

VOCATIONAL TRAINING ACT  
(Cap. 47:04)

VOCATIONAL TRAINING (STRUCTURED TRAINING)  
REGULATIONS, 2008

(Published on 11th January, 2008)

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IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 31 of the Vocational Training Act, and after consultation with the Board, the following Regulations are hereby made —

1. These Regulations may be cited as the Vocational Training (Structured Training) Regulations, 2008. Citation
2. In these Regulations, unless the context otherwise requires — Interpretation  
“agreement” means a training agreement approved under regulation 3; and  
“employer” means, for purposes of these Regulations, any person registered under the Value Added Tax Act. Cap. 50:03
3. (1) An employer desirous of undertaking the training of a trainee shall enter into an agreement with the trainee in the form set out in the First Schedule which shall be approved by the Authority. Application for approval of agreement  
(2) For the purposes of obtaining approval of an agreement entered into in accordance with subregulation (1), an employer shall make an application, in writing, to the Authority for the approval of the agreement.  
(3) An application made under subregulation (2) shall be accompanied by a duly completed agreement in the form set out in the First Schedule.

Duties of employer

- (4) Upon receipt of an application under subregulation (2), the Authority shall –
- (a) inspect or cause to be inspected by a designated officer the facilities and other opportunities the employer proposes to provide as part of the training; or
  - (b) call for additional information it considers necessary, in relation to the training programme.
- (5) Where the Authority is satisfied that the training programme including facilities and other opportunities are satisfactory, it shall approve the agreement and notify the applicant, in writing, of the approval.
- (6) Where the Authority is of the opinion that the agreement including facilities and other opportunities to be provided as part of the training programme are unsatisfactory, it shall reject the application and notify the applicant, in writing, of the rejection and the grounds thereof.

Duties of trainee

- 4.** An employer shall –
- (a) provide the trainee with appropriate training in an environment conducive to achieve the outcome required by the agreement;
  - (b) provide appropriate tools and facilities for the trainee, in accordance with the agreement;
  - (c) provide the trainee with adequate supervision;
  - (d) release the trainee to attend approved training as per the agreement;
  - (e) pay the trainee the agreed training allowance (if any) during the duration of the training;
  - (f) assess the trainee;
  - (g) maintain records of training and discuss same with the trainee;
  - (h) advise the trainee on policies and procedures of the employer; and
  - (i) apply the same disciplinary, grievance and dispute resolution procedures to the trainee as to other employees.
- 5.** The trainee shall –
- (a) comply with the policies and procedures of the employer; and
  - (b) complete any time sheets or written assessment tools supplied by the employer to record training experience.

Variation of agreement

- 6.** (1) The employer and the trainee shall not vary an agreement without the approval of the Authority.
- (2) Where the employer and the trainee agree to vary the agreement, they shall make a joint application to the Authority, for the approval of the variation.
- (3) Where the Authority is satisfied that the proposed variation is justified, it shall approve the variation and notify the applicants, in writing, of the approval.
- (4) Where the Authority is of the opinion that the proposed variation is not justified, it shall reject the variation and notify the applicants, in writing, of the rejection and the grounds thereof.

Alteration by Authority

- 7.** (1) The Authority may alter the period of the agreement where –
- (a) a trainee is absent from training other than for the purpose of training recess, for a period of or for periods amounting in the aggregate of not less than 30 days;
  - (b) a trainee has previously undergone other training that justifies an alteration of the period; or
  - (c) a trainee has acquired a degree of proficiency in the vocation that justifies an alteration of the period of agreement.
- (2) Where the Authority is satisfied of the conditions set out in subregulation (1), it shall alter the period of the agreement and the agreement shall thereafter be read and construed accordingly.

Transfer of rights, etc.

- 8.** (1) The rights and obligations of the employer may, at the request of either the employer or the trainee and with the consent of the other, be transferred to some other employer (hereinafter referred to as the “new employer”).

(2) A request made under subregulation (1) shall be made to the Authority in writing and accompanied by the consent of the employer or trainee and the consent of the new employer whom it is intended that the rights and obligations be transferred to.

(3) The Authority shall not approve a transfer where —

- (a) the request does not comply with subregulation (2);
- (b) the trainee has not fully and freely consented to the proposed transfer; and
- (c) the proposed transfer is not in the interests of the trainee.

(4) Where the Authority is satisfied that the proposed transfer is justified, it shall approve the transfer and notify the applicants, in writing, of the approval.

(5) The Authority shall, where it rejects a transfer under this section, notify the applicants, in writing, of the rejection and the grounds thereof.

**9.** (1) Where the employer is of the opinion that a trainee has committed a serious breach of the agreement, the employer shall lodge a written request with the Authority, for a suspension of the agreement.

Suspension of agreement

(2) Where the Authority is satisfied that the breach referred to in subregulation (1) justifies a suspension of the agreement, it shall approve the suspension and notify the employer and the trainee in writing, of the suspension.

(3) Where the Authority is of the opinion that there is no breach or the breach does not justify a suspension, it shall reject the request for suspension and notify the employer and the trainee in writing, of the rejection and the grounds thereof.

**10.** (1) An agreement shall not be terminated by the employer or trainee without approval by the Authority.

Termination of agreement

(2) Where the employer and the trainee agree to terminate the agreement, they shall jointly apply to the Authority for approval of the termination.

(3) Where the Authority is satisfied that the proposed termination is justified, it shall approve the termination and notify the applicants, in writing, of the approval.

(4) Where the Authority is of the opinion that the proposed termination is not justified, it shall reject the termination and notify the applicants, in writing, of the rejection and the grounds thereof.

