

Statutory Instrument No. 84 of 1993

APPRENTICESHIP AND INDUSTRIAL TRAINING ACT
(Cap 47:04)

**APPRENTICESHIP AND INDUSTRIAL TRAINING
REGULATIONS, 1993**

(Published on 13th August, 1993)

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IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 57 of the Apprenticeship and Industrial Training Act, the following Regulations are hereby made.

<p>1. These Regulations may be cited as the Apprenticeship and Industrial Training Regulations, 1993.</p>	<p>Citation</p>
<p>2. The trades listed in Schedule 1 shall be designated trades within the terms of section 14 of the Act.</p>	<p>Trades for apprentices</p>
<p>3. (1) An apprenticeship shall, unless the apprentice fails to meet the required standards, be for a period of four years.</p>	<p>Duration of apprenticeship</p>
<p>(2) The duration of an apprenticeship in the trades of chef and waiter in the hotel and tourism industry shall be for 3 years, with the first year being a common year:</p>	
<p>Provided that the Board may vary the period for both trades from time to time.</p>	
<p>(3) Every candidate for an apprenticeship shall have passed Junior Certificate or Standard VII education standards with Trade Test "C" (T+P) certificates.</p>	
<p>4. Training standards for apprentices shall be laid down by the Board, on the advice of the relevant Trade Advisory Committee, and may be varied from time to time.</p>	<p>Training standards</p>
<p>5. (1) In all theoretical and practical tests for apprentices, at all levels and in all subjects, minimum pass marks shall be 50%.</p>	<p>Pass marks</p>
<p>(2) In order for an apprentice to qualify it shall be necessary for him to pass the technology and the practical tests, and any two subjects out of the remaining three related theoretical subjects.</p>	
<p>6. (1) An apprentice may be permitted to immediately re-sit a maximum of two academic subjects, and a failure to pass those subjects a second time shall be sufficient reason for requiring him to repeat the whole of that academic year, and, if he should again be unsuccessful, his contract of apprenticeship may thereafter be terminated.</p>	<p>Margins for successful completion of apprenticeship</p>
<p>(2) An apprentice who is unsuccessful in the practical assessment or the final test shall be required to repeat the whole year of practical training, and if he is again unsuccessful in the test, his contract of apprenticeship may be terminated.</p>	
<p>7. (1) An apprentice shall be entitled to receive an annual increment upon successful completion of the industrial and institutional annual assessment tests at the beginning of the apprenticeship year.</p>	<p>Salary increments, when due</p>
<p>(2) Where an apprentice fails to complete his annual examination at the end of an academic year, due to his own negligence, but does so at a later date, he shall be entitled to receive his increment as from such later date.</p>	
<p>(3) The employer of an apprentice shall inform the Director of his reasons for withholding an apprentice's increment.</p>	
<p>(4) After examining the reasons for the withholding of an apprentice's increment, the Director may, if he is not satisfied that the reasons therefor are adequate, order the employer concerned to pay the increment from such date as he may specify in the order.</p>	
<p>8. (1) An apprentice shall not be entitled to be paid any salary for any period during which he is absent from his place of institutional or industrial training during working hours, unless he has been granted paid leave by his employer, or the institution, as the case may be, or he is incapacitated by illness or injury and subsequently produces a certificate from a qualified medical practitioner to prove that he was so incapacitated.</p>	<p>Absence from place of work</p>

