



## LEARNERSHIP AGREEMENT

### Please take note of the following:

1. If a group of training providers are party to this Agreement, one of the providers must perform the function of lead training provider. The lead training provider must be accredited for the qualification and must complete section 5. Details of the other training providers must be attached on a separate sheet. All Learnership agreements must be registered **before commencement** of the learning programme
2. The signing of the agreement by the role players must be preceded by an induction session that outlines the purpose and conditions of the contract. Each page of the agreement should be signed and initialed by all parties
3. Original agreement should be forwarded to the PSETA, fax copies will not be accepted
4. All sections of the agreement should be completed (section 3 which deals with guardians, needs to be completed where the learner is a minor)
5. The learner must be paid a monthly allowance not less than the amount determined in accordance with the Sectoral Determination No 5
6. If the learner is **not** already in the employ of the employer, the learner and employer must conclude a contract of employment.
7. If a group of employers are party to this Agreement, one of the employers must perform the function of a lead employer. The lead employer must complete section 4. Details of the other employers must be attached on a separate sheet.
8. If the employer and the accredited training provider are the same entity, the employer must complete sections 4 and 5.

|   |                            |                |                  |
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| Review: Manager:<br>Learning Programmes |                            | Approved: CEO  |                  |

# **LEARNERSHIP AGREEMENT**

ENTERED INTO BY AND BETWEEN

THE DEPARTMENT OF \_\_\_\_\_

[HEREIN REFERRED TO AS "The Employer"]

DULY REPRESENTED BY \_\_\_\_\_

IN HIS/HER CAPACITY AS THE: \_\_\_\_\_

Duly authorised thereto

And

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[HEREAFTER REFERRED TO AS "The Learner"]

AS HOSTED BY (if host employer is different from the employer above)

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(HEREAFTER REFERRED TO AS "The Host Employer")

And

TRAINING PROVIDER NAME: \_\_\_\_\_

[HEREIN REFERRED TO AS "Training Provider"]

ACCREDITATION NUMBER: \_\_\_\_\_

REPRESENTED BY \_\_\_\_\_

IN HIS/HER CAPACITY AS \_\_\_\_\_

**Duly authorised thereto**

|   |                            |                |                  |
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## 1. LEARNERSHIP DETAILS

|  |  |
|--|--|
| 1.1 Name of Learnership  |  |
| 1.2 DHET registration number of Learnership  |  |
| 1.3 Commencement date of learnership agreement   |  |
| 1.4 Termination date of learnership agreement  |  |
| 1.5 Occupation that this learnership is related to (as per organizing framework of occupations (OFO)): |  |
| 1.6 Name of Qualification  |  |
| 1.7 SAQA qualification ID number   |  |

## 2. LEARNER DETAILS

2.1 Surname: \_\_\_\_\_

2.2 Full Names: \_\_\_\_\_

2.3 South African Identity Number: \_\_\_\_\_

2.4 Date of birth: \_\_\_\_\_ Age (to date) \_\_\_\_\_

2.5 Persal number (if section 18.1 learner): \_\_\_\_\_

2.6 Gender: \_\_\_\_\_

2.7 Race: \_\_\_\_\_

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2.8 Do you have a disability<sup>1</sup>, as contemplated by the Employment Equity Act 55 of 1998?<sup>1</sup>. Answer Yes or No.

If yes, specify nature of disability: \_\_\_\_\_

## 2.7 Home address:

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

## 2.8 Telephone Number:

## 2.9 Mobile:

2.10 Postal address (if different from above):

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

2.11 E-mail address: \_\_\_\_\_

2.12 Preferred method of communication: \_\_\_\_\_

### 2.13 Are you a South African citizen?

If no, specify and attach documents indicating your status, for example: permanent residence, study permit, etc):

<sup>1</sup> "a long term or recurring physical or mental impairment which substantially limits prospects of entry into, or advancement in, employment

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2.14 What is the level of your highest qualification (e.g. Standard 7, Grade10 etc?)

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2.15 What is the title of your highest qualification? (E.g. Matric/ National Diploma: Accountancy)

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Year completed: \_\_\_\_\_

Last school attended: \_\_\_\_\_

2.16 Have you previously undertaken a learnership? \_\_\_\_\_

If yes, specify the learnership title and code:

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2.17 Were you employed by your employer before concluding this Agreement?

