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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 808

14 June 2002

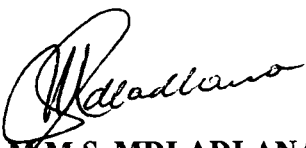
**MANPOWER TRAINING ACT, 1981 (READ WITH SCHEDULE 2 ITEM 4(5) OF
THE SKILL DEVELOPMENT ACT, 1998.)
DESIGNATION OF TRADES AND PRESCRIPTION OF CONDITIONS OF
APPRENTICESHIP**

1. I Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby-
 - (a) Designate in the Jewellery and Precious Metal Sub-Sector in the Republic of South Africa the under-mentioned trades as trades in respect of which the Act shall apply with effect from the date of publication of this notice:

TRADES

 - Diamond and Jewel Setting (excluding Marcasite Setting)
 - Precious Metal Working and Mounting (including Diamond Mounting but excluding Marcasite Working)
 - (b) Prescribe, with effect from the date of publication of this notice, the conditions set out hereunder as conditions of apprenticeship in respect of the trades designated in paragraph (a) in the sector and the area mentioned therein; and
 - (c) Withdraw Government Notices Nos. R.1989 of 25 November 1994, R.618 of 25 April 1997 and R.363 of 13 March 1998 with effect from the date of publication of this notice: Provided that clauses 2,3,4,5,6,7 and 8 of the relevant conditions of apprenticeship shall remain applicable in respect of an apprentice whose contract of apprenticeship was entered into prior to the date of the coming into operation of this notice.
2. For the purpose of this notice. "Jewellery and Precious Metal Sub-Sector" means the joint enterprise in which employers and their employees are associated wholly or mainly for any one or more of the following purposes:
 - (a) The manufacture of the following articles mainly from precious metals, including all activities incidental to such manufacture:
 - (i) Articles of Jewellery and/or personal adornment, with or without ornamental stones;
 - (ii) Mountings for ornamental stones;

- (iii) Medals, medallions, badges, masonic jewels and/or like articles;
 - (iv) Ornaments, ornamental vessels, ornamental utensils and/or like ornamental articles;
 - (v) Parts of any of the aforesaid articles;
- (b) the setting and/or resetting of ornamental stones in any article referred to in paragraph (a);
 - (c) the engraving of any article referred to in paragraph (a);
 - (d) the repairing, altering and/or renovating of any articles referred to in paragraph (a);
 - (e) the enamelling of any article referred to in paragraph (a);
 - (f) the making and/or repairing of tools and/or dies used or intended for use in any of the activities referred to in this definition when undertaken by any employer engaged in such activities;
 - (g) the engraving of dies used or intended for use in any of the activities referred to in this definition.



M.M.S. MDLADLANA
Minister of Labour

CONDITIONS OF APPRENTICESHIP

1. Qualifications for commencing an apprenticeship

The minimum age and educational qualifications for commencing an apprenticeship shall be-

- (a) 16 years;
- (b) Standard 8 or a certificate of attainment issued by or on behalf of the school attended by the apprentice, reflecting a pass at Standard 8 level in the subjects Afrikaans or English, and Mathematics and at least two subjects;
- (c) attainment of the specified grades in the selection test of the Jewellery and Precious Metal Sub-Sector (hereinafter referred to as MQA): Provided that the MQA may waive the minimum qualifications on proof of aptitude.

2. Period of apprenticeship

- (1) The minimum and maximum period of apprenticeship shall be two years (104 weeks) and four years (208 weeks), respectively.
- (2) With respect to the minimum and maximum periods referred to in (1) above –
 - (a) the minimum period of two years shall exclude time spent at technical institutions and sick leave in excess of 30 days per annum;
 - (b) the maximum period of four years shall include time spent at a technical institutions and, if necessary, the time taken for trade tests as provided for in clause 7(4), and also the minimum of 104 weeks of practical experience; and
 - (c) both the minimum and maximum period shall exclude any absence as approved by the MQA.
- (3) The employer of an apprentice shall within seven days of any absence as approved by the MQA, notify the secretary of the regional apprenticeship committee in question of such absence and shall do likewise within seven days after return.

3. Wages

- (1) An employer shall pay an apprentice weekly in accordance with the apprentice's achieved year of training, at not less than the rates specified below:

ACHIEVED YEAR OF TRAINING

Year 1	R264 per week
Year 2	R296 per week
Year 3	R428 per week
Year 4	R592 per week

- (2) For the purpose of this subclause "achieved year of training" means the demonstrated competence of the skills specified in the training schedule for the particular designated trade. These skills can be achieved by modular training in terms of the options specified in clause 4 (b) and by practical on the job experience, subject to the testing thereof by an accredited testing authority. The achieved year of training may be determined by the MQA through evaluation as provided for in clause 5 (3).
- (3) Should an employer and a prospective apprentice, prior to entering into a contract of apprenticeship, agree upon a higher rate of any pay than that prescribed in this clause such higher rate shall be incorporated in the contract of apprenticeship and shall be paid to the apprentice.

