

Review of The Industrial & Vocational Training Act, 1982

Summary By: ESEPARC & MoLSS

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RESEARCH
Department



BACKGROUND

- The Ministry of Labour and Social Security (MoLSS) invited stakeholders to participate in the Review of the IVT Act, 1982 to update the legislative framework for production of industrial and vocational skills that would be relevant with the needs of the 21st century.
- Stakeholders were formally requested to submit comments/contributions via email knowledge@separc.co.sz from the 2nd of September, 2022 and the MoLSS further invited stakeholders to physical meetings to discuss the changes that needed to be made on the IVT Act of 1982. A meeting with government stakeholders was held on the 21st of September, 2022 whilst a meeting with business together with training institutions was held on the 22nd of September, 2022.

OBJECTIVES OF THE ACT

- ❑ **To achieve an effective and sustainable system of skills formation that –**
 - is aligned with the labour market;
 - provides the skills that are needed for development within Eswatini;
 - encourages competencies that are needed by young people for productive work and improved standards of living; and
 - promotes access, equity and quality in vocational education and training.
- ❑ **To establish a stable organisation and management system that**
 - clarifies roles in and responsibilities for vocational education and training; and
 - is accountable to Parliament through the Minister.
- ❑ **To establish and maintain a sustainable partnership between government, the private sector, and civil society to resource the provision of vocational education and training.**

SUBMISSION/COMMENTS

Section 2: Interpretations (S3)

- “apprentice” a person who is bound by written contract to serve as employer use 'attach' as opposed to 'serve' since it gives an impression of service period
- Define artisan and handyman
- There are too many definitions and interpretations (they should be presented once)

Section 3: Act Binds Government (S4)

PART II: ADMINISTRATION – Any Inspector of training (S5)

4(a) Statement needs review. DIVT needs to encourage employers to take on the apprenticeship programme. How would the Inspector of Training differentiate between a general employee and an apprentice/trainee? This might be discouraging employers from employing people in the technical field.

Section 7.(1): Meeting and quorum of board (S8)

Suggest use of chairperson instead of chairman

Section 9: Committees (S9)

There is no need for committees/board committees unless established within the board itself

Section 13.1 : Training levy orders (S12)

- Suggest use of gender neutral word “Minister” instead of him/her

PART IV: EMPLOYMENT OF APPRENTICES AND TRAINEES

- Employers should be encouraged to take on apprentices/trainees, but the Act seems not to do that but instead sanctions a lot of penalties on employers who are involved but not following the legislation.
- The Act must emphasize issue of skills training as part of the apprenticeship/traineeship.
- Explicitly state the minimum level of education required to take apprenticeship
- The IVT Act should try protect trainees or apprentices from being exploited by companies. It has become a norm in the country that a Form V graduates and national diploma graduates (from ECOT/Gwamile VOCTIM) are usually enrolled for 5-year apprenticeship training. Ideally, those with a national diploma needs to take fewer years in apprenticeship training. Five years in apprenticeships is too long.
- Standardise apprenticeships across country
- Revise the age for those who can participate as apprentices

Section 16.1(a), 16.6(c), 17: Employment of apprentices and trainees (S14)

It is not necessary to ask for permission. Rather, the Act should address that Employer must register thereafter, submit apprenticeship forms within a certain time-frame.

Section 18.3: Who may bind himself as an apprentice or trainee

Use period instead of currency

SECTION 28.1: CERTIFICATE OF APPRENTICESHIP AND TRAINEESHIP (S21)

- The legislation should address or mention the level of qualification in terms of NQF, which has been established in Eswatini. TVET qualifications need to be incorporated in Eswatini's NQF so that it can be clear the level of certification an apprentice receives after completing their training. The Act needs to also consider requiring trade tests before granting of certificates to ensure that apprentices to receive quality training and are competent in their trades when they are awarded the certificates. Though not clearly specified in the IVT Act, the maximum training period is five (5) years. This period of training is too long and does not compare with other SADC or international standards. Most countries use a maximum of 3 years. The country should also lower the maximum training period to three (3) years.
- Act should target all emaSwati – target youth – people living with disabilities – in-service retraining, pre-employment training – encourage females to acquire TVET skills and professions.
- The Act should align governance of industrial and vocational training institutions under one ministry.
- Align Act with TVET Bill of 2011 under Ministry of Education and Training