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2.18 If you were unemployed before concluding this agreement, state for how long:

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2.19 If you are employed, when did you start work with your employer?

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### 3. PARENT OR GUARDIAN DETAILS

(To be completed if learner is a minor – i.e. an unmarried person under 18 years)

3.1 Surname: \_\_\_\_\_

Full Name (s): \_\_\_\_\_

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3.2 Identity number: \_\_\_\_\_

3.3 Home address:

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

3.4 Postal address (if different from above):

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

3.5 Telephone number: \_\_\_\_\_

3.6 Cell number: \_\_\_\_\_

3.7 E-mail address: \_\_\_\_\_

#### **4. EMPLOYER DETAILS**

4.1 Legal name of employer:

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4.2 Trading name (if different from above):

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4.3 Are you liable for the skills development Levy / lead employer?

If yes, what is your SDL number: \_\_\_\_\_

4.4 Name of SETA with which you are registered \_\_\_\_\_

4.6 Business address:

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

4.7 Postal address (if different from 4.7):

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

4.8 Name of the contact person: \_\_\_\_\_

4.9 Telephone No: \_\_\_\_\_

4.10 Fax No: \_\_\_\_\_

4.11 E-mail address: \_\_\_\_\_

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## 5. TRAINING PROVIDER DETAILS

5.1 Legal name of Training Provider: \_\_\_\_\_  
\_\_\_\_\_

5.2 Trading name (if different from above): \_\_\_\_\_  
\_\_\_\_\_

5.3 Are you acting as Lead Training Provider? \_\_\_\_\_

5.4 Are you liable for the skills development levy? \_\_\_\_\_

5.5 What is the Standard Industrial Classification (SIC) code that applies to your core business?  
\_\_\_\_\_

5.6 Name of ETQA that has accredited your institution\_\_\_\_\_

5.7 Accreditation number and review date: \_\_\_\_\_

5.8 Business address:

|        |       |
|--------|-------|
| _____  |       |
| _____  |       |
| _____  |       |
| (Code) | _____ |

|   |                            |                |                  |
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5.9 Postal address (if different from 5.8):

|  |        |
|--|--------|
|  |        |
|  |        |
|  |        |
|  | (Code) |

5.10 GPS Coordinates \_\_\_\_\_

5.11 Name of contact person: \_\_\_\_\_

5.12 Telephone No: \_\_\_\_\_

5.13 Fax No: \_\_\_\_\_

5.14 E-mail address: \_\_\_\_\_

## 6. TERMS AND CONDITIONS OF LEARNER EMPLOYMENT

6.1 Is the learner's contract of employment specific to the period of Learnership?

Agreement? \_\_\_\_\_ (Yes/No)

If yes, attach a copy of the document reflecting the learner's conditions of employment

6.2 Does the learner have a copy of the contract of employment? \_\_\_\_\_  
(Yes/No)

6.3 Are the learner's terms of employment determined by a document of general application (for example, section 18(3) determination, **sectoral determination**, bargaining council agreement, and collective agreement?) \_\_\_\_\_ (Yes/No)

If yes, specify: \_\_\_\_\_

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6.4 Attach a copy of a document reflecting the learner's conditions of employment for learners who were not employed by the employer when the agreement was concluded as contemplated by section 18(2) of the Act. (For example: contract of employment, written particulars of employment.)

The amount of the learner allowance is paid out in the following manner per attendance for the duration of the learnership:

| Equal monthly amounts of: | With a completion incentive of: | Other: specify: |
|---------------------------|---------------------------------|-----------------|
|                           |                                 |                 |

## **7. PART B: TERMS AND CONDITIONS OF AGREEMENT**

### **1 Declaration of the parties**

We understand that this Agreement is legally binding.

We understand that it is an offence in terms of the Skills Development Act 97 of 1998 ('the Act') to provide false or misleading information in this Agreement.

We agree to the following rights and duties.

