

WORKPLACE SKILLS PLAN POLICY

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1. INTRODUCTION

- 1.1 The Skills Development Act (No. 97 of 1998, as amended) (SDA) provides an institutional framework to implement national, sector and workplace strategies to develop and improve the skills level of the South African workforce.
- 1.2 This policy has been developed in line with the provisions of the SDA, Skills Development Levies Act (Act 9 of 1999) (SDLA) and the Sector Education and Training Authority (SETA) Grant Regulations.

2. PURPOSE AND OBJECTIVE(S)

- 2.1. The purpose of this policy is to provide an enabling framework and environment for the application, submission and claiming of mandatory grant payments by all qualifying and compliant PSETA employers; and to provide a framework for the evaluation and approval of Annexure 2 (also referred to as the Workplace Skills Plan (WSP) and Annual Training Report (ATR) applications for all PSETA levy-paying, non-levy paying and levy exempt organisations.
- 2.2. The objectives of the Workplace Skills Plan policy are to:
 - 2.2.1. Maintain a framework within which PSETA receives and evaluates Annexure 2 from stakeholders;
 - 2.2.2. Maintain a framework within which PSETA mandatory grants will be disbursed to eligible employers;
 - 2.2.3. Increase sector participation in workplace skills planning activities;
 - 2.2.4. Improve the quantity and quality of labour market information available to PSETA; and
 - 2.2.5. Provide guidelines to PSETA and the sector on workplace skills planning criteria.



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3. ABBREVIATIONS


The table which follows provides an explanation of all abbreviations used in this document.

ABBREVIATION	DESCRIPTION
AA	Accounting Authority
ATR	Annual Training Report
CEO	Chief Executive Officer
COO	Chief Operations Officer
PSETA	Public Service Sector Education and Training Authority
SARS	South African Revenue Services
SDA	Skills Development Act
SDLA	Skills Development Levies Act
SETA	Sector Education and Training Authority
SPRM	Skills Planning and Research Manager
WSP	Workplace Skills Plan

4. DEFINITIONS


TERM	DEFINITION
Annexure 2	Means Annexure 2 of the Grant Regulations regarding monies received by a SETA and related matters, Published in Government Notice R. 990 in Government Gazette No. 35940 of 3 December 2012, as amended
Authorised signature	Means a signature appended by the Head of Department or Director General or CEO or Secretary or Accounting Officer of an entity.
Commissioner	Means the Commissioner for the South African Revenue Services, established by Section 2 of the South African Revenue



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TERM	DEFINITION
	Service Act, 34 of 1997 (as contemplated in the Skills Development Levies Act)
Labour Representative	Means a representative of the labour constituency within the workplace, appointed by the recognised trade union
Levy-paying employer/entity	Means an employer who is compelled to pay skills development levies in terms of section 3(1) of the Skills Development Levies Act.
Mandatory Grants	Means the grants paid out in term of Regulation 6(1) (a) and (b) of the Skills Development Levies Act No 9 of 1999. In order to access the funds an Annexure 2 (WSP and ATR) must be submitted on or before 30 April annually and approved by the PSETA.
PSETA registered	Means an entity registered on the PSETA Management Information System.
SETA Grant Regulations	Means the Sector Education and Training Authorities Grant Regulations regarding monies received by SETA and related matters, Published in Government Notice R. 990 in Government Gazette No. 35940 of 3 December 2012, as amended
Skills Development Act	Means the Skills Development Act, 97 of 1998, as amended
Skills Development Levies Act	Means the Skills Development Levies Act, 9 of 1999, as amended
Submission date	Means the 30 th of April of every year



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5. SCOPE OF APPLICATION

This Policy is applicable to all divisions, departments and units within PSETA and to all employers within the scope of the PSETA in line with Section 4 (a) to (d) of the SDLA in order to address the different types of the stakeholders that the PSETA serves, namely:

- National Government Departments;
- Provincial Government Departments;
- Parliament and Legislatures;
- PSETA registered Public Entities; and
- PSETA registered levy and non-levy paying employers.

6. LEGISLATIVE AND REGULATORY PRESCRIPTS


- 6.1. Skills Development Act, No. 97 of 1998, as amended
- 6.2. Skills Development Levies Act, No. 9 of 1999
- 6.3. National Skills Development Plan 2030
- 6.4. Public Finance Management Act, No 1 of 1999
- 6.5. Promotion of Access to Information Act, No. 2 of 2000
- 6.6. Protection of Personal Information Act, No. 4 of 2013
- 6.7. SETA Grant Regulations regarding monies received by SETA and related matters, Published in Government Notice R. 990 in Government Gazette No. 35940 of 3 December 2012, as amended.

7. POLICY PROVISIONS AND CONTENT

7.1. Roles and Responsibilities

- 7.1.1 The Accounting Authority (AA) grants approval of this policy to be implemented and exercises its fiduciary duties of provisions of the policy and Delegations of Authority.



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7.1.2 The Chief Executive Officer (CEO), assisted by the Chief Operations Officer (COO) is accountable for establishing and maintaining systems to manage skills planning.

7.1.3 The Skills Planning and Research Manager (SPRM) within PSETA is accountable and will be responsible for implementation of this Policy.

7.2. Criteria to be followed

The PSETA must allocate a mandatory grant to all organisations that pay a full 1% of their payroll as Skills Development Levy to the South African Revenue Services (SARS) commissioner as contemplated in Section 3 of the SDLA and have submitted an Annexure 2 (WSP and ATR) electronically in the prescribed format, duly signed and approved by the SETA in accordance with the SETA Grant Regulations. The PSETA will ensure transparency in the disbursement of mandatory grants as contemplated in sub-regulation (5), of the SETA Grant Regulations.