Reduced contractual period	<p>(2) An apprentice who is absent for 2 weeks from institutional training, or who fails to complete 30 weeks practical training at his employer's workplace, will be required to repeat the whole year's training.</p> <p>9. (1) Apprentices who have successfully passed the first assessment test, or its equivalent trade test "C" (C+P), or the second assessment test or its equivalent trade test 'B', may be enrolled as an apprentice for a correspondingly reduced period of apprenticeship.</p> <p>(2) Apprentices who have passed an assessment test will not, in addition, be entitled to the issue of an equivalent trade test certificate, or vice-versa, without passing the appropriate test as provided in regulation 12.</p>
Forms	<p>10. (1) A contract of apprenticeship shall be in the form set out in Schedule 2 hereto.</p> <p>(2) The forms set out in Schedule 3 hereto shall be the forms to be used for the purposes stated —</p> <p>(a) Form 1 - National Craft Certificate (NCC)</p> <p>(b) Form 2 - Trade Test Certificate; "C"(T+P)</p> <p>(c) Form 3 - Trade Test Certificate - 'B' grade</p> <p>(d) Form 4 - Practical Competency Certificate "C"(P) (e) Form 5 - Certificate of Appointment of an Industrial Training Officer.</p>
Trade test standards	<p>11. National trade test standards for the designated trades specified in Schedule 1 shall be established to ascertain whether the applicant, after a prescribed period of employment and/or training in the trade, has acquired the necessary range of skills and related knowledge to enable him to perform work of the quality and standard required by industry. The national trade test standards shall be in the form and subject to the conditions prescribed by the National Advisory Board for Apprenticeship and Industrial Training.</p>
Application for trade test	<p>12. (1) An application to take a trade test shall be made by the applicant on the prescribed form to the Director, and before writing the trade test the applicant shall be required to fulfill the appropriate requirements as detailed in subregulations (2) and (3).</p> <p>(2) In case of an applicant for a grade 'C'(T+P) trade test he shall have completed at least 3 years employment and/or acceptable training in the trade, and have also satisfactorily completed any skills improvement courses at this level, or another approved 2 years course conducted in industry or in a training institution approved by the Director.</p> <p>(3) In the case of an applicant for a grade "B" trade test, after passing grade "C"(T+P) he shall have completed 2 years employment and/or institutional training including approved institutional training and any necessary skills improvement courses, or one year full time institutional training approved by the Director.</p>
Employer's certificate	<p>13. An applicant wishing to take a trade test shall submit, in the application form, written evidence from his employer or employers showing the period during which he was employed in the trade and evidence of any periods of approved institutional training.</p>
Practical competency certificate "C" (P)	<p>14. (1) Applicants who have insufficient academic levels will be able to attend a practical skills improvement course based on 'C' grade practical testing standards in the respective trade. At the end of the course, the candidates will be required to obtain at least 50% marks in the practical examination to be entitled to a "Practical Competency Certificate" or 'C'(P).</p> <p>(2) An applicant for a Practical Competency Certificate should have a minimum of 3 years practical experience in the trade.</p>

15. Applicants who have considerable experience in a trade and who have satisfactorily completed an approved course of industrial training may, with the permission of the Director take a trade test other than 'C' in that trade. Exemption from parts of tests
16. The Director may, if satisfied of a candidate's qualifications and experience obtained within the country or from abroad, exempt a candidate from writing the national craft certificate examination and issue him with a national craft certificate in the respective designated trade. Exemption from NCC examination
17. An applicant undergoing a trade test shall provide his own trade hand tools. Tools of trade
18. (1) A trade test shall consist of a theoretical and a practical test at C(T+P) and B grade levels. Trade tests
- (2) The theoretical test shall be a written test in English and will comprise of trade theory, associated studies and other related subjects determined by the trade advisory committee concerned.
- (3) In the practical test an applicant shall be expected to complete a test piece or job, or a series of test pieces or jobs within a given time.
- (4) In all tests at all levels and in all subjects minimum pass marks will be 50%, and in all practical tests pass marks will also be 50% .
19. (1) An applicant shall be required to pass both the theoretical and the practical tests. An applicant who fails to obtain a pass in the theoretical or the practical test may subsequently, within the next 18 months, re-sit the test in which he failed. If the candidate does not within that period successfully pass the failed test, he shall be required to resit the whole test both in the theoretical and practical subjects. All parts to be passed
- (2) It shall be compulsory to pass the technology and the practical test and any two subjects out of the remaining three related theoretical subjects to pass the test as a whole.
20. Persons who have not entered into a contract of apprenticeship may work towards, and be tested for, the first or the second assessment tests by following a full time approved course of training at an approved training institution. Training courses
21. An applicant for the NCC examination who holds a trade 'B' certificate and also has 2 years experience, will be required to pass an aptitude test equal to the 2nd assessment test and then attend two blocks of thirteen weeks institutional training leading to the 3rd assessment test and then the final NCC test respectively. A candidate who holds the trade test 'A' certificate will be required to pass an aptitude test equal to the 3rd assessment test and then to attend one block of thirteen weeks of institutional training leading to the final NCC examination. Requirements for writing final NCC test
22. (1) If an applicant fails in the practical part of the trade test he shall not be eligible to repeat the test for a period of six months thereafter, but if he fails in the theoretical subjects he may resit them after a period of 2 months. If an applicant fails a second or further time he shall not be eligible to re-sit the test for a period of twelve months thereafter. Repeat of tests
- (2) A candidate who has failed in a test shall be obliged to reapply for permission to resit the examination.
23. An applicant shall be informed in writing of his results as soon as possible, and in any case not later than 60 days after the date of trade test. Results of tests