**11.** (1) The employer shall on the satisfactory completion of the training programme, lodge with the Authority a written notification to the effect that the trainee has satisfactorily completed the training programme.

Award on completion

(2) Where the Authority is satisfied that a trainee has satisfactorily completed a training programme, it shall award a trainee a certificate in the Forms A, B or C set out in the Second Schedule, where the programme leads to a qualification.

(3) Where the Authority is satisfied that a trainee has satisfactorily completed a training programme, it shall award a record of learning in the form set out in the Third Schedule, where the programme does not lead to a qualification.

**12.** (1) A person aggrieved by a decision of the Authority made under these Regulations, may, within 14 days of notification of the decision, appeal in writing, to the Minister.

Appeals

(2) A person aggrieved by a decision of the Minister may appeal to a court.

**13.** A person who contravenes a provision of these Regulations commits an offence and shall be liable upon conviction to a fine, not exceeding P500, or to imprisonment for a term not exceeding six months, or to both.

Offence and penalty

**14.** The Vocational Training (Structured Training) Regulations, 2006, are hereby revoked.

Revocation of S.I. No. 74 of 2006

# FIRST SCHEDULE

## VOCATIONAL TRAINING (STRUCTURED TRAINING) AGREEMENT (regulations 3 (1) and (3))

### 1. Learner details

(1) Surname:  First name:

(2) Nationality: \_\_\_\_\_

(3) Identity number:

Passport No.: \_\_\_\_\_

(4) Date of birth:

(5) Sex: Male  Female

(6) Do you have a disability? Yes  No

Yes (specify): \_\_\_\_\_

(7) Home address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(8) Postal address:  
\_\_\_\_\_  
\_\_\_\_\_

E-mail address:  
\_\_\_\_\_

(9) Highest level school qualification:  
(for example: Standard 7, J C, BGSCE)  
\_\_\_\_\_

(10) Other qualifications:  
\_\_\_\_\_

(11) Have you previously undertaken vocational training?

Yes (specify title or code)  No

(12) Were you employed by your current employer before entering this Agreement?

Yes  No

(13) If yes when did you start work with your employer?

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(14) If not how long have you been unemployed?

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## 2. Parent or Guardian details

(To be completed if learner has not reached the age of majority)

(1) Surname:

(2) First name:

(3) Nationality:

(4) Identity number:

(5) Passport No.:

(6) Home address:

(7) Postal address (if different from above):

(8) Telephone number:

Home:

Work:

(9) E-mail address:



(2) The above mentioned awards are to be completed in \_\_\_\_\_ months.

#### 4. Institution details

(1) Name of Institution:

BOTA Registration number:

(2) Telephone number:

(3) Name of contact person:

(4) Telephone No.:

(5) Fax No.:

(6) E-mail address:

#### 5. Terms and conditions of learning:

(1) Are the learner's terms determined by a document of general application?

Yes  No

(specify): \_\_\_\_\_

(2) Attach a copy of the document reflecting the learner's conditions of engagement for learning when the agreement was concluded.

Learner's signature:

Parent or Guardian's signature

(Only if the learner has not reached the age of majority)

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Witness signature:

\_\_\_\_\_

Date: \_\_\_\_\_

Institution Representative's signature

\_\_\_\_\_

Date: \_\_\_\_\_

Witness signature:

\_\_\_\_\_

Date: \_\_\_\_\_

**For official use only**

**6. Approval**

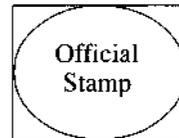
6.1 This agreement is hereby approved in terms of the Vocational Training (Structured Training) Regulations.

6.2 Approval number:

6.3 Company registration number:

6.4 Learner identification number:

6.5 Signature of approval officer:



SECOND SCHEDULE

FORM A

NATIONAL FOUNDATION CERTIFICATE

(regulation 11 (2))

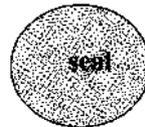
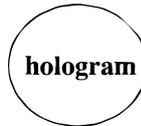


**Botswana Training Authority**

**Botswana Training Authority**

This is to certify that

has been awarded the above national qualification in



.....  
Director: (Quality Assurance)

.....  
Chief Executive Officer

Date Issued:



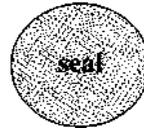
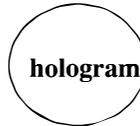
*(regulation 11 (2))*

**Botswana Training Authority**

**Botswana Training Authority**

This is to certify that

has been awarded the above national qualification in



.....  
Director: (Quality Assurance)

.....  
Chief Executive Officer

Date Issued:

**NATIONAL CERTIFICATE**  
*(regulation 11(2))*

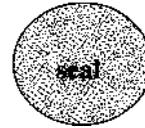
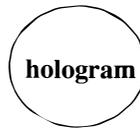


**Botswana Training Authority**

**Botswana Training Authority**

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has been awarded the above national qualification in



.....  
Director: (Quality Assurance)

.....  
Chief Executive Officer

Date Issued:

**THIRD SCHEDULE**

**RECORD OF LEARNING**

*(regulation 11(3))*



**Botswana Training Authority**

**Botswana Training Authority**

**Name:**

**Learner ID:**

**Date Issued:**

<b>Code</b>	<b>Unit Standard Title</b>	<b>Level Value</b>	<b>Credit Attained</b>	<b>Date</b>
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.....  
Coordinator (Assessment and Moderation)

.....  
Director: (Quality Assurance)

Date Issued:

MADE this 20th day of December, 2007.

M.C. TIBONE,  
*Minister for Labour and  
Home Affairs.*