, who has not passed a trade test before the end of his/her period of apprenticeship as prescribed in paragraph 1(a) of the contract, shall be extended by a period of 12 (twelve) months.

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;
- 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 9 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

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

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

AS WITNESS

1.) .....

2.) .....

EMPLOYER

1.).....

2.).....  
minor)

GUARDIAN (If Apprentice Is a

1.).....

2.).....

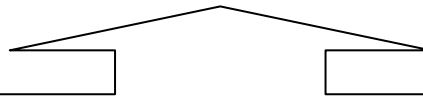
APPRENTICE

Registered at the office of the MERSETA on this

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

.....

**REGIONAL MANAGER**



**Please ensure the following:  
All signatures in Black Ink; each page initialled by  
all parties; all signatures to be witnessed in black  
ink; names of signatories to be written in pencil.**

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 10 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

**COMPLETION**

This page needs to be sent with the rest of the contract although it is only completed on completion of the contract.

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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 11 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

**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 copy is kept by the Central Administration office.
- A certified copy of the contract will be sent to the apprentice for information purposes.

**PERIOD OF TRAINING**

- The minimum and the maximum period of a (3) three year apprenticeship for the designated trades shall be 72 practical weeks on-the-job-training and (3) three years respectively. In terms of clause 8 (2) ( c ) of Government Notice R1461 dated 16 July 1982 the period of apprenticeship of an apprentice, who has not passed a trade test before the end of his/her period of apprenticeship as prescribed in paragraph 1(a) of the contract, shall be extended by a period of (12) twelve months.

**Government Notice: R1461**

**Date: 16/07/1982**

- The minimum and the maximum period of a (4) four year apprenticeship for the designated trades shall be 85 practical weeks on-the-job-training and (4) four years respectively. In terms of clause 8 (2) ( c ) of Government Notice R1461 dated 16 July 1982 the period of apprenticeship of an apprentice, who has not passed a trade test before the end of his/her period of apprenticeship as prescribed in paragraph 1(a) of the contract, shall be extended by a period of 12 (twelve) months.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 12 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

With respect to the minimum and maximum periods mentioned above:

- The minimum period of 72 / 85 weeks (depending on the trade) shall exclude time spent at a technical college / FET provider, 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 (3) three / (4) four years shall include time spent at a technical college/ FET provider and, if necessary, the time taken for tests and minimum of 72 / 85 weeks (depending on the 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.

Minimum hours stipulated and prescribed by the Motor Industry Bargaining council: (45) forty-five hours per week

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 13 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## RATE OF PAY / WAGES

**OMSENBRIEF 11/2006  
15 AUGUSTUS 2006**

**CIRCULAR NO 11/2006  
15 AUGUST 2006**

Gerig aan: Alle Werkgewers met Vakleerlinge in die Motornywerheid – Westelike Provinsie Streek.

Addressed to: All employers with apprentices in the Motor Industry – Western Province Region.

Geagte Heer / Dame

Dear Sir / Madam

**IS: Wysiging van vakleerling lone Tydsgebonde stelsel verwys na omsendbrief 1/2004, datum 26/11/2004.**

**RE: Amendment of the apprentice wages refer to circular 1/2004, dated 26/11/2004.**

Neem asseblief kennis dat die volgende algemene loon verhoging van vakleerlinge gepubliseer word soos voorgeskryf in die Mannekrag Opleidings Wet 56 van 1981 (soos gewysig) en gepubliseer in die Staatskoerant Nr R1362 & 27007 gedateer 26 November 2004.

Please note that the following general increase with regards to the apprentice wages as prescribed in the Manpower Training Act 56 of 1981 (as amended) and published in the Government Gazette No R1362 & 27007 dated 26 November 2004.

