

SKILLS DEVELOPMENT AND THE UNCERTAINTY REGARDING THE RECOGNITION OF BLACK UNEMPLOYED PEOPLE PARTICIPATING IN TRAINING SPECIFIED IN THE SKILLS DEVELOPMENT MATRIX

Many employers have raised questions and expressed uncertainty regarding the recognition of black unemployed people participating in training specified in the skills development matrix in terms of the Generic scorecard under the 2013 Amended Codes and this uncertainty will most likely continue up until such time when the Department of Trade and Industries (DTI) publishes the long awaited Verification Manual.

In terms of the Generic scorecard there are two (2) points of concern:

The first point of concern relates to the so-called “double counting” of Unemployed Learners.

The question posed to most Verification Agencies are whether Unemployed Learners who are measured under the scorecard item 2.1.2.2 (*Black unemployed people participating in training specified in the Skills Development Matrix as*

percentage of total employees) can also be counted under the scorecard item 2.1.2.1 (*Black people participating in Category B, C & D Programmes as a percentage of total employees*)?

It is important to note that although the B-BBEE Commissioner has said “NO” to the “double counting” principle, the B-BBEE Commission’s position would likely be different if the Commission itself were to assess a relevant situation. However, this does not change the law.

As a result of the confusion experienced from the B-BBEE Commission, most Verification Agencies are currently allowing “double counting” until there is a public guidance note or a Gazette from the DTI which provides clarity on the matter. SANAS’ point of view on this matter still needs to be confirmed however their stance these days is in support of de facto law.

It is therefore **Strata-g’s** advice that Measured Entities liaise with their respective Verification Agencies in writing so as to confirm their stance on this matter prior to their own B-BBEE Verification.

The second point of concern that arises is what types of training initiatives, within the Skills Development Matrix, can be recognised in terms of the scorecard item 2.1.2.2 (*Black unemployed people participating in training specified in the Skills Development Matrix as percentage of total employees*)?

As the above scorecard item falls under the heading *Learnerships, Apprenticeships and Internships* many Verification Agencies have restricted recognition to these training categories i.e. Category B, C & D, even though the Generic scorecard of the 2013 Amended Codes explicitly refers to "*Black People participating in training specified in the learning programme matrix*".

The B-BBEE Commission has confirmed in writing on 23 June 2017 that all training in the learning programme matrix counts, i.e. all training initiatives which qualify as either Category A, B, C, D, E, F and G and currently most Verification Agencies are recognising the number of unemployed Black People being trained on this basis.

Taking into account the above, it should be noted that the B-BBEE Commission has confirmed that there are two separate categories since the previously unemployed learners are only included under 2.1.2.2 and not under 2.1.2.1. 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. Accordingly, the B-BBEE Commissioner has stated that there is no double counting in the Codes.

Employers are therefore advised to obtain proper advice, guidance and assistance regarding the uncertainty that exists with the recognition of black unemployed people participating in training specified in the skills development matrix.

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