

TO: Alasdair Yuill

CODE SERIES: (Code series 300)

DATE RECEIVED: 21/06/2017

DATE OF RESPONSE: 23/06/2017

QUESTION:

1. 2.1.2.1 relates to employees who are engaged in Learnerships (Cat B,C &D). Many VAs are willing to include previously unemployed Learners (18.2) who are being counted under 2.1.2.2 also under 2.1.2.1 as they are now technically employees. We think this is not what was intended and would like an emphatic clarification that there are two separate targets. Previously unemployed Learners should only be counted under 2.1.2.2 and cannot be counted under 2.1.2.1. Then the targets for these two indicators aggregate to 5% of the staff which is surely what was intended. Some but not all of the sector codes are similarly unclear on this point.
2. 2.1.2.2 measures the number of black previously unemployed people participating in training specified in the learning programme matrix. However, 2.1.2.2 falls under the heading 2.1.2 Learnership, Apprenticeships and Internships which seems to be a clear indication of intent. i.e. Category B, C & D. However, in law headings are of less impact than wordings. There is an opportunity and a loophole here for a Measured Entity to run a small informal training programme, say Category G, for the correct number of black unemployed black people to gain the associated 4 points. Fortunately, Absorption points relate to Learnerships but we have encountered an entity that is considering achieving their unemployed black people 2.1.2.2 target via a small informal programme that counts

under the SD Matrix and having a couple of previously unemployed black people on formal learnerships to achieve their 5 Absorption points. Can we please have an opinion on this anomaly that has the possibility of disadvantaging some of the most needy young people in the country.

RESPONSE:

Yes, these are two separate categories since the previously unemployed learners are only included under 2.1.2.2 and not under 2.1.2.1. Important to note that the same black persons cannot be counted twice for purposes of skills development. Para 2.1.2.1 and 2.1.2.2 refers to two set of black people. Para 2.1.2.1 is only limited to internship, learnership and apprenticeship, whereas 2.1.2.2 is open to all training on the learning programme matrix. There is no double counting in the Codes.

The 5% target for absorption includes black people in who participated in a learnership programme

Further, the entity would not achieve those points for category G training under 2.1.2.1 because it is only limited to categories B, C & D.

Informal training falls in category F and G) of the learning programme matrix and for B-BBEE recognition, a measured entity cannot recognise more than 15% of the total value of an entity's skills development expenditure.

Kind Regards,

COMPLIANCE DIVISION

B-BBEE COMMISSION