7.3. Process Flow

7.3.1. According to section 3 of the SDLA, every employer must pay a skills development levy from 1 April 2001, at a rate of 1% of the leviable amount.


7.3.2. Exemptions to the above requirement are in accordance with section 4 of the SDLA, which states that the SDL is not payable by any employer in the national or provincial sphere of government

7.3.3. The SDL is not payable by public entity if 80% or more of its expenditure is defrayed directly or indirectly from funds voted by Parliament.

7.3.4. The SDL is not payable by any public benefit organisation contemplated in section 10 (1) (cN) of the Income Tax Act.

7.4. Mandatory Grant Criteria

7.4.1. In accordance with SETA Grant Regulations (4), PSETA will not pay a mandatory grant to a levy-paying employer, unless the levy-paying employer:

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- 7.4.1.1. has registered with the Commissioner in terms of section 3(1) of the SDLA;
 - 7.4.1.2. has paid all levies due directly to the Commissioner in the manner and within the period determined in section 6 of the SDLA;
 - 7.4.1.3. is up to date with levy payments to the Commissioner at the time of approval and in respect of the period for which an application is made;
 - 7.4.1.4. has submitted a mandatory grant application in the prescribed format of the Annexure 2 (WSP and ATR), with the authorised signature by the submission date and in the form required by the SETA Grant Regulations and this policy.
- 7.4.2. To the extent that levy-paying employers have recognition agreements with trade unions:
- 7.4.2.1. evidence will need to be provided that the information submitted to the PSETA for the purposes of a mandatory grant application has been subject to consultation with such recognised trade union(s); and
 - 7.4.2.2. unless an explanation is provided, the mandatory grant application must be signed off by the labour representative appointed by the recognised trade union(s).
- 7.4.3. Failure to meet any of the eligibility criteria described in this policy will be a basis upon which to reject the mandatory grant application.

7.5. Submission and Approval of Annexure 2 (WSP and ATR)

All Annexure 2 (WSP and ATR) submissions submitted to PSETA will be evaluated by the Skills Planning and Research Department and approved by the Skills Planning and Research Manager based upon the following criteria:

- 7.5.1. The Annexure 2 (WSP and ATR) must conform to the format prescribed by the PSETA;



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- 7.5.2. The Annexure 2 (WSP and ATR) must be fully completed inclusive of all authorised signatures by the legislated date (of 30 April);
- 7.5.3. In the case of an employer who has a recognition agreement with a trade union or union in place, there must be evidence provided that the Annexure 2 (WSP and ATR) has been subject to consultation with the recognised trade union signed-off by the labour representative appointed by the recognised trade union; unless an explanation is provided.
- 7.5.4. Annexure 2 data submitted to PSETA will be stored and maintained in line with the PSETA POPI Policy.


7.6. Extension of Deadline for Submission

- 7.6.1. The submission deadline for mandatory grant applications is the 30th of April of each year.
- 7.6.2. In terms of sub-regulation 4(8) of the SETA Grant Regulations, a SETA AA may grant an extension up to a maximum period of one (1) month from the date contemplated in sub-regulation (2) for late submission of an application for a mandatory grant, subject to a written request by an employer.
- 7.6.3. All written requests for extension must be duly signed by the authorised signatory of an organisation and must be submitted to the PSETA at least one (1) month before the submission deadline.
- 7.6.4. Only employers whose request for extension has been duly approved by the PSETA CEO (as delegated by the PSETA AA) shall have access to the PSETA system to complete their Annexure 2 (mandatory grant application) after the due date of 30 April.

7.7. Approved Mandatory Grant Application

- 7.7.1. Approved mandatory grant applicants will be entitled to 20% of the total levies paid by them in terms of section 3(1) as read with section 6 of



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the SDLA during each financial year or as per any Directive issued by the SETA Executive Authority in this regard.

7.7.2. The mandatory grant will be disbursed quarterly as guided by the below quarterly disbursement schedule.

Planned Disbursement Dates	Dates in respect of Levies received from SARS
30 th September	1 st April to 30 th June,
31 st December	1 st July to 30 th September
31 st March	1 st October to 31 st December
30 th June	1 st January to 31 st March

7.8. Non-Approval of Mandatory Grant Application

Failure to meet any of the requirements set out in section 7 above, or otherwise required by law, will be the basis upon which to reject the Annexure 2/ mandatory grant submission/application.


7.9. Templates

The Annexure 2 (WSP and ATR) template is accessed online on the PSETA Management Information System.

8. NON-COMPLIANCE

Non-compliance with this Policy or any applicable regulatory requirements through any deliberate or negligent act or omission, including allowing any staff, either expressly or impliedly, not to comply with this Policy or any applicable regulatory requirements, will be considered serious and will be dealt with in terms of the PSETA's disciplinary policies and procedures.



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9. POLICY IMPLEMENTATION

This Policy comes into effect on the date of signature and the relevant owner shall ensure that it is communicated to staff using various modes, not limited to email, intranet, workshops etc. However, this shall not have any bearing on the effective date for implementation.

10. MONITORING, REVIEW AND UPDATING OF THE POLICY

This Policy has to be reviewed and the outcome of such process may either require the author to maintain the status quo or update/amend it.

11. APPROVAL OF THE POLICY

The Policy shall be approved by the AA and signed by the Chairperson subsequent to the Resolution taken.