**HIERDIE LOON VERHOOGING IS MET INGANG VANAF PUBLIKASIE DATUM: 10 December 2007**

**THIS WAGE INCREASE IS WITH EFFECT FROM DATE OF PUBLICATION: 10 December 2007**

### TYDGEBOND – LONE / WAGES – TIMEBASED

**DRIE JAAR AMBAGTE:**

**THREE YEAR TRADES: (per week)**

**Eerste jaar/First year** R575.10 (R12.78 per hour)  
**Tweede jaar/Second year** R713.25 (R15.85 per hour)  
**Derde jaar/Third year** R876.60 (R19.48 per hour)

**VIER JAAR AMBAGTE:**

**FOUR YEAR TRADES: (per week)**

**First year/Eerste jaar** R575.10 (R12.78 per hour)  
**Second year/Tweede jaar** R630.90 (R14.02 per hour)  
**Third year/Derde jaar** R713.25 (R15.85 per hour)  
**Fourth year/Vierde jaar** R876.60 (R19.48 per hour)

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 14 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

An academic achievement allowance shall be payable on a weekly basis as specified in the schedule below:

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

GROUP		PER WEEK
GROUP 1 (i) (ii) (iii) (iv)	<ul style="list-style-type: none"> <li>- National Technical Certificate, Part 1 (N1), with the relevant Trade Theory</li> <li>- Std 9 Certificate (non-technical field or study) with mathematics</li> <li>- Std 10 Senior or Matriculation certificate (non-technical field or study) without mathematics</li> <li>- A pass in the relevant Trade Theory at National Technical Certificate, Part II (N2), level</li> </ul>	R 16.10
GROUP 2 (i) (ii)	<ul style="list-style-type: none"> <li>- Standard 10, Senior or Matriculation Certificate (non-technical field of study) with Mathematics</li> <li>- Standard 8 Certificate (technical field of study) with Workshop Practice</li> </ul>	R 20.30
GROUP 3 (i) (ii) (iii)	<ul style="list-style-type: none"> <li>- Standard 9 Certificate (technical field of study) without Workshop Practice</li> <li>- National Technical Certificate, Part II (N2) with the relevant Trade Theory</li> <li>- National Technical Certificate, Part III (N3), without the relevant Trade Theory</li> </ul>	R 23.80
GROUP 4 (i) (ii) (iii) (iv) (v)	<ul style="list-style-type: none"> <li>- Standard 9 Certificate (technical field of study) with Workshop Practice</li> <li>- Standard 10, Senior or Matriculation Certificate (technical field of study) without Workshop Practice</li> <li>- Matriculation Certificate with university concession, with Natural Science (Physics and Chemistry) or Maths</li> <li>- National Technical Certificate, Part III (N3), with the relevant Trade Theory at N2 level</li> <li>- Four subjects at T1 level</li> </ul>	R 28.00
GROUP 5 (i) (ii) (iii)	<ul style="list-style-type: none"> <li>- Standard 10, Senior or Matriculation Certificate (technical field of study) with Workshop Practice</li> <li>- National Technical Certificate, Part IV (N4)</li> <li>- Four subjects at T2 level</li> </ul>	R 30.80
GROUP 6 (i) (ii)	<ul style="list-style-type: none"> <li>- National Technical Certificate, Part V (N5)</li> <li>- Four subjects at T3 level</li> </ul>	R 35.00

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 15 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

GROUP 7 (i) (ii) (iii)	- National Diploma (in Engineering) - National Technical Certificate, Part VI (N6) - National Certificate for Technicians	R 37.20
GROUP 8 (i) (ii) (iii) (iv)	- National Diploma for Technicians - National Higher Diploma (in Engineering) - National Technical Diploma - National Higher Certificate for technicians	R42.00

### 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 possession of a NTC2 certificate, higher or equivalent, should attend classes to obtain National Certificate (Vocational) or equivalent in accordance with the syllabi prescribed, with the relevant trade theory.
- Where facilities for class attendance do not exist (20) twenty 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 whom the apprentice has failed. This deduction is made in equal instalments over a 12 (twelve) month period and not more that (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 and therefore the employer is required to make the arrangements directly with an FET College.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 16 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled



## 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.

## ABSENTEEISM

### **ABSENCE FROM TECHNICAL COLLEGE**

- The various Technical Colleges / FET providers generally notify the respective employer of all absenteeism of apprentices while undergoing a block release.
- The Merseta 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 17 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## **SICK LEAVE**

- Employer notifies Merseta of sick leave.
- Merseta 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) Thirty 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.

