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MANPOWER TRAINING ACT, 1981

CHEMICAL, OIL AND ALLIED INDUSTRIES TRAINING BOARD: DESIGNATION OF TRADES AND PRESCRIPTION OF CONDITIONS OF APPRENTICESHIP

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby-

(a) designate in the Chemical, Oil and Allied Industries in the Republic of South Africa the undermentioned trades as trades in respect of which the Act shall apply with effect from the second Monday after the date of publication of this notice:

TRADES

- Boilermaker;
- Diesel Mechanic;
- Electrician;
- Filter;
- Instrument Mechanician (Process Control);
- Motor Mechanic;
- Rigger;
- Turner; and
- Welder;

(b) prescribe, with effect from the second Monday after 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 Industry and area mentioned therein; and

(c) withdraw Government Notice No. R. 368 of 25 February 1983, as amended by Government Notice No. R. 47 of 11 January 1985, with effect from the said second Monday after the date of publication of this notice: Provided that clauses 2, 3, 4, 5, 6 and 7 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 coming into operation of this notice.

For the purpose of this notice, "Chemical, Oil and Allied Industries" or "Industry", without in any way limiting the ordinary meaning of the expression, means the Industry in its broadest sense in which employers and employees are associated for the purpose of engaging in, inter alia, the

following activities:

- (a) Manufacturing basic industrial chemicals;
- (b) manufacturing fertilizers, pesticides and herbicides;
- (c) manufacturing explosives and explosives accessories;
- (d) manufacturing synthetics, resins, plastic materials and man-made fibres, except glass;
- (e) manufacturing paint, varnishes and lacquers;
- (f) petroleum refineries;
- (g) manufacturing miscellaneous products of petroleum and coal;
- (h) manufacturing vinyl products;
- (i) manufacturing yarn and textile products;
- (j) manufacturing acrylic products and polyvinyl chloride (PVC);
- (k) manufacturing water treatment and speciality chemicals, including any other activities or processes which are normally regarded as falling within the Industry;
- (l) manufacturing synthetic rubber, rubber latex and industrial, mining and construction chemicals; and
- (m) manufacturing food chemicals and alcohol products.

T. T. OBOWENI,
Minister of Labour.

CONDITIONS OF APPRENTICESHIP

1. QUALIFICATIONS FOR COMMENCING APPRENTICESHIP

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

- (1) 16 years in all trades.
- (2) (a) A Standard 8 or N1-certificate or equivalent with passes in the subjects Mathematics and Science at standard grade for all trades.
 - (b) Where an employer wishes to specify higher entry qualifications, the employer shall consult the constituent union(s) in the establishment.
 - (c) All contracts of apprenticeship shall be accepted by the Authorised Apprenticeship Committee in accordance with the requirements prescribed in the Act.
 - (d) The Chemical, Oil and Allied Industries Training Board (the Board) may admit into apprenticeship individuals whose prior acquired skills/knowledges/experience it deems to be the equivalent, after adjudication, of the above qualifications for commencing apprenticeship.

2. PERIOD OF APPRENTICESHIP

(1) The period of apprenticeship for all trades shall be determined by the apprentice's progress through the modules and criterion tests attached thereto but shall not exceed 4 years (208 weeks). The Board may reduce the said period commensurate with exemption granted for skills or qualifications acquired prior to indenturing: Provided that the apprentice successfully completes the appropriate competency tests contained in the industry-approved training schedule, concerned.

(2) The maximum period referred to above shall include annual leave, sick leave up to a maximum of 30 days per year and absence without leave, time spent at technical institutions and time spent on compulsory military or police service in terms of the Defence Act, 1957, or the Police Act, 1958, up to a maximum of 30 days per year.

The maximum period shall, however, exclude time spent on compulsory military or police service in terms of the Defence Act, 1957, or the Police Act, 1958, in excess of the 30 days per year, any period of sick leave in excess of 30 days per year up to a maximum period of 90 days, absence from work due to an accident or a scheduled disease in respect of which compensation is payable in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), during such period as a disablement payment is payable under the Act, up to a maximum period of 90 days. (3) Contracts of apprenticeship may be terminated by agreement of the parties thereto in terms of section 24 (a) or at the instance of any party thereto by the Board, in terms of section 24 (b) of the Manpower Training Act, 1981.

3. REMUNERATION

(1) An employer shall remunerate an apprentice monthly, in accordance with the apprentice's achieved level of training, at not less than the following minimum percentages of R4 096,00:

Level of remuneration	Rate per month
Level 1 (entry level).....	25%
Level 2 (after passing phase 1).....	30%
Level 3 (after passing phase 2).....	35%
Level 4 (after passing phase 3).....	40%

(2) The level of remuneration will be determined by demonstrated competence in the skills specified in the compulsory phase tests contained in the training schedules for the designated trades.