TVET SKILLS DEVELOPMENT

- Broaden TVET programmes and provide clear pathway for upskilling through the highest level of the Eswatini Qualifications Framework (consider advanced courses for all levels and people).
- Legislate for an skills anticipation programme/forum in order to prepare and produce for future skills (relevant to the current and future industries). Anticipate skills based on what the country wants to achieve or where we want to go – identify skills of the future.
- Modernise or professionalise vocational skills.
- Make provisions in the Act for recognition of all forms of industrial and vocational skills (formal, informal, and non-formal) to ensure that Eswatini has sufficient pathways for transition of skills from non-formal/informal to formal and from low to high levels of qualifications.
- Make provisions to recognise prior learning (informal, non-formal, and formal).
- Support other local training centres to train graduates through out the year – use private institutions already producing skill to partner with DIVT
- Make provisions to improve quality and relevance of TVET skills produced by the local training institutions, particularly the public TVET institutions.
- Make provisions for governance public TVET training institutions to leverage PPP model to manage training institutions – shareholding or partnership – direct involvement of industry is key in management of vocational institutions for relevance.

SKILLS LEVY

- Make provisions to set up Fund and collect levy to support industrial and vocational training in Eswatini. Management of the fund should be control by industry to support provision of priority skills as well as support the institutional arrangement supporting the production of TVET skills.
- Identify core/priority skills that can be trained through the TVET Fund – and government through consultation with private sector to gazette an agreed amount of levy that can be collected from companies/organisations to support TVET training.
- Without regulations, the training levy will not implementable – regulations to provide guidelines for collection – for example, the criteria to be used to identify companies that will be liable to pay levy as well as criteria to be used for reimbursing companies that train their employees on TVET priority skills.
- Among other things, the Fund needs to be used to support/create a centre of excellence to produce quality tradesmen to ensure they meet the grade and quality required by industry to increase productivity in Eswatini's industries.
- Invest in institutions for the provision of relevant equipment, machinery, and training tools.
- Provide incentives/refunds for companies that train employees.
- Invest in TVET training infrastructure, institutional capacities, and other needs to be determined by industry in consultation with TVET stakeholders.

WAGES

- Consider minimum wages – must be rewarding for technicians – skills should be paid according to competences – wages are just too low.
- Internships and apprenticeships should be paid – stipends – companies should pay stipend to trainees
- Consider stipend for inspectors.

TRAINING SCHEMES

- Set committees that will work with industry to advice on training needs, curricula, etc., to ensure that TVET skills are relevant to industry needs.
- Strengthen trade testing – make provisions to test for other types of trades beyond what is currently tested.
- Trainers should be identified from mentors and industry specialists
- Trade testing for specific sectors can be done by industries that are well established and well developed – resources can be channeled to those institutions through the TVET Fund.
- Make it a requirement for TVET training institutions to formalise relationships with industry and for industry to play a central role in development of curricula, testing of skills, etc.
- Review the minimum education required for a trade test, currently (Standard V). This level of education is now too low, it should be raised to O-level/SGCSE, as a pre-requisite for an NQF level 2 (Grade 3 trade testing equivalent).
- Formulate Regulations for this Act.

KEY OUTCOMES OF REVIEW

- All contributions from stakeholders were incorporated in review of IVT Act of 1982. However, some of the submissions were shelved for the Regulations that will be developed to support the implementation of the Act. Some of the comments will be incorporated in Review of National Human Resource Development (NHRD) Policy, which governs overall skills development in the country.
- The **structure of the Act did not change**, the review focused on content and strengthening specific sections that would either do away with irrelevant clauses/provision or add new provisions that would contribute to ensure the improvement of TVET skills provision in Eswatini.

KEY OUTCOMES OF REVIEW

- A significant portion of the changes/new content was drawn from the 2011 Draft Bill. However, the content was further updated to align with current industry needs and socioeconomic conditions.
- The Directorate of Industrial and Vocational Training (DIVT) continues exist, through the new Act, it is re-established with added responsibilities to regulate, monitor, and coordinate TVET training in consultation with industry, employers, and other relevant stakeholders. New functions include;
 - standardize the Technical And Vocational Education Training sector so as to ensure that the industrial and vocational training is aligned to the current needs of all industries
 - recommend occupational standards within the Eswatini's National Qualifications Framework; ensure compliance of Eswatini's Technical And Vocational Education Training Qualifications with regional and international qualification standards;
 - develop guidelines for recognition of prior learning for the Technical and Vocational Education Training sector;
 - coordinate and implement institutionalisation for recognition of prior learning;

