



Department of Labour

**REPUBLIC OF SOUTH AFRICA**

No. 97 of 1998: Skills Development Act  
as amended by  
Skills Development Levies Act, No 9 of 1999  
Skills Development Amendment Act, No 31 of 2003

**ACT**

To provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce; to integrate those strategies within the National Qualifications Framework contemplated in the South African Qualifications Authority Act, 1995; to provide for learnerships that lead to recognised occupational qualifications; to provide for the financing of skills development by means of a levy-grant scheme and a National Skills Fund; to provide for and regulate employment services; and to provide for matters connected therewith.

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:-

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## CHAPTER 1 DEFINITIONS, PURPOSE AND APPLICATION OF ACT

### 1. Definitions

In this Act, unless the context otherwise indicates –

"Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"Department" means the Department of Labour;

"designated groups" means black people, women and people with disabilities;

"Director-General" means the Director-General of Labour;

"employee" means –

- (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; or
- (b) any other person who in any manner assists in carrying on or conducting the business of an employer, and "employed" and "employment" have corresponding meanings;

"employment services" means the provision of the service of-

- (a) advising or counselling of workers on career choices either by the provision of information or other approaches;
- (b) assessment of work-seekers for –
  - (i) entry or re-entry into the labour market; or
  - (ii) education and training;
- (c) the reference of work-seekers –
  - (i) to employers to apply for vacancies; or
  - (ii) to training providers for education and training;
- (d) assistance of employers by –
  - (i) providing recruitment and placement services;
  - (ii) advising them on the availability of work-seekers with skills that match their needs;
  - (iii) advising them on the retrenchment of employees and the development of social plans;
- (a) (dA) procuring for or providing to a client other persons to render services to or perform work for the client, irrespective of by whom those persons are remunerated; or
- (e) any other prescribed employment service;

"government department" means any department or organisational component referred to in Schedule 1 or 2 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"Labour Court" means the Labour Court established by section 151 of the Labour Relations Act, 1995 (Act No. 66 of 1995);

"Minister" means the Minister of Labour;

"National Skills Authority" means the National Skills Authority established by section 4;