(3) Special leave without pay shall be granted to an apprentice for the period of absence from service to attend the first period of compulsory training or service in terms of the Defence Act, 1957, or the Police Act, 1958.

4. TECHNICAL STUDIES

(1) An apprentice who is not already in possession of the prescribed minimum technical qualifications required to be accepted for the trade test in the trade in which he/she is indentured, shall attend technical classes at a technical institution or correspond with an institution approved by the employer in order to obtain the prescribed minimum qualifications.

(2) Where facilities exist for technical class attendance by continuous course of study, the apprentice shall attend such classes on five days a week during ordinary hours of work for the duration of the course: Provided that an apprentice shall not be entitled to attend more than one continuous (block release) course of study, during ordinary hours of work, in any academic year.

An apprentice who attends classes during ordinary hours of work shall, for the duration of the course, not be required to report for work.

(3) An apprentice who fails to attain the required qualification during any course for which he/she was given time off from work to study, shall pursue such studies outside normal working hours and shall, on producing the required qualification at the level at which he/she previously failed, again be entitled to attend classes at a higher level during normal working hours.

(4) An apprentice who has obtained the prescribed minimum qualifications or who is already in possession of a higher technical qualification than prescribed may, in agreement with his/her employer, voluntarily pursue his/her studies according to the terms and conditions agreed upon between them.

5. PAYMENT OF CLASS OR COURSE AND EXAMINATION FEES

An employer shall advance to the technical institution concerned the class or course fees and examination fees payable by an apprentice who is required to attend any courses or take correspondence courses or enter for an examination. The employer may deduct the amount so advanced from the wages of the apprentice, in equal monthly instalments, during a period of 12 months from the date on which the advance was made: Provided that-

(a) if the apprentice obtains a pass in all subjects enrolled for, the employer shall refund to the apprentice the full amount deducted;

(b) if the apprentice does not pass all the subjects enrolled for, the employer shall refund to the apprentice the fees in respect of the subjects passed.

6. TRADE TESTS

(1) Every apprentice in each designated trade shall pass an approved trade test to qualify as an artisan.

(2) To be accepted as a candidate for the trade test an apprentice shall -

(a) have completed the off and on-the-job training programme approved by the Board for the trade concerned;

(b) have obtained the minimum theoretical qualification as prescribed in the relevant training schedule for the particular trade;

(c) have passed all the necessary module and phase tests as prescribed in the relevant training schedule for the particular trade; and

(d) supply documentary proof of having met the requirements of paragraphs (b) and (c).

(3) An apprentice who fails a first attempt at the trade test shall be permitted a further attempt before the maximum period of apprenticeship expires. An apprentice who makes a second attempt at the trade test shall be required to undertake the test after 30 days have elapsed since the date of taking the first test but before the expiry of 90 days from such date. An apprentice may apply to take subsequent tests, with valid reasons, before the maximum period of apprenticeship expires. The employer may, however, apply to the Board to rescind the contract of apprenticeship after an apprentice has failed in his/her third attempt at the trade test.

(4) The cost of the first and second trade test undertaken at a trade test

centre accredited by the Board shall be borne by the employer, while the cost of sub-sequent attempts at the trade test shall be borne by the apprentice.

7. TRAINING, TESTING AND CERTIFICATION

(1) An employer shall provide an apprentice with practical and institutional training or have the apprentice trained in the trade for which he/she is indentured, in accordance with the relevant training schedule, approved and published by the Board. Apprentices shall receive their practical on-the-job training under the regular supervision of a qualified artisan in the relevant trade.

(2) On completion of each module and phase of training, an apprentice shall be tested to demonstrate his/her competence in the skills or knowledge required by the training schedule for the trade concerned. An apprentice shall be permitted at least three attempts at each module and phase test. After an apprentice has failed in his/her third attempt at the competency test for any specific module or phase, the employer may apply to the Board to rescind the contract of apprenticeship.

(3) On successful completion of each of the three phases of training, as specified in the training schedules for the designated trades, the employer shall issue the apprentice with a certificate listing his/her demonstrated skills related to the modules comprising that phase.

(4) An apprentice who passes the approved trade test shall qualify as an artisan in the Industry for the trade in which he/she is indentured and shall receive a certificate endorsed by the Board.

8. OTHER CONDITIONS OF EMPLOYMENT

Conditions of apprenticeship not expressly detailed above or provided for in the Manpower Training Act, 1981, shall not be less favourable than the provisions of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983).