4. Training

- (1)(a) All apprentices indentured in any of the designated trades shall undergo modular training, which has been divided into five stages, each consisting of a number of complementary modules of competency.
- (b) Each apprentice is required to achieve the skills within each stage and to prove his mastery of these in a practical skills test, thereby obtaining modular credits.
- (2) To achieve the mastery of these specified skills, an apprentice must undergo modular training. This training may be obtained through one of three options:
 - (a) At an accredited training centre;
 - (b) By an accredited training officer from a centre referred to in (a) above, who provides training in house;
 - (c) By a company accredited by the accreditation committee of the MQA to provide modular training for specific stages or skills.
- (3) Employers shall be required to release an apprentice for both theoretical and practical training for those periods to be specified by the MQA in accordance with the Manpower Training Act, 1981, in order to allow the apprentice to attend technical classes.

5. Technical Studies

- (1) An apprentice who is not in possession of the minimum qualifications as stated in clause 7 (2) (c) shall attend technical courses to obtain such technical qualifications, either by means of full-time study during working hours or by correspondence courses after hours, unless otherwise determined by the MQA.
- (2)(a) Where facilities exist for the attendance of technical classes by continuous course of study within a radius of 20km of the residence of the apprentice, he shall attend classes five days a week during normal working hours for the duration of the course, unless otherwise determined by the MQA.
- (b) Where facilities as contemplated in paragraph (a) do not exist within that radius, the apprentice shall follow appropriate correspondence courses, unless the employer and apprentice agree that technical classes are to be attended on full-time basis.

- 3)(a) Where an apprentice has complied with the requirement of clause 7 (2) (c), he shall be entitled to continue attending further classes, in the manner prescribed by subclause (2).
- (b) Further attendance of any class, course or subject, where an apprentice has not passed his first examination in the applicable course, shall take place outside working hours and at his own cost.
- (4) An apprentice may not be permitted or required to report for work for the duration of a course attended in terms of subclause (2) (a).
- (5) The provisions of subclause (3) shall *mutatis mutandis* apply to an apprentice who is following a correspondence course in terms of subclause 2 (b).
- (6) An apprentice who is unable to attend technical classes for the duration of a continuous course of study, or at least attend half an academic year of technical classes, or to follow a correspondence course, as the case may be, as a result of any absence as approved by the MQA, shall not be required to continue his studies during such a year.
- (7) The provisions of subclause (3) shall *mutatis mutandis* apply to an apprentice who has complied with the provision to an apprentice who has complied with the provisions of clause 7 (2) (c) and who continues voluntary with further studies related to the trade in which he is indentured.
- (8) In case of an apprentice who has to study by means of a correspondence course, the apprentice shall be required to write the examination by not later than the end of the year.

(6) Payment of course and test fees

- (1) An employer shall-
 - (a) advance to the accredited training centre or technical institution the course and or test/fees payable by an apprentice; and
 - (b) bear al costs relating to the courses and tests in respect of any training specified in the published schedule.
- (2) The amount advanced in terms of subclause (1) (a) may be deducted from the wages of the apprentice in equal weekly instalments during a 52-week period from date of advance: Provided that-

- (a) if, at the test, the apprentice obtains the certificate for which he was enrolled or the trade theory of the N2 certificate, the full amount deducted shall be refunded to him by the employer; and
- (b) if the apprentice fails to obtain the certificate or trade theory referred to in (a) the refund be made only in respect of modules or subjects passed.
- (3) All apprentices shall be in possession of the following hand tools upon indenture: Saw frame (excluding blades), jeweller's hammer, flat pliers, chain pliers, jeweller's scissors, triblet, size stick, pair of dividers and jeweller's steel block. Where the employer provides such tools he may, in not less 52 equal weekly instalments, deduct the cost thereof from the wages of the apprentice. The aforementioned tools shall remain the property of the apprentice.

7. Testing and achievement of qualifications

- (1)(a) Every apprentice in each designated trade shall pass an approved trade test.
- (b) Trade tests shall be conducted at trade test centres accredited by the MQA. Dates shall be arranged and published by the MQA.
- (2) To be accepted as a candidate for a trade test referred to in subclause (1)
 - (a) an apprentice shall-
 - (a) have completed the modular training programme approved by the MQA, demonstrated his competence by successful completion of the stage tests, completed the prescribed modular training, obtained the required number of modular credits;
 - (b) if required, supply documentary proof of having met the requirements in paragraph (a);
 - (c) Except in exceptional circumstances, as approved by the MQA, have obtained at least the National Technical Certificate, Part II (N2), in four subjects, or the integrated course (N2), or the equivalent technical certificate of which, in all cases referred to above, one subject must be the appropriate trade theory.
- (3) An employer who intends to indenture an apprentice in possession of an N2 certificate or higher and/or with appropriate practical experience may request the MQA to evaluate that apprentice's level of competence by means of the stage tests, and thereafter permit the apprentice to commence his training at the next higher stage.

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- (4) An apprentice who fails his first attempt at the trade test shall be permitted a further two additional attempts: Provided that these be at least six months apart and occur before the maximum period of apprenticeship expires. The contract shall be deemed to be terminated if the apprentice fails the third trade test.
 - (5) On successful completion of each of the stage tests, the apprentice shall be issued with a certificate, which shall list his demonstrated skills as related to the modules comprising that stage.
 - (6) Should an apprentice fails the first stage test or the second attempt at any subsequent stage test, and in consultation with the MQA he is deemed as unsuitable for further training, the MQA may cancel his contract and he shall exit the system with the skills certificate of the highest stage achieved.

8. Courses of training

An employer shall provide an apprentice with practical training in the trade in which he is indentured. The apprentice ratio is to be approved by the MQA. Directives shall be published and issued to the employer from time to time.
