



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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[Site Map](#)

Basic Guide to Employment Contracts (Learnerships)

A learner's employment contract must include time for training sessions and for study. A contract may be terminated only under certain circumstances.

Application

1. The Sectoral Determination 5: Learnerships applies to-
 - the employment of a learner –
 - who has concluded a learnership agreement; and
 - who was not employed by the employer party to the learnership agreement when the agreement was concluded; and
 - every employer who employs a learner.

The Basic Conditions of Employment Act applies in respect of any matter not covered by this sectoral determination.

See

- Sectoral Determination 5 : Learnerships

A sectoral determination establishing conditions of employment and rates of allowances for learners in South Africa

Written Particulars of Employment

At the start of employment, employers must give learners a document containing the following information:

Employer's and Learner's Details

- Employer's full name
- Employer's address
- Learner's name and
- The Learnership

Employment Details

- Place/s of work
- Date of employment
- Working hours and days of work
- The hours for study training sessions
- The date when a learner's employment will end.

Payment Details

- Pay or the rate and method of calculating pay
- Rate for overtime
- Any other cash payments
- Any payments in kind and their value
- Frequency of payment
- Any deductions

Leave details

- Any leave to which the learner is entitled

Notice/Contract Period

- Period of notice required, or
- Period of contract

The Employment contract must be –

- in writing and be signed by the employer and the learner;
- concluded when the learner commences employment;
- supplied with a copy of the contract of employment;
- updated if any of the details change;
- kept by the employer for a period of three years after the termination of the learnership.

Related Links

- [Basic Guide to Deductions \(Learnerships\)](#)
Sectoral Determination 5 allows for deductions from a learner worker's pay only under certain conditions
- [Basic Guide to Overtime \(Learnerships\)](#)
Sectoral Determination 5: Learnership Workers regulates overtime working hours and pay for such hours.
- [Basic Guide to Pay and Allowances \(Learnerships\)](#)
Sectoral Determination 5 requires that learners' pay is calculated according to the number of hours worked.
- [Basic Guide to Public Holidays \(Learnerships\)](#)
Sectoral Determination 5 stipulates the conditions for working on Public Holidays for learnership workers.
- [Basic Guide to Termination \(Learnerships\)](#)
Sectoral Determination 5: Learnership Workers stipulates the procedures for termination of an employment contract.

- Basic Guide to Working Hours (Learnerships)
Sectoral Determination 5 regulates working hours and rest periods for learnership workers.
- Basic Guide to Working on Sundays (Learnerships)
Sectoral Determination 5: Learnerships prescribes the wages for working on a Sunday.
- Sample - Employment Contract