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## GOVERNMENT NOTICE

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### DEPARTMENT OF LABOUR

No. R. 234

15 March 2011

#### BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

#### AMENDMENT OF SECTORAL DETERMINATION 5: LEARNERSHIP SECTOR, SOUTH AFRICA

I, Mildred Nelisiwe Oliphant, Minister of Labour, in terms of section 56 (1) of the Basic Conditions of Employment Act, No 75 of 1997, hereby amend Sectoral Determination 5: Learnership Sector, South Africa, published under Government Gazette No.22370 of 15 June 2001, in accordance with the schedule hereto and fix 01 April 2011 as the date from which the provisions of the said Sectoral Determination shall become binding upon all employers and learners in all sectors where Sector Education and Training Authorities (SETAs) have been established.



M. N. OLIPHANT, MP  
MINISTER OF LABOUR

DATE.....08/03/2011.....

## SCHEDULE

1. Section 1 of the Sectoral Determination 5: Learnership Sector is hereby amended by:

(a) the insertion before the definition of "Bargaining Council" of the following definitions:

**'apprenticeship'** means a learnership in respect of a listed trade, and includes a trade-test in respect of that trade;

**'artisan'** means a person that has been certified as competent to perform a listed trade in accordance with Act No. 37, 2008 SKILLS DEVELOPMENT AMENDMENT ACT, 2008

(b) the insertion after the definition of "Labour Relations Act, 1995" of the following definitions:

**'learner'** includes an apprentice;

**'learnership'** includes an apprenticeship;

**'learning'** means the acquisition of knowledge, understanding, values, skill, competence or experience;

**'learning programme'** includes a learnership, an apprenticeship, a skills programme and any other prescribed learning programme which includes a structured work experience component

2. Replace Table A in sub-clause 3 as reflected in Government Notice Number 519 of 15 June 2001, with the following:

Table A

Exit level of learnership	Credit already earned by learner	Percentage of wage to be paid as allowance	Minimum allowance per week	Annual Increase
NQF 1 or 2	0 - 120	35%	R204.47	Previous years minimum allowances per week + CPI (Excluding Owner's Equivalent Rent)
	121 - 240	69%	R408.92	
NQF 3	0 - 120	17%	R204.47	
	121-240	40%	R385.10	
	241-360	53%	R630.45	
NQF 4	0 - 120	13%	R204.47	
	121-240	25%	R408.92	
	241 -360	53%	R630.45	
	361-480	56%	R920.09	
NQF 5 to 8	0-120	8%	R204.47	
	121 -240	18%	R442.99	
	241-360	27%	R662.81	
	361 -480	38%	R933.74	
	481-600	49%	R1192.70	

3. Add sub-clause 3(5) as reflected in Government Notice Number 519 of 15 June 2001, to read:

(5) Subject to sub-clause (3), the annual minimum allowances:

- (a) The annualised CPI (Excluding Owner's Equivalent rent) should be utilised to calculate the annual increase on allowances.
- (b) For the purpose of this clause, the "CPI" is the Consumer Price Index as reported by Statistics South Africa six weeks before the increases become effective.