If an employer is of the opinion that the apprentice 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 day’s 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.**

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) three 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 18 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

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) thirty 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.

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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 19 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## 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. 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.

## 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 20 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

- 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.

**CANCELLATION REQUEST**

- If an apprentice fails a trade test (3) three times, the employer may apply to the Merseta to have the contract cancelled. A motivating letter must accompany the application (Rescission of Contact form, Section 24B of the Manpower Training Act) together with the 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 training schedule.

All cancellation requests must be thoroughly investigated by Merseta.

**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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 21 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## 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) 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 22 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## 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.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 23 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## APPLICATION FOR TRADE 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 trade test, and the apprentice will pay for the third if need be.
- Entry requirements to apply for the trade test under the apprentices in Time Based system are minimum standard 9 or Grade 11 (technical or academic) with mathematics and science. Exemption to N2 requirements will be given to apprentices in possession of one of the following:
  - Relevant technical standard 9 trade theory subject; or
  - NQF level 2 or 3 unit standards relevant to the N2 trade theory subject; or
  - Letter from the training provider detailing the topics covered benchmarked against the N2 relevant trade theory syllabus. Employer/training provider, who wishes to apply for exemption, should ensure that the candidates write knowledge tests during the theoretical training based on the modules. Details in the letter from the provider are subject to review by the sub-review committee before exemption may be granted. Relevancy of the modules used and knowledge tests conducted are subject to moderation by the quality assurors where a need may arise; or
  - Higher technical qualifications that cover the component of the relevant N2 or N3 theory subject.
- An apprentice that has completed all the training as prescribed per trade training schedule, submit the relevant education certificate as mentioned above and has completed 72 or 85, as stipulated per trade, on-the-job practical weeks of training, qualifies to undertake the trade test.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 24 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled



- The following should be used as a check list when applying for a trade test:
  - The trade test application form must be completed in full. **(Refer: LPM-FM-007)**
  - Certified copies of the apprentice identity document.
  - The and NTC2 certificate, or higher or equivalent, must be attached to the application forms.
  - Letter from the employer stating that the apprentices has completed 72 / 85 (as stipulated per trade) on-the-job 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 Decentralized 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 (page 4) of the original contract and submit it to the Merseta.
  
- The apprentice is deemed a qualified artisan (14) fourteen days after the last day of the trade test.
  
- The Merseta will issue the trade test certificate within (3) three months after the trade test results have been received.

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 25 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

**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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 26 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled

## **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

Document Title	<b>Implementation Guideline for Motor Apprentices Time Based</b>		
Document Number	<b>LPM-GL-005</b>	Date Compiled	<b>01 June 2009</b>
Page Number	<b>Page 27 of 28</b>	*Last Revision Date	
Revision Number	<b>Rev 00</b>	Access	<b>Controlled</b>

## 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
------	------	-----------

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

Poor	Good	Excellent
------	------	-----------

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

1. \_\_\_\_\_ Contact \_\_\_\_\_

2. \_\_\_\_\_ Contact \_\_\_\_\_

General remarks/recommendations:

\_\_\_\_\_

\_\_\_\_\_

Document Title	Implementation Guideline for Motor Apprentices Time Based		
Document Number	LPM-GL-005	Date Compiled	01 June 2009
Page Number	Page 28 of 28	*Last Revision Date	
Revision Number	Rev 00	Access	Controlled