Award of certificate	24. An applicant shall be awarded a trade test certificate in Form 2, Form 3 or Form 4 of Schedule 3 not later than 30 days after the declaration of the result.
Register of certificates	25. The Director shall cause a register or registers to be kept in the appropriate form of trade test certificates and national craft certificates issued by him.
Replacement of certificates	26. If a trade test certificate or national craft certificate is lost, damaged or destroyed, the Director may issue a duplicate certificate marked "duplicate" against a fee prescribed by the Board and upon production of evidence of such loss, damage or destruction.
Part-time testing officers	27. The Director may designate qualified and experienced persons to act as part-time trade testing officers to carry out trade tests and assessment tests in a particular specialised trade on the recommendations of the trade advisory committee concerned.
Offences	28. Any person who — (a) makes use of a trade test certificate to which he is not entitled under these Regulations; (b) being entitled to a trade test certificate under these Regulations, parts with possession of it to a person not so entitled, for use by that person as his own trade test certificate; (c) alters or defaces a trade test certificate issued under these Regulations, or makes any model, likeness or facsimile of such certificate with intent to deceive or defraud shall be guilty of an offence and be liable to the penalties prescribed under section 56 of the Act.
Fees	29. The Board may, at its discretion, determine fees for trade tests.
Director's discretion	30. The Director of Apprenticeship and Industrial Training is authorized to use his discretion in matters of an urgent nature, or in respect of matters not fully covered under these Regulations: Provided that the exercise of such discretion shall not in any way conflict with the provisions of the Act or these Regulations.

SCHEDULE 1

APPRENTICEABLE AND DESIGNATED TRADES

Group	1 01	AUTOMOTIVE TRADES	
	01/10	Auto Mechanic	(Apprenticeable)
	01/20	Auto Electrician	(Apprenticeable)
	01/30	Panel Beater & Spray Painter	(Apprenticeable)
	01/40	Driver	(Designated)
Group	2 02	BUILDING AND CONSTRUCTION TRADES	
	02/10	Bricklayer and Plasterer	(Apprenticeable)
	02/20	Plumber	(Apprenticeable)
	02/30	Painter and Decorator	(Apprenticeable)
	02/40	Pipe Fitter	(Apprenticeable)
	02/50	Carpenter and Joiner	(Apprenticeable)
	02/60	Cabinet Maker	(Apprenticeable)
	02/70	Architectural Draughtsman	(Designated)
	02/80	Upholsterer	(Designated)