KEY OUTCOMES OF REVIEW

- The IVT Board also continues to be part of the main instrument for governance of the IVT sector. A new function of the IVT Board is to establish an Industrial and Vocational Training Council as the Board's implementing arm for addressing issues on provision of industrial and vocational skills.
- The functions of the Industrial and Vocational Training Council are to:
 - promote an integrated, demand – driven, competency based modular technical education and training system;
 - to monitor the administration of the Industrial and Vocational Training Fund.
 - monitor and manage gaps between supply and demand for technical and vocational skills;
 - facilitate sound and sustainable financing and funding mechanisms for technical education and training;
 - facilitate the provision of technical education and training opportunities and facilitate for such training;
 - facilitate the establishment of a technical education and training system which includes both basics and specialized training to meet the needs of formal, non-formal, and informal sectors;
 - satisfy the demands of the labour market for employees with trade skills in order to improve production, and ensure maximum efficiency and relevance of technical education and training programmes;
 - establish a skills observatory and anticipation system for the industrial and vocational sector;
 - ensure that the system of technical education and training is based on demand and is cost-effective.

KEY OUTCOMES OF REVIEW

- The Act also establishes an Industrial and Vocational Training Fund to be managed by the Council and the IVT Board to provide oversight.
- The Council will be a private sector/industry driven to deliver the following industrial and vocational training objectives:
 - promote an integrated, demand – driven, competency based modular technical education and training system;
 - to monitor the administration of the Industrial and Vocational Training Fund.
 - monitor and manage gaps between supply and demand for technical and vocational skills;
 - facilitate sound and sustainable financing and funding mechanisms for technical education and training;
 - facilitate the provision of technical education and training opportunities and facilitate for such training;
 - to facilitate the establishment of a technical education and training system which includes both basics and specialized training to meet the needs of formal, non-formal, and informal sectors;
 - satisfy the demands of the labour market for employees with trade skills in order to improve production, and ensure maximum efficiency and relevance of technical education and training programmes;
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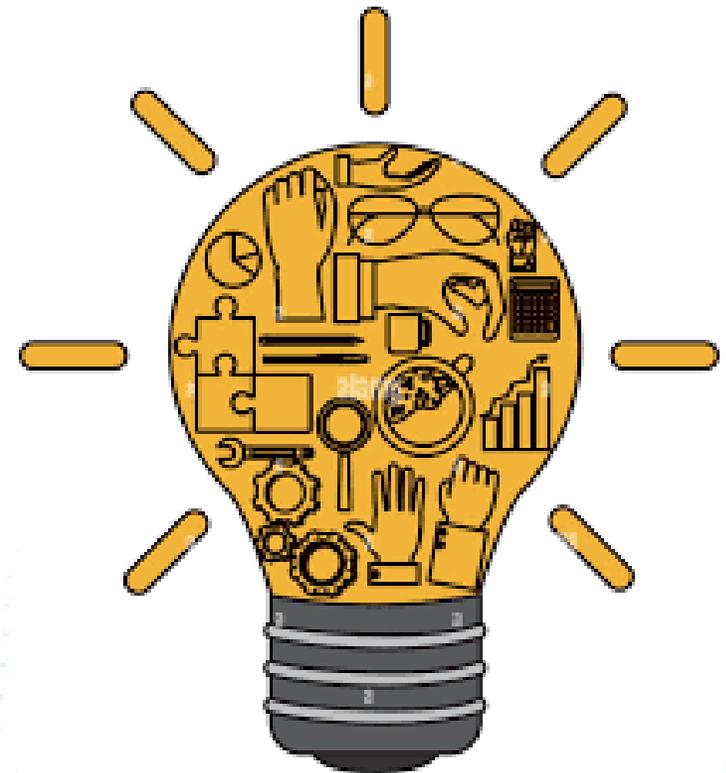
- ❑ The Act also establishes an Industrial and Vocational Training Fund to be managed by the Council and the IVT Board to provide oversight.
- ❑ Regulations to be developed will cover the following:
 - the governance of the IVT Board;
 - the governance of industrial and vocational training institutions; the collection of training levies;
 - the conditions and procedures for work-based learning including apprenticeships;
 - the coordination and implementation of industrial and vocational national training assessments including trade testing;
 - the manner in which educational standards may be improved;
 - the establishment and maintenance of trade and occupation standards, including;
 - the holding of tests in respect of such trades and occupations for the purpose of granting a certificate of proficiency to any person who passes any such test; and
 - the circumstances wherein a certificate of apprenticeship may be related to a proficiency certificate.

MISCELLANEOUS

ADJUSTMENT

- Regulations
- Amendment and repeal of laws
- Savings and transitional provisions

AMENDMENT



THANK YOU!



CONTACT US:

-  www.separc.co.sz
-  info@separc.co.sz
-  sec2019@separc.co.sz
-  (+268) 2404 9077/3033

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