



**DEPARTMENT: PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA**

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TO ALL HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

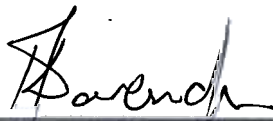
DETERMINATION ON CONDITIONS OF SERVICE OF INTERNS AND LEARNERS IN THE PUBLIC SERVICE

1. In terms of a Cabinet decision made in 2002, Departments were required to enroll, as a minimum, a number of learners and interns equivalent to at least 5% of their establishments for the period 2004/5 to 2008/09 as part of their strategy to combat the rising levels of unemployment amongst the youth. Departments were informed of this decision by way of this Department Circular Minute No. 1 of 2005. Consequently Cabinet further approved proposals regarding the institutionalization and the strengthening of Internship and Learnership programmes in the public service as a vehicle to fight unemployment and to assist the development of skills within our communities as well as attracting future public servants by providing work experience to unemployed youths and graduates.
2. However, during the implementation of the aforementioned Internship and Learnerships Programmes it emerged that although departments were committed to the implementation of this programmes, they were still experiencing problems regarding the implementation of the programs due to the absence of a uniform regulatory framework which regulate the appointment conditions of interns and learners in the public service. The internships and learnerships guideline are also silent on the appointment of interns and learners in the public service and this has resulted in some departments utilizing their own discretion when appointing interns and learners.

3. In order to overcome the various problems relating to the appointment of interns and learners in the public service, the Minister for Public Service and Administration has made a determination in terms of section 3(3)(c) of the Public Service Act, 1994 (Proclamation 103 of 1994) that interns and learners be entitled to the same conditions of service as casual workers in the public service, who may be appointed on special contract for a period not exceeding 12 months in the public service and also determined the minimum salary payable to interns and learners in line with the Guide on the remuneration and conditions of service of employees/persons undergoing learnerships in the Public Service (Annexure 4 to "Approaching learnerships in the Public Sector", published in 2003)

Attached hereto is the relevant determination for your information.

4. Departments are requested to ensure that the measures contained in the above-mentioned determination are implemented correctly. Departments must approach the DPSA should they experience any difficulties with regard to the implementation of this determination.
5. Departments are also urged to communicate the contents of this circular/determination up to the lowest employees within their departments for the benefit of everyone interested in giving opportunities to the youth of our country in developing their skills.



for Prof Richard Levin
DIRECTOR-GENERAL

Date: 03/05/2006



DETERMINATION ON INTERNS AND LEARNERS

**MADE BY THE MINISTER FOR THE PUBLIC SERVICE AND
ADMINISTRATION**

Purpose

1. The purpose of this determination is to provide uniform conditions of services for interns and learners in the public service.

Definitions

2. In this Determination, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Public Service Act, 1994 (promulgated under Proclamation 103 of 1994), and any regulations made in terms thereof, bears that meaning, and-
 - (a) “intern” means an person employed in the public service under an internship programme under the auspices of the Minister of Labour or the Minister for the Public Service and Administration for unemployed graduates who do not have any work experience in the area that they have studied for;
 - (b) “learner” means an person employed in the public service under the learnership programme under the auspices of the Minister of Labour for unemployed youth not younger than 18 years and not older than 35 years.

Scope

3. This Determination applies to-
 - (a) all persons in employment as interns or learners immediately before the date it takes effect and thereafter; and
 - (b) all persons employed as interns or learner from the date it takes effect or any date thereafter.

Authorisation and commencement date

- 4.1 This Determination was made by the Minister for the Public Service and Administration in terms of section 3(3)(c) of the Public Service Act.
- 4.2 This Determination takes effect on 1 April 2006.

Conditions of service

- 5.1 Subject to this Determination, an intern or learner is entitled to the same conditions of service as a contract worker. An intern or learner is entitled to the same leave provisions applicable to a contract worker, as contemplated in paragraph 27 of the Determination on Leave of Absence in the Public Service. In other words the learner or intern will be eligible to annual leave, sick leave, maternity leave and adoption leave on a pro rata basis linked to the period of the learner's or intern's contract appointment. The learner or intern will be eligible for the full 3 days' family responsibility leave.
- 5.2 An intern or a learner shall be paid a monthly salary not less than the amount determined in accordance with the Schedule hereto.

Existing Contracts

6. If any term of the contract concluded with an intern or learner before the effective date of this Determination is more favourable to the intern or learner than paragraph 5 of this Determination, that term will apply.

SCHEDULE

The minimum monthly salary of an intern or learner shall be determined by-

- (a) determining the NQF exit level, taking into account the number of credits attained by the intern or learner according to columns 1 and 2 below;
- (b) calculating the annual amount based on the percentage of the minimum salary level set for the exit level determined in paragraph (a) above, according to columns 3 and 4; and
- (c) calculating the monthly salary by dividing the amount determined in paragraph (b) above by 12, and rounding the monthly salary to the nearest full Rand.

Column1	Column 2	Column 3	Column 4
Exit level of Internship/Learnership	Credits already earned by intern/learner	Percentage of minimum of salary level contained in column 4	Salary level in Public Service
NQF 1 and 2	0 -120	34	1
	121-240	40	2
NQF 3	0 -120	31	2
	121-240	34	3
	241-360	54	3
NQF 4	0 - 120	23	4
	121-240	30	4
	241-360	39	5
	361- 480	58	5
NQF 5 to 8	0 - 120	16	6
	121-240	23	6
	241-360	27	7
	361-480	33	8
	481 -600	38	8