Group	3 03	ELECTRICAL TRADES	
	03/10	Installation and Appliance Electrician	(Apprenticeable)
	03/20	Maintenance Industrial Electrician	(Apprenticeable)
	03/30	Refrigeration and Air Conditioning Mechanic	(Apprenticeable)
Group	4 04	METAL TRADES	
	04/10	Fitter Machinist	(Apprenticeable)
	04/20	Welder and Fabricator	(Apprenticeable)
	04/30	Maintenance Fitter	(Apprenticeable)
Group	5 05	HEAVY PLANT TRADES	
	05/10	Borehole Mechanic	(Apprenticeable)
	05/20	Heavy Plant Mechanic	(Apprenticeable)
	05/30	Plant Operator	(Designated)
	05/40	Driller	(Designated)
Group	6 06	HOTEL & TOURISM TRADES	
	06/10	Chef	(Apprenticeable)
	06/20	Waiter	(Apprenticeable)
	06/30	Housekeeper	(Designated)
Group	7 07	TEXTILE TRADES	
	07/10	Dress Maker	(Designated)
	07/20	Knitter	(Designated)
	07/30	Sewing Machine Mechanic	(Designated)

SCHEDULE 2

CONTRACT OF APPRENTICESHIP

1. THE EMPLOYER:

1.1 NAME:.....

1.2 REGISTERED OFFICE ADDRESS:.....

.....Tel No.....

2. CONTACT ADDRESS:.....

.....Tel No.....

3. THE APPRENTICE:

3.1 NAME:

3.2 ADDRESS:

.....

.....

3.3 DATE OF BIRTH:or othercertified approximate birth date

.....or age in years

4. The contracted Trade:.....

5. Duration of Apprenticeship:.....

6. The employer agrees:

6.1 To employ the apprentice for the purpose of providing a course of approved instruction in order that he may achieve the necessary proficiency in his trade to become a skilled worker within the scheduled period as defined by the National Trade Standards of the Apprenticeship and Industrial Training Act Cap 47:04.

6.2 To remunerate the apprentice at a rate not less than that fixed by the National Advisory Board for Apprenticeship and Industrial Training.

6.3 To ensure that the apprentice is not employed on work unconnected with the trade for which he is being trained.

6.4 To set basic hours of work which are the same as those worked, by the company's employees who have qualified in the trade.

6.5 Not to require the apprentice to work overtime if the apprentice is under the age of 18 years. Overtime for apprentices over the age of 18 years is permissible subject to the provisions of Employment Act, provided this overtime does not interfere with the theoretical or practical training of the apprentices.

6.6 To pay the apprentice for the time off due to illness or injury certified by a medical practitioner in accordance with the rules relating to such absence within the company, provided that the apprentice shall be entitled to minimum of full pay for the first 30 days and half pay for the next 30 days of such absence in any one year of his apprenticeship period.

6.7 To respect the right of the apprentice to all the public holidays observed in the industry in which he is engaged.

6.8 To grant paid leave at the rate of not less than 15 days per annum.

6.9 To provide the apprentice sufficient tools, materials, and protective clothing necessary for the practical training in the trade.

6.10 To provide the Director with an annual progress report on the apprentice.

- 6.11 To release the apprentice without loss of pay to institutional training either by day or block release.
- 6.12 To release the apprentice without loss of pay to take any examinations in relation to his training.
- 6.13 To bear all necessary travelling costs incurred by the apprentice in connexion with the apprentice going to attend institute training/examinations associated with this apprenticeship agreement.
- 6.14 To phase industrial training relative to the physical development of the apprentice and to report immediately any irregularities to the Director of Apprenticeship and Industrial Training.

7. THE APPRENTICE AGREES:

- 7.1 To obey all reasonable instructions given to him by his employer or any other person designated as his supervisor or instructor.
- 7.2 To work conscientiously.
- 7.3 To take good care of all tools machinery and equipment entrusted to him and to take all necessary steps to avoid damage to machinery or waste of materials.
- 7.4 To keep confidential any professional information he may acquire concerning the affairs of the company.
- 7.5 To attend work at the times specified and not to absent himself without the permission of the employer and or the institute.
- 7.6 To refrain from engaging in any activity which shall or might interfere with his duties and/or his studies.
- 7.7 To attend all necessary classes or courses at any institution approved by the Board and to diligently pursue his course at such institutions and not to absent himself from his course studies without the permission of the institution.
- 7.8 To reach the required standard in practical and theoretical knowledge of the trade necessary to pass the relevant tests and examinations, failing which the contract may be terminated or extended and the salary affected in accordance with the rules determined by the Director.