### **2 Rights and duties of learners, employers and training providers**

#### **2.1 Rights of the Learner**

The learner has the right to:

- 2.1.1 Receive an induction to the learnership;
- 2.1.2 be educated and trained under the learnership;
- 2.1.3 Access to the required resources for the achievement of the specified outcomes for the structured learning component as well as the specified practical workplace experience activities of the learnership;
- 2.1.4 Be assessed and have access to the assessment results for the structured learning component as well as the specified practical workplace experience activities of the learnership;

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- 2.1.5 Receive a written statement of results within 21 working days of the final assessment required in this learnership agreement;
- 2.1.6 If successful, be awarded a certificate of achievement for the qualification associated with the learnership within 45 working days of the learner's final assessment;
- 2.1.7 In the case of a section 18(2) learner, receive the agreed learnership allowance for the duration of the learnership;
- 2.1.8 Raise grievances in writing with the SETA or the ETQA accredited for the qualification associated with the learnership concerning any shortcomings in the quality of the education and training under the learnership.

## 2.2 Duties of the Learner

The learner must:

- 2.2.1 carry out all occupationally related work for the employer required for the practical workplace experience activities specified in the learnership;
- 2.2.2 Comply with the employer's workplace policies and procedures;
- 2.2.3 be available for, and participate in, all structured learning and practical workplace experience activities required by the learnership;
- 2.2.4 Attend all theoretical learning sessions and practical learning activities with the training provider;
- 2.2.5 Complete timesheets and projects and participate in any assessment activities that are required for the final assessment at the end of the learnership; and
- 2.2.6 Undertake all learning relating to the learnership conscientiously.

## 2.3 Rights of the Employer

The employer has the right to require the learner to:

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- 2.3.1 perform duties in terms of this Agreement; and
- 2.3.2 Comply with the rules and regulations concerning the employer's workplace policies and procedures.

## 2.4 Duties of the Employer

The employer must:

- 2.4.1 Comply with all duties in terms of the Skills Development Act and applicable legislation including:
  - Basic Conditions of Employment Act 75 of 1997;
  - Labour Relations Act 66 of 1995;
  - Employment Equity Act 55 of 1998;
  - Occupational Health and Safety Act 85 of 1993 (or Mine Health and Safety Act 27 of 1996);
  - Compensation for Occupational Injuries and Diseases Act 130 of 1993;
  - Unemployment Insurance Act 30 of 1996.
- 2.4.2 Provide the facilities and resources required for the specified practical workplace experience activities of the learnership;
- 2.4.2 Provide the learner with supervision, mentoring and coaching at work;
- 2.4.3 Provide the learner with appropriate education and training to competently perform the specified workplace experience activities required by the learnership;
- 2.4.4 Release the learner during normal working hours to attend off-the-job structured learning required by the learnership;
- 2.4.5 Conduct on-the-job assessment for the specified workplace experience activities, or cause it to be conducted;
- 2.4.6 Keep up to date records of workplace learning and periodically discuss progress with the learner and the training provider;

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2.4.7 If the learner was not in the employment of the employer at the time of concluding this Agreement-

- Enter into a contract of employment with the learner for the duration of the learnership;
- Advise the learner of the terms and conditions of his or her employment, including the learner allowance; and
- Advise the learner of the employer's workplace policies and procedures.

2.4.8 Pay the learner the agreed learner allowance for the duration of the learnership;

2.4.9 Apply the same disciplinary, grievance and dispute resolution procedures to the learner as to any other employee;

2.4.10 submit the signed learnership agreement to the SETA for registration.

2.4.11 submit records as required by ETQA body

## 2.5 Rights of the Training provider

The training provider has the right to access the learner's portfolio of evidence and workplace learning related assessments.

## 2.6 Duties of the Training provider

The training provider must:

- 2.6.1 Provide the structured learning specified in the learnership;
- 2.6.2 Provide the learner support as required by the learnership;
- 2.6.3 Record, monitor and retain details of the education and training provided to the learner in terms of the learnership and periodically discuss progress with the learner and the employer;
- 2.6.4 Conduct off-the-job assessments for the structured learning component specified in the learnership, or cause it to be conducted; and
- 2.6.5 Ensure that the assessment against the outcomes of the qualification associated with the learnership is conducted at the end of the learnership; and

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2.6.6 Issue a written statement of results in respect of the learner's final assessment for the qualification associated with the learnership within 21 working days of the assessment, to the learner, the SETA and the ETQA accredited for the qualification.