8. THE EMPLOYER AND THE APPRENTICE JOINTLY AGREE THAT

- 8.1 The first six months of this contract may be regarded as a period of probation during which either party may terminate the contract communicating the cause to the Director and after giving the other party at least 21 days' notice.
- 8.2 A training log-book as prescribed by the Director shall be maintained.

- 8.3 The contract may be transferred to another employer in certain circumstances in accordance with the Act and with the permission of the Director.
- 8.4 The contract may be terminated in certain circumstances after the period of probation as provided in the Act and with the approval of the Director.
- 8.5 The contract may be extended or reduced in certain circumstances as provided in the Act and with the approval of the Director.
- 8.6 In case of pregnancy, maternity leave shall be granted in accordance with the existing rules of the company.
- 8.7 If a dispute should arise between the apprentice and the employer, every effort shall be made to settle the matter between the two parties. If a settlement cannot be reached, either party may refer the matter to the Director.
- 8.8 They shall comply with any testing and certification procedures prescribed by the Director of Apprenticeship and Industrial Training for the contracted trade.

9. SIGNATORIES

- 9.1 Both parties consent to accept the conditions of this contract of apprenticeship.
- 9.2 this day of 19
- 9.3 signed by the apprentice
- 9.4 signed by legal guardian or witness
- 9.5 Address

- 9.6 Signed by the employer
- 9.7 in the presence of
- 9.8 Address

10. REGISTRATION

- 10.1 This contract is hereby registered in terms of section 20 (2) of the Act.
- 10.2 Registration No:

Director of Apprenticeship and Industrial Training,
Private Bag 00267,
GABORONE

(N.B: To be submitted in triplicate to the Director)
SCHEDULE 3

FORM 1

REGISTRATION NUMBER

CERTIFICATE NO.

.....

.....

MINISTRY OF LABOUR & HOME AFFAIRS
DEPARTMENT OF LABOUR & SOCIAL SECURITY
NATIONAL CRAFT CERTIFICATE

APPRENTICESHIP AND INDUSTRIAL TRAINING ACT, Cap 47:04, Section 37

This is to certify that

.....

has completed apprenticeship training as

.....

in and

(Firm

(Institution)

From:19..... To:19.....

and has passed the

FINAL EXAMINATION

attaining the Standards prescribed by the National
Advisory Board for Apprenticeship and Industrial Training

in

TRADE PRACTICE AND THEORY

Signed this day of 19.....

.....
(Chairman)
NABAIT

.....
Director of Apprenticeship
and Industrial Training

SCHEDULE 3

FORM 2
FORM 3
FORM 4
FORM 5

APPRENTICESHIP AND INDUSTRIAL TRAINING ACT CAP. 47:04

This is to Certify that

CERTIFICATE OF APPOINTMENT

.....
whose photograph appears below
holds the appointment of

The person named on this
certificate is hereby
authorized

.....

to exercise the powers of an

INDUSTRIAL TRAINING OFFICER as

.....

set out in sections 11(2) and

in the Directorate of
Apprenticeship and Industrial
Training Under the Department of
Labour and Social Security,
Ministry of Labour and Home
Affairs

(3) of the Apprenticeship and
Industrial Training Act Cap 47:04
and this certificate shall serve
as the authority required by the
said Act

.....
(Signature of Holder)

.....
(Date stamp) Minister

Ministry of Labour and Home Affairs

MADE this 2nd day of August, 1993.

B.K. BALOPI,
Minister of Labour and Home Affairs.