### **3 Suspension of this agreement**

3.1 A SETA may approve the suspension of this agreement if-

3.1.1 The employer and the learner have agreed in writing to suspend the agreement; or

3.1.2 The employer or the learner has requested, on good course, to suspend the agreement and the other parties to the learnership agreement have had opportunity to make presentations as to why the learnership should not be suspended

3.2 An application to suspend a learnership agreement must be submitted to the SETA in writing together with-

3.2.1 A written agreement signed by the employer and the learner setting out the reasons for the suspension; and

3.2.2 Where appropriate the reasons for the suspension and proof that the other parties to the learnership agreement have had the opportunity to make presentations as to why the agreement should be suspended

3.3 All parties to a suspended learnership agreement must take appropriate steps to reactivate the learnership programme on expiry of the suspension period.

### **4 Termination of this Agreement**

#### **This learnership agreement terminates:**

4.1 on the termination date stipulated in Part B of this Agreement; or

4.2 on an earlier date if:

4.2.1 The learner has successfully completed the final assessment and fulfilled all requirements associated with the specified workplace experience activities of the learnership;

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4.2.2 The learner is fairly dismissed by the employer for a reason related to the learner's conduct or capacity as an employee;  
The SETA approves the termination of the Agreement in terms of the Learnership Regulations, 2006.

## 5 Disputes

5.1 If there is a dispute concerning any of the following matters, it may be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA):

5.1.1 The interpretation or application of any provision of this Agreement, or the learner's contract of employment or a sectoral determination made in terms of section 18(3) of the Act;

5.1.2 Chapter 4 of the Act;

5.1.3 The termination of this Agreement or, in the case of a section 18(1) learner, the learner's contract of employment.

5.2 If there is a dispute regarding the quality of education and training provided by the training provider or regarding the quality of the learner's learning performance, it may be referred to the ETQA accredited for the learnership qualification for resolution in accordance with the applicable policies and procedures of the ETQA.

## 8. ACCEPTING TERMS AND CONDITIONS OF AGREEMENT

*(Read terms and conditions on the previous pages)*

### DECLARATION OF PARTIES:

- We understand that this agreement is legally binding
- We understand that it is an offence in terms of the Skills Development Act (No. 37 of 2008) referred to as 'the Act' throughout this document, to provide false or misleading information in this agreement
- We agree to rights and duties as stipulated in this document/agreement

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## 9. SIGNATORIES

| <b>LEARNER</b>   |  |       |
|--|--|-------|
| Learner's signature:   |  | Date: |
| Witness signature  |  | Date: |
| <b>PARENT/GURDIAN</b>  |  |       |
| Parent or Guardian's signature: (Only if the learner is a minor) |  | Date: |
| Witness signature  |  | Date: |
| <b>EMPLOYER</b>  |  |       |
| Employer's signature   |  | Date: |
| Designation/ Official Title:                                     |  |       |
| Witness signature  |  | Date: |
| <b>TRAINING PROVIDER</b>   |  |       |
| Training Provider's signature                                    |  | Date  |
| Designation/Official Title                                       |  |       |
| Witness signature  |  | Date: |

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**For Official Use (PSETA)**  
**Learnership Registration Checklist**

Date received: \_\_\_\_\_ (stamp)

| <b>Assessment criteria</b>   | <b>Yes/NO</b> | <b>comments</b> |
|--|---------------|-----------------|
| 1. The intent to implement the Learnership was registered with PSETA                                     |               |                 |
| 2. The Learnership has not commenced <b>before induction session/ registration</b>                       |               |                 |
| 3. The employer party falls within the scope of the PSETA  |               |                 |
| 4. Learnership is registered with <b>Department of Higher Education and Training</b>                     |               |                 |
| 5. Learnership leads to a full qualification registered with SAQA  |               |                 |
| 6. The Learnership title is correctly listed in the agreement  |               |                 |
| 7. There are three requisite signatories and two witnesses to the <b>Learnership Agreement/ contract</b> |               |                 |
| 8. The training provider is accredited with relevant ETQA  |               |                 |
| 9. If learner is unemployed, the employment contract is attached   |               |                 |
| 10. All requisite information supplied   |               |                 |

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**Recommended for Registration**

Data Capturer/Administrator (Name): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approval**

Learning Programmes Officer Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agreement registered? \_\_\_\_\_ (Yes/No)

**